

LEGISLATIVE ASSEMBLY

Wednesday 7 May 2008

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

The Speaker read the Prayer and acknowledgement of country.

HEMP INDUSTRY BILL 2008

Bill introduced on motion by Mr Steve Whan, on behalf of Mr Nathan Rees.

Agreement in Principle

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [10.01 a.m.]: I move:

That this bill be now agreed to in principle.

The Hemp Industry Bill establishes a licensing scheme for the commercial production of industrial hemp in New South Wales. It will bring New South Wales into line with other States, such as Queensland and Victoria. It will allow farmers in New South Wales of good repute to grow this crop which has so many exciting applications: from building blocks to paper production. The bill is the result of extensive consultation between the Department of Primary Industries, the Attorney General's Department, New South Wales Police and New South Wales Health. At present New South Wales does not permit the commercial cultivation or supply of industrial hemp. Industrial hemp is currently classified as a prohibited plant under the Drug Misuse and Trafficking Act 1985. However, small-scale cultivation of industrial hemp for research or scientific purposes has been permitted in New South Wales since 1996.

It is now time to remove the prohibition on the commercial production of industrial hemp in this State. There is strong, and growing interest from mainstream farmers in the development of this crop on a broadacre scale. The challenge for this Government in developing an appropriate regulatory framework has been to ensure that drug law enforcement in this State is not compromised. This has been our key priority. It must be our key priority because marijuana plants—which produce the illicit drug—are visually indistinguishable from industrial hemp plants. Let me emphasise now that there is no comparison between the end use of industrial hemp and marijuana. Industrial hemp is an agricultural crop grown to extract fibre and oil and has no value as a drug. Marijuana is a prohibited drug and growing marijuana is a criminal offence in this State.

Enabling the commercial production of industrial hemp has no bearing whatsoever on the argument for legalising marijuana. The Government is developing a strong regulatory framework for the commercial production of industrial hemp to ensure continued effective drug law enforcement in New South Wales. There is substantial evidence from North America, Europe and other States in Australia that risks to drug law enforcement can be managed under an appropriately designed regulatory scheme. In New South Wales we have had the benefit also of considering various licensing schemes used in other States. We have examined models that have been tried and tested in Australia under Australian conditions.

I refer now to the detail of the bill. The bill before the House will establish a licensing scheme for the commercial production of industrial hemp in New South Wales. The scheme provides for licences to be issued to grow industrial hemp for use in manufacturing processes or for scientific and research purposes. The licensing scheme will be administered by the Director General of the Department of Primary Industries. The technical term in the bill for industrial hemp is low-THC hemp—THC stands for tetra-hydro-cannabinol, which is the psychoactive component in marijuana or high-THC hemp. Low-THC hemp is defined as any plant from the cannabis genus, which has a THC concentration in its leaves and flowering heads of up to 1 per cent. The definition captures also the seeds and products, such as oil and fibre, derived from these plants.

I point out that the proposed legislation deals only with low-THC hemp. Cannabis that is not captured by the definition of low-THC hemp will continue to be dealt with by the Drug Misuse and Trafficking Act. Under the proposed legislation a licence to cultivate or supply low-THC hemp will be able to be granted for

various purposes. These purposes include commercial production; use in a manufacturing process; scientific research, instruction, analysis or study; or any other purpose prescribed by the regulations. These licences will not be granted to just any person who wants one. The bill establishes a rigorous licence application process.

Licence applications will be made to the Director General of the Department of Primary Industries. A person must be of good repute to qualify for a licence under the scheme. The applicant's character, honesty and integrity will be taken into account in determining a licence application. The bill goes further, giving the director general the power to refuse to grant a licence if a close business associate of the applicant is not of good repute. This will ensure that a shady character is not able to hide behind the veil of his or her associates. In addition, licences cannot be granted to applicants who have been found guilty of serious drug-related offences. The same applies if a close business associate of an applicant has been found guilty of a serious drug-related offence.

As I said earlier, the Government's top priority in developing this legislation has been to ensure that drug law enforcement in this State is not compromised. To satisfy this requirement, the director general will have extensive powers of investigation when he or she is considering licence applications. The bill empowers the director general to carry out all investigations and inquiries necessary to determine the application. This includes undertaking a criminal record check for the applicant and his or her close business associates. In fact, the director general must conduct a criminal record check in relation to all applicants for a licence. The applicant and the applicant's close business associates can be compelled also to produce information, records and authorities necessary for determining an application. The director general's decision in relation to a licence application will be final. The bill provides for licences to be granted for up to five years. A licence will be subject to conditions set out in the Act or regulations. A licence will also be subject to any other conditions imposed by the director general, which will be specified in the licence.

I will now deal with the important issue of enforcement and compliance. Under this bill it will be an offence to breach the conditions of a licence. It will also be an offence to cultivate or supply low-THC otherwise than in accordance with a licence. A contravention of the proposed legislation may also result in a criminal prosecution under the Drug Misuse and Trafficking Act. The bill will put in place strong investigation and enforcement powers. Police officers and inspectors appointed under the new legislation will have a range of powers to ensure that they can act quickly and decisively in response to breaches. The community will be reassured to know that police officers will automatically have the power to exercise the functions of inspectors under the new legislation. The director general or an inspector will have the power to require a person to produce information or records in connection with any matter under the Act.

Inspectors will also have powers to enter and search premises, to seize things where necessary and to question people in relation to certain matters. The director general will have the power to suspend or revoke a licence once granted if satisfied that there are grounds for doing so. These powers are essential to ensure that drug law enforcement in New South Wales is not compromised. The New South Wales Government is committed to this. The bill will remove the current power of the Director General of New South Wales Health to issue authorities for research trials of industrial hemp. This responsibility will be transferred to the Director General of the Department of Primary Industries. The bill provides for current authorities for research trials to continue until the new licensing scheme comes into operation.

I turn to the benefits of industrial hemp as a crop. As I have said, there is a strong and growing interest in the farming sector in the commercial production of hemp in New South Wales on a broadacre scale. The search for new industries within the farming sector to confront the challenges of climate change has spurred this interest, as has the search for crops that require less water and are environmental friendly. For example, I am advised that Demand Farming, a New South Wales grower cooperative backed by Elders, is ready to start planting in New South Wales. They have had three growers involved in trials in New South Wales and see significant potential for industrial hemp in this State. Demand Farming made a submission to the New South Wales Government in August 2007 urging that the commercialisation of industrial hemp be permitted in this State.

Another organisation keen to take up the opportunity is Ecofibre Australia. Ecofibre is a Queensland-based company that is looking at trialling industrial hemp varieties in New South Wales this season on a scale of 200 hectares. Ecofibre has written to the Minister for Primary Industries supporting the introduction of legislation in this State to permit the commercial production of industrial hemp. Industrial hemp is a summer annual crop that has the potential to be more water efficient than other fibre crops. It also requires the application of fewer agricultural chemicals in the production cycle than do other fibre crops. In addition,

industrial hemp is a potentially useful rotation crop for farmers to have access to in their farming systems. Industrial hemp fibre has many uses, including as a component in the manufacture of paper products and textiles.

Other potential uses for the fibre include load-bearing masonry for building, insulation, and as an alternative to fibreglass. The insulation properties of the fibre mean that less energy is required for heating and cooling structures produced with hemp building blocks. Hemp seed oil can be used as a base for skin care products and paints. It is also used in dog food production. The New South Wales Government is committed to allowing farmers who meet the licence criteria to plant industrial hemp for the 2008-09 summer season. If the Hemp Industry Bill 2008 is passed by the Parliament, the New South Wales Government will aim to release draft regulations for public comment in August. Mainstream farmers are keen to get started and to enjoy the benefits that their interstate colleagues already have. Industrial hemp provides farmers with an important alternative crop to assist them to adapt to and confront the challenges of climate change. The bill will permit the commercial production of industrial hemp in this State, consistent with bordering jurisdictions, while ensuring that drug policy and law enforcement are not compromised. I commend the bill to the House.

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

SNOWY MOUNTAINS CLOUD SEEDING TRIAL AMENDMENT (EXTENSION) BILL 2008

Bill introduced on motion by Mr Steve Whan, on behalf of Mr Nathan Rees.

Agreement in Principle

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [10.15 a.m.]: I move:

That this bill be now agreed to in principle.

The Snowy Mountains Cloud Seeding Trial Amendment (Extension) Bill authorises Snowy Hydro Limited to undertake further cloud seeding research over a larger geographical area. The aim of the research project is to increase snowfall from clouds passing over the Snowy Mountains and to assess the effectiveness and reliability of precipitation enhancement technology in the region. The experimental design developed by Snowy Hydro relies on replication in time rather than in space to statistically demonstrate the impact of cloud seeding—that is, the longer the trial runs, the greater the chance to reliably demonstrate if cloud seeding has increased snowfall. This bill will amend the 2004 Act to expand both the geographical area and the duration of the study.

The trial area will be extended 87 kilometres from the Kiandra region in the north to the Ramshead Range in the south, and 40 kilometres from the Jagumba Range in the west to Eucumbene and Jindabyne in the east. The total size will be approximately 2,250 square kilometres, which is about double the size of the current target area. This area covers the main catchments of the Snowy scheme. The trial will be extended in duration for a further five years to the current project, that is, up to and including the winter of 2014. This additional period will allow Snowy Hydro time to build, set up and test the new equipment and incorporate the new area into the experimental design. The increased duration will significantly increase the statistical strength of the trial. The additional data can be integrated with the records and analysis of the trial to date. In other words, continuation of the research project, with an expanded trial area, will assist Snowy Hydro to determine with increased certainty the effectiveness of cloud seeding for supplementing natural snowfalls and increasing inflows to storages of the Snowy Mountains Scheme.

The amending bill presents an opportunity for the Government to further encourage and facilitate a project that will yield substantial benefits to the Snowy Mountains, the environment, rural businesses and irrigators who use the water from the Snowy Mountains Scheme. The bill has the potential to provide stronger rural and regional economies, which is a goal of the New South Wales Government and is outlined in the New South Wales State Plan. With the expansion of the trial area, there is potential to more than double the amount of precipitation produced from the current trial. As of the beginning of May, inflows remained significantly below average in the Snowy Mountains, with Lake Jindabyne around 50 per cent capacity, Eucumbene about 17 per cent capacity, and Tantangara Reservoir around 7 per cent. This is a serious concern. At these levels, the threat to the environment, downstream communities, agricultural production and electricity generation continue. Storages will remain vulnerable to further drought until prolonged above-average inflows are received and water levels return to those seen prior to the start of the current dry sequence. Additional water is already urgently needed to support downstream rural and regional communities. New South Wales needs to adopt any measure that can reduce the burden on these areas.

Increased precipitation through cloud seeding will assist in reducing the impacts of the forecasted worsening drought conditions for New South Wales irrigators in the Murray and Murrumbidgee valleys. The improved snowfall from the research project will also benefit tourism operators and communities in the Snowy Mountains. Improved snow depth and an increased ski season are both expected outcomes from the research project. As the local member representing a number of ski operators, I know that the expansion of the project has very strong support from the Snowy Mountains ski industry and the local chambers of commerce. I would add that one of the great benefits to come from the expansion of the trial area is that, for the first time, the trial will cover the Mount Selwyn resort. In the past the Mount Selwyn resort has missed out on being included in such trials, and it certainly could do with the additional snow cover because the resort is marginal at times.

Mr Daryl Maguire: I agree.

Mr STEVE WHAN: I appreciate the comments of the member for Wagga Wagga, who represents the Mount Selwyn ski resort. I represent the slopes of the Mount Selwyn ski resort and the member for Wagga Wagga represents the buildings, which is an interesting geographical split. Alpine recreation makes a significant contribution to the economy. Many businesses in the region depend on a regular and dynamic snowfall to provide a successful ski season. Although the research project has not yet been completed, the feedback I have received is that the project has had a positive impact on snowfalls in the region. The resort operators who are currently covered by the trial certainly have welcomed the project.

Good snowfall also provides incentive for future business investment in the region. In the past 10 or 15 years there has been a noticeable decline in annual snowfall; indeed, the decline in annual snowfall has been noticeable over a much longer period. When one visits the area and looks at the graphs one sees huge snowfall seasons in the early 1970s that have declined over the following years. We had a terrific season last year, and of course we are all hoping for a great season this year as well. Maintaining good snowfall will assist the local area and will continue to provide a substantial benefit to the New South Wales economy.

It should be noted by members that the ski industry is a massive economic benefit to the Snowy Mountains region. For many years tourism has been a major factor in employment growth in the Snowy River shire, in particular, as well as in other shires in the Snowy Mountains region. Research has indicated that snowfalls in the Snowy Mountains region have been decreasing on an average of 1 per cent per year for the past 50 years. The decline in snowfalls, if continued, may lead to the extinction, within 70 years, of between 15 and 40 of the 200 alpine plant species. This is a serious problem for the environment of our region, as the alpine areas of Australia are obviously shrinking with global warming and there are some very special alpine plant species in the region. Again wearing my local member's hat rather than my Parliamentary Secretary's hat, during summer I spend a bit of time walking around the alpine areas of New South Wales. I have observed a noticeable difference in the health of plant communities above the tree line, particularly over the period of the current drought. Anything we can do to assist those plant communities will benefit the area.

Additionally, the research project has the ability to potentially benefit other species and ecological systems in the Snowy alpine regions. In particular, increased snowfall will directly assist species that are vulnerable to shallow or declining snow, such as the mountain pygmy possum, which requires snow cover for its hibernation period. Over recent years, as a result of global warming and the current drought, the snow cover in areas in which mountain pygmy possums breed has melted early. This has meant that the possums have come out of hibernation and have been looking for food before the arrival of the Bogong moths, which are their main food source. As a result, the mountain pygmy possums, which have emerged from hibernation with low body weight, are far less likely to survive as they await the arrival of the food source. If the research project can assist with that in a small way, that will be a further positive aspect. The endangered northern and southern corroboree frog, the alpine tree frog, the broad-toothed rat and the alpine herb fields may all benefit directly from the increased snowfall.

The research project also provides much-needed relief to freshwater environments on the Snowy and Murray Rivers. The project will assist to avert the adverse effects of long-term climate change on the alpine region of New South Wales. Those who have read some of the CSIRO's research would have seen quite frightening predictions about the decline in run-off into our rivers in future years as a result of climate change, particularly into the Murrumbidgee River but also into the Murray River. It is important to recognise that the project is not simply about providing water for irrigators or more snow for skiers but it is also about conserving the national parks and wildlife of the area, and the riverine environment of the Snowy and Murray Rivers.

The additional water generated from the research project will allow Snowy Hydro to produce a significant amount of hydroelectricity, which provides additional environmental benefits by offsetting carbon

dioxide emissions. Not only does cloud seeding present an opportunity to achieve all these benefits, it also does so with a minimal impact on the environment. In fact, the environmental monitoring of the cloud seeding trials to date supports the conclusion of the Snowy Hydro expert panel that cloud seeding is not causing a significant adverse environmental impact. The provisions in the 2004 Act relating to environmental controls have not been altered. I can inform the House that no cloud seeding equipment, such as cloud seeding generators, will be deployed by Snowy Hydro in wilderness areas.

The Act provides that cloud seeding may be suspended or terminated if the Minister for Planning and the Minister for Climate Change and the Environment are satisfied that one of several circumstances applies. These circumstances include: the cloud seeding operations are having, or will have, a significant adverse environmental impact, or Snowy Hydro has not complied with any requirements with respect to the cloud seeding operations that have been imposed by the Ministers to minimise environmental impact. The Ministers may also suspend or terminate the research project if Snowy Hydro fails to provide information concerning the environmental impact of the cloud seeding activities.

It is important to note that none of these powers has been used in the cloud seeding trial so far. In addition, the Act also provides that the Natural Resources Commission supervise the environmental impact of authorised cloud seeding operations and report on the environmental impact of those operations to the relevant Ministers. In approving the extension and expansion of the trial, Snowy Hydro will be required to prepare a revised environmental management plan, which will include additional environmental protections to ensure that no damage is done to the environment. Snowy Hydro has committed \$20 million over the life of the trial and is responsible for extensive monitoring and reporting requirements based on trial design and risk assessment advice from Monash University.

The Snowy Mountains community and the community on the Murray River are supportive of the extension of the program. The Snowy Mountains community has also expressed satisfaction and confidence in the operational procedures implemented to minimise the risk of impacts on the environment. As I said earlier, I have received indications of strong support for the project from the community I represent, and I am sure they will be very pleased that the bill has been introduced. Indeed, in the past I have been lobbied by members of my community to support the expansion of the trial area, particularly people who live in Adaminaby, which is the major town servicing the Mount Selwyn snowfields.

The Snowy Mountains Cloud Seeding Trial Amendment (Extension) Bill will enable Snowy Hydro Limited to carry out cloud seeding operations for a total of 11 years and extend the area to double the size of the current trial. The extension and expansion of the research project will lead to increased snowfalls and inflows to storages in the Snowy Mountains, generating further significant public and environmental benefit. The bill will enable the New South Wales Government to provide for stronger rural and regional communities, and I commend it to the House.

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

HIGHER EDUCATION AMENDMENT BILL 2008

Bill received from the Legislative Council and introduced.

Agreement in principle set down as an order of the day for a future day.

MEDICAL PRACTICE AMENDMENT BILL 2008

Bill introduced on motion by Ms Reba Meagher.

Agreement in Principle

Ms REBA MEAGHER (Cabramatta—Minister for Health) [10.30 a.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to bring before the House the Medical Practice Amendment Bill 2008. This important piece of legislation will improve the protection of the New South Wales community by improving the powers of the relevant authorities to deal quickly and effectively with complaints about medical practitioners, by improving

the transparency and accountability of those processes and by introducing mandatory reporting requirements on the medical profession itself to report medical practitioners whose conduct may be harming or abusing patients. This legislation follows revelations about failures of the regulatory system to protect the public from dangerous or poorly performing medical practitioners.

Most recently we have seen the case of the obstetrician and gynaecologist Dr Graeme Reeves. Prior to that, in late 2006, revelations came to light about the Sydney general practitioner Dr Suman Sood. There were some common themes in these cases. In both there was a series of complaints and concerns raised about medical practitioners. In both cases the practitioners were able to continue practising for a considerable period of time before the matter came before the Medical Tribunal. Both practitioners were ultimately deregistered. Following the Dr Sood matter coming to light in 2006, the former Minister for Health ordered a review by an independent team of experts. The review team comprised former Federal Court judge Deirdre O'Connor, Professor Peter Castaldi and Mr Vernon Dalton, providing legal, clinical and community input respectively. This review made recommended changes to the legislation that make up most of the changes proposed in the bill I present to Parliament today.

Following revelations about Dr Reeves earlier this year, I asked Ms O'Connor to conduct a further review to identify any additional changes that could be made to the bill to further improve the system. A number of additional changes focussing on enhancing the transparency and the accountability of the disciplinary process proposed by Ms O'Connor have now been included in the bill. The overarching principle in all proposed amendments is the protection of the public. To this end, the bill proposes amending the object section of both the Medical Practice Act 1992 and the Health Care Complaints Act 1994 to state that the protection of the health and safety of the public is the paramount consideration in the exercise of all functions under the legislation.

The amendments proposed by the bill cover four main areas: the powers of the Medical Board to take urgent action to protect the public under section 66 of the Medical Practice Act; the ability of relevant authorities in dealing with a complaint against a medical practitioner to have regard to the full picture of any previous complaints and previous adverse findings against that practitioner; improving the accountability and transparency of disciplinary processes in respect of medical practitioners; and imposing mandatory reporting requirements on the medical profession, requiring a medical practitioner to report to the Medical Board a fellow medical practitioner whom he or she believes has engaged in sexual misconduct, is intoxicated by drugs or alcohol at work, or has flagrantly departed from accepted standards of practice.

I will now deal with each of these areas of change in more detail. The changes to the Medical Board's powers under section 66 of the Medical Practice Act will improve its capacity to take steps to protect the health and safety of the public. In the Dr Sood case, the board took action and exercised its section 66 powers to suspend Dr Sood. However, the New South Wales Supreme Court subsequently stayed the board's decision on technical grounds. Dr Sood was allowed to continue practising until the Medical Tribunal eventually de-registered her some years later. In the case of Dr Reeves, the Medical Board held a section 66 inquiry after becoming aware that Dr Reeves had been practising as an obstetrician in breach of his conditions of practice. The inquiry found that Dr Reeves could not adequately explain why he had breached his conditions, and expressed concerns about Dr Reeves' candour. Notwithstanding this, the inquiry felt that it was unable to suspend Dr Reeves by reason of the strict wording of section 66 that allows the board to take only such action as is necessary to protect the life or health of a person.

This situation is obviously unacceptable. It is therefore proposed that the board's powers under section 66 and the avenues of appeal or review in respect of these powers be amended in five main ways to prevent a recurrence of these situations. First, item [8] in schedule 1 to the bill amends section 66 of the Medical Practice Act to clarify that the actions under this section must be guided by what is needed to protect the public interest. The board is not therefore required to limit itself to the least restrictive option, as occurred in the inquiry into Dr Reeves. Rather, the board should look to the outcome that best addresses the statutory purpose of the protection of the public or is otherwise in the public interest.

If this broader test had been applicable at the time of the section 66 inquiry in the Reeves matter, combined with the clarification that the paramount consideration is the protection of the public, there may well have been a different conclusion as to the appropriate action to take in order to protect the public. Item [17] in schedule 1 to the bill amends the Act to provide the board with a new statutory power to require any person to provide it with information, documents or evidence for the purpose of exercising these powers. At present the board has no powers to compel the production of documents or information for these purposes; it must rely on such information as it has available to it.

Whilst it is the role of the Health Care Complaints Commission rather than the board to carry out investigations into complaints, in the exercise of this very important power of the board to ensure the protection of the public I consider the board should be given such powers as are necessary to ensure it has all relevant information or documents available. This may include, for example, documents in the possession of hospitals or other health service providers. The proposed provision includes a maximum penalty of 20 penalty units for failure to comply with a request by the board without a reasonable excuse. Item [8] in schedule 1 to the bill also amends the Act to require the board to include at least one non-medical practitioner on section 66 inquiries. The board advises that its usual practice at present is to use two medical practitioners to carry out such inquiries. Public confidence in the system demands that section 66 inquiries are more representative of interests other than those of the medical profession. This is particularly relevant given the board includes community, consumer and legal sector representatives.

The fourth proposed amendment to section 66 processes arises from proposed new provisions contained in item [5] in schedule 1 to the bill that will permit professional standards committees and the Medical Tribunal to designate certain orders as critical compliance orders or conditions, which, if breached, will lead to automatic suspension and deregistration. In the Dr Reeves case it is clear the conditions imposed by the professional standards committee in 1997 that he not practice obstetrics arose because of serious concerns held about deficiencies and failings in his practice as an obstetrician. The bill proposes permitting a professional standards committee or the tribunal in such circumstances to determine that, having regard to the case before it, compliance with the order or condition is critical to public protection and that breach of the condition or order by the medical practitioner will therefore result in automatic deregistration of the practitioner.

Item [20] in schedule 1 to the bill amends the process for appeal or review in section 66 decisions in the Medical Practice Act. Currently, medical practitioners who have been the subject of a section 66 inquiry may seek judicial review of the board's action in the Supreme Court. It is via this review mechanism that Dr Sood was able to continue practising, notwithstanding the board's serious concerns about her. The bill creates a new avenue of appeal on points of law to the chairperson or a deputy chairperson of the Medical Tribunal. The chairperson and deputy chairpersons of the Medical Tribunal are judges of the District Court, and their expertise and experience in sitting on the Medical Tribunal will be of assistance in exercising this power appropriately. Medical practitioners must exhaust this avenue of appeal before they can seek judicial review by the Supreme Court.

Finally, the bill proposes introducing a number of other more minor changes to section 66 powers and processes, including permitting the board, following a section 66 inquiry, to order a practitioner to take part in performance assessment under part 5A of the Act, but only if the Health Care Complaints Commission concurs with this proposed action; requiring the board to make an audio recording of section 66 inquiries; allowing the board to provide the Health Care Complaints Commission with any information or documents obtained by the board for the purpose of a section 66 inquiry, including the audio recording of the inquiry; providing the board with the power to give notice of action taken under section 66 to any agency or person whom the board considers appropriate; requiring complaints arising from action taken by the board under section 66 of the Act to be listed for final hearing by the Medical Tribunal or a professional standards committee [PSC] as soon as practicable; and clarifying when the chairperson or a deputy chairperson of the Medical Tribunal can extend a period of suspension of a medical practitioner following a section 66 inquiry.

The second area of amendments introduced by the bill relates to the way in which the system deals with medical practitioners who have multiple complaints or previous adverse findings made against them. In the cases of Dr Reeves and Dr Sood there had not only been multiple complaints received by the Medical Board, but in both cases a professional standards committee had made findings of unsatisfactory professional conduct and had imposed conditions on them. As this bill makes clear, the overriding object of both the Medical Practice Act and the Health Care Complaints Act is the protection of the public. In this context, an approach that focuses exclusively on individual complaints or incidents may miss patterns of conduct or poor performance by practitioners. The proposed amendments contained in the bill will allow such patterns of conduct or the existence of multiple complaints against a practitioner to be taken into account in a number of new ways.

New section 140A requires that when the board is dealing with a complaint or exercising its public protection functions it must, to the extent they are relevant, have regard to the following matters about a practitioner: any other complaint against the practitioner; any previous finding or determination of a professional standards committee or tribunal constituted under a health registration Act; and the outcome of any performance assessment in relation to the practitioner. Item [19] in schedule 1 amends the Medical Practice Act to ensure that where, as in the case of Dr Reeves, complaints are received after a medical practitioner has been struck off the register, such complaints must be considered if and when the practitioner applies to be re-registered in New South Wales.

The bill also makes two important changes to the powers of the Medical Tribunal and the professional standards committees that ensure that they will be able to take into account a practitioner's past conduct. First, item [26] in schedule 1 amends schedule 2, clause 5, of the Act to clarify that where multiple complaints in relation to the same practitioner are prosecuted concurrently before the Medical Tribunal or a professional standards committee, that body may have regard to the cumulative effect of all the material relating to all complaints when it makes factual findings and determines whether the conduct should be characterised as unsatisfactory professional conduct or professional misconduct. Second, at present these disciplinary bodies are not permitted to have regard to evidence of a previous finding or decision by another disciplinary body in relation to a complaint that is not being prosecuted concurrently. This means that the disciplinary body cannot be assisted by the previous proceedings in drawing its conclusions.

This inconsistency means that a previous finding or decision against a medical practitioner cannot be taken into account, even where commonsense suggests that it indicates there may be a pattern or course of professional misconduct by a practitioner. This restriction on the powers of the Medical Tribunal and professional standards committees is inconsistent with the requirement that in the exercise of all functions under the Act the protection of the health and safety of the public is the paramount consideration. Accordingly, item [25] in schedule 1 amends schedule 2, clause 4, of the Act to permit the Medical Tribunal and professional standards committees to take into account previous decisions and findings by a disciplinary body in relation to the same practitioner. Where the tribunal or professional standards committee is of the opinion that the judgement or finding is capable of establishing that a practitioner has engaged in conduct that is sufficiently similar to the conduct alleged against the practitioner in the proceedings, it may rely on the judgement or finding in two ways: in making a finding that the practitioner is guilty of unsatisfactory professional conduct or professional misconduct; and in exercising any of its powers of sanction under the Act.

Finally, item [3] in schedule 1 amends the definition of "professional misconduct" in section 37 of the Medical Practice Act to clarify that a practitioner can be found to have engaged in professional misconduct based on a series or pattern of apparently less serious instances of conduct. Considering each instance or episode of conduct individually may not give rise to serious concerns about a practitioner. But when the totality of the practitioner's conduct is considered it may be clear that there are more fundamental issues of misconduct or poor performance involved. The bill also contains proposed amendments to the Health Care Complaints Act, mirroring those proposed to be made to the Medical Practice Act, to ensure that the Health Care Complaints Commission also has adequate powers to take into account multiple complaints against the same practitioner. Again, the common overriding principle is public protection.

Currently, the Health Care Complaints Act does not require the Health Care Complaints Commission to consider previous or further complaints made about a practitioner when exercising its investigative and prosecutorial functions, although I am advised that the commission often does so as a matter of good practice. Item [5] in schedule 2 amends the Health Care Complaints Act to clarify that the commission must have regard to previous complaints, including discontinued or terminated complaints or further complaints against a practitioner. Item [8] in schedule 2 amends the Health Care Complaints Act to require the Director of Proceedings of the Health Care Complaints Commission to consider prosecuting multiple complaints against the same practitioner at the same time.

It is critical that there is public confidence in the operation of the regulatory system. This has clearly been undermined by information that has come to light in the Dr Reeves matter, which has led to a public perception that the standards applied to medical practitioners by other practitioners give inordinate weight to professional interests as opposed to the public interest. This perception has been exacerbated by the closed culture of professional standards committee processes. The Medical Practice Act provides for a two-tier tribunal system for the hearing of disciplinary action against medical practitioners. All matters where the complaint, if substantiated, may provide grounds for the practitioner to be de-registered or suspended are required to be heard before the Medical Tribunal. All other matters are heard before professional standards committees. However, as both the Dr Reeves and Dr Sood matters indicate, professional standards committees may deal with serious allegations of inappropriate conduct or clinical practice.

At present under the Act, professional standards committee hearings are required to be held in private unless the committee directs otherwise. Further, there is generally restricted access to professional standards committee decisions. The unique power of the medical profession to cause harm or even death to members of the public means that any allegation that a medical practitioner has engaged in unsatisfactory professional conduct is a matter of public interest. Further, greater openness and transparency of the process will also help build public confidence in the disciplinary system and enhance the accountability of that system. Accordingly,

item [28] in schedule 1 to the bill amends the Medical Practice Act to make professional standards committee proceedings open to the public, unless the committee directs otherwise. This will mean, for example, that where a complainant objects to such proceedings being open to the public in part or whole, the committee can make an appropriate direction to protect the interests of the complainant in a manner similar to the operation of the tribunal at present.

At present, the Act limits the persons to whom a professional standards committee is required to disclose its decision, although the committee has the discretion to make its decision more widely available. In practice, professional standards committees almost invariably do not make their decisions publicly available. Further, where there are multiple complainants, each complainant will usually only receive that part of the professional standards committee decision that affects him or her. This means that those involved will not be aware of the totality of the professional standards committee's findings. Item [29] in schedule 1 to the bill amends the Medical Practice Act to require that professional standards committee decisions are publicly available, unless the committee directs otherwise, in a manner identical to the Medical Tribunal.

The final proposed amendment aimed at improving the accountability of professional standards committee processes relates to the composition of professional standards committees. At present professional standards committees are comprised of two medical practitioners and one layperson. Because the decisions of professional standards committees require a minimum of two votes, the medical members can effectively overrule the lay member. Consistently with the other changes to professional standards committee processes, item [26] in schedule 1 to the bill proposes adding a fourth member to professional standards committees who is not a medical practitioner and who is to be legally qualified. This member must also act as the chair of the professional standards committee. This proposal mirrors the composition of the Medical Tribunal. It will ensure greater representation of non-medical practitioners on professional standards committees and will assist in the proper and fair conduct of professional standards committee proceedings. This is particularly important given the proposal to make professional standards committee hearings open to the public.

Since 2005, medical practitioners in New South Wales have had an ethical obligation under their professional code of conduct to report adverse performance and conduct of their colleagues. However, the Medical Board advises that the level of reporting by practitioners since that time has not changed greatly. This reinforces the public's perception of a closed-shop culture in the medical profession. The Government has therefore decided it is an appropriate time to impose legal mandatory reporting on the medical profession. Item [18] in schedule 1 to the bill inserts a new section 71A of the Medical Practice Act requiring medical practitioners to make a report to the Medical Board where the medical practitioner believes, or ought reasonably to believe, that another medical practitioner has committed sexual misconduct in connection with the practice of medicine, is intoxicated by drugs or alcohol while practising medicine, or has flagrantly departed from accepted standards of professional practice or competence and risks harm to a patient. A demonstrated failure of a medical practitioner to report a colleague in these circumstances will be unsatisfactory professional conduct, which in serious cases may even result in that medical practitioner being de-registered.

The legislation provides protection for medical practitioners who make a report in good faith against another practitioner from legal action or other reprisals because they made a report. The scheme focuses on serious issues of misconduct. Sexual misconduct and being intoxicated on the job are clearly matters that should be reported. The requirement to report flagrant departures from accepted standards of practice is intended to result in the reporting of only the most serious and obvious failures to comply with proper medical practice and where there is a clear potential for harm to patients. Further miscellaneous amendments to the Medical Practice Act proposed by the bill include enabling the board to require medical practitioners to provide information about where they work so the board can notify their employer about any orders or conditions imposed on the practitioner, and requiring medical practitioners to provide the board with evidence on an annual basis of current professional indemnity insurance coverage.

In undertaking its review, the independent review headed by Ms O'Connor consulted with a number of stakeholders, including the New South Wales Medical Board, the Health Care Complaints Commission, the Australian Medical Association, the chairperson of the New South Wales Medical Tribunal, consumer representatives, representatives of medical indemnity insurers, and the Medical Services Committee of New South Wales. For the purpose of Ms O'Connor's further review arising out of the Dr Reeves matter, she also consulted with representatives of the Medical Error Action Group. I thank all of these stakeholders for their invaluable contributions to the legislation before the House today.

The bill will better protect the public by improving the transparency and accountability of the disciplinary system for medical practitioners in New South Wales. It will give the relevant authorities greater

powers to deal with practitioners who are practising in a manner that places members of the public at risk. The provisions are measured and carefully seek to reset the balance between the need to protect the public and the rights of practitioners to procedural fairness and the protection of their reputation and livelihood. Finally, the bill places a greater obligation on the medical profession itself to be proactive in reporting medical practitioners who are acting in a way that abuses or harms patients. I commend the bill to the House.

Debate adjourned on motion by Mrs Jillian Skinner and set down as an order of the day for a future day.

CONSUMER, TRADER AND TENANCY TRIBUNAL AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 6 May 2008.

Mr ANDREW CONSTANCE (Bega) [10.57 a.m.]: Last night I spoke about an article written by Alex Mitchell in which he made reference to wealthy Bondi Junction solicitor and Mayor of Waverley, George Newhouse, who was required to resign his position as part-time member of the Consumer, Trader and Tenancy Tribunal—an appointment he had held since 26 June 2002. Alex Mitchell stated that the resignation letter is a peculiar document: it is not dated; it is addressed to the Minister for Fair Trading, the Hon. Linda Burney, and not the chair of the Consumer, Trader and Tenancy Tribunal, Kay Ransome; and it is stamped "received" by Minister Burney's office on 2 November and stamped by the department on 6 November. The single-sentence letter offers a retrospective resignation, saying, "I resign from the Consumer, Tenancy and Trade Tribunal effective 22 October 2007." Alex Mitchell notes that Newhouse could not even manage to use the correct title of the body on which he had served.

The Hon. Catherine Cusack, a member of the Legislative Council, filed a freedom of information application in relation to this matter. She indicated that the response shows that Mr George Newhouse's letter is undated and, significantly, there is no notation indicating acceptance of the resignation by Fair Trading Minister Linda Burney. Among the documents the Hon. Catherine Cusack received in response to the freedom of information application were two legal opinions given to the tribunal chair, Kay Ransome. They were written during the heated public row over the validity of Newhouse's candidacy in opposing Liberal candidate Malcolm Turnbull. Alex Mitchell also stated:

On November 12 Ransome emailed CTTT officers and Minister Burney's Chief of Staff Graham Humphreys saying:

As a matter of protocol a holder of public office would normally write to the Governor resigning; however from time to time holders of public office will write to the relevant Minister tendering their resignation—as far as I am aware such a letter is effective as a letter of resignation.

On November 14 Ransome emailed Geoff Taylor in the minister's office with different advice—

Ms Sonia Hornery: Point of order: This is outside the legislation that we are dealing with. Last night the same point of order was taken three times.

The DEPUTY-SPEAKER: Order! I concur with the point of order that was raised with and ruled on by Assistant-Speaker, Mr Grant McBride. The member for Bega will bear in mind that this matter is about the composition of specific—

Mr ANDREW CONSTANCE: Further to the point of order: I am referring to schedule 1 [23] of the legislation, which relates to the Professional Practice and Review Committee. I am certainly within the leave of the bill.

The DEPUTY-SPEAKER: Order! I concur with the rulings that were made last night on this issue. The member is out of order because he is not referring to the composition of the tenancy tribunal.

Mr ANDREW CONSTANCE: In relation to professional practice, the four-point code relating to members of the Consumer, Trader and Tenancy Tribunal states:

- In their private life members should exercise discretion in their social contacts and activities.
- Members must act impartially, avoiding conflicts of interest both real and apparent, and must carry out their duties as members without bias and without yielding to external influences.

- Members should, if engaged in another profession, occupation or business, take care to ensure that those activities do not undermine the discharge of their responsibilities as a member, and
- Refrain from engaging in partisan political activity which is directly related to the work of the tribunal which may impinge upon the perception of impartiality of the members or the tribunal.

That code relates directly to the Professional Practice and Review Committee process within this bill.

The DEPUTY-SPEAKER: Order! I refer the member to previous rulings. I concur with those rulings. The member will confine his remarks to the bill before the House, which relates to the composition of the tenancy tribunal

Mr ANDREW CONSTANCE: I am talking about the composition.

The DEPUTY-SPEAKER: Order! I will not debate the issue with the member for Bega. He will adhere to my ruling.

Mr ANDREW CONSTANCE: It is extraordinary that members of the Government are trying to gag me on this point because we know that the Consumer, Trader and Tenancy Tribunal—

The DEPUTY-SPEAKER: Order! Is the member for Bega canvassing my ruling?

Mr ANDREW CONSTANCE: No, I am speaking to the legislation.

The DEPUTY-SPEAKER: Order! I ask the member to do so concisely.

Mr ANDREW CONSTANCE: I point out that the Minister in her agreement in principle speech stated that two independent people will be appointed by the Minister. That is an oxymoron because time and time again the Minister has appointed people to the Consumer, Trader and Tenancy Tribunal who fall outside that code, for example, Raymond Plibersek, who again—

Ms Sonia Horner: Point of order: We are talking about the bill, and in particular the composition of the tribunal. We are not talking about personal examples.

The DEPUTY-SPEAKER: Order! I am sure the member for Bega will stick to the ambit of the bill before the House.

Mr ANDREW CONSTANCE: I refer to schedule 1 [23]. I encourage the member for Wallsend and the member for Heathcote to read the legislation and the Professional Practice and Review Committee provisions in particular.

Mr Paul McLeay: I would encourage you to stop smearing people that you don't know and have no views on.

Mr ANDREW CONSTANCE: I again point out that the Minister in this Chamber spoke about the appointment of independent people to the Consumer, Trader and Tenancy Tribunal, and on the track record of the Minister and the Government—

[Interruption]

The DEPUTY-SPEAKER: Order! Members will direct their comments through the Chair. Members may raise a point of order if they have an issue with another member's contribution to the debate.

Mr ANDREW CONSTANCE: The Opposition has no faith in the Minister's ability to make appointments to the Consumer, Trader and Tenancy Tribunal free from political bias, let alone in the name of independence. I am entitled in debate to make reference to a number of examples, such as Richard Plibersek and Brian Pickard of the Sunshine Coast who were also involved in the candidacy of Darryl Maine.

Ms Sonia Horner: Point of order: The member is making personal accusations again instead of addressing the composition of the tribunal.

The DEPUTY-SPEAKER: Order! I uphold the point of order. The member for Bega will refrain from making personal reflections. He will confine his remarks to the bill.

Mr ANDREW CONSTANCE: I am referring to schedule 1 [23] which relates to the Professional Practice and Review Committee process. The Government may not like it, and it is sensitive to my citing of examples, but that highlights the problems within the Consumer, Trader and Tenancy Tribunal—

[Interruption]

If the member for Heathcote is going to comment he should make a point of order. The Government has introduced this amending bill because the performance of the Consumer, Trader and Tenancy Tribunal has not been up to scratch, as I have highlighted throughout this debate. The Opposition continues to express very serious concern about the independence of members of the Consumer, Trader and Tenancy Tribunal, as reported in the article by Alex Mitchell. The Opposition will continue to highlight those problems whether or not the Government likes it. If the Consumer, Trader and Tenancy Tribunal is described as a Labor lolly shop, the problem needs to be addressed. The Opposition will continue to express concern about the Consumer, Trader and Tenancy Tribunal.

On behalf of the Opposition, I thank the many user groups whose views have assisted in the consideration of the bill. This legislation is a hopeless attempt to deal with the fundamental problems that now bedevil the Consumer, Trader and Tenancy Tribunal, the biggest problem being its politicisation by successive Ministers through appointment, lack of accountability and poor performance management. The Government is sadly mistaken if it thinks the Consumer, Trader and Tenancy Tribunal has been operating well for its constituents. The Government lives in denial. The tribunal has a cultural problem that is all about arrogance, detachment and political mateship. The stench of corruption is never far from this Government, and sadly that seems to have contaminated the Consumer, Trader and Tenancy Tribunal.

Ms Sonia Hornery: Point of order: Certainly those terms are not appropriate in relation to the composition of the tribunal.

The DEPUTY-SPEAKER: Order! The member for Bega has concluded his speech.

Ms SONIA HORNERY (Wallsend—Parliamentary Secretary) [11.08 a.m.]: It is clear that the changes proposed by the Consumer, Trader and Tenancy Tribunal Amendment Bill 2008 are both sensible and sound. As honourable members have already heard, these changes resulted from a thorough and transparent review process involving extensive consultation. Not only has the tribunal's Act been subject to a statutory review, but the tribunal itself has also been subject to an independent operational review. Many of the recommendations of the operational review have already been put in place, and the tribunal deserves commendation for taking a pro-active and committed approach to enhancing the services it provides, and improving its internal processes and procedures.

The chairperson and deputy chairpersons of the tribunal, the deputy registrars, tribunal members and the tribunal's administrative support staff have contributed to the review processes in many ways, and have greatly assisted in the finalisation of the reforms in the bill. Providing its valuable service across the whole of New South Wales throws up some special challenges for the tribunal. For example, the services of the tribunal need to be accessible to people across the whole State, many of whom live in regional or more remote areas.

Even in this day and age of the Internet and instantaneous global communications, the tyranny of distance remains a significant factor for some communities. To help address that challenge, the tribunal now has part-time members in Bourke, Broken Hill, Dubbo, Orange and Tamworth, providing a better service to communities in the west and the far west of New South Wales. The multicultural nature of the State's population can also present communication difficulties, due to language and cultural differences. In addition, limited individual literacy and capacity to understand the tribunal's processes may present specific communication difficulties.

The tribunal continues to examine ways and means to address these challenges to ensure that its services are accessible and comprehensible. Professional interpreters, such as Auslan interpreters, are freely available at the hearings. A CD-ROM that provides information and a simple guide to the tribunal in a number of community languages has been released. Since the tribunal's establishment in 2002 it has persevered to meet these challenges and continues to provide a flexible, affordable and accessible means to resolve disputes that otherwise could become the subject of expensive and protracted legal action.

In some cases the outcome of legal action is that there are no real winners, which emphasises the importance of the tribunal's dispute settlement role in seeking to bring the parties together to reach a mutually agreeable resolution. Conciliation can be an excellent tool for resolving disputes at an early stage. In some cases the parties in dispute have not been in productive communication with each other. One party to a dispute may not even be fully aware of the underlying problem, or may be oblivious to the impacts of their actions on another. The conciliation process brings the disputing parties together in an informal setting in seeking to reach agreement. That not only provides a very simple and affordable means of dispute resolution but when the agreement is reached voluntarily it is highly likely that both parties will stick to the agreement. However, should the conciliation process be unsuccessful and move on to a hearing, the tribunal still provides a relatively informal, flexible and affordable means to finalise the dispute.

The tribunal has also been using other means to improve its performance and to assist community members to better understand their rights and how the tribunal functions. The tribunal has held focus groups with its stakeholders and has been using the outcome of those focus groups to help guide and inform its processes and procedures. The tribunal has also held information sessions on such matters as residential parks and public housing. I am certain that the proposed amendments will build on the work already being undertaken by the tribunal and will ensure continuation and the improvement of high professional standards and excellent client service. I am pleased to give my full support to the bill.

Mr JONATHAN O'DEA (Davidson) [11.13 a.m.]: It is good to read that the Consumer, Trader and Tenancy Tribunal Amendment Bill 2008 makes some sound and necessary changes to the workings of the Consumer, Trader and Tenancy Tribunal. While transparency has been lacking in the Iemma Government, it is particularly pleasing that the bill provides for the sound recording of all hearings to improve the transparency of the tribunal's proceedings and to assist in rehearings and appeals. In contrast, the creation of the Social Housing Division within the tribunal is not a positive move. This division would cover tenants in premises owned by the Government. Why should not all tenants be treated equally? Why should there be a special division for tenants of government-owned properties? Are public housing problems so great that public housing needs its own division of the Consumer, Trader and Tenancy Tribunal? One would hope not! I believe that all tenants should be treated equally under the same jurisdiction. I note that the Tenant's Union of New South Wales does not support this proposal and I warn those opposite to be careful when they do not have relevant union support! The Tenant's Union has stated:

We consider these issues are better dealt with by the tribunal assigning more senior, experienced and sensitive members to complicated social housing cases, and by expecting Housing New South Wales to conduct its proceedings as a model litigant, than by the creation of a new Division.

The bill replaces the unrealistic seven-day turnaround time for the tribunal to hand down written decisions with a new 28-day period. As members have already heard, the average time taken to provide a written decision is currently well beyond the proposed 28-day period. This must be promptly addressed and there should be greater transparency of the tribunal's performance on this and other relevant measures. I have a constituent who has been left with an uninhabitable home because of the negligence of a builder. The home has been left open to the elements as the family struggle with daily life. They are currently investigating avenues through the tribunal and the Department of Fair Trading. While it may transpire that their case exceeds the \$30,000 ceiling for complaints with which the tribunal deals, the tribunal must be competent, capable and prompt in dealing with such issues when they are within its jurisdiction. Unfortunately, feedback from relevant stakeholders indicates that this is not always the case.

The establishment of a Professional Practice and Review Committee for the tribunal is appropriate and needed. That body would have to meet at least three times a year and will replace the Peer Review Panel that apparently met infrequently. The new committee's proposed role relates to one or more of the following matters referred to it: education, training or professional development of members; performance or management of members; complaints against members and remedial or disciplinary action to be taken in relation to any such complaints; trends in complaints or performance, and any other matter prescribed by the regulations. That should help to improve the quality of tribunal members. Unfortunately, quite a few of the appointments to the Consumer, Trader and Tenancy Tribunal have been clearly connected to the Australian Labor Party and are open to accusations of jobs for Labor mates. I have heard such accusations in relation to various tribunal members such as Bryan Pickard, Raymond Plibersek, Claudio Marzilli, Allan Anforth and George Newhouse.

Mr Frank Terenzini: Point of order: I do not know whether the member for Davidson was present when the bill was discussed earlier. I request that the member for Davidson be asked to stay within the leave of the bill.

The DEPUTY-SPEAKER: Order! As the member for Davidson may be aware, during this debate comments have been made about individuals that are not relevant to the bill. The member is within the ambit of the bill. However, I ask him to bear that in mind.

Mr JONATHAN O'DEA: I certainly will bear that in mind, and thank you for your ruling. The fact that the bill proposes to make the tribunal more professional and accountable is heartening, although the Coalition will continue to monitor future appointments to the Consumer, Trader and Tenancy Tribunal and the Professional Practice and Review Committee. The importance of protecting those who are often unable to look out for their own welfare is a vital part of consumer protection. The Consumer, Trader and Tenancy Tribunal Amendment Bill 2008 assists in this regard although amendments may be appropriate in the other place for reasons outlined. Future attention should be given to the request of the Law Society of New South Wales to consider merging the Consumer, Trader and Tenancy Tribunal and the Administrative Decisions Tribunal. This would involve creating a comprehensive tribunal as per the model of the Victorian Civil and Administrative Tribunal, which deals with a wider range of issues. However, whatever model applies, we must always have a relatively low-cost option offering assistance to those who have rental, building or other consumer issues.

Mr FRANK TERENCEZINI (Maitland) [11.18 a.m.]: I support the Consumer, Trader and Tenancy Tribunal Amendment Bill 2008. I note that among its many objectives it is to include additional requirements as to the qualification of members of the Consumer, Trader and Tenancy Tribunal and to clarify that the powers of the chairperson of the tribunal extend to giving procedural directions with respect to classes of proceedings. The member for Parramatta explained in her agreement in principle speech that the bill arose out of proposed changes following a statutory review of the Act conducted during 2006-2007. The member for Parramatta outlined the review's findings that the policy objectives of the Act remained valid, the terms of the Act remained appropriate, and it continued to serve its objectives. There is essential soundness of the Act and effective functioning of the tribunal. One only needs to look at the amount of work that is processed through the tribunal. In the last financial year 79,826 hearings were conducted in 95 locations across New South Wales. The tribunal carries a massive workload, and for very good reason—because it offers easy access to justice.

It is clear that the review's findings are an endorsement of the tribunal itself. Since its establishment in 2002, the tribunal has continually sought to improve and streamline its operations in keeping with the objectives of the Act. The measures in the bill will pave the way for further enhancements to the operation of the tribunal for the benefit of the people of New South Wales. Of particular interest is the establishment of the professional practice and review committee, which will replace the peer review panel. The statutory review and the operational review examined the issue of tribunal members' skills, expertise and conduct. The operational review noted that a large number of both full-time and part-time members presented a significant challenge for the chairperson in regard to performance management. Therefore, the expansion of this responsibility to the deputy chairpersons and the establishment of the committee is a logical and realistic proposal that will enhance performance management of tribunal members. I particularly note this in view of the caseload of the tribunal

The establishment of the professional practice and review committee will also enhance the independent oversight of the tribunal and will provide advice on the following matters: education, training and professional development of members; performance management of members; complaints against members; and remedial or disciplinary action to be taken. The committee membership will include the tribunal chairperson, the deputy chairpersons, the Commissioner for Fair Trading and two other independent persons as appointed by the Minister. This will enable the appointment of appropriately qualified and skilled persons to help in continuing professional development of tribunal members.

The tribunal has undertaken a number of initiatives to give effect to recommendations of the operational review not requiring legislative amendment. These include matters such as conducting independent research into the information needs of tribunal users through a series of focus groups held in both metropolitan and regional areas. A formal communications strategy has been developed for the provision of information and awareness programs for the community. The tribunal has also developed a partnership with Aboriginal tenancy services, which involves regular consultation and provision of information tailored to the needs of Aboriginal people. In addition, a policy and procedural framework has been developed to maximise the use of, and benefits derived from, the tribunal's conciliation process. In combination with the changes contained in the amendment bill, these measures will ensure that the tribunal continues to provide an efficient, accessible and affordable means of dispute resolution to people across the whole State.

In relation to the establishment of a separate division for social housing tenants, it is very important to remember that there have been changes to the Residential Tenancies Act—specific provisions relating to social

housing tenants—and members of the tribunal are chosen for their skills and experience, especially in dispute resolution. Social housing tenants occupy a particular category of people who are sometimes very disadvantaged. The need to take into account the special disadvantage of these tenants—economic, social or otherwise—is extremely important and requires special skills. Having practised as a lawyer in the courts for 12 years, there is nothing unusual about having separate divisions for special cases. It happens all the time and this is just another example. I have talked about special provisions for Aboriginal tenants. It is just a further enhancement of how the tribunal works; it provides for much more efficient and effective use of members' skills and experience and functioning of the tribunal. Given the caseload—79,826 hearings in 95 locations across New South Wales—the validity of the tribunal has been confirmed. The bill further promotes the effective running of the tribunal and, for those reasons, I am pleased to commend it to the House.

Mr JOHN TURNER (Myall Lakes) [11.25 a.m.]: If it is not broken, don't fix it. But the tribunal process is broken and does need to be fixed. We get through a large volume of work in our office in relation to the conduct of the Consumer, Trader and Tenancy Tribunal [CTTT] and I intend to highlight a couple of matters that are typical of what comes through our door. At the last election I was shadow Minister for Fair Trading, and had we gained office it would have been my view that the Consumer, Trader and Tenancy Tribunal needed a massive shake-up. I do not want to tar everyone with the same brush about what happens at the tribunal, but I believe the tribunal's clear bias towards consumers or tenants prejudices the interests of many who come before it. That is to be regretted and there certainly needs to be major change.

I will highlight a couple of matters that have come to my attention in recent times to illustrate the rightful frustration some people feel about the tribunal. Mr Borg came to see me very recently. The tribunal had made a judgement against him in a case that involved him and a lady. I will deal with the administration of the case, not its details. Mr Borg sought a rehearing of the matter, which was not granted. In fact he sought two rehearsings of the matter, in circumstances I will now outline. At the time that he first sought a rehearing a number of matters were not put to the tribunal, but other concerns arose about the administration of his rehearing application.

Sometime in October 2007 Mr Borg received a Consumer, Trader and Tenancy Tribunal notification of a hearing on 21 October 2007. He telephoned the tribunal on receipt of notification and advised that his mother was terminally ill and on that particular day he was to take her to Sydney for treatment. The tribunal advised that he would be notified of a further date for the hearing. Mr Borg took that in good faith, but did not record the name of the officer to whom he spoke. A Telstra search of his records verified that a telephone call did occur on the particular day with the Consumer, Trader and Tenancy Tribunal. Mr Borg waited for notification of a new hearing date, but the next thing he heard from the Consumer, Trader and Tenancy Tribunal was that the matter had proceeded on 21 October 2007 and a judgement had been recorded against him. Mr Borg then contacted the Consumer, Trader and Tenancy Tribunal to ask why the matter had proceeded on 21 October in view of the previous discussions that he had had. The officer he spoke to—and again unfortunately he did not record the officer's name—said that they had no record of any contact with him and that they would send him an application for rehearing.

The application for rehearing was duly received, completed and returned in November 2007. Mr Borg waited patiently for the application to be processed but, to his alarm, in late January or early February received a letter from the sheriff advising that payment was required of an outstanding judgement debt. Mr Borg then went to the chamber magistrate at Taree Court House where an officer of the court rang the Consumer, Trader and Tenancy Tribunal and advised of the above happenings. Apparently the Consumer, Trader and Tenancy Tribunal told the officer that they would send yet another form of application for rehearing. The form was duly received and, to ensure that he had a record of returning the application for rehearing, Mr Borg attended the Forster Court House and faxed the application to the Consumer, Trader and Tenancy Tribunal. Subsequently he received a notice of order from the Consumer, Trader and Tenancy Tribunal stating that his application was not granted because it was out of time. The only reason it was out of time was that the tribunal had not processed his earlier application for rehearing.

On Wednesday 16 April Mr Borg rang the Consumer, Trader and Tenancy Tribunal at Tamworth and spoke to a person who identified herself as Mel, who stated that the tribunal had found a second file concerning Mr Borg, which contained details of Mr Borg's previous phone calls and other information. Clearly there has been a significant administrative error in this matter. This is not the first case in which these types of administrative blunders have been brought to my attention, but it is the latest. I do not know where Mr Borg will end up in relation to this matter. He believes that he has a legitimate defence, but under the administration that presently prevails he might not have any recourse. The jury is still out on that matter and I am awaiting advice from the Minister and the department.

Mr Withers, the proprietor of G & G Custom Built in Taree, suffered at the hands of the CTTT. In March 2002 Harmony Doors, a proprietary company operating in the Taree area and a chief supplier to G & G Custom Built, a company owned by Mr Withers, closed its operations in Taree. That company used to supply vinyl doors and panels to joinery businesses in the area, such as the business owned by Mr Withers. Mr Withers was later informed that the proprietor of Harmony Doors was aware that the doors that he had sold were defective. It is understood that hundreds of doors that were sold were heat sealed at the incorrect temperature, which in time caused the vinyl bonding to lift from the doors and panels.

From 2002 onwards a pattern developed with customers claiming warranty on new kitchens supplied by G & G Custom Built and other kitchen manufacturers due to this problem. Mr Withers has been in business since 1987 and has a reputation for quality workmanship. The fault was found only in doors supplied by Harmony Doors and not in the workmanship of kitchens. Following advice from the Department of Fair Trading, under part 2C of the Home Building Act, statutory warranties, the kitchen manufacturer in this case is liable to replace the faulty doors and panels. The kitchen manufacturer—namely, Mr Withers—would then be able to make a claim on the material supplier for reimbursement of costs.

Following this advice from the New South Wales Consumer, Trader and Tenancy Tribunal, a claim was lodged against Harmony Doors Pty Ltd for the cost of the replacement doors, which was limited at that time to \$25,000. I understand that other kitchen manufacturers also pursued Harmony Doors for reimbursement of costs but they were unsuccessful in contacting the proprietor. On 30 August the CTTT conducted a hearing in relation to this matter but Mr Saunders, the proprietor of Harmony Doors, did not attend the hearing, nor did he respond to any communication. A second hearing was set down on 11 September 2002 and again the respondent did not appear. The tribunal ordered that the respondent, Harmony Doors, pay G & G Custom Built \$25,000.

All attempts by the CTTT to enforce payment against Harmony Doors were unsuccessful. In this case Mr Withers is out of pocket \$131,917 for the rectification jobs. Mr Withers bore those costs himself because of his good reputation and his concern for people who were duded by Mr Saunders. However, the CTTT's jurisdictional level limited him to only \$25,000 and it has been a bit of a toothless tiger in that it has been unable to enforce any judgement. There is a downside or a sad side to this case. Leaving aside Mr Withers, who was bold and courageous enough to continue to meet his obligations even though they were obligations caused by somebody else, a number of firms in the Taree area have gone out of business because they were not able to recover sufficient funds through the CTTT to enable them to continue their businesses.

I refer to another matter that involves an elderly lady who had a matter before the tribunal. At the hearing detrimental remarks were made about a person who was assisting this lady in the preparation of her case—a professional person with a good reputation in my area. The lady was distressed by the remarks that were made by the tribunal member, conveyed her concerns to the tribunal and asked for the member presiding over her matter to withdraw from any future hearings. This lady did not receive a reply to her letter. As another hearing was scheduled to occur she phoned the tribunal and advised it that she had not received a proper reply. She was told that it was solely up to the member to determine whether or not to excuse himself from future hearings. That member presided at the next hearing and as a result this lady felt quite prejudiced.

That is another example of the arrogance of members of the CTTT. As I said earlier, this is only the tip of the iceberg. Many similar cases have been reported to me. People are frustrated about the actions of some CTTT members. I appreciate that in every case there is a winner and a loser. I do not resile from telling people that, and I do not easily entertain a sore loser; however, I do entertain people whom I believe have not had a fair hearing or who have been treated unfairly or with disdain. The necessity to examine the operations of the CTTT is long overdue. I do not know whether this bill goes far enough but, if nothing else, it should bring some humanity back into the process of tribunal hearings.

Mr BRAD HAZZARD (Wakehurst) [11.35 a.m.]: Other Opposition members have already indicated that the Opposition will not be opposing the Consumer, Trader and Tenancy Tribunal Amendment Bill 2008, although amendments will be moved in the Legislative Council. I wish to direct my comments to certain provisions in the bill and refer to a number of problems that are raised regularly by my constituents on the northern beaches of Sydney. The legislation that gave rise to the Consumer, Trader and Tenancy Tribunal [CTTT] was introduced after earlier legislation that gave rise to similar tribunals that have as their primary purpose the desire to provide an alternative avenue to courts—an avenue that is cheaper and that produces results without complexity.

Underpinning all this is an assumption that whatever is provided will be provided in a way that results in fairness and due process. People who appear before the Consumer, Trader and Tenancy Tribunal often come

away feeling that they have not been given due process and that they have not been treated fairly. That underpins a problem for governments of any political persuasion—that is, that in an effort to try to achieve cheap and ready justice one does not achieve justice at all. That is not to say that reasonable decisions are not made in many instances. However, when unreasonable decisions are being made in the numbers that are currently being made by the CTTT, we have a problem in New South Wales.

If we had in our courts the same number of unhappy litigants that we have in the CTTT, clearly we would have a major problem in our judicial framework. This Government has not been prepared to act as quickly as it should in relation to various issues that have arisen. In September 2005 there was a review of the CTTT. Why has it taken the Government 2½ years to come up with any changes? Perhaps this Government does not know how to address some of the problems within the CTTT. I have received reports from my constituents and I know that members on both sides of this Chamber have received reports, notwithstanding the fact that Government members are seeking to talk up the Government's changes to the CTTT.

When applicants or people on the receiving end of an application go to the CTTT, they tend to get information about likely outcomes that is not all that clear. They are not necessarily told how the cost arrangements work and they are not told how best to conduct their proceedings. They do not get told anywhere near enough to ensure they are prepared when appearing before the tribunal, as would be expected in the small debts division of the Local Court or generally in the Local Court, District Court or Supreme Court. But once at the hearing many parties find they are at the mercy of the whim of the day because the members hearing the applications are not legally qualified: they do not have any particular understanding of the requirements for due process, how to conduct a fair and reasonable hearing or how to apply the principles of natural justice. Even cheap justice should not operate in that fashion.

This bill proposes that the deputy chair have legal qualifications, but that may not be enough. The bill and the submissions from various groups recognise that those people with no legal background appointed to the tribunal appear to struggle when conducting hearings. In fact, the members do not appear to even realise that they are struggling with the process. If the intent of this bill is to continue to appoint such people as tribunal members, the proposed peer review panel may go a little way to address some of the shortcomings—but in my view it will not be anywhere near enough. Considering the number of appeals to the Supreme Court from tribunal decisions, if this Government is fair dinkum about transparency and if the real purpose of this bill is to provide cheap justice at the very least there should be some kind of exterior transparent benchmarking process for each member on how to conduct hearings and, more particularly, addressing how many decisions are appealed to the Supreme Court.

Even that will not be an absolutely final indicator of competency because many people go to the tribunal because it is cheap. That is really the only attraction: it is cheap and quick. It should not be cheap, quick and nasty, but on many occasions that appears to be the case. I suggest that the Government—if not the Government, the chairperson of the Consumer, Trader and Tenancy Tribunal—should consider establishing a benchmark for tribunal members regarding appeals. A review should be carried out on each matter that goes to appeal. Not everybody will be able to afford to appeal against a decision; the majority of people will just have to cop the poor decision they get. A benchmarking review process should be put in place either through a legislative framework or administration by the chairperson of the tribunal for decisions subjected to appeal.

The review process should look at what the Supreme Court found regarding the judgement: Was the decision confirmed? Was it overturned? More particularly, what were the issues, the failings or the shortcomings the Supreme Court observed in the conduct and result of the hearing? Perhaps then tribunal members will understand that they are at the forefront of carrying the banner of justice for many people in New South Wales who literally would not be able to afford justice except through the CTTT. If this review process were introduced and combined with the peer review panel, perhaps improved outcomes could be achieved. Many people who appear before the CTTT feel that they have not been given a fair hearing.

That brings me to the proposed changes regarding the second rehearing. For many years I performed the role of an arbitrator under the Arbitrations Civil Actions Act. This legislation arose because of the massive backlog at the time in civil claims matters in the Local Court and District Court. The government of the day—my recollection is that it was a Coalition Government—implemented a system to provide an alternative avenue for hearings, which is after all only what people want. Under that Act arbitrators were given the task of hearing matters, but those matters were conducted within a legal framework. Often parties who came before the arbitrators initially did not understand that and thought it would be a bit of a fireside chat. Of course, they were advised quickly that the matter was not a fireside chat; that it was a hearing that had to be conducted usually with regard to the rules of evidence, principles of fairness and natural justice, but sometimes with a little bit of leeway.

Within a year the backlog of matters in the civil jurisdictions of the Local Court and District Court was cleared by that arbitration process. Many matters still were referred to arbitrators for some years after. I recollect that from my hearings and those of most of my colleagues who operated on the northern beaches, the rehearing rate of those de novo hearings was less than 1 per cent. This emphasised that people just wanted the opportunity to be heard. However, they wanted to know also that the process reflected the principles of natural justice and that they had been given a fair hearing. The rehearing provisions in the current CTTT legislation have been interpreted so narrowly by the chairperson that even when it was clear neither party was properly prepared nor understood the full import of the process they were about to take part in, they still were not given the opportunity for a rehearing in most instances. That has been the shortcoming of the current legislation.

If cheap justice is to be available, we must make sure that it is not nasty justice. The chairperson in applying the principles of natural justice should be prepared to interpret the current provisions broadly to allow a rehearing when parties clearly are not prepared to proceed. If one party is prejudiced substantially in regard to costs or being absent from work, it must be taken into account. It is completely unacceptable to simply say as a matter of principle that there will not be a rehearing. Equally, when the tribunal gets it wrong—and that happens regularly because of the lack of legal qualifications or expertise of members often hearing quite complicated cases—the chairperson should have been, and hopefully will be, far more inclined to allow rehearings.

Hearings conducted by the Consumer, Trader and Tenancy Tribunal should not require massive amounts of money. Consumers using the tribunal hearing process—in a substantial portion of cases providing cheap and nasty justice—should not have to jump from the cheapest form of available justice to the most expensive jurisdiction in the country, that is, the Supreme Court, to have a matter reheard. In practical terms it means that most people will just give up and walk away. In other words, the Government basically has said, "Well, you're going to get cheap and nasty justice. We'll certainly say you're going to get an appeal right, but in reality you won't get a practical appeal right." It is important that the rehearing provision is interpreted broadly by the chairperson of the tribunal.

If the tribunal gets it wrong and the peer review determines quite clearly that to be the case or, indeed, if the member wakes up and realises he has got it wrong, or if the chairperson wakes up and realises that the member has got it wrong, then there should be readiness to allow a rehearing. On 4 October 2005 the Law Society made a submission to the Consumer, Trader and Tenancy Tribunal Act review. The Government may not be prepared to take much notice of that submission, but the chairman of the tribunal should sit down with the Law Society and ensure that in what is rough justice too often—and certainly cheap justice always—matters of legal principle, due process, fairness and natural justice be applied in all matters that come before the Consumer, Trader and Tenancy Tribunal.

Mr MALCOLM KERR (Cronulla) [11.50 a.m.]: The Consumer, Trader and Tenancy Tribunal Amendment Bill is of great importance to my constituents because businesses and consumers have been affected by this legislation for some years. Previous Opposition speakers have outlined the shortcomings of the legislation for consumers, businesses and tenants. It is important to look at the purpose of the bill, which amends the Consumer, Trader and Tenancy Tribunal Act 2001 with respect to the constitution, jurisdiction, functions and procedures of the Consumer, Trader and Tenancy Tribunal and the functions, qualifications, education and review of members of that tribunal. On 5 May 2004 the Supreme Court gave a judgement in *Krslovic Homes v Timothy Sparkes and Ors*. In that judgement Justice Shaw said this about the original legislation:

The CTTT Act of 2001 ... appears plainly to be an exercise by the legislature to consolidate various consumer protection tribunals into a newly constituted tribunal designed to adjudicate consumer and commercial disputes and disputes between landlords and tenants. That legislation repealed the Fair Trading Tribunal Act 1998 and the Residential Tribunal Act 1998.

Interestingly, even Government members have reservations about this bill. I note the presence of the member for Coogee in the Chamber. No doubt he is resigned to the fact that George Newhouse has elected to no longer be a member of the tribunal. The member for Coogee is a member of the Legislation Review Committee of this House. "Legislation Review Digest No. 5 of 2008" stated:

21. The Committee will always be concerned to identify the retrospective effects of legislation which may have an adverse impact on a person—

that is commendable—

22. The Committee notes that inserting a time limit retrospectively for within which committee proceedings may be recommenced for failure to comply with a tribunal order could unduly trespass on a person's right to order his or her affairs in accordance with the current law when such orders and proceedings were made, and refers this to Parliament.

The House is entitled to a response to those concerns when the Minister replies to this debate. The committee has put forward a matter of commonsense: In any orderly society, having had a decision, people should be able to go about their business on the basis of that decision having been reached and not have their affairs interfered with by retrospective legislation. The committee's concerns do not end there, because it then refers to the delegation of legislative powers and the commencement of the Act by proclamation. Clause 2 of the bill provides the Executive with unfettered control over the commencement of an Act. Earlier the member for Wakehurst referred to cheap and nasty justice. I should insert the word "law" instead of "justice". In its report the committee stated:

23. The Committee notes that the proposed Act is to commence on a day or days to be appointed by proclamation. This may delegate to the government the power to commence the Act on whatever day it chooses or not at all—

Members will recall that yesterday the Speaker tabled a list of unproclaimed legislation—

While there may be good reasons why such discretion is required, the Committee considers that, in some circumstances, this may give rise to an inappropriate delegation of legislative power.

24. Although there may be good reasons why such discretion is required such as allowing time for appropriate administrative arrangements to be made, the Committee has concerns about commencement by proclamation and asks Parliament to consider whether the Bill commencing by proclamation rather than on assent, is an inappropriate delegation of legislative power.

That matter should be addressed. No doubt members are concerned about the actions of the Executive and the way the Parliament must be a bulwark against the arbitrary intrusion of the Executive and stand for the protection of people's rights, be they business owners, tenants, landlords or consumers. That area certainly needs to be addressed when the Minister responds to the debate. Earlier I mentioned the judgement of Justice Shaw, which was delivered on 5 May 2004. By way of background, a hearing had occurred before the then Fair Trading Tribunal on 28 June 2001 and directions were given for the parties to make written submissions, which were finalised on 17 August 2001. After some delay, which is not explained by the evidence, Mr Baker, who had been a member of the Fair Trading Tribunal, delivered a series of orders said to be made under the Home Building Act 1989 on 7 February 2003. So we have a delay. The member for Myall Lakes outlined a number of cases in which injustices, delays and administrative blunders had occurred. So the case Justice Shaw was considering was in no sense isolated. Justice Shaw said:

The nature of the proceedings involved a controversy about a breach of contract and rectification of building works—

That is not an unusual situation to come before a tribunal—

It was ordered, *inter alia*, that the issue of defective workmanship had been determined at the experts' conclave, various claims made by the applicant (the first and second defendants in the present proceedings) were dismissed and the respondent (the plaintiff in the present proceedings) was ordered to pay 10 per cent of the applicant's costs as agreed or assessed. The orders as published on 7 February 2003 did not disclose a reasoning process, and the orders made issued under the seal of the Tribunal.

Promptly, and within the relevant statutory period, the plaintiff sought reasons for these orders, and was then advised by the Tribunal on 7 April 2003 that reasons were not available by reason of the fact that the Tribunal member who dealt with the matter was "no longer a member of the CTTT".

On 14 April 2003 proceedings were commenced by the plaintiff in this court seeking an order *inter alia* that the tribunal provide reasons for its decision—which is a pretty reasonable request. On 6 May 2003 Mr Justice Adams in the Supreme Court made by consent orders that the tribunal provide reasons, and such reasons were purportedly published on 6 June 2003. Mr Baker had apparently been requested by the registrar of the tribunal to provide reasons in accordance with the orders issued by the Supreme Court, flowing from the orders of the decision on 7 February 2003. Although those reasons were issued under the seal of the tribunal and under the heading "Consumer, Trader and Tenancy Tribunal, Home Building Division", nevertheless, under the sub-heading "Reasons for decision" Mr Baker said:

I find myself in an unusual situation for the reason that I have never been a member of the Consumer, Trader and Tenancy Tribunal. I should state that I was formerly a member of the Fair Trading Tribunal and the member who determined the dispute between Mr and Mrs Sparkes and Krslovic Homes. In my capacity as a former member of the Fair Trading Tribunal I made orders on 7 February 2003 which finally determined the matters in dispute between these parties. Whether or not the Supreme Court has the power to order me to provide a written statement as requested in its orders is a moot point. However, as a solicitor practising in New South Wales and as an officer of the Supreme Court I have complied with the order.

At the end of those reasons Mr Baker described himself as a former member of the Fair Trading Tribunal. Apparently, that was news to the parties involved. It was clear that Mr Baker did not have any power to make

the orders that he did—something that was agreed by all parties. The member for Wakehurst mentioned the words "cheap and quick", but look at the timetable in this matter. The process certainly was not quick or cheap—as one can well imagine, the legal expenses were quite substantial—but it was certainly nasty. So at least it complied with one of the Government's three apparent requirements.

This legislation comes before the House with no real explanation as to what will be reformed. The case for establishing a separate Social Housing Division is totally unclear. It is not required by any of the bodies that represent the people who would come under the jurisdiction of that division and it was not recommended by either the statutory or the operating review. Will Government members provide information on the constituency that this division seeks to serve? It will stigmatise the people who appear before it when there should be equality before the law. Why should one class—using the word "class" may well be a Freudian slip because it may be an act of class warfare by the Lemna Government to separate tenants into particular classes—

Mr Daryl Maguire: It could be Matt Brown's tenants—he's got enough of them.

Mr MALCOLM KERR: The member for Wagga Wagga assists the House in this debate. There is no justification for stigmatising our fellow citizens. Unfortunately, it is typical of the legislation that comes before the House and through which the Government seeks to divide the people of New South Wales. The Minister should address the issues that I have raised about this poorly explained legislation, which has also caused concern among some Government members.

Mr THOMAS GEORGE (Lismore) [12.05 p.m.]: I am pleased to see in the Parliament students from country and regional New South Wales. The Armidale School is a great school. The Consumer, Trader and Tenancy Tribunal Amendment Bill 2008 affects the whole of New South Wales and I am surprised and shocked that the Minister for Fair Trading is not in the House for this debate and that every member of the Parliament is not present to discuss the problems with the Consumer, Trader and Tenancy Tribunal [CTTT]. I doubt whether there would be one member who has not received complaints about it.

The member for Bega led for the Coalition on the Consumer, Trader and Tenancy Tribunal Amendment Bill 2008 and documented our concerns, which will be addressed in the Legislative Council. I place on record some issues that have been brought to my attention. I have made representations on behalf of constituents who have had trouble with the CTTT. In the past the tribunal has not had enough teeth. Its members ran the tribunal in their own way. I am a long-time advocate for tenants but I have become very concerned about the attitude of the tribunal towards landlords who appear before it. If landlords in country and regional New South Wales are not looked after, houses will not be available to rent.

The Department of Housing does not have enough public housing. However, I cannot believe that in this day and age landlords who appear before the tribunal are asked to produce balance sheets to support their case. Landlords often appear before the tribunal because a tenant is behind in the rent. Another complaint concerns people who are told they will be part of a telephone hook-up during a tribunal hearing. One person waited for the call all day. He rang the tribunal on three occasions and was told that they did not know what time his case would be heard but to stay by the phone. He found out subsequently that the case was dismissed at 9.30 a.m. I made recommendations on his behalf to the Minister, who replied in part:

The Chairperson of the Tribunal has advised me that an error was identified in the listing of Mr Farmer's matter in relation to which party was to appear by telephone. Unfortunately, as a consequence, the matter was dismissed. As a result of this oversight, the Tribunal has acknowledged the need for improvement in terms of education and training. While the Minister for Fair Trading has no authority to intervene in the Tribunal's decision making, you may be assured of a commitment to improve the tribunal's systems, processes and training requirements.

The Chairperson has advised me that the Tribunal has no power under the legislation to reopen this matter.

Hopefully the bill will address such matters. It was the tribunal's fault, yet there was no recompense and no mechanism for the parties concerned to appeal the decision. Mr Farmer was invited to lodge an application for a new hearing that should include a request to the registrar of the tribunal for the application fee to be waived. That is an example of what is occurring in country and regional areas. It has also been brought to my attention that tribunal members are flown into country areas for hearings. In Lismore we had a major problem in that regard, which has now been addressed to some extent.

Tribunal members are worried only about what time their return flight leaves. That is what happens in country and regional areas. The plane may be late, and the chairperson is concerned about what time he will fly out of the area. The member for Cronulla indicated earlier that he is concerned about that issue, and I agree with

him. I cannot believe a separate Social Housing Division is to be created. Why is that happening? Why are we segregating people who live in public housing? They are no different from any other tenant; they are simply tenants of the government. Why should we put them in a separate box? Could a similar case be made for people who live in caravan parks or aged care facilities? Should we start putting them into separate categories?

Sadly, the Minister for Fair Trading is not in the Chamber but the Parliamentary Secretary, the member for Wollongong, is at the table and I am sure that she will take my comments on board. Only a few weeks ago we were cracking down on public housing tenants and now they are to be put in a separate box. The rules for living in public housing have been upgraded and include the requirement for a good neighbourhood policy. Yet, for some unknown reason, the Government is trying to develop a separate Social Housing Division. As the member for Cronulla said, we know of no-one during the consultation process who fought for the creation of such a division. It is most unfair that public housing tenants are to be segregated into a separate division, with its own hearing process.

As I said earlier, I am a great advocate for tenants. However, under the current process if a tenant is four weeks behind in paying rent it can take up to three months to make that tenant vacate the premises, if ordered to do so by the tribunal. The length of that process concerns me. In the past people from country or regional areas who lost their case in the tribunal had to appeal to the Supreme Court. That is another issue of concern. The bill will allow a tenant to appeal a decision of the tribunal. But people from country and regional New South Wales cannot simply travel to Sydney to have their matters heard in the Supreme Court. Naturally, they just throw their arms in the air and walk away from the problem.

Hopefully, that issue and others will be addressed by the 23 proposed amendments. The registrar and senior members of the Consumer, Trader and Tenancy Tribunal should be legally qualified persons. I am pleased that the hearings will be sound recorded in future, as not having a record of proceedings was a major problem in the past. Not too many people who have walked through my door were happy with the previous process. The member for Bega said that the Coalition reserves its right to consider the amendments in the other place. The concern in my electorate is clear: the Consumer, Trader and Tenancy Tribunal has not been run in a professional manner, which is what people want when they need decisions to be made.

Mr JOHN WILLIAMS (Murray-Darling) [12.15 p.m.]: I address the Consumer, Trader and Tenancy Tribunal Amendment Bill 2008 as a motor dealer with 30 years experience. On very few occasions I have attended a tribunal hearing. As a trader, I have first-hand experience of the process that was followed through conciliation. In business, one makes a choice and obviously must recognise that all consumers are important. Generally a trader errs on the side of the consumer and in most cases a resolution will be reached before it is necessary to take a matter to the tribunal. On one occasion as a trader I believed I was right but the consumer wanted to take the matter further so I attended a tribunal hearing. Traders walk into a tribunal hearing knowing full well that the odds are weighed against them. Time is money, and traders want to spend the minimum time engaged in that process. Usually the trader's employees attend to give evidence in support of the case and relate what happened firsthand. Obviously those employees should be at work, not sitting in a tribunal hearing. Generally the first-up brief from the conciliator is that his decision is final. If the trader wants to appeal the decision he needs to go to the Supreme Court, which is an absolute and utter joke.

In most instances in which I was involved, I allowed the consumer to put his evidence first, I then gave mine and I accepted the tribunal's decision. I could then get on with my business. I walked away from those hearings and paid the money but it was a case of getting on with business. I knew full well that, regardless of what evidence I provided in the hearing, there would be something for the consumer who lodged the claim. On the occasions that I was part of the process I viewed the tribunal as a revolving door. I saw many conciliators—the same person never came back. As to the functions of the Professional Practice and Review Committee, I suspect the people who put them together must smoke dope. The bill states that the functions of the committee are to review and provide advice on matters, and such matters are to relate to one or more of the following:

- (a) the education, training or professional development of members ...

Good luck! Not one of the people who have that conciliatory role will be eligible for long service leave—they are in and out. So the Minister is dreaming. The next matter is:

- (b) the performance or management of members ...

Who will appeal that? Generally a trader will want to get on with his business and forget about identifying the issues that concern him about the tribunal. A further matter for review and advice by the committee is:

- (d) trends in complaints or performance ...

You would be flat out getting these people in your employ, let alone complaining about their performance. That is just blowing wind because if one complaint were lodged they would be off. The Government is dreaming if it thinks the functioning tribunal will have long-term employees who can be trained to conduct conciliation in the best possible manner to benefit both consumer and trader. A structure must be put in place that guarantees that members are appointed in the correct manner. At present the overarching committee makes the decisions. I was never involved in the politics of the matter, but I now find that they are political appointments. Fallen angels of the Labor Party are being appointed to these positions. It is a joke—it is walking-around money so they are not disadvantaged.

Mr Daryl Maguire: Jobs for the boys.

Mr JOHN WILLIAMS: Jobs for the boys. That is no way to build a workable structure. If the structure is going to work professional people have to be engaged. The tribunal cannot be aligned with the party in government, which is certainly the case here—it has been proven and spoken about in this House. It is amazing that the Government should protest about discussing in this House the appointment of people. It is our role as the Opposition to raise such matters. We must highlight where the Government is failing to look after the people of New South Wales. If the Government decides to appoint its fallen angels to these jobs, it has to take it on the chin. We will continue to pound away and we will not be gagged. If evidence can be found of the Government putting substandard people into jobs because it owes them something, that will be recognised and brought before the House. The Government should get used to it. The member for Wollongong is shaking. She is fairly bullet proof, but not all Labor members are. We will take a few of them on.

Mr Allan Shearan: The truth is on your side, Noreen.

Mr JOHN WILLIAMS: The truth is, but we will not be gagged. The sound recording of hearings is definitely a step forward, but obviously someone should review the transcripts, identify the best possible way to expedite hearings and develop better conciliation processes. If the hearings are recorded but a process is not developed as a result, it will be a waste of time. In my time there was no record of what was said during hearings, so this is definitely a step in the right direction. The segregation of social housing tenants is very interesting; I cannot understand it. It is most unusual to decide that certain tenancy arrangements need to be made outside the Consumer, Trader and Tenancy Tribunal and dealt with in another area. It is amazing that the State Government has admitted that it has a major problem with housing its tenants. It now says that it has a major problem with conciliation.

I guess one outcome of the bill is that it will highlight the deficiencies of social housing in this State—which is important—complaints about social housing, the Government's reaction to those complaints and its inability to resolve the issues in most cases. When matters are resolved the process is generally protracted; people wait a long time to have their issues dealt with. It is interesting. Perhaps the Government does not consider servicing that sector of consumers to be a priority. That would be of great concern because there are a lot of disadvantaged tenants. The selection of the chair and deputy chair will be of great interest to this side of the House. If the overarching structure has the right direction and the right people, those engaged in conciliation will be able to perform much better. They will obviously start to conduct their business in a more professional manner if the professionalism comes from the top down.

Mr Daryl Maguire: Joe Scimone.

Mr JOHN WILLIAMS: We will certainly look at that situation. I guarantee that we will be watching very closely to see whether Joe Scimone gets the job. We have our eyes on him; we are tracking him. We are waiting for him to slip in through the back door and bob up somewhere in the system. He will get his reward from this Government for all the things he has had to do—cover-ups, lies and whatever else. He has obviously run around fundraising for different individuals and making sure that developers were paying their way. Having said that, we look forward to the amendments. We will watch developments closely.

Mr DARYL MAGUIRE (Wagga Wagga) [12.26 p.m.]: How refreshing it was to listen to the contribution from the member for Murray-Darling, who has experienced the business world firsthand. Many members on our side of the House, including me, have been in business. They have had dealings with the Consumer, Trader and Tenancy Tribunal and continue to do so as elected members of Parliament. Listening to the member for Murray-Darling gave me great confidence that he understands the operation of the Consumer, Trader and Tenancy Tribunal [CTTT]. He understands the issues involved and has brought them to this place. I congratulate him. He is often the first to his feet in many debates.

Several members have made contributions today. I will not cover all the issues in the Consumer, Trader and Tenancy Tribunal Amendment Bill 2008, but will highlight a number of matters. Firstly, the bill makes a number of amendments, one of which I think is unfair. It is the amendment that allows a member to increase from 7 to 28 days the time within which a statement of reasons for decision must be given. When the tribunal's operations were moved to Wollongong from Wagga Wagga, when it was a regional entity, there were time delays in the management of issues in the wider area. Even though we have Australia Post, email and other modern technologies, time delays persist. Sadly, the decision by previous Ministers to centralise the tribunal's operations has severely disadvantaged people in regional areas time and time again. Correspondence requiring people to appear before the tribunal is sent to them but by the time they reply it is often too late: the orders have been sent and the hearing is scheduled to go ahead.

I point to one example—I will not name names because I understand that this could still be an issue—involving a mechanic in a transmission business. About two years ago he did a job and the customer was not happy. An attempt to resolve the problem failed and the matter was set down to go before the tribunal. The mechanic received a letter from the Office of Fair Trading stating that the tribunal hearing would be on a certain date and asking him to notify the office if the date did not suit. The gentleman concerned wrote back and said that it did not suit him as he had arranged to take his 16-year-old son to Grafton to start university and he could not physically drive from Wagga Wagga to Grafton and return in time for the hearing. My office made inquiries with the Consumer, Trader and Tenancy Tribunal and was told that nothing could be done because all the paperwork had been sent to the person who was to hear the matter. We were told that the gentleman did not spell out all the details or provide documentary evidence of what he was doing at the time so the hearing would go ahead. The document that I have relating to this matter states:

They were not aware that he was to drive that far and his son was 16 etc. All he can do now is to put in a submission giving the full details with evidence of say motel bookings etc and ask that the matter be adjourned. It will be up to the Commissioner on the day. He should also put forward a submission with everything that he would be presenting on the day just in case the matter is not adjourned. Needs documentary evidence.

If the Hearing goes ahead he could appeal under Section 68 and they will look at it.

A brief phone call from my office 10 minutes ago established that the hearing was held in absentia. As limited as the information was, it was placed before the tribunal. That gentleman has now been asked to provide technical information and data to the tribunal within seven days. He has been asked for information of a technical nature because he purchased goods from a supplier—so he is the meat in the sandwich, so to speak—and it will take a number of days or weeks to obtain the data that is required from the supplier. Members of the tribunal are given 28 days to respond to a technical request from a third party, but someone who is operating a business will be given only seven days to respond, which I think is unfair.

I have said time and again in this Chamber that I was a business operator for 23 years. Business operators now have to rely on a third party to provide technical data, and constituents such as the one to whom I referred will be severely disadvantaged. I am concerned, as is the Minister, about the social housing issue. Social housing, an important piece of infrastructure, is supplied to people in our community for a number of reasons. Yesterday the member for Dubbo referred to a gentleman who lives in the Gordon Estate. I do not have a problem with the department's policy to integrate communities, individuals and families in the wider community. We must pursue policies of that nature to ensure fairness and equality.

I am more than happy to support any initiative that helps families in Dubbo who are struggling—an issue to which the member for Dubbo referred. However, what is the point of having a policy that integrates families and community members in the wider housing scene when they are then segregated from the laws that must be upheld by all citizens? The Department of Housing, community housing and Aboriginal housing are all entities that provide accommodation for people with challenges or special needs. The Department of Housing, in a cost-shifting exercise, is giving the Consumer, Trader and Tenancy Tribunal an administrative task that should be undertaken by the Minister for Housing. If the Minister were fair dinkum about his job he would support the Department of Housing and resource it adequately.

A few weeks ago the tribunal sent an eviction notice to a tenant in my electorate who was \$65 behind in his rent. He was alarmed and upset about being singled out by the Department of Housing and went to his local member's office with his eviction notice. Sometimes good tenants get behind in their rent. This legislation is not what it appears to be. The Minister for Housing, who is responsible for the provision of housing for disadvantaged people, is burdening the Minister for Fair Trading with administrative tasks and her department will be overloaded with 12,000 applications from the Department of Housing. People within that department are not doing their job. I understand that 12,000 applications a year are dealt with by the tribunal.

The Minister for Fair Trading, who is in the Chamber, will have to find the necessary resources to administer this area as a result of the failure of the Minister for Housing to support his department. I said earlier that I believe in fairness and equality. I want Aboriginal communities to have decent housing and decent opportunities and I want the most disadvantaged in our communities to be supported, but this legislation will not achieve that. By default, this legislation will create another class, as much as I hate to use that word. In the brief time that I have available to me I wish to refer to the qualifications of members of the tribunal and others. I have often referred in this Chamber to orders that are made by the tribunal that are unenforceable in another State. Other members referred to the fact that, technically, the tribunal is a court of law. A person can choose to go to the Local Court or he or she can choose to have the matter dealt with by the tribunal. However, those orders are unenforceable in other States, which is a problem.

Anyone who tries to enforce an order in another State—it could be an order for an individual to pay \$1,000 or \$10,000 for default of a contract, faulty goods, or whatever—would be faced with many problems as those orders are unenforceable. In Victoria people can go to the Dispute Settlement Centre. Earlier I referred to an individual who was seeking recompense, through the tribunal, for a failed business transaction. This individual took the matter to the Dispute Settlement Centre in Victoria. Ms Walsh, the person responsible for signing off on the agreement, said that as part of the settlement between the two parties I would remove a statement that I made in *Hansard* so that the individual could pay off the balance of funds that were owed. I referred in this House to the order that had been made by the tribunal. I said that it was unenforceable and that several things had occurred in Victoria. [*Extension of time agreed to*].

The person in charge of the agreement that was signed by the two individuals said that in order to facilitate settlement I would remove from *Hansard* a statement that I had made. I advise the Minister for Fair Trading that on only three occasions in the history of this Parliament have matters been expunged from the record. The Minister should ensure that members of the tribunal are given adequate training to ensure that orders such as that are never made. If that person had understood the operations of the Parliament he or she would have been aware that that was not possible.

Ms Linda Burney: I will make sure that that is part of the training.

ACTING-SPEAKER (Mr Thomas George): Order! The Minister will have an opportunity to reply to the debate.

Mr DARYL MAGUIRE: I thank the Minister for her interjection, as this is an important issue. In a former life the member for Murray-Darling was a motor dealer and I was a furniture and electrical retailer. Retailers and business people get very upset about the Consumer, Trader and Tenancy Tribunal when someone who is incompetent and who does not understand the technicalities makes decisions about the future of their businesses. I will give one example. The tribunal is always a last resort for businesses. We do everything we can to avoid it. In most regional towns the local residents who operate the Department of the Fair Trading office try to do their best to achieve an outcome, but some matters do end up at the tribunal. I ended up there twice, and on both occasions the tribunal member saw fit to rule in my favour, but I was asked in the agreement process, "Look, why not just give the person a toaster and \$500 cash and let them take the lounge home, and they will go away?" I do not see that as a reasonable solution to a technical problem. We were discussing a technical issue and the tribunal members did not understand it. Therefore the onus was placed on me when I was asked that question. If the chairperson had understood the product's engineering, he would have been able to make a better decision or one that perhaps satisfied everyone.

I have been excited about this matter. I have had limited time to go through my files but I can tell the Minister that more training needs to be done in understanding industry technicalities. As someone who has been involved in the business community for many years, I shake my head at some of the tribunal's decisions, given that someone with basic engineering or technical understanding of an industry could hear a claim. I am disappointed that the bill proposes the establishment of a social housing division in the tribunal. I believe the Minister for Fair Trading should work through this issue with the Minister for Housing, otherwise she and her department will be loaded up unnecessarily with disputes. There is no need for that to occur. The Minister for Housing should do his job by supporting his department and ensuring that some of those 12,000 orders are not issued.

The tribunal will be used almost as a de facto department of the Department of Housing to achieve compliance. That was not and should not be the case. People should not be getting those orders unless they

rightly deserve them. People should not be placed in situations that alarm them. People with disabilities come through my office holding notes that they do not understand. They do not have the skills or the ability to deal with them. We find that we have to do that for them, but we are happy to do so. I ask the Minister for Fair Trading to insist that the Minister for Housing support his department and provide the resources needed to deal with this issue professionally. Otherwise, Minister Burney, you will be loaded up with a problem that neither you nor the tribunal needs.

Mr KEVIN HUMPHRIES (Barwon) [12.43 p.m.]: I should like to make some brief remarks on the Consumer, Trader and Tenancy Tribunal Amendment Bill 2008, concentrating mainly on the tenancy section. I note that the bill includes a clause to establish a social housing division of the tribunal. I do not fully understand why the tribunal would want that, but I do not oppose it. However, I am concerned about the reason the Government wants to spin off a whole division as part of the tenancy tribunal process. In my electorate I deal with a significant number of issues concerning public housing for the disabled or aged people, or housing in general. The Department of Housing also manages the Department of Aboriginal Affairs housing component and in some areas the public or social housing that is provided under the management of the local Aboriginal land councils.

Last week I met with some members of Moree Aboriginal Land Council who are responsible for managing 63 or 64 houses. The council has been under administration for three years. During that time the administrator appointed by the Minister for Aboriginal Affairs has not been able to resolve many of the ongoing issues. Many of our land councils have up to 30 per cent of public housing tenants who do not pay rent. The difficulties in managing housing amongst local Aboriginal land councils has become extremely factional to the point where consistent threats are made to damage houses. An astronomical number of houses have been burnt down in places like south Moree, for example. Of serious concern is the number of threats made against people trying to manage social housing, particularly through the land councils.

My concern is that the Minister will inherit a potentially significant issue that no-one is doing anything about but which should be addressed by the Minister for Housing through the housing portfolio. On several occasions I have raised with him the issue about public housing and how it is managed in some areas, given that the Barwon electorate has one of the highest concentrations of public housing in the State. I believe that literally thousands of properties are managed on an ad hoc basis. The Government has struggled for too long with public housing and social housing, particularly in remote areas. By setting up a social housing division the Minister has highlighted a problem that needs to be addressed. The Department of Housing is not coping with many of the issues I have raised, including maintenance and upgrade problems, legitimate house allocation, and the fact that the lands councils are screaming out for help.

One of the major Aboriginal land councils in the Barwon electorate has been under administration for three years without any improvement: 30 per cent of its housing residents do not pay rent and the current rent backlog payment is about \$200,000. Significant community assets have not been managed properly. Establishment of a social housing division is not a bad thing, but the Minister's department will be faced with significant work in the future because many people in public housing are not paying rent. The Government said a few months ago that it was getting serious about public housing tenants who are non-payers. Good on you; all power to you. I hope the plan succeeds. But behind the scenes is a significant problem relating to Aboriginal housing, particularly those housing portfolios managed by lands councils. They need a serious hand. If establishing a social housing division is the answer, I am more than happy to work in a bipartisan way to help because those councils really are struggling. It is getting to a point where property is being damaged maliciously.

Last week an officer from the local Aboriginal Land Council told me that a family was evicted from their house—the first eviction for several years. That night four attempts were made to burn down that house. Not much was being done to support the local land councils in dealing with those issues. The point has been reached where more is needed than a social housing division of the Department of Fair Trading. The problem is far more serious and should concern the Department of Housing and the police because I can tell the Minister that on any one day in south Moree there are at least 25 to 30 boarded-up houses that have either been destroyed or burnt down—and I am not talking down my community. That is not uncommon in many of our communities. Highlighting social housing is a good thing, but I assure members that in many of our communities it is a freight train ready to derail.

If the Government is serious about taking on these issues, I am more than happy to help. I have invited the Minister for Housing to my local area to visit some of our communities. Yesterday the Minister for

Aboriginal Affairs spoke about Walgett and referred to the fact that the Prime Minister and the Premier had visited the area. I do not think that is a bad thing. However, our management of public housing in remote communities has been extremely poor. We have left people to their own devices, and in many cases their problems have imploded. We need to get back to a system of restoration. If the tribunal allows us to do that, it will be a good thing. However, I believe we are only scratching the surface of the problem; a lot of issues need to be resolved. If the tribunal is the end point, we need to start at the beginning; otherwise the Government will be inundated with some serious issues.

Ms LINDA BURNEY (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [12.51 p.m.], in reply: I thank all members who have contributed to the debate on the Consumer, Trader and Tenancy Tribunal Amendment Bill. My speech in reply will be brief but I want to respond to a number of points that have been made and thank members who have made suggestions, particularly regarding the application of the changes that will come about as a result of this legislation. First I must say I take exception to the member for Bega's assertion about me. However, I will not respond to ill-informed and hurtful allegations.

The proposed amendments clearly demonstrate that the function, structure and operation of the tribunal have been subject to a rigorous and open review process involving thorough consultation through both the statutory review process and the independent operational review. At the time I took over this portfolio the tribunal had already undertaken two reviews and was in the process of implementing the outcomes of those reviews. The support given to the bill's proposals during the debate is a clear indication that the proposed changes are warranted, will be of benefit to consumers, will be of benefit to businesses, and will enhance the operation of the tribunal. I am very pleased to have the opportunity to address the issue of tribunal members because there has been a lot of mischievous comment on the part of some members of the Opposition regarding this matter.

I am thrilled to be in the Chamber at this time. I note that the former member for Murray-Darling has just joined us and is in the public gallery. It is wonderful to see him. Members opposite have sought to dig up dirt, and they have raised the issue of George Newhouse. Mr George Newhouse tendered his resignation as a part-time member of the tribunal effective from 22 October 2007. I note that his resignation is effective from 22 October 2007. That is all I wish to say about the matter. Despite the Opposition's smears on individual members, all members of the tribunal are there because they have been selected through a merit selection process. Each tribunal member possesses the requisite skills and qualifications required by the legislation to conciliate and determine matters. Tribunal members are allocated according to available resources and areas of individual expertise.

Although the Consumer, Trader and Tenancy Tribunal falls within the portfolio of the Minister for Fair Trading, it is an independent body—a matter that some speakers in this debate do not seem to appreciate. Each tribunal member is an independent statutory officer responsible for conciliating and determining matters in accordance with relevant legislation. I cannot comment on, or seek to influence, the tribunal's decisions on carrying out its judicial functions. This ensures that the tribunal's decisions are impartial. The proposed amendments to the Consumer, Trader and Tenancy Tribunal Act in 2008 will also enhance the tribunal's member training and professional development systems.

The member for Wagga Wagga made a number of sensible suggestions regarding the types of training tribunal members should receive. The Government will certainly consider his suggestions. One feature of the legislation is an enhanced review panel, which will provide me with advice in relation to member training and professional development. This will ensure that the tribunal can take immediate steps to assist members in delivering a better service to the people of New South Wales. More generally, the Consumer, Trader and Tenancy Tribunal offers a valuable service to the people of New South Wales by providing an accessible, efficient and affordable avenue to resolve disputes about the supply of goods and services, and issues regarding residential property. Sixty-eight per cent of people are assisted to resolve their dispute within 35 days, and they do so without the cost of legal representation.

This inexpensive and expeditious outcome cannot be achieved in other legal settings. Most applications cost \$32, and pensioners and students pay only five dollars. The tribunal receives over 64,000 applications a year. In the last financial year more than 79,000 hearings were held at 95 locations across New South Wales. Eighty-one per cent of applications were listed for hearing within 28 days of lodgement and 78 per cent were finalised before or at the first hearing. I am sure that, by any standards, people would acknowledge that as an efficient and good outcome. In the same period, 935 written complaints about tribunal services were received. For the benefit of those who sought to criticise the tribunal, this represents only 1.4 per cent of applications received.

The tribunal continues to be at the forefront of New South Wales courts and tribunals with its online application service. In December 2007, 44 per cent of all applications were lodged online. The tribunal is expanding its in-court system whereby tribunal orders are issued at the end of a hearing. Additionally, in the near future sound recording will be made available at more hearing venues, particularly in regional and remote areas. The tribunal provides a unique service in using technology to increase accessibility, timeliness and cost effectiveness. I recently launched the tribunal's communications strategy and the conciliation fact sheet, along with the "10 Top Tips for Conciliation". These educational tools are vital because they explain the benefits of conciliation and assist people in the tribunal process.

Between January and August 2007 nearly 80 per cent of disputes referred to the tribunal's Deputy Registrar Conciliators, where two parties were present, reached a mutually agreed settlement without the need for a hearing. This is a great result, as both parties have ownership of the outcome. Again these results demonstrate the tribunal's efficiency and its commitment to assisting unrepresented people to resolve their dispute at a low cost. In addition, the tribunal's communication strategy will make a whole range of improved educational tools effective over the next two years. The tribunal plays a valuable role in the New South Wales community. The proposed amendments are improvements for a body that is generally functioning well, a body that I am proud to be responsible for in terms of its administration. I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

DISTINGUISHED VISITORS

ACTING-SPEAKER (Mr Thomas George): I welcome to the gallery the former member for Murray-Darling, Mr Peter Black.

STATE ARMS, SYMBOLS AND EMBLEMS AMENDMENT (BLACK OPAL) BILL 2008

Agreement in Principle

Debate resumed from 11 April 2008.

Mr KEVIN HUMPHRIES (Barwon) [12.59 p.m.]: It gives me great pleasure to speak on the State Arms, Symbols and Emblems Amendment (Black Opal) Bill after the hard work that has been done by the people of Lightning Ridge and those involved in the opal industry generally. I lead for the Opposition in this debate. New South Wales recognises and acknowledges the Waratah as our floral symbol, the kookaburra as our bird emblem, the platypus as our animal emblem and the blue groper as our fish emblem. Sky blue has always been the colour emblem for New South Wales. Until today the missing emblem has been our State gemstone.

It is recognised that the opal is our national gemstone. Opal has long been claimed as a stone of magical and mystical beauty. Its flashes of spectral colour and charm have the capacity to mesmerise all those who encounter the gemstone. The fact that one will see a different flash of colour from even the smallest change in angle has long been the underwritten mysticism that the opal has developed over time. Today I am wearing a couple of black opal rings, which I am happy to show members. They have been loaned to me by the Opal Centre in Pitt Street and Andrew Cody, who is the chair of the Australian Gemstone Association. I will explain a little about black opal later.

It is readily accepted that opal would first have been discovered by indigenous populations in select locations around the world going back thousands of years. The Aztec Indians have been confirmed as collectors of the gemstone since at least the mid sixteenth century from fields within Mexico. In the early nineteenth century Slovakia was the centre of the European industry, with Queen Victoria being the main advocate for the precious stone. Australian opal was first discovered in 1849 by a German geologist, Johann Mengler. In the

1890s big finds and mining commenced at White Cliffs in New South Wales and 10 years later in Lightning Ridge in the Barwon electorate. Later discoveries were made at Coober Pedy and Andamooka in South Australia.

There are operating opal mines in Queensland, particularly around Quilpie. It should be noted that the opal fields in Australia follow the outline of the Great Artesian Basin. Black opal is the rarest and most valuable form of opal. It is found in only two places in the world—Mexico and Lightning Ridge in New South Wales. The Lightning Ridge black opal is deemed the far superior in quality. Lightning Ridge is famous for its red on black gems of superlative brilliance in every conceivable pattern: harlequin, rolling flash, flower garden, picture stone and Chinese writing. From the deepest, clearest blues and greens to rippling orange-carmine and fuchsia, all colours of the spectrum are seen at their incandescent best in these stones.

Unlike ordinary opals, black opals have carbon and iron oxide trace elements present, resulting in a darker body tone and brilliant, striking rainbow colours which stand out far better than lighter opals. The multi-million-dollar opal industry is very much at home in Lightning Ridge, set amongst a surreal landscape. Lightning Ridge is on the edge of the outback—semi-desert country, big wide horizons, big sky and plenty of bush. Black opal can be found between three metres and 30 metres deep in fine-grained finch claystones, which are freshwater channel deposits laid down more than 100 million years ago on a coastal floodplain. These ancient sediments are brought to the surface in the form of mullock heaps, creating the characteristic moonscape environment around places such as Lightning Ridge.

Lightning Ridge earned its name in the 1870s when a shepherd, his dog and a flock of sheep were struck by lightning and killed. Opal mining really kicked off in the area in 1901. Early miners were characterised by their tenacity and fearless spirit, only to be matched by the lack of water and relentless heat. Early pick and shovel methods have been replaced today by inventions such as the self-tipping hoist and agitators or converted cement mixing barrels. Puddling or the washing process is a communal affair in Lightning Ridge, with hot artesian water from the nearby towns' hot springs providing the necessary ingredient. Shafts, drives and underground ballrooms which hope to reveal opal seams are formed with unique opal mining equipment known as diggers, bidders and blowers.

The best black opal is found in the form of nobbies. Inside the nobby the opal colour may be swirled and patch or shot with sand, but ideally the opal has formed in horizontal bands or bars with gem colour lying in thick sheets directly against jet black potch, which is the backing on the rings I am wearing. In recent times Lightning Ridge has gained a reputation as a palaeontological site of world importance. When opal-bearing sediments were laid down Australia was part of the super continent known as Gondwana connected to Antarctica. These floodplains were heavily forested in a temperate climate. The area was home to an abundance of wildlife, including aquatic and land animals and small dinosaurs. In addition, there were monotremes and egg-laying mammals that were ancestors to the modern-day platypus and echidna.

Many of these animals have been preserved in fossils. Occasionally a fossil will be opalised, illustrating great beauty and the uniqueness keenly sought by collectors. The development of opal and fossilisation in the area are now thought to be closely linked. Opal miners have always been colourful characters—sometimes as colourful as the gemstone they seek. More than 55 languages are spoken in Lightning Ridge, with people having travelled from all over the world to the area in search of the black bonanza. This dynamic multicultural area is a continuous buzz, particularly around times of rumoured strikes. Half the people live within the township in conventional houses while the other half live in corrugated iron shacks on the fields. There are castles, bottle houses, solar-powered houses, tin humpies and people living in cars, buses, trams, caravans, trailers and out in the fresh air.

Lightning Ridge has a reputation for being eccentric, creative, resourceful and crazy. The community has long stopped caring about the outside world, adopting a *laissez faire*, laid back, live and let live approach as long as no-one is hurting anyone else. There is a vibrant pioneering spirit in Lightning Ridge with the lifestyles for many people not having changed in the past 100 years. In effect, the area is a living monument to this pioneering spirit, and I am glad to say that it will be rewarded with the home of the black opal now being recognised as the home of the new State emblem. As opal miners say, "You have to be in it to win it." The industry is not for everyone; nor is it for the faint-hearted.

The community is an enigma in itself, having the honour of having more postbox registrations than registered residents. On any one day the town and the Grawin opal fields may have up to 3,500 people living there. When the opal is on, this can escalate to 7,000 people. Everyone has a first name; not everyone has a last

name. It is a fantastic destination and place to spend some time. The locals are friendly and never short of a yarn as long as you are not too nose-y. Lunatic Hill, the Three Mile, Corcoran, the sheep yard, millionaires gully and Shields Mulga Rush are great visiting places, to name a few. Rainbow in the Rock and the Light of the World are two famous opal gemstone discoveries in the area.

I acknowledge the work undertaken by the Lightning Ridge Australian Opal Centre. Chair David Lane has been well supported by Jenni Brammal, Peter and Vicki Drackett from Down to Earth Opals, palaeontologist Elizabeth Smith, Mrs Lyn Carney, President of the Opal Jewellery Design Awards, and the many supporters from the Lightning Ridge area who are seeking to promote and preserve their unique corner of Australia. I also acknowledge Denny Hartcher, chair of the Lightning Ridge Miners Association, and Maxine O'Brien, the Chief Executive Officer. I thank Andrew Cody for his support of the opal industry generally. I acknowledge also the work these people are doing in trying to develop and set up the Australian Opal and Fossil Centre based at Lightning Ridge. This will be a world-class national facility.

The centre will preserve, display, research and interpret the world's greatest public collection of gem opal, Australia's national gemstone, and globally significant opalised fossils from the nearby opal fields. It will explore and celebrate the distinctive heritage and social history of the Ridge, including the town's remarkable and harmonious multiculturalism and the extraordinary lives of opal miners. This will be a tourism asset, and research facility of international standing, and a major showcase and resource for Australia's opal industry. Internationally renowned architects, Glenn Murcutt and Wendy Lewin, and designer Susan Freeman have been engaged to design the centre. The building will be constructed underground on the historic Three Mile opal field, approached across an iconic landscape that resonates with a century of opal mining history.

Supporters of that project to date have been Walgett Shire Council, the New South Wales Ministry for the Arts, the Department of State and Regional Development, Museums and Galleries New South Wales, and Airlink. A number of universities and research groups have been associated with the development, including the Australian Museum, the South Australian Museum and the University of New South Wales. Last year I raised this issue with the Premier's Department and the Premier acknowledged the process, which I initially thought came through the Government but it came from his department. The Premier said:

Dear Mr Humphries

I refer to your letter regarding the introduction of the black opal as the gemstone emblem for New South Wales.

I am writing to confirm the Government's support for your proposal. The Government considers that the black opal is worthy to be declared the State's gemstone emblem given its value as a world famous gemstone, and its strong association with the Lightning Ridge area and New South Wales.

I understand that you have had discussions with Mr Alex Smith, Deputy Director General of the Department of Premier and Cabinet in this regard.

I am advised that since the enactment of the State Arms, Symbols and Emblems Act 2004, additional State emblems must be introduced by way of amending legislation. Accordingly, I intend to introduce legislation in the Budget Session of Parliament to amend the State Arms, Symbols and Emblems Act 2004 to recognise the black opal as the gemstone emblem for the State.

Thank you for bringing this matter to my attention.

Last year a number of politicians visited Lightning Ridge. I acknowledge and thank the Leader of the Opposition, the Leader of The Nationals, and the member for Coffs Harbour and other visitors who spent a number of days in the Lightning Ridge area looking at water issues across the boundary from Queensland as a result of its water-sharing plans. They were briefed by the community about the important and historical relevance of black opal and Lightning Ridge as part of the New South Wales fabric and this great country in which we live. I also thank the Lightning Ridge community, which supported me in bringing forward this issue.

Lightning Ridge is a very interesting place with a very young community. Its mining population is ageing and, in light of the previous bill, I inform the Minister for Housing that it has no public housing. I want the Government to come to terms with the whole issue of ageing in such communities but particularly in Lightning Ridge. This event will be celebrated not only in Lightning Ridge but also amongst the opal fraternity in Sydney. It is a very vibrant industry that, as one can see at the Rocks and around Circular Quay, is linked to tourism. Lightning Ridge has a strong relationship with that part of the city and the State. Celebrations will follow from today's event. I invite members from all sides of the political spectrum to celebrate by obtaining an opal pin supplied by a dealer for all members of the House to celebrate the new State emblem, the black opal. I commend the legislation to the House.

Mr RICHARD AMERY (Mount Druitt) [1.14 p.m.]: I support the State Arms, Symbols and Emblems Amendment (Black Opal) Bill 2008, with certain conditions, which I will mention shortly. The bill, as the explanatory note and the overviews states, is about amending the 2004 legislation of a similar name. I was not going to speak on this important piece of legislation but I received an order from the former member for Murray-Darling, Mr Peter Black, OAM, commanding me to speak. I dare not disobey such an order. Mr Black's interest in the black opal is well known, for he is a collector of note of Australian gemstones and various rocks. I know little about them and can pronounce even fewer. Things unique to Australia, or in this case, recognised as Australian, are very important. Placing the black opal alongside the platypus, kookaburra, waratah and blue groper on our emblem shows our pride in those symbols of Australia and things New South Wales.

Peter Black, a former mayor of Broken Hill, immediate past member for Murray-Darling, and the emeritus president of the parliamentary 5.30 club, is now a published columnist. In the Black Column under the subheading "A new State stone" Mr Black wrote extensively on the subject. I will quote some of that article. The member for Barwon talked about representations he has made since becoming a member of the House but I want to recognise the role of Mr Black in the promotion of the black opal over many years, not only when he was a member of Parliament but also when he was a local councillor and mayor of Broken Hill. Mr Black pointed out in his article that Australia supplies more than 95 per cent of the world's supply of this precious opal, as many overseas tourists who have visited Australia over the years can attest. The member for Barwon also referred to the value of the tourism industry in the region. Peter Black gave credit, as the member for Barwon did, to Ian Plimer and many others in the Australian geological community, amateur and professional. In the Black Column Peter Black tied the black opal to Labor history when he wrote:

The Labor history of White Cliffs records that all 12 on the 1890 "Progress Committee" (A municipal council was never formed) were members of the Political Labor League, which together with that of Broken Hill, was the forerunner of the Barrier District Assembly of the Australian Labor Party, which organised the local party for many decades.

The only recorded stage-coach hold-ups in the West Darling involved White Cliffs mail services, \$2,000 in opals and \$700 in banknotes was stolen in the first, \$6,000 in opals in the second.

I was concerned that on such a positive issue Mr Peter Black resorted to the negative aspect of reporting criminal activities. It is not surprising, for his positive recognition of an Australian bushranger, triple murderer of police officers and thief, Ned Kelly, is well known. So highlighting an armed robbery in the White Cliffs mail services should be read in that vein. Unfortunately, there is no reference in the article to the criminals in the White Cliffs opal robberies meeting the same happy ending as that of Mr Ned Kelly. I can only hope that they did. At the outset I said that I support this bill with conditions. The royal command by Mr Peter Black, OBE aside, I would like to be assured by the Parliamentary Secretary that the declaration of the black opal as the State's emblem meets with the approval of none other than Her Majesty Queen Elizabeth II, a person with whom the Deputy Speaker had a recent audience.

Another condition is that this action will not add weight to the arguments of those who want to change the Australian flag or even the State flag. The final condition is that this continuation of Australiana being placed on our emblems, coats of arms and so on should not encourage those hell-bent on pushing this great country to become a republic—as attractive as the thought may be that one day we could have a president like George Bush. With those qualifications I conclude with another comment—perhaps more serious—made by Peter Black in the aforementioned article. He stated:

I take pride in any role that I may have had in promoting a mineral emblem for NSW. I recognise in particular the assistance of the Hon. Ian Macdonald, Minister for Primary Industry, who has indicated that he may be in Broken Hill this month in order to receive our gratitude.

Of course, Mr Black has recognised many people who brought this important initiative to fruition. I place on the record my appreciation of the significant role he has played in ensuring the passage of this legislation. Light-hearted comments aside, this is important legislation. It recognises not only black opal but also the many people in regional New South Wales who have spent well over a century promoting it and ensuring that it is very much a part of the mineral wealth of this State and a boon to tourism. I commend the bill to the House.

Mr JONATHAN O'DEA (Davidson) [1.22 p.m.]: I support the State Arms, Symbols and Emblems Amendment (Black Opal) Bill 2008. An emblem is a representational design or object. It can also be seen as a symbol of identity. Other important identifiers of New South Wales include our State flag, our State coat of arms and our floral, animal, bird and fish emblems. The New South Wales floral emblem is the waratah, our animal emblem is the platypus, our bird emblem is the kookaburra and our fish emblem is the blue groper—not to be confused with the Black groper, after whom the member for Monaro suggested this Blackie bill should be named. I note that both appear to enjoy large volumes of liquid, one inappropriately as recent media reports attest.

Mr Steve Whan: Point of order: In a debate that has been conducted in a positive way and with good humour reflections on a person who is not a member of this place are totally inappropriate. Mr Acting-Speaker, I ask you to ask the member not to make reflections on the former member.

ACTING-SPEAKER (Mr Thomas George): Order! I am sure the member for Davidson is about to return to the leave of bill.

Mr JONATHAN O'DEA: I make the comments in a light-hearted way.

Mr Gerard Martin: Rubbish!

ACTING-SPEAKER (Mr Thomas George): Order!

Mr JONATHAN O'DEA: They are nonetheless factual. In any event, this initiative would be more appropriately accredited to the member for Barwon, Kevin Humphries, who, as we have heard, proposed it to the Premier. If the black opal is declared the gemstone emblem for New South Wales it will join the aforesaid emblem group as a source of identity and pride in this State. This initiative should be particularly positive for both the opal mining and the tourism industry, especially at Lightning Ridge, where most black opals are found. The black opal is the most rare and valuable type of opal, with its coloured face and black background. I note that support for its proposed recognition as our State gemstone emblem is widespread, including from the Sydney-based Australian Museum.

Opal is said to have mystical properties and is used to see possibilities. That is certainly needed in New South Wales, where there are so many possibilities but a shortage of vision by the Government. It would be great to see more of those possibilities become realities. Unfortunately, the Premier and the Government are focused on re-announcements and spin rather than possibilities becoming realities. I would appreciate members opposite commenting on the rumour that the Premier is planning to rename his parliamentary suite "The Opal Office". Finally, I note that the opal is the anniversary gemstone for both the fourteenth and eighteenth years of marriage. Having just completed fourteen years of marriage, I look forward to celebrating my next opal anniversary—our eighteenth—but as a member of a Coalition government not a member of the Opposition.

Mr GERARD MARTIN (Bathurst) [1.26 p.m.]: I will make a brief contribution to this debate on the State Arms, Symbols and Emblems Amendment (Black Opal) Bill 2008, but it will be more statesman-like than the last contribution. During this debate there have been many references to Lightning Ridge, and I will speak about my association with that town. However, precious opal was first discovered in the electorate of Bathurst in Rocky Bridge Creek, which is a tributary of the Abercrombie River. Members will know that the great Labor Party icon, Ben Chifley, was president of Abercrombie shire while he was Prime Minister. We can all share in the reflected glory of opal, which is a significant gemstone. I often argued with Peter Black about black coal being the State emblem but I was overruled. I guess a lump of black coal on a ring would not be very attractive.

As a young person I often visited Jimmy Hetherington at Lightning Ridge. Jimmy was a coalminer at Lithgow, but he was dusted and had to get out of the business. He set up camp at Lightning Ridge and established a concrete business. We visited him three or four times a year and went down his mine. I was in the coalmining business, but it was a revelation to climb down a wonky ladder into an opal mine. Suddenly one is confronted with what we in the coal industry call a goaf area. There were no bolsters or anything else holding up the roof, and for a coalminer that was very unnerving. The old-time miners took some risks back in the pioneer days: they were adventurous and eccentric characters. One day at about 11.00 a.m. we decided we would go down the mine. However, Jimmy said he thought he felt some raindrops—there might have been three spots—so we had to go back to the Digger's Rest, the local pub, because it was too dangerous to go down the ladder. As the member for Barwon said, time is not of the essence: miners run their own race and theirs is a unique community.

This amendment is important because we will now be able to use black opal to promote tourism and the opal industry around the world. Opal is not unique to Australia, but Australian opal is the best. I have had many lectures from the member for Murray-Darling, who is, without doubt, one of the most knowledgeable people in Australia about gemstones. He loves to come to Bathurst to visit the magnificent Summerville collection, which has fabulous examples of fossilised opal that is hundreds of thousands of years old. If members are travelling through Bathurst they should visit the Summerville collection, which is housed in the old TAFE building on Howick Street. This Government contributed more than \$1 million to the establishment of the exhibition in partnership with Bathurst Regional Council, Charles Sturt University and Professor Warren Summerville. It has some unique examples of fossilised opal not only from Australia but from around the world. This should be a

day of celebration in Lightning Ridge, Sydney or wherever. I am sure that some of my colleagues will be celebrating this day with the former member for Broken Hill.

Ms KATRINA HODGKINSON (Burrinjuck) [1.29 p.m.]: I will make a brief contribution to the State Arms, Symbols and Emblems Amendment (Black Opal) Bill 2008. The object of the bill is to amend the State Arms, Symbols and Emblems Act to recognise the black opal as the gemstone emblem of New South Wales. It is exciting and wonderful that New South Wales finally has a gemstone emblem, and the black opal is most appropriate. Very few Australian gems are as beautiful or as exotic looking as the black opal. I am delighted to give my endorsement to the recognition of this valuable stone. This is also a great day for Lightning Ridge. I congratulate the member for Barwon on taking up this issue on behalf of his constituents in Lightning Ridge and for being the first member representing that area to do so. He has been in this place only 18 months and already he has been responsible for a piece of legislation dedicated to the betterment of New South Wales.

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

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

SIR GEORGE DIBBS, A FORMER PREMIER OF NEW SOUTH WALES

The SPEAKER: I am pleased to welcome to the gallery descendants of Sir George Dibbs, a former Premier of New South Wales. Sir George Dibbs served as Premier of New South Wales on three occasions between 7 October 1885 and 2 August 1894, and was Colonial Secretary on three occasions between 5 January 1883 and 2 August 1894. He was a member of the Legislative Assembly between 16 December 1874 and 5 July 1895, serving successfully as the member for West Sydney, St Leonards, Murrumbidgee and Tamworth. George Dibbs represented New South Wales at the 1891 Federal Convention and represented New South Wales, Victoria, South Australia and New Zealand on a financial mission to London in 1892.

George Dibbs was a merchant and shipowner who engaged in trade and he travelled widely during his business career. Among his many interests he was Chairman of the Australian Steam Navigation Company. During 2004-05 Parliamentary Archives staged an exhibition at Parliament House in which the life and times of Sir George Dibbs were on display. Mr Richard Dibbs made available materials from the family collection, which were also on display. I welcome the family and friends who are in the gallery today.

DISTINGUISHED VISITORS

The SPEAKER: I welcome Mr Peter Black, the former member for Murray-Darling, to the gallery. We welcome our old friend back to the Chamber. A number of interjectors wanted to know how he came here: it was by train.

NEW SOUTH WALES GEMSTONE EMBLEM: BLACK OPAL

The SPEAKER: Today we acknowledge the black opal as the State's new gemstone emblem. I am wearing an 18-carat gold ring with a 16-carat black opal from Lightning Ridge in New South Wales, the home of the black opal. The opal is for sale at the National Opal Collection, in Pitt Street, Sydney. The opal is on loan and I will return it at the end of question time.

BUSINESS OF THE HOUSE

Notices of Motions

Private Members' Business Notices of Motions (for Bills) given.

QUESTION TIME

ELECTRICITY INDUSTRY PRIVATISATION

Mr BARRY O'FARRELL: My question is directed to the Premier. In light of the Premier's meeting today with backroom party bosses over the proposed sale of the State's energy assets—

The SPEAKER: Order! Government members will remain silent. Government members will cease interjecting. The Leader of the Opposition has the call.

Mr BARRY O'FARRELL: In light of the Premier's meeting today with backroom party bosses over the proposed sale of the State's electricity industry—

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

Mr BARRY O'FARRELL: —will the Premier now honour his obligations to the people of New South Wales and reveal how far he is prepared to go, at what cost to taxpayers and with what inducements to the unions in order to deliver his face-saving compromise?

Mr MORRIS IEMMA: Lots and lots of detail. For the benefit of the Leader of the Opposition, this morning's meeting was a meeting of the joint campaign committee comprising the Australian Labor Party officers and the parliamentary leadership.

The SPEAKER: Order! Members will cease interjecting.

Mr MORRIS IEMMA: It was consistent with a motion moved on Sunday for a meeting of the joint campaign committee. It was a very constructive meeting, entirely consistent with the motion moved on Sunday. Let us get to matters of detail. I note the second part of the question and I will come to that in a minute. However, noting the second part of the question, would one not think, after yesterday's events when the Opposition was running around looking for somewhere to hide, that today it might take the opportunity, given the challenge that electricity reform presents, to state a position?

Mr Adrian Piccoli: What is your position?

The SPEAKER: Order! Opposition members will remain silent.

Mr MORRIS IEMMA: I think the member for Murrumbidgee has been on leave for too long. He has not been following the commentary on this issue. The Opposition does not need details of the Government's position to state its position.

The SPEAKER: Order! I will not tolerate the disorderly behaviour of members during question time. I will not tolerate screaming across the Chamber. If members continue to interject they will be removed from the Chamber.

Mr MORRIS IEMMA: I will come to detail in a second, but the point is this: For months the Leader of the Opposition has been saying, "I can't state a position until the Government releases details." The Leader of the Opposition has two options—possibly three. As the alternative leader he can either adopt the same policies or he can adopt alternative policies. I guess the third option is that he has no policy at all. It is very hard to find the policy of the Leader of the Opposition. He said, "I can only come to a position when I see the Government's details." He does not need any details to state a principle and he does not need any details to craft an alternative. For a year his position has revealed that he simply does not have the courage to come to a position, he does not have the courage to develop a policy position, and he does not have the courage to craft an alternative. That is what this issue has exposed.

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

Mr MORRIS IEMMA: The Leader of The Nationals should go back to his statements a year ago in this House when he stood up straight after his leader had made his speech in reply to the budget and said that he would sell retail electricity.

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

Mr MORRIS IEMMA: If I recall correctly, after the Leader of the Nationals said that he would sell retail electricity he then said, "In doing so we have to remember consumers." That was it; he has not said a word since. In that same speech he said, "Of course, there has to be consideration of workers."

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

Mr MORRIS IEMMA: He said that we should remember consumers and there should be consideration of workers. He stood up and said, "We'll sell New South Wales retail electricity", and that was it. We have not heard a word from him since then about what sort of consideration he would give to consumers. Would he regulate prices, and would he continue to do so? If so, for how long? Would he do it through the Independent Pricing and Regulatory Tribunal, as the Government is proposing—detail number 2—or would he establish a new pricing tribunal, a pricing commission, or an electricity pricing commission? Who knows, because we have not heard. A year ago we heard him say there should be consideration for workers. The Government's position, whether on electricity generation or retail electricity, has set out three-year and five-year guarantees and protections—detail number 3.

The Government outlined in the retail area that the retail workforce has a choice—detail number 4. Those who wish to transfer to the new operators will receive a transfer price and protections as they go—detail number 5. Those who do not have the right to choose, stay with the Government—detail number 6. They stay in their same workplace and working for the Government—detail number 7. That is just on retail electricity. There are plenty more details on generation and on pricing. The Leader of the Nationals made no mention—other than establishing an infrastructure fund and perhaps spending the money in education—of investment in cleaner, greener energy. The Government has established a cleaner, greener energy fund—detail number 8. From memory, at last count it is about \$1 billion. When we have finalised our demand energy efficiency policies I will have more details that I would be happy to release to Opposition members in the coming weeks.

[Interruption]

As the Minister for Climate Change reminded me, in the coming weeks there will be lots of details about demand efficiency, energy efficiency and what we propose to do. As part of the Government's package we will be investing the proceeds in an intergenerational fund, or I prefer to use the term "community infrastructure fund". I think at last count that was about detail number 12. What have we seen from the Opposition?

[Interruption]

That is correct. As the member said, we have seen nothing. I would have thought that on something as important as the State's future energy needs we would have heard more from the Opposition than rhetoric or its statement, "We cannot come to a position until we see more detail."

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

Mr MORRIS IEMMA: The Leader of the Opposition cannot state a principle. Here is some detail. A year ago the Leader of the Opposition said that he would sell retail electricity. Has he walked away from his statement—yes or no? Does he accept that New South Wales requires more electricity—yes or no? If so, because he has not yet said so, how does he propose to secure that supply? Does he propose to have it fully publicly funded? If so, how will he fund it? Will he ditch the four-year infrastructure projects in Budget Paper No. 4 to fund it? Will he increase State taxes? Will he increase State borrowings, or will he abandon any projects that we announce, such as North West Metro or other projects in this budget, or will he pick apart the 10-year State infrastructure strategy and abandon that? Those are plenty of questions for the Leader of the Opposition and plenty of policy positions for him to—

Mr Barry O'Farrell: Point of order—

The SPEAKER: Order! Members will cease interjecting. I remind the member for Bathurst that he is already on a call to order.

Mr Barry O'Farrell: My point of order relates to standing order 29. I have listened with interest to the Premier. My question, which was simple, was: Would the Premier detail to the public what inducements he has on offer to deliver his compromise?

The SPEAKER: Order! The Premier's answer is relevant to the question.

Mr MORRIS IEMMA: First, the Owen report outlined a range of issues on jobs, employment, prices, environment and consumers that the Government would need to address in its response. Second, the Unsworth committee, in assessing the impact of the Government's response and its policy, went through a range of factors that had to be taken into consideration, assisted by Reverend Harry Herbert and Jeff Angel.

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

Mr MORRIS IEMMA: As I just outlined in relation to demand management and energy efficiency, the Government continues to take into account issues of environmental protection, demand management and consumer protection. Witness more detail! I refer to the retailer of last resort. A year ago, when the Leader of the Opposition announced that he would get rid of retail electricity, he said nothing about disconnection policy, retailer of last resort, indexing pensioner rebates, providing extra assistance or allowances to those on a sickness benefit, or a safety net for the disadvantaged. He said nothing. Today he asked this Government about detail when he cannot come to a landing on something as important as this. No wonder he has been copping such a hammering in the last 48 hours.

The SPEAKER: Order! Members will come to order.

Mr MORRIS IEMMA: At the risk of being quoted by Mike Carlton again tomorrow morning let me remind members what he had to say this morning. How did he finish his program yesterday? The Leader of the Opposition should not make me repeat it again in the House. He said, "I wouldn't"—expletive deleted—"if you were on fire." That is what he said yesterday. At the risk of being quoted again tomorrow morning, and I apologise to Mr Carlton, "The only person who is not is the Liberal leader who is flying around pie-in-the-sky, airy-fairy, not clear on what he is going to do next."

PUBLIC TRANSPORT

Mr PHILLIP COSTA: My question is directed to the Premier. Will the Premier update the House on measures to help commuters?

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

Mr MORRIS IEMMA: The people of Sydney are coming back to public transport. CityRail has experienced patronage growth of just under 4.5 per cent in one year and we are investing record amounts in rail to meet this demand. The Epping to Chatswood rail line will provide extra capacity for 12,000 commuters each day and 748 new rail carriages will replace old trains and increase capacity on the network.

[Interruption]

That is correct. There will be extra capacity on the rail line through the electorate of the member for Epping. The first outer suburban cars are already running and are providing thousands of extra seats each day. The south-west rail link and the new North West Metro will also provide fast, efficient and reliable services to rapidly growing parts of Sydney. CityRail is also meeting the challenge with an extra 12 million passengers each year. Commuters are seeing better reliability with 92.8 per cent of trains running on time.

[Interruption]

The SPEAKER: Order! I call the member for Willoughby to order for the third time. I remind her that she has been called to order three times on several occasions during question time.

Mr MORRIS IEMMA: No, it was one of the transmission workers who had a t-shirt on. That was what that was about. He is a transmission worker from the Central Coast and a good fellow too. He was in the middle row, just near the pool camera. We know the daily expense of commuters in Sydney is not just about on-time running statistics. The people of Sydney expect and deserve a system that is consistently safe, reliable and comfortable, something that Government is committed to. We are looking at a range of initiatives that can be introduced to continue to deliver improvements to services. It is a comprehensive plan, unlike the Opposition, who wanted to set up another bureaucracy. How many more bureaucracies is the Opposition going to set up in RailCorp? The transport Minister informed the House last year that the board of RailCorp had engaged Boston Consulting to jointly design a comprehensive customer service improvement program. The program will deliver practical strategies for improvements in fleet availability, cleanliness, on-time running, queuing, crowding, service frequency and timely, reliable information for passengers.

As customers have noticed, a number of pilot projects have begun across the network. For example, commuters who use Wynyard and Town Hall stations will have noticed additional staff on the platforms directing people along the platforms. The staff help to make sure trains leave the station on time and ensure that customers know the best place to board the train to find a seat. I can inform the House also of measures

RailCorp is taking to improve the experience of purchasing tickets for CityRail customers. From 21 May, a fortnight from today, RailCorp will be introducing a trial of fortnightly tickets. This convenient new 14-day rail pass will mean customers will spend less time queuing for tickets. The new payday ticket provides travel for 14 days for the price of 8 return journeys.

We are conducting this trial because our research has shown that people are interested in these types of initiatives. A recent survey of more than 800 rail commuters showed that nearly 6 in 10 regular train commuters have their salary paid fortnightly. Over two-thirds of current weekly ticket purchasers said they were interested in purchasing a new 14-day ticket. It makes sense: buying a ticket on pay day is a convenient way for commuters to take care of their transport needs for the fortnight, and it halves the queues on Monday morning. This initiative that commuters have asked for is part of our customer service improvement program and will be rolled out at a number of stations across the CityRail.

ELECTRICITY INDUSTRY PRIVATISATION

Mr ANDREW STONER: My question is directed to the Premier. Given that the long-term result of his proposal to privatise electricity assets is likely to be job losses in regional and rural New South Wales, has he prepared a rural communities impact statement? If so, will he table it?

The SPEAKER: Order! Government members will cease interjecting.

Mr MORRIS IEMMA: The issues of regional and rural employment have been taken into account and are outlined in the Government's response released—

[Interruption]

Why don't I table it? It was made public, you fool. It is called "A Government Response to Professor Anthony Owen's Inquiry". That was released in December and the Government has made further announcements, all on the public record—

[Interruption]

They are too lazy to read the Owen report, too lazy to read the Government's response.

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

Mr MORRIS IEMMA: They are too lazy to read any of the material that has been released.

Mr Andrew Stoner: Point of order: I refer to Standing Order 129. The question was very specific about rural communities impact statements, not the Owen report. Did you do one? Yes or no?

The SPEAKER: Order! There is no point of order.

Mr MORRIS IEMMA: The impact on rural and regional workers and regional communities has been taken into account by the Government and has been the subject of a whole range of announcements the Government has made about securing the jobs of those workers in the electricity industry in regional and rural New South Wales. Detail number one: the Government's plan involves retaining 100 per cent ownership of the transmission and distribution network. Detail number two: the Government currently is undertaking an investment of \$2 billion in upgrading—

[Interruption]

A desal plant, yes, that too, and I'm very proud to say so. The Government is undertaking an investment of \$2 billion in upgrading our electricity, transmission and distribution network. As part of that there is an apprenticeship training guarantee that lasts for four years to ensure that the apprenticeship intake into our electricity network companies remains at current levels.

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

Mr MORRIS IEMMA: For country New South Wales that means about 58 apprentices each year. Detail number four: all of the transmission network distribution infrastructure, including the depots in rural and

regional New South Wales, the transformers, the wires and poles, remain in government ownership. The Government will continue to be responsible for maintaining, owning, building and operating the network. That is the guarantee for regional and rural New South Wales. The Government's plans have absolutely no impact on 12,000 electricity workers—guaranteed. When it comes to the retail workforce, I note the motherhood statement in this House a year ago by the Leader of The Nationals, "Oh, jobs will have to be considered." He has not said a word since.

Retail workers have a choice. The choice is to move across to the new operator. If they do so, there is a transfer price and with that come job guarantees. If they choose not to move over, they remain employed by the Government. Why? Because the Government's plan does not involve selling any electricity company owned by the Government. Those workers can stay working for the Government in their workplace; whether it is the Coniston retail office, the one in Queanbeyan, Bathurst, Leeton or Port Macquarie, they get a choice.

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

Mr MORRIS IEMMA: Which is a lot more than the Opposition has detailed in a year. They have said nothing. The fifth point is this: the Government's plan to secure extra supply is all about, guess what? Building power stations. And when you build power stations you create jobs. You create jobs building the power stations and you create jobs operating the power stations. If the baseload power station is fired by coal—this might come as a surprise to the Leader of The Nationals—that might have a flow-on effect of creating jobs in coalmining, but we will not say that too loudly for the Leader of The Nationals. If it is powered by gas, guess what? It also creates jobs in the gas infrastructure to get it to the power station. No! It is all coming out now. When you invest money in building infrastructure it creates jobs. Unlike the last time that you lot were under the Greiner premiership, when you went about closing power stations.

Mr David Campbell: They closed Tallawarra.

Mr MORRIS IEMMA: That is right. As the Minister for Police says, we all remember Tallawarra Power Station. Why did they close it? Was it an electricity issue? No. Was it a fuel issue with the coal? No. Was it an environmental issue? No. It was simply a cost-cutting exercise to close down the power station, sack the workers and close down the coalmines that supplied the power station. That was it. Guess what is happening at Tallawarra right now?

Mr David Campbell: A gas-fired power station is under construction.

The SPEAKER: Order! The Minister for Police will cease interjecting.

Mr MORRIS IEMMA: As the Minister for Police and one of the local members said, under this Government a new power station is being built because of our carbon trading scheme. A gas-fired power station is being built at Tallawarra on the South Coast by a company called True Energy. Some 600 jobs have been created in building the power station. There will be about 50 new jobs in operating the power station and a company, hopefully in the Illawarra, will maintain the gas turbines off site. About 200 workers will be required to maintain the biggest gas turbines in Australia. As the Minister for Police said, the power station is under construction. I can provide the House with an update: It will be producing electricity in June of this year.

Mr Andrew Stoner: You said the private sector wouldn't invest in generators.

Mr MORRIS IEMMA: It is a peaking plant, bonehead!

Mr Adrian Piccoli: Point of order: I think you know why I am taking a point of order. That is unruly language unbecoming of any member of Parliament, particularly the Premier. In the past I have been guilty of using unparliamentary language, for which I apologised, but in this case the Premier should withdraw his comment.

Mr MORRIS IEMMA: I withdraw that comment. The Minister for Police correctly said that it is a 400-megawatt peaking plant. I can provide a further update to the House: The company proposes to lodge a development application to double the size of the plant. That plant will supply electricity to 250,000 households, with a 70 per cent reduction in greenhouse gas emissions, and will be Australia's most efficient power station. It is soon to be followed by another power station at Wagga Wagga. Guess what? That power station will create jobs, too. Jobs are created when infrastructure is built.

POLICE ROADSIDE DRUG TESTING PROGRAM

Ms LYLEA McMAHON: My question is addressed to the Minister for Police. Will the Minister update the House on the New South Wales Police Force Roadside Drug Testing Program?

The SPEAKER: Order! The member for Wakehurst will cease injecting.

Mr DAVID CAMPBELL: I thank the member for Shellharbour for her interest in policing issues. I note that the Tallawarra power station, which the Premier spoke about, is located in the electorate of Shellharbour. We know how dangerous a motor vehicle can be when in the wrong hands. Cars provide an easy way to get around, but when a motorist is under the influence of alcohol or drugs those vehicles can become deadly weapons. For many years the New South Wales Police Force has done great work using random breath testing to change the culture of drink driving in this State. At the beginning of 2007 the Iemma Government embarked on a new assault on dangerous driving on our roads through the introduction of a Roadside Drug Testing Program.

After a successful first 12 months of taking dangerous, drug-affected drivers off the road, we ramped up operations by deploying a total of three roadside drug testing vans for targeted operations around the State. The current technology allows police to test for the presence of cannabis and amphetamines. I am pleased to advise the House that since the introduction of roadside drug testing 272 drivers have now tested positive to illegal drugs at the roadside.

The SPEAKER: Order! I remind the member for Clarence that he is already on two calls to order.

Mr DAVID CAMPBELL: Clearly, the member for Clarence is not interested in this important road safety issue. Those 272 drivers have faced, or are soon to face, court on charges of either driving with the presence of an illicit drug or driving under the influence of drugs. If caught driving under the influence of drugs, for the first offence a driver can have their licence suspended for between three months and six months and receive a maximum fine of \$1,100. The penalty increases for a second offence, with a minimum licence suspension of six months or an unlimited maximum, and the fine is increased to a maximum of \$2,200. The New South Wales Government is giving police the resources, support and tough powers needed to take dangerous, drug-affected drivers off the road.

In fact, 94 drivers have already tested positive to roadside drug testing this year alone. With operations held in places such as the northern beaches, Fairfield local area command, Kings Cross, Lake Illawarra local area command—I am sure the member for Shellharbour and our colleague the member for Kiama will be pleased to know that that activity has been taking place—and the Tweed-Byron, Waratah and Darling River local area commands, police have used this equipment to good effect. This equipment is the latest in technology to catch those who flout our laws.

Roadside drug testing was delivered amid fresh evidence that drug driving had become commonplace, especially among young people who were ignorant of the dangers of getting behind the wheel after taking illegal drugs. I know members opposite are not interested in this, but I appreciate that Government members are listening intently to this information. A survey of almost 7,000 drivers conducted by the Australian Drug Foundation last year found that more than 50 per cent of those who use cannabis or amphetamines had driven within three hours of taking the drug, and almost 40 per cent of ecstasy users said that they had driven within three hours of using that drug. These are concerning statistics, especially when one considers that a 1999 report showed that 24 per cent of drivers killed in New South Wales were found to have drugs in their system.

Those who get behind the wheel after taking illicit drugs are a ticking time bomb on our roads, and that is why police are using the latest equipment to catch them. This should serve as a warning to anyone who believes that they can get away with driving after taking illegal drugs. Almost 10,500 drug tests have been conducted since the roadside testing program began in January last year. The Government is committed to road safety, and is determined to keep the road toll low. It is good policy, supporting police in their efforts to keep New South Wales families safe. Indeed, it is a far cry from the attitude of members opposite. For example, the member for Coffs Harbour does not support our police. Back in January on radio 2SM he made disgraceful comments effectively telling our hardworking officers—

Mr Adrian Piccoli: Point of order: My point of order relates to Standing Order 129. Given that a Government member asked the question, I assumed the Minister understood the question. It is not about

comments that may have been made by the member for Coffs Harbour or anyone else. Also, it is offensive for the Minister to suggest that any member of Parliament does not support the New South Wales police. He says it time and time again. We may not support the Government's policies but we all support the New South Wales police.

The SPEAKER: Order! There is no point of order. The member for Murrumbidgee is aware that this is question time and the Minister is responding to a question. The answer is relevant to the question asked. The member can use other forms of the House to correct the record if he feels the need to do so.

Mr DAVID CAMPBELL: The member for Coffs Harbour effectively told hardworking police officers that they deserve no credit for reducing the road toll. He put it all down to good luck.

Mr Andrew Stoner: Point of order: The standing orders provide that if a members wants to attack another member it must be done by way of a substantive motion.

The SPEAKER: Order! I have ruled on the point of order. The Minister's answer is within the standing orders.

Mr DAVID CAMPBELL: So the Opposition puts the reduction in the road toll down to good luck. It makes no comment about the work of the police but puts the reduction down to good luck. The Opposition spokesperson on police has a silver bullet theory on how to reduce the road toll. He suggests that highway patrol officers conduct a survey of those they book and ask them why they were speeding.

Mr Barry O'Farrell: Point of order: My point of order relates to Standing Order 129. I ask to have the question repeated. It was a narrow question about police and drug testing initiatives. It was not about the road toll generally.

The SPEAKER: Order! The second part of the question was fairly general. I remind the Minister to stay within the leave of the question.

Mr DAVID CAMPBELL: Those feeble attempts again demonstrate that those opposite are the biggest critics of the NSW Police Force. When it is drawn to the attention of the House the Opposition tries to close down debate because it knows it is true. Last week we saw the Opposition attack the commissioner when 16 of the 17 major categories of crime statistics are falling or stable.

The SPEAKER: Order! Members will cease interjecting.

Mr DAVID CAMPBELL: I have said it before and I will say it again: Those opposite are the biggest critics of the NSW Police Force—and they have just demonstrated it. While the Coalition continues to criticise, the Government will get on with the job of giving the police the equipment, laws and support to keep our roads safe for the working families of New South Wales.

The SPEAKER: Order! Members will come to order.

NEPEAN HOSPITAL MENTAL HEALTH UNIT

Mrs JILLIAN SKINNER: My question is directed to the Minister for Health. Why has the Minister failed to address serious health and safety issues raised by staff at Nepean Hospital's mental health unit in a letter to WorkCover sent more than one month ago that details physical assaults, death threats, illegal drug use, alarms that do not work and no security officers?

Ms REBA MEAGHER: The document to which the Deputy Leader of the Opposition refers was, as she said, directed to WorkCover, and I am not privy to the letter's contents. The Government does not tolerate violence against staff, or indeed patients, in any of its hospitals. Recently we have seen reports of concerns about culture in our hospitals, and both the Premier and I have said that we take a zero-tolerance approach to violence in hospitals. It will not be tolerated. That is why health service staff have access to violence prevention training programs and are encouraged to report to police any instances of violence against them or against patients. I am advised that NSW Health is preparing to conduct a comprehensive review of its current zero-tolerance policy, including an audit of 25 health facilities across the State.

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

Ms REBA MEAGHER: In July 2001 initial one-off funding of \$9 million was provided by the New South Wales Health Violence Task Force to support the implementation of a zero-tolerance approach to violence in our hospitals. Since then the Government has committed \$5 million in recurrent funding to increase security personnel through the creation of an additional 350 positions across the State.

SERVICES IMPROVEMENT INITIATIVES

Mr GERARD MARTIN: My question is addressed to the Minister for Transport. Will the Minister update the House on the latest information on the Iemma Government's assistance to rural and regional communities, and related matters?

Mr JOHN WATKINS: The Government's commitment to rural and regional communities is clear. Today I will inform the House how the bus contracts, as announced by the Premier on the weekend, will make transport more affordable for thousands of country residents across the State. The Government is extending the pensioner excursion ticket to bus services in regional and country areas and also offering student and apprentice concessions right across New South Wales. Under those arrangements, just like in the city, pensioners and seniors will now be able to travel as many times as they like in one day for a flat fee of \$2.50, which represents a significant saving for what can be very long journeys in country areas.

For example, a trip between Forster and Taree currently costs a pensioner \$13.50 and will now cost \$2.50. A trip from Nowra to Moss Vale costs \$17; Bega to Bermagui, \$18.70; Lismore to Murwillumbah, \$17.10; Woolgoolga to Coffs Harbour, \$11.52; Junee to Wagga Wagga, \$10; Wentworth to Mildura, \$13; and Corowa to Albury, \$18.50. All those prices will revert to \$2.50 for the day. Instead of purchasing an expensive return ticket, a pensioner will now be able to get a pensioner excursion ticket for \$2.50 for unlimited travel for the entire day. That is a great initiative that all members of the House would agree is a real benefit to their country communities. The timetable for introduction of the cheaper fares will be negotiated with each local bus operator, although introduction is expected within the coming months. Clearly it is great news, and of huge benefit to seniors and pensioners—especially those who may have been faced with public transport costs of \$20 or \$30 per day just to visit a relative or go shopping. They can now do that for just \$2.50 per day.

As well as those reforms, the Government will help out students and apprentices in New South Wales. For the first time university and TAFE students in country towns, who previously could access only a half fare for travel to and from university or college, will be able to access a concession for all their travel. Likewise, apprentices, trainees and senior secondary students will be able to access half fares for all their travel on regular bus services. That is a great initiative for country people. In fact, the same benefits will apply to people wherever they live across New South Wales. Country communities have warmly welcomed that initiative. Whilst discussing rural assistance to country communities, I must mention the hypocrisy of the Opposition today in daring to ask a question about country jobs. The last time it was in office in this State it took the hatchet to State Rail.

Mr Greg Smith: Point of order—

Mr JOHN WATKINS: It is the great defender of country New South Wales. The member for Epping! Where are the rest of them? Where are The Nationals when we want them?

The SPEAKER: Order! The Deputy Premier will resume his seat. Does the member for Epping wish to take a point of order?

Mr Greg Smith: I refer to Standing Order 129 regarding relevance. The question was not about the general issue that was the subject of an earlier question. That matter has nothing to do with this question.

The SPEAKER: Order! The answer is clearly relevant to the question.

Mr JOHN WATKINS: The last time the Opposition was in government in this State, 20 country rail lines were closed—gone forever from this State. Fassifern to Toronto, Willbriggie to Hay and Greenethorpe to Grenfell are just some of the 20 rail lines closed by the Coalition. They are gone but not forgotten. When in government the Coalition also slashed CountryLink services. The north mail overnight services to Moree, Tamworth, Armidale and Tenterfield, the western mail overnight service to Dubbo, the North Coast overnight express to Grafton and the Grafton XPT—just a small sample—are gone. That is how the Opposition treated

country jobs when it was last in government. It is utter hypocrisy for Opposition members to talk about country jobs in New South Wales when it took the long handle to them. It is a disgrace. Opposition members are hypocrites—pure and simple.

NEPEAN HOSPITAL MENTAL HEALTH UNIT

Mr GREG APLIN: My question is directed to the Minister Assisting the Minister for Health (Mental Health). Given that the Minister said last week that the problem of psychiatric patients clogging emergency departments was only a "spike", how does he account for two psychiatric patients during the past two weeks being handcuffed by their hands and feet to a bed at Nepean Hospital—one for 24 hours and one for 36 hours—because a psychiatric bed was not available?

Mr PAUL LYNCH: I congratulate the member for Albury on finally having discovered mental health. That is the first question he has managed to ask in more than 12 months. In answer to the specific question he asked, I will seek further information from my department. In relation to the comments I made last week, it is worth putting on the record that the spike at the Prince of Wales Hospital was in relation to people who were affected by alcohol and by drug abuse. For the Opposition to contend consistently that they are mental health issues is to turn back the clock. The Opposition is trying to denigrate people who are suffering from mental health issues, and it has not been honest in the way it has discussed that publicly.

The SPEAKER: Order! The Deputy Leader of the Opposition and the Premier will cease interjecting.

MEDICAL PROFESSIONALS RECRUITMENT

Mr NINOS KHOSHABA: My question is addressed to the Minister for Health. Will the Minister update the House on what the Iemma Government is doing to boost the number of medical professionals working in our hospitals?

Ms REBA MEAGHER: One of the biggest issues confronting governments in all jurisdictions is the ability to recruit a workforce to deliver health care. That is a legacy of the years of the Howard Government's underinvestment in our universities. Make no mistake, the underinvestment in medical training places in our universities was an underinvestment in public health, and we are all paying the price for that neglect. Despite those shortages and despite the interests of the Federal Coalition in public health care, the Iemma Government has worked hard to attract and retain a sustainable workforce.

The House will be interested to know that since June 2001 the New South Wales health workforce has increased by 13.5 per cent. Our medical workforce has grown by 30 per cent, our nursing workforce has grown by 24 per cent and the allied health workforce has grown by almost 25 per cent. In January this year the Premier and I welcomed a record 1,618 new registered nurses and 624 intern doctors into the New South Wales public health system, and our recruitment efforts are continuing. The Government is taking a proactive approach to selling New South Wales as an attractive place in which health professionals may work. NSW Health is actively promoting career opportunities nationally and internationally.

I am pleased to inform the House that the Government is boosting those proactive recruitment efforts with a \$5 million package to target current vacancies and sell the benefits of working in New South Wales. NSW Health has developed a dedicated marketing campaign for health professionals with an initial focus on emergency medicine. The campaign will include high-impact workforce advertising in the New South Wales and national media, high-value positioning strategies such as conference sponsorship and career expos, material that promotes NSW Health as an employer of choice, and recruitment resource kits for health services to use locally.

The Government is also targeting United Kingdom health professionals for recruitment and has recently undertaken two successful recruitment programs there. The United Kingdom advertising campaign resulted in New South Wales positions being offered to 14 doctors, with five positions accepted to date. A further 19 candidates are currently undergoing the final screening process. In March 2008 NSW Health attended the Department of Immigration and Citizenship Australia Needs Skills Expo in London. At that expo more than 290 registrations of interest from doctors, nurses, midwives, and other health professionals were taken. Those health professionals are currently being followed up and assessed.

Late last year I announced a \$30 million investment in the public health system to open 150 new beds and recruit an additional 35 emergency physicians. Those positions were advertised through the State and

national press and through direct mail to all Australian fellows and final year trainees of the Australasian College for Emergency Medicine. I am pleased to inform the House that our recruitment efforts for those specialist emergency doctor positions are proceeding well. So far, 14 new emergency specialists have been appointed to hospitals across New South Wales. The Government has also appointed three emergency specialists through the Area of Need Scheme, and those new doctors will take up positions by the middle of the year.

That means that 17 new emergency physicians have been recruited to our hospitals since January 2008. That is new doctors for Orange, Newcastle, Gosford, Concord, Royal Prince Alfred, Liverpool, Nepean, Blacktown and Mount Druitt hospitals. Further recruitments are expected to be made throughout May 2008. The Government's focus is also keenly directed towards rural and regional New South Wales. The latest recruitment package includes \$2 million for the Country Careers Initiative, supporting rural area health services to attract and relocate staff, and establishing a Country Careers website to provide a central portal for people considering taking up positions in rural New South Wales.

Health professionals tell us that settling into a new location can be extremely challenging, particularly if their families also make the move to a new community. That is why this program provides dedicated project officers to help health professionals relocate and settle in country areas. A further \$2 million over four years has been allocated for the expansion of this program to metropolitan areas. Those latest recruitment initiatives for medical professionals come on top of the Iemma Government's ongoing support for nurses and midwives. The results of ongoing recruitment initiatives show that the total number of permanent nurses and midwives employed in the New South Wales health system has steadily increased over the past four years. In March 2008 there were more than 42,000 registered nurses, midwives and enrolled nurses working across New South Wales. That is a net increase of 26 per cent since January 2002. Those achievements clearly demonstrate the Iemma Government's commitment to public health, and further provide a stark contrast to the lack of commitment of those opposite.

The SPEAKER: Order! The Deputy Leader of the Opposition will cease interjecting. I call the Deputy Leader of the Opposition to order. All members will cease interjecting.

Ms REBA MEAGHER: I have outlined comprehensively the Iemma Government's investment in the workforce of New South Wales. Members should contrast our election commitment of 2,500 nurses over the four years of our term in office with the marvellous document that was the policy that the Coalition took to the last election. The Coalition promised 500 nurses over four years in office.

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

Ms REBA MEAGHER: We have already done that! We are well on the way towards meeting our election commitment of 2,500 nurses over four years. The Coalition whinges, complains and snipes at the Government's efforts, but what is very telling about this document is that it says nothing about medical workforce recruitment or training strategies. The New South Wales Coalition stands absolutely condemned for its lack of ideas. It is very quick to come out and criticise nurses, doctors and the public hospital system, but it is very slow to advance propositions for reform—very slow indeed.

The SPEAKER: Order! Members will cease interjecting.

Ms REBA MEAGHER: It is interesting that the member for North Shore should wave around the journal of the Nurses Association of New South Wales, because I have a small document in which the member for North Shore outlined her policy finances for New South Wales. Not only was there a promise of only 500 nurses over four years—

Mrs Jillian Skinner: That's not true.

Ms REBA MEAGHER: This is your document. Do you stand by it, or not?

The SPEAKER: Order! I call the Deputy Leader of the Opposition to order for the third time.

Ms REBA MEAGHER: The member for North Shore is now backing away; she is embarrassed by her election commitments. There is nothing in the document about providing education for nurses, nothing to match the scholarships that have been offered by the Labor Government, and nothing to support nurses in the

wards. In fact, those opposite were going to feed nurses to WorkChoices. They offer nothing to the medical workforce, nothing to the nursing workforce, and nothing to public hospitals or public health in New South Wales. They stand condemned for their failure to make a contribution, or indeed advance an idea.

Mr Brad Hazzard: Point of order: I understand the difficulty of maintaining order in the House when the Minister is seeking to debate the issue across the Chamber. That is what has been happening for the past few minutes. Standing Order 130 states that the Minister is not entitled to do that. I ask that you bring her back to the question.

The SPEAKER: Order! The shadow Minister has continually interrupted the Minister's answer. While the question relates to her shadow portfolio, she should not interrupt the Minister. There is no point of order. The member for Wakehurst will resume his seat. I ask the Minister to conclude her answer.

Ms REBA MEAGHER: I take on board the comments of the member for Wakehurst and sadly point out to the House that in fact those opposite have advanced no more ideas for me to contest.

Mrs Jillian Skinner: Point of order: The Minister is misleading the House. I ask her to be honest in her reply.

The SPEAKER: Order! There is no point of order.

TRAIL BIKES

Mr GREG PIPER: My question is directed to the Minister for Police. Noting the issues raised by the member for Cessnock yesterday, will the Minister outline any plans for a response to the growing problem of illegal use of trail bikes in bushland and residential areas within the area of the Lake Macquarie Local Area Command?

Mr DAVID CAMPBELL: I thank the member for Lake Macquarie for his question about this issue and I note that it is also of interest to the member for Cessnock. Indeed, it is of interest to a number of members in the Chamber who represent electorates around the State—and, as the member for Keira, I also put up my hand in that regard. I know that police around the State have from time to time undertaken operations to target motorbike riding and trail bike riding in illegal situations involving trail bikes. For example, I know that the member for Monaro is particularly interested in this issue and has taken it up as well. It is an issue of importance around the State and is often subject to joint operations between the police, the Environment Protection Authority [EPA] and the National Parks and Wildlife Service. I know from experience that adjoining local area commands often undertake joint operations and activities in this regard.

I understand that the Lake Macquarie Local Area Command currently has two trail bikes and has officers trained in the use of those vehicles. The officers are involved in both reactive and proactive activities targeting illegal trail bike riding within the Lake Macquarie command. Furthermore, I understand that local police conduct at least four large-scale multi-agency operations per year with the National Parks and Wildlife Service and Forests NSW. These operations are held in the national park and State forests within the local area command and target all forms of illegal activities. I understand that in 2007 Lake Macquarie trail bike officers issued 220 infringements, laid 56 charges and confiscated two unregistered trail bikes. So far in 2008 those same officers have issued 17 infringements and laid 25 charges.

Acting Superintendent Garry O'Dell from the Lake Macquarie Local Area Command assures me that the command is committed to working with the community to address any concerns about illegal trail bike riding within the command and more generally across the Hunter region. I have extreme confidence that Acting Superintendent O'Dell and other local area commanders will continue to work together and with other agencies to target this type of activity. I encourage local members, as I often do, to encourage their own communities to give police information as to where and when these events are happening so that the police can use that intelligence to plan their operations. At the end of the day those specific operations are the responsibility of operational police at the local area command level.

PUBLIC HOUSING ANTISOCIAL BEHAVIOUR

Mr BARRY COLLIER: My question without notice is addressed to the Minister for Housing. What steps is the Government taking to address antisocial behaviour in public housing?

Mr MATT BROWN: I thank the member for Miranda for his question and commend him for his ongoing interest in, and dedication to, making sure that the communities in his electorate are safe and peaceful places for residents. The Iemma Government takes a hard line against antisocial behaviour. Antisocial behaviour is never acceptable, but I point out at the outset that the bulk of our public housing tenants are well-behaved, good people and law-abiding citizens who deserve respect and deserve to live their lives in peace. However, there are a number of thugs and idiots who want to hold loud parties, tenants who do not respect their property—

The SPEAKER: Order! Opposition members will cease interjecting.

Mr MATT BROWN: And they do not respect the property of others. The Government has brought in a number of initiatives to combat those particular tenants. First, we have strengthened tenancy agreements, with tougher sanctions against bad behaviour; and, second, we have introduced the tenant damage policy, under which tenants who damage property must pay for that damage. But one of the latest and most exciting initiatives of the Government is our 17 new antisocial behaviour officers. These officers have been put in hot spots across the State where tenants are misbehaving. If the bad behaviour of those tenants continues, the officers collect the evidence required, take the tenants to the Consumer, Trader and Tenancy Tribunal, and evict them.

We know that there are many reasons why some people might not behave in the way that their neighbours want. For example, some might have mental illnesses, and our officers would put those tenants in contact with the medical support they need. Some tenants may have problems with their children, and opportunities and services will be provided for them. There are some examples worth noting. The children of a particular tenant were running around their neighbourhood, spraying graffiti, vandalising other people's property and making a real nuisance of themselves. Their neighbours were complaining. Our officers worked with the mother, who undertook some parenting courses, and helped the kids with some educational opportunities. The tenant has now written to all her neighbours apologising for her kids' bad behaviour, the children are back at school and there are no longer any incidents.

Unfortunately, not all situations end like that. One particular tenant continuously held parties with her friends and behaved in a drunken and abusive manner. Our officers continually tried to sort out the situation but the tenant completely flouted the laws time and time again. With the assistance of police officers, enough evidence was gathered to take the matter to the Consumer, Trader and Tenancy Tribunal. We hear a lot of noise and claptrap from Opposition members so I wanted to see what was their policy in relation to antisocial behaviour.

The SPEAKER: Order! I ask members to conduct private conversations outside the Chamber.

Mr MATT BROWN: The spotlight has been on the Opposition a lot lately for not having a single policy or plan—whether it is for electricity or what have you—so I searched the Opposition's website. It had a couple of pictures. There was a photograph of the so-called State Leader of the Opposition and a photo of the so-called Federal Leader of the Opposition, Brendan Nelson. I found the housing icon, clicked on it, and up came a blank page. It was so blank it looked like the face of the member for Bega when he is asked where his electorate is.

The SPEAKER: Order! The House will come to order. I am confident that the Minister's answer will come to a conclusion.

Mr MATT BROWN: I did come to a conclusion—that is, I have no idea. I looked at the Liberal Party's election policy document, which is one of the flimsiest documents I have ever seen. There is more substance in a Kmart catalogue than there is in this piece of advice. Flipping through it I did not find a single policy on antisocial behaviour, environmental sustainability, or maintenance. This is the housing document of the Liberal Party and there is not a single public housing policy in it.

Mr Kevin Humphries: Point of order: My point of order relates to relevance under Standing Order 129.

The SPEAKER: Order! Government members will remain silent.

Mr Kevin Humphries: I was looking forward to hearing what the Government was doing in relation to public housing and to antisocial behaviour. The Minister must answer the question. He knows that he has failed in this respect. The Minister has failed those who require public housing.

The SPEAKER: Order! The member for Barwon will resume his seat. I place the member for Barwon on three calls to order. If he takes a point of order in the future he will follow the correct procedure.

Mr MATT BROWN: This document contains no policy on electricity or housing. Getting back to antisocial behaviour officers, let me tell Opposition members how well they have done. Since they came to work in July last year as a result of the Iemma Government's initiative, 330 cases have been referred to them and 190 of those 330 cases have been resolved satisfactorily. That is 190 fewer social flashpoints around New South Wales. I congratulate those officers on their work in training staff in Housing NSW and other services in New South Wales, and on working with other services. I say to the member for Miranda that in contrast to Opposition members the Iemma Government has a policy and plan in housing, electricity and all other areas of government policy. Our housing officers are doing great work and congratulations go to all of them.

Question time concluded.

REGISTER OF DISCLOSURES BY MEMBERS

The SPEAKER: I table the Supplementary Ordinary Returns by Members of the Legislative Assembly as at 31 December 2007.

Ordered to be printed.

PETITIONS

Edgecliff Interchange Upgrade

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

Pymont to Town Hall Bus Service

Petition requesting a 10-minute bus service between Pymont foreshore via Broadway to Town Hall, received from **Ms Clover Moore**.

Hawkesbury River Railway Station Access

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

CountryLink Pensioner Booking Fee

Petitions requesting the removal of booking fees charged to pensioners on CountryLink services, received from **Mrs Shelley Hancock** and **Mr Daryl Maguire**.

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**.

Public Library Funding

Petition requesting increased funding for public libraries, received from **Mr Daryl Maguire**.

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**.

Shoalhaven Mental Health Services

Petition requesting funding for the establishment of a dedicated mental health service in the Shoalhaven, 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

Petition calling for allocation of more police resources to rural and regional communities throughout New South Wales, received from **Mr Steve Cansdell**.

Grafton Bridge

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

Licence Laws for Older Drivers

Petition asking for an inquiry into licence laws for older drivers and the implementation of a suitable licensing system for senior citizens, received from **Mr Daryl Maguire**.

Falls Creek Traffic Arrangements

Petition requesting consultation with residents concerning the intersection of the Princes Highway and Parma Road, Falls Creek, received from **Mrs Shelley Hancock**.

Rathmines Traffic Arrangements

Petition requesting upgrading of the intersection of Dorrington Road and Wangi Road, Rathmines, received from **Mr Greg Piper**.

Pet Shops

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

Queensland Fruit Fly Eradication

Petition requesting funding for local councils to conduct fruit fly eradication programs in the Albury electorate, received from **Mr Greg Aplin**.

BUSINESS OF THE HOUSE**Reordering of General Business**

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.35 p.m.]: I move:

That the General Business Notice of Motion (General Notice) given by me this day [Electricity Privatisation] have precedence on Thursday 8 May 2008.

I seek precedence for this notice of motion because the Premier would like us to believe that in ignoring 800 Labor Party delegates at a party conference he has shown leadership when nothing could be further from the truth. True leadership would have meant taking this issue, his true privatisation plan, to seven million people in New South Wales before last year's State election. The Premier must be reflecting on those famous words by Walter Scott:

Oh what a tangled web we weave
When first we practice to deceive!

I seek precedence for this debate—

Mr Andrew Fraser: This is not the first time.

Mr ANDREW STONER: No, it is not the first time. I seek precedence for this debate because this Premier has failed to answer one very basic question about his proposed electricity sell-off. How did it escape attention before the budget? Do members remember the State infrastructure strategy? It was not mentioned. There is no mention of the power sell-off in the State Plan let alone the 2007-08 budget. The Premier spent millions of taxpayers' dollars promoting those documents—the so-called State Plan and other documents—but he left out the basic detail. He now has the gall to claim a mandate in relation to power privatisation. I refer, again, to those fateful words:

Oh what a tangled web we weave
When on many occasions we practice to deceive!

Yesterday the Premier attacked the Opposition for wanting the details of his privatisation plan. It would be irresponsible and a breach of our duty of care to the public if we were not to obtain full details of what, after all, is a complex and major privatisation plan. But there are no details. The Premier was asked again for more details and he failed to give those details to the public, let alone to the Opposition. One day he talks about complete privatisation and the next day he talks about a public-private partnership. On which model does he want us to take a position? He keeps moving the goalposts. It is as though the Government is making it up as it is going along.

We must debate this issue especially given this Government's track record on its appalling deals with business, including the Cross City Tunnel, the Tcard and the desalination plant debacle. This proposed privatisation has been a circus from day one for one simple reason: the Premier is completely out of his depth. A man with very limited life experience, no business experience and no management experience is trying to manage a multi-billion dollar—

Ms Virginia Judge: Point of order: My point of order relates to relevance under Standing Order 76. The member should restrict his comments to the point that he is debating, if that is possible.

The SPEAKER: Order! The Leader of The Nationals will confine his remarks to the leave of the motion.

Mr ANDREW STONER: It is important that we debate this matter as soon as possible. This Government has botched everything else it has touched in its dealings with business, but as yet we have not seen a deal of this magnitude. Members of the public want this issue to be debated. The Labor Party has resorted to its old modus operandi of sorting things out in the backroom with its Labor and union mates. Today the Premier admitted that these discussions were taking place behind closed doors with the Australian Labor Party campaign committee. Who is running this State? When did the public get a look in, or is it just Karl Bitar, Luke Foley and a few Australian Labor Party officials? That sort of behaviour might have taken place in Communist Russia but not in New South Wales.

Today when members of the Opposition asked a pertinent question and someone interjected and asked, "How much are the unions getting?", the Minister for Small Business, the Hon. Joe Tripodi, stated in this place—it was witnessed by a number of members—"The more the better." That is what is taking place, which is why this issue must be debated. This matter deserves to be debated because country and coastal communities have serious concerns about the impact of this half-baked and moving feast of a privatisation plan on jobs, electricity prices and service levels, especially when the Premier admitted again today that no rural community impact statement had been undertaken. I urge members to debate this issue tomorrow. [*Time expired.*]

Mr JOHN AQUILINA (Riverstone—Leader of the House) [3.40 p.m.]: Today the Leader of The Nationals asked the rhetorical question, "Who is ruling this State?" Thank God that Opposition members are not ruling this State because they have no policies and no idea. Time and again Opposition members criticise and condemn. They are always quick to do that but they never have any positive ideas or policies with which to run this State. It should not be forgotten that Opposition members had the hide to criticise the Premier today about what happened before the last election. What did they do before the last election when they were resoundingly defeated?

Where was their water policy during the extreme drought? They did not have one. Where was their electricity policy when they criticised the Government leading up to the election? They did not have a policy. Where was their transport policy? They did not have one. Where was their budget policy? Again, they did not have one. It is no wonder they were defeated: they went to an election without any policies. Now they have the hide to criticise the Government over a process that has probably been the most open policy debate in the history of this State. The only thing missing is that the Opposition has not raised its hand in this debate. It has been nowhere for the past six months while the Labor Party has openly debated the electricity issue. The debate has been open and very public and everyone has had the opportunity to contribute.

The Leader of The Nationals has the hide to talk about backroom deals. As the member for Monaro pointed out, last weekend 800 delegates attended the Labor Party conference and the whole world was able to witness the Labor Party's proceedings. In fact, yesterday the *Sydney Morning Herald* succinctly put it when it said the Opposition has been nowhere in deciding government issues in this State. This debate within the Labor Party put forward the pros and cons. It is an open process in which arguments for and against have been debated and continue to be debated openly, but the Leader of the Opposition and the Opposition are absolutely nowhere in this debate. The Opposition has no right whatsoever to criticise and condemn the Government.

The Premier was asked as recently as this afternoon to provide details, and he gave a detailed answer to that question. He indicated that in the meeting this morning he met with members of the Australian Labor Party campaign committee. The Premier indicated that at that meeting the finer details of the Government's energy reform plan were not discussed. He said that as recently as this afternoon. The Premier has been open about all of this. The Premier has been out there publicly canvassing the matter with the media. The Premier has been out there discussing the issue with the major powerbrokers. The Premier has been out there talking with the unions and with the workers. The issue has been discussed within the Parliament. In fact, the Premier has been out there openly discussing and debating this matter.

The SPEAKER: Order! The member for Murray-Darling will resume his seat.

Mr JOHN AQUILINA: The only people who have not been involved with this at all, the only people who have not added one single comment on this whole issue other than to criticise have been Opposition members. Where are their policies and plans? Where is their input regarding the governing of this State?

Ms Virginia Judge: Zero.

Mr JOHN AQUILINA: Absolute zero, as the member for Strathfield says, and that zero indicates the Opposition's total irrelevance to the whole issue of the governance of this State. That is what this motion is all about: wasting the time of this House because Opposition members have nothing positive to offer. They have nothing positive to put forward. All they do is carp, criticise and condemn. That is all they are capable of and that is all they ever do. They never have anything positive to say or to put forward.

Mr Brad Hazzard: Point of order. The member for Riverstone suddenly drew my attention to the word "irrelevance", which reminded me of Standing Order 59: "The Speaker may direct a Member to discontinue a speech if the Member persists in irrelevance or tedious repetition." The member for Riverstone has been saying the same thing for 4 minutes and 30 seconds. Can you please move onto something new, John, or just go away?

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

Mr JOHN AQUILINA: It is not a question of tedious repetition. It is an issue of the Opposition's continuing irrelevance. [*Time expired*]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 38

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

Noes, 49

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

Pair

Mrs Hopwood

Mr Gibson

Question resolved in the negative.**Motion negatived.****BUSINESS OF THE HOUSE****Withdrawal of Business****General Business Notice of Motion (General Notice) No. 1 withdrawn by Ms Gladys Berejiklian.****CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY****Disability Services**

Dr ANDREW McDONALD (Macquarie Fields) [3.51 p.m.]: I ask that the following motion be accorded priority:

That this House:

- (1) congratulates the Prime Minister on his \$1 billion commitment to disability services in Australia;
- (2) notes that the \$1 billion commitment includes an additional \$100 million in immediate capital works funding for supported accommodation which will make a significant difference to people with disabilities, their families and their carers;
- (3) notes that the Prime Minister's announcement is a massive endorsement of the Premier's \$1.3 billion Stronger Together Plan which is already delivering better services and facilities to people with a disability across New South Wales; and
- (4) calls on the Leader of the Opposition to detail his alternative plan.

It is time for our Parliament to discuss disability, a most important issue that affects us all. The countries that run the best services for the disabled have one guiding principle: disability is something that can affect every family. We know that the need for services for the ageing and the disabled is growing. For this reason disability services need to be core business at every level of government. Today is an important day. It was not until the evening of 24 November 2007 that the member for Bega miraculously and suddenly began calling on the Federal Government to give its fair share of disability funding. He reminded me of St Paul being blinded by the light on the road to Damascus. We need to hear from the member for Bega today.

Infrastructure Spending

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [3.53 p.m.]: There is no bigger problem across New South Wales than the lack of infrastructure. Those of us who are active local members know that that includes disability services, which the member for Macquarie Fields has raised. We all know that there are too many young people in nursing homes across this State because for 13 years the Government has refused to invest in appropriate accommodation for those disabled people. Over 13 years plan after plan has been rolled out, promising grand infrastructure investment. Action for Public Transport promised everything this city could want and more—fast rail links to the Illawarra, fast rail links to the Hunter, and even more. WaterPlan 21 was trotted out. We were told the plan would secure Sydney's water supply for a generation. We were promised the delivery of a dual carriageway for the Pacific Highway. Those promises have not been fulfilled.

But worse than that, over the same period—a period in which infrastructure was needed—repeatedly the Government has underspent its capital expenditure budget. Last financial year alone there was an underspend of \$449 million—at a time when the State was crying out for improved infrastructure. Six years ago we had the Bob the Builder budget, which promised the delivery of infrastructure. Last year we had the promise of a \$50 million infrastructure budget. Yet, today we hear the claim that unless we sell the State's electricity assets there will be no money to invest in infrastructure. We agree that we need improved infrastructure. However, we do not know how the Government will deliver that improved infrastructure. For 13 years the Government has received \$15.7 billion in windfall revenues—that is, revenue over and above what the Government anticipated in its annual budgets.

Did the Government use that money to improve infrastructure in New South Wales? The answer is no. The answer is no according to anyone who catches a train in this city. The answer is no according to anyone who has a child in a public school across New South Wales, as I do. The answer is no according to anyone who goes into hospital across this State. The answer is no according to anyone who turns on a tap in this town to try to get some water. And the answer is no, given that the State Government is being forced to sell the State's electricity assets because, as Owen admits, there has been too little investment over 13 years. This is a State Government that has failed, with \$15.7 billion, to do what the community expected: to invest in infrastructure to ensure it keeps pace with community and industry demands. Yet, the Government's commitment to the sale of the State's electricity assets is now apparently hinged upon part of those proceeds being invested in infrastructure.

On 11 December the Treasurer said that he thought we would get more than \$15 billion for the State's electricity assets—in other words, about the same amount of money the Government has received in windfall revenues over the past 13 years. We are being told by those opposite—without any details, plans or assurances—that that money will be used to improve infrastructure across New South Wales. No member of this House believes that infrastructure across this State does not deserve to be improved; no member of this House believes that there are not pressing infrastructure needs in every electorate. What we do not have the details on—and what the Premier today confirmed we will not have the details on for some time—is what assurances we have that the proceeds of any sale of the State's electricity assets will be any more wisely invested in State infrastructure than the \$15.7 billion in windfall taxes and other revenues received over the past 13 years.

We have stony silence from the Premier and the Treasurer on this issue. Where will the funds go? How will those funds be controlled? What assurances do taxpayers and the users of services in which infrastructure investment is required have that the money will be used more wisely? That is why the State Government has to start to come clean with the public of New South Wales. That is why I argue that the Premier has an obligation to the public and taxpayers to detail the elements of his scheme, including what guarantees we will all have that the proceeds from any sale will be invested wisely. The Premier is happy to do the backroom deals; he is happy, apparently, to sell at any cost. However, he will not detail the inducements being offered; he will not detail the cost of those inducements; he will not even tell us whether external or Treasury advice is being put forward in relation to the compromises on the table. It is about time the Premier put the public interest ahead of political interest. It is time this came out of the back rooms, out into the light, and we all had a chance to have a say.

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

The House divided.

Ayes, 49

Mr Amery	Mr Greene	Mr Morris
Ms Andrews	Mr Harris	Mrs Paluzzano
Mr Aquilina	Ms Hay	Mr Pearce
Ms Beamer	Mr Hickey	Mrs Perry
Mr Borger	Ms Horner	Mr Rees
Mr Brown	Ms Judge	Mr Sartor
Ms Burney	Ms Keneally	Mr Shearan
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 McMahon	<i>Tellers,</i>
Ms Firth	Ms Meagher	Mr Ashton
Ms Gadiel	Ms Megarity	Mr Martin

Noes, 38

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

Pair

Mr Gibson

Mr Hazzard

Question resolved in the affirmative.**DISABILITY SERVICES****Motion Accorded Priority****Dr ANDREW McDONALD** (Macquarie Fields) [4.06 p.m.]: I move:

That this House:

- (1) congratulates the Prime Minister on his \$1 billion commitment to disability services in Australia;
- (2) notes that the \$1 billion commitment includes an additional \$100 million in immediate capital works funding for supported accommodation which will make a significant difference to people with disabilities, their families and their carers;
- (3) notes that the Prime Minister's announcement is a massive endorsement of the Premier's \$1.3 billion Stronger Together Plan which is already delivering better services and facilities to people with a disability across New South Wales; and
- (4) calls on the Leader of the Opposition to detail his alternative plan.

I have spent my life working with children with disabilities. It is now the main workload of paediatricians. For example, children with severe cerebral palsy now have a survival rate of 90 per cent to age 20. For this reason,

disability services need to be the core business of every level of government. When carers of the disabled are asked, they say that services need to have three basic rules: do it right, make it easy and do it with care. For too long the Howard Government's policy was to play the blame game—a game that helped no-one. Since the election of the Rudd Labor Government we have turned the corner and ended the blame game between the State and the Commonwealth.

We need look no further than the announcement on the weekend that the Prime Minister has committed \$1 billion to disability services in Australia. This commitment, \$100 million of which is for immediate capital works, will make an enormous difference to people with disabilities. The Prime Minister's announcement is a massive endorsement of Premier Iemma's spending and policy priorities, and will complement the \$1.3 billion Stronger Together plan for New South Wales. The Howard Government's idea of helping people with a disability was to establish a duplicate system, duplicating administrative costs and making the system confusing for those it was supposed to be helping. As one working in the field, I found it extremely confusing; it was difficult to work through a tangled web of services.

[Interruption]

I note the interjection of the member for Bega, who said that it is a State responsibility. I say it is the responsibility of every level of government and every person in this society. By now allocating this money through the Commonwealth State Territory Disability Agreement [CSTDA] we can maximise the benefit this will provide to people with a disability. The new announcement of funding will form part of the new agreement, which underpins the disability system in New South Wales. It identifies national policy priority areas. It commits both levels of government to specified levels of funding and provides a performance reporting framework for disability services. The third Commonwealth State Territory Disability Agreement expired in 2007, but was extended to allow for negotiations on this new agreement.

I am proud that the Iemma Government has committed a record \$1.3 billion funding boost for disability services under our Stronger Together plan. During the five-year life of the third agreement the Howard Government contributed approximately \$950 million, while the New South Wales Government provided more than \$4.4 billion. The contribution of the former Commonwealth Government reduced from 19 per cent to just 16 per cent of annual funding over the life of the agreement. That happened at a time of Federal budget surpluses and would have reduced to zero if it were a State responsibility as the member for Bega said. I am pleased to advise the House that the Federal and State Ministers are getting on with the job of providing services and have already met to begin discussions on the next Commonwealth State Territory Disability Agreement. This marks a new spirit of cooperation on disability services. Ministers have already agreed on the key priorities that will form the development of a national disability strategy. This will help the States and the Commonwealth to work together to prioritise areas under the agreement. The Ministers will be meeting again in May 2008 in New South Wales.

The Iemma Government will continue to argue strongly for a fair share of Commonwealth funds for disability services for New South Wales. It is proud to welcome the Rudd Labor Government's \$1 billion investment commitment. That is in stark contrast to the Opposition's plans today. During our negotiations with the previous Federal Government, not once did the member for Bega ever stand up to his mates in Canberra and demand a fair share of funding for New South Wales. Not once did he back the Government when it called for a matching of our Stronger Together funding from the Federal Government. Not only has the member for Bega been silent on the negotiations about the Commonwealth State Territory Disability Agreement, but he has also been completely silent on what the Opposition would do for disability services if it were in government. Today is his day too.

It is time for the Opposition to tell the people of New South Wales whether it will support Stronger Together. Will it support the increase of 1,400 supported accommodation and in-home support places? Will it support 1,000 new therapy places? Will it cut the Family Assistance Fund and Intensive Family Support Service? Will it keep the 1,062 new respite places—more than it has ever had, I know because I have used them? Will it continue to fund the Transition to Work Program, which sees nearly 70 per cent of school leavers with a disability go to jobs or higher education? Does it support the significant increase in our attendant care places?

Is the Opposition sticking to the only idea the member for Bega has managed to produce to date: that it is time for the Government to consider opting out of accommodation services altogether? Today the new one is

that it is purely a State responsibility. In a recent interview on radio the member for Bega stated, "We're developing our own policies." I suggest that today is a good day for the Opposition to tell us its policies. The mark of a decent society is one that takes care of all its citizens. With the Rudd Labor Government, we no longer need to go this alone. The Iemma Government welcomes this new era of cooperation.

Mr ANDREW CONSTANCE (Bega) [4.13 p.m.]: I move:

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

this House:

- (1) condemns the Prime Minister and the New South Wales Government for cutting funding to the Commonwealth State Territory Disability Agreement [CSTDA] by \$124 million;
- (2) notes that 95 per cent of people with a disability who applied for supported accommodation through the New South Wales government were rejected, some 1,511 people;
- (3) notes the cut to the capital works budget of the Department of Ageing, Disability and Home Care by 10 per cent and 19 vacant group homes owned by the department; and
- (4) calls on the New South Wales Government to invest in supported accommodation.

I have moved my amendment because the member for Macquarie Fields failed to address these issues. If one were to refer to the Australian Labor Party Election-07 Disability and Carer's Policy one would see that it states that a Rudd Labor Government will bring "\$962 million in funding for disability services which is currently outside the CSTDA back into the agreement, and provide it to the States and Territories on a dollar for dollar matching basis". Last weekend in the Premier's address to the Australian Labor Party conference he stated, "in this budget we are investing \$900 million in the new Commonwealth State Territory Disability Agreement for the planning and management of disability services, including respite supported accommodation, community support and community access". The investment \$962 million has gone down to \$900 million that is supposed to be matched by the States. An amount of \$124 million has been immediately cut out of this process by this wonderful new-found spirit of cooperation between State and Federal Labor governments. They have been caught with their pants down.

Mr Daryl Maguire: Exposed.

Mr ANDREW CONSTANCE: They will continue to be exposed. When the announcement was made of the \$100 million, Rudd did not say it was over four years or that it was going to all States. At best, if one were to work on a population basis, New South Wales might get \$33 million over four years, which will not do anything for the 1,511 people who missed out last year. Certainly it will not do anything for the 8,000 people in this State who need supported accommodation, and therein lies the point. The Iemma Government has repeatedly ignored the calls of carers, non-government organisations and community-based organisations who seek more investment in supported accommodation in New South Wales.

It is worth examining the Stronger Together plan, which the New South Wales Liberal-Nationals Coalition said it would sign up to and support before the last State election. The Coalition went further and announced a number of other policies, which organisations such as the Council of Social Service of New South Wales [NCOSS] called on the Labor Government to match. It was acknowledged that the Coalition developed a better policy package than the Government at the last State election. In relation to the Stronger Together plan, the Government should read the "A fairer NSW: social and economic priorities for a fair and sustainable community" report released by NCOSS for the State budget. I encourage the member for Macquarie Fields, and the Minister whose office obviously wrote the speech for him, to read the report. On page 47 it states:

In its June 2007 Report on Current and Future Demand for Specialist Disability Services, the Australian Institute of Health and Welfare ... provided estimates of unmet need in the year 2005 for a range of disability supports, including accommodation and respite services. Using these estimates, NSW could have an unmet need for accommodation and respite services in 2005 of just under 8,000 places.

This unmet need for 8,000 places in 2005 is alarming given that planned spending on supported accommodation in NSW under both *Stronger Together* and the *Disability Assistance Package* could provide up to only 1,933 places by 2012 or seven years after the identified unmet need.

Similar calculations could be made for respite. That means that at best Stronger Together can fund approximately 20 per cent of those needing supported accommodation in New South Wales. This is at a time

when the Iemma Government cut the capital works budget for the Department of Ageing, Disability and Home Care by 10 per cent in the last State budget, when 19 vacant group home properties managed by the department are unoccupied and when people are screaming out for supported accommodation. That information has come through the budget estimates process; it is not being made up. Those are the answers to questions the Opposition put to the Government through budget estimates. It has been exposed.

We have not only the Rudd and Iemma governments getting together and fiddling in a mean and tricky way with numbers for the Commonwealth State Territory Disability Agreement, but we also have examples—for the assistance of the member for Macquarie Fields—where at a State level the Government has responsibility for delivering services. Why on Earth would those thousands of carers and people with a disability have any faith in the State Government to provide them with the services they need? They are screaming out, they are coming to my office in droves and they are going to the Minister's office in droves because the State Government does not care about the way in which it manages community assets to provide those services.

I thank the member for Macquarie Fields for confirming on the record that his Minister spent the 12 months prior to the last Federal election demanding that the Commonwealth match the \$1.3 billion that was set out in the Stronger Together plan. Since the last Federal election we have not heard boo from the Minister in relation to that point. She has seemingly lost her ticker for chasing that additional funding. The member for Macquarie Fields failed to mention that I had dealings with Mal Brough's office on this issue. The office announced a policy of matched funding on new dollars for supported accommodation, a funding package that the Iemma Government rejected out of hand.

Mr NINOS KHOSHABA (Smithfield) [4.20 p.m.]: Both the Iemma State Government and the Rudd Federal Government recognise the need to invest in disability services. The Iemma Government has committed \$1.3 billion in disability services in New South Wales through its plan, Stronger Together, and already it is exceeding its targets for new and innovative services for people with a disability, their families and carers. And that is why the Iemma Government welcomes the new investment of \$1 billion, including an extra \$100 million in immediate capital works funding for supported accommodation to disability services in Australia, which was announced by the Prime Minister last weekend.

The Iemma Government is providing real, practical help that people with a disability and their families and carers need. The new money announced by the Prime Minister will enhance the Iemma Government's \$1.3 billion plan for New South Wales Stronger Together. Stronger Together details how the Government will provide greater assistance and long-term practical solutions, backed with \$1.3 billion in new funding over the first five years. Stronger Together focuses on three key goals: strengthening families, so that children with a disability can grow up with a family in the community; promoting community inclusion, or "Count Me In Too", so that adults with a disability have more opportunities to participate in paid employment or in the community; and improving the disability services system's capacity and accountability. This will provide clearer entry and exit points based on need, it will provide quality and value for money and will improve accountability, practices and policies.

Stronger Together includes \$192 million this financial year, following the \$154 million provided last financial year. The announcement by the Prime Minister will build on the important work the Iemma Government is doing to expand supported accommodation services to people with a disability. More than 8,500 supported accommodation and intensive in-home support packages are provided across New South Wales for people with a disability. Since 1999 more than 1,600 people with a disability received new supported accommodation or intensive in-home assistance. Under the Government's Stronger Together plan 990 new specialist accommodation support places will be provided over five years.

Stronger Together will provide more support to enable adults with a disability to live in their local community. The Government will focus on greater assistance and flexible options and on developing a wider range of specialist support services. Through Stronger Together the Government will invest an additional \$48 million to support innovative approaches. Stronger Together and the initiatives that are being rolled out as part of this comprehensive 10-year plan represent real progress in improving the quality of life for people with a disability and their families. The endorsement by the Federal Government and its added investment is welcomed by the Iemma Government. We now call on the Opposition to tell us what its plan is to assist people with a disability, their families and carers. The member for Bega is upset that in an election policy the Federal Labor Party referred to putting \$962 million into the Commonwealth State Territory Disability Agreement. [*Time expired.*]

Mrs JUDY HOPWOOD (Hornsby) [4.23 p.m.]: I support the amendment moved by the member for Bega. I am disappointed that this is the second debate on this matter for which the Minister for Disability Services has not been present. The member for Bega is a hardworking shadow Minister for Disability Services. His amendment states that the Iemma Government should be condemned for cutting funding to the Commonwealth State Territory Disability Agreement in concert with the Rudd Government by \$124 million, notes that 95 per cent of people with a disability who applied for supported accommodation through the Iemma Government were rejected—that is some 1,511 people—and notes the cut to the capital works budget of the Department of Ageing, Disability and Home Care by 10 per cent. The amendment notes also that 19 group homes owned and managed by the department are still vacant.

In my electorate there is a number of people with children and relatives with a disability, and I speak about their needs on a regular basis. I have had many meetings at which individuals and families have sought independent living for their loved one, which has been either a huge challenge or an impossibility. The Rudd Government's recent announcement is a drop in the ocean in meeting the unmet, real needs for disability services in our communities. For example, I draw attention to young people living in nursing homes. It is an absolute scandal that 2,000 young people reside in nursing homes in New South Wales because they cannot find independent, appropriate accommodation. The only places in which they can be accommodated are nursing homes.

I will continue to work with parents and families who have young people in nursing homes. The plight of Gordon and Margaret Fuller comes immediately to mind. Their daughter, Fiona, has resided in a nursing home for 10 years. Mr and Mrs Fuller are hopeful that of the two places that will become available in the northern area of Sydney, one will be for Fiona. I draw the Minister's attention to that fact. The Iemma Government has let down severely the people of New South Wales in relation to the provision of disability services. The Government's failures include the lack of accommodation for people with a disability. The Australian Institute of Health and Welfare's June 2007 Report on Current and Future Demand for Specialist Disability Services provided estimates of unmet need for accommodation and respite of just under 8,000 places in 2005. People are missing out right, left and centre. [*Time expired.*]

Ms TANYA GADIEL (Parramatta—Parliamentary Secretary) [4.26 p.m.]: I have looked into my crystal ball and I predict that the Government will not support the amendment moved by the member for Bega. The member for Bega misled the House in relation to capital works. I am advised that there has been no change in the Government's commitment to capital works projects. Some change has been made to the rollout of capital works, and the Iemma Government remains on target in its commitments under the Stronger Together plan. The member for Bega knows that already, as the Minister for Disability Services corrected him in her answer to him on this issue on 20 June 2007. Once again, the Opposition is showing a complete lack of understanding of how governments work. The member for Bega seems to be upset that in an election policy the Federal Labor Party committed to putting \$962 million into the Commonwealth State Territory Disability Agreement and now Prime Minister Rudd has committed \$1 billion. The member for Bega should welcome that.

Mr Andrew Constance: Don't get tricky.

Ms TANYA GADIEL: I apologise if this is too complicated for the member for Bega to understand. Clearly \$1 billion is a lot more money than \$962 million. Again I have to refer to group homes. Once again the member for Bega is making claims about group homes being left vacant. For the benefit of the House, at any time we may have to make changes to group homes that are purchased as part of new properties. Moving people with a disability into their new homes must be done with care and respect. It is important that the appropriate modifications are made so that when they move into a property their needs are met. Moving people with high support needs into accommodation is not like a bunch of university students moving into a place and sharing a pizza that night. This is something the member needs to understand.

Dr ANDREW McDONALD (Macquarie Fields) [4.29 p.m.], in reply: I thank members for their contributions to the debate and urge them to support the motion.

Question—That the words stand—put.

The House divided.

Ayes, 50

Ms Andrews
Mr Aquilina
Ms Beamer
Mr Borger
Mr Brown
Ms Burney
Ms Burton
Mr Campbell
Mr Collier
Mr Coombs
Mr Corrigan
Mr Costa
Mr Daley
Ms D'Amore
Mr Draper
Ms Firth
Ms Gadiel

Mr Greene
Mr Harris
Ms Hay
Mr Hickey
Ms Hornery
Ms Judge
Ms Keneally
Mr Khoshaba
Mr Koperberg
Mr Lynch
Mr McBride
Dr McDonald
Ms McKay
Mr McLeay
Ms McMahan
Ms Meagher
Ms Megarrity

Mr Morris
Mr Oakeshott
Mrs Paluzzano
Mr Pearce
Mrs Perry
Mr Piper
Mr Rees
Mr Sartor
Mr Shearan
Ms Tebbutt
Mr Tripodi
Mr Watkins
Mr West
Mr Whan
Tellers,
Mr Ashton
Mr Martin

Noes, 35

Mr Aplin
Mr Baird
Mr Baumann
Ms Berejiklian
Mr Cansdell
Mr Constance
Mr Debnam
Mrs Fardell
Mr Fraser
Ms Goward
Mrs Hancock
Mr Hartcher

Ms Hodgkinson
Mrs Hopwood
Mr Humphries
Mr Kerr
Mr Merton
Mr O'Dea
Mr O'Farrell
Mr Page
Mr Piccoli
Mr Provest
Mr Richardson
Mr Roberts

Mrs Skinner
Mr Smith
Mr Souris
Mr Stokes
Mr Stoner
Mr J. H. Turner
Mr R. W. Turner
Mr J. D. Williams
Mr R. C. Williams
Tellers,
Mr George
Mr Maguire

Pair

Mr Gibson

Mr Hazzard

Question resolved in the affirmative.**Amendment negatived.****Question—That the motion be agreed to—put.****Division called for and Standing Order 185 applied.****The House divided.****Ayes, 50**

Ms Andrews
Mr Aquilina
Ms Beamer
Mr Borger
Mr Brown
Ms Burney
Ms Burton
Mr Campbell
Mr Collier
Mr Coombs
Mr Corrigan
Mr Costa
Mr Daley
Ms D'Amore
Mr Draper
Ms Firth
Ms Gadiel

Mr Greene
Mr Harris
Ms Hay
Mr Hickey
Ms Hornery
Ms Judge
Ms Keneally
Mr Khoshaba
Mr Koperberg
Mr Lynch
Mr McBride
Dr McDonald
Ms McKay
Mr McLeay
Ms McMahan
Ms Meagher
Ms Megarrity

Mr Morris
Mr Oakeshott
Mrs Paluzzano
Mr Pearce
Mrs Perry
Mr Piper
Mr Rees
Mr Sartor
Mr Shearan
Ms Tebbutt
Mr Tripodi
Mr Watkins
Mr West
Mr Whan
Tellers,
Mr Ashton
Mr Martin

Noes, 35

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

Pair

Mr Gibson

Mr Hazzard

Question resolved in the affirmative.**Motion agreed to.****SUMMARY OFFENCES AND LAW ENFORCEMENT LEGISLATION AMENDMENT (LASER POINTERS) BILL 2008****Bill introduced on motion by Mr David Campbell.****Agreement in Principle**

Mr DAVID CAMPBELL (Keira—Minister for Police, and Minister for the Illawarra) [4.44 p.m.]:
I move:

That this bill be now agreed to in principle.

Over the past few months we have seen a dramatic rise in attacks on moving aircraft and other vehicles by people shining laser pointers into cabins or cockpits. This has to be one of the most mindless and gutless criminal offences I can think of as its sheer stupidity and potential to cause wilful damage is staggering. I find it hard to believe that the people who are shining laser pointer beams into the cockpits of 747 aircraft do not consider the possible ramifications of their actions. Surely they must realise that if they blind the pilot the result will be devastating. And, if that is the result, what could possibly be the rationale behind such an action? Complete idiocy is the only answer that I can come up with. While there are tough measures in place under the Crimes Act 1900 for when grievous bodily harm results from such actions, there are few actions police can take if intent cannot be proven or harm does not result.

The Summary Offences and Law Enforcement Legislation Amendment (Laser Pointers) Bill 2008 introduces by way of an amendment to the Summary Offences Act an offence for possession of any kind of laser pointer in a public place without a reasonable excuse. Similar to the scheme that exists for knives, people will be required to provide a lawful excuse as to why they possess a laser pointer in a public place. A person who is an amateur astronomer would have a legitimate excuse for possessing a laser pointer in a public place, as would a teacher or lecturer. An architect or builder may also have a lawful excuse. But a person who has no link to a hobby, occupation, education, training or specified need and who possesses a laser pointer in a public place without a reasonable excuse may face up to two years imprisonment or a fine of up to \$5,500.

The bill amends also the Law Enforcement (Powers and Responsibilities) Act by including laser pointers as a dangerous implement pursuant to section 3 (1) of the Act. This has the effect of providing police with the power to request a person who is in a public place to submit to a frisk search if the police officer suspects on reasonable grounds that the person has a laser pointer in his or her custody. A police officer also has the power to confiscate the item. Unlike other dangerous implements, the frisk search power applies only in public places; it does not apply to schools. This is because there was no police intelligence that young people

were the primary offenders or that the offences were taking place in schools. The bolstering of police powers was necessary because of the difficulties in catching an offender for this particular crime type.

Typically, if a laser pointer attack is reported police will be called to a general area from which lasers have been seen, perhaps having been reported by pilots via air traffic control. By the time police arrive people may be observed with laser pointers but, as the aircraft will have passed by some time ago, it may be difficult for police to determine that there has been dangerous use of the laser by a specific individual, unless there is an admission. Introducing an offence for possession of a laser pointer without reasonable excuse in a public place with the associated search and seizure powers will provide police with greater powers to charge offenders and, importantly, remove the offending article.

Also to be implemented is an amendment to the Weapons Prohibition Regulation 1999, which will include higher-powered laser pointers as prohibited weapons requiring a specific exemption or approval from the Commissioner of Police for their lawful possession and use. A maximum of 14 years imprisonment penalty applies. This will ensure that access to higher-powered laser pointers is limited only to those who are exempted from the requirement to own or possess a laser pointer, or who have been approved by the commissioner by way of a prohibited weapons permit. Such approvals are subject to criminal and probity checks and ongoing responsibilities, such as ensuring the safe storage of the item throughout the duration of the permit.

Prior to this system being introduced, sufficient lead-in time will be given to people so that they can either apply for an exemption or a permit, or surrender their laser pointer to police. The two-pronged approach proposed by the bill and the forthcoming regulation is an appropriate response to a serious crime. It will enable suitable police response when the crime has been committed and will also impose a robust but fair regulatory system to ensure that only fit and proper people with genuine reasons for use and possession are allowed access to the higher-powered versions, which can cause more serious damage. I commend the bill to the House.

Debate adjourned on motion by Ms Katrina Hodgkinson and set down as an order of the day for a future day.

APPROPRIATION (BUDGET VARIATIONS) BILL 2008

Bill introduced on motion by Mr Michael Daley, on behalf of Mr Frank Sartor.

Agreement in Principle

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [4.50 p.m.]: I move:

That this bill be now agreed to in principle.

The Appropriation (Budget Variations) Bill 2008 is a key part of the annual budget process. The 2007-08 budget was delivered before the start of this financial year. Throughout the year, the Government becomes aware of the requirement to cater for unforeseen and urgent expenditures that were not forecast at budget time. This Appropriation (Budget Variations) Bill 2008 ensures that variations to the 2007-08 budget are appropriated by Parliament. The bill ensures that there is a transparent process for examining this expenditure. So, the practice of seeking approval for supplementary funding to cover expenditure not provided for in the annual Appropriation Act now has become an important part of the annual budget process. This is a process that has been endorsed by the Auditor-General as well as the Legislative Council's General Purpose Standing Committee No. 1 in its report on appropriation processes.

The Parliament is aware that it is not always possible to seek Parliament's authority in advance for unforeseen and urgent expenditure, and has previously established provisions for such situations. This includes the Treasurer's Advance. The Treasurer's Advance is an amount made available to the Treasurer in the annual Appropriation Act to be used for unforeseen and urgent expenditure. This amount is available for both recurrent services, and capital works and services. The bill has three key features. Firstly, it provides an account to Parliament on how the Treasurer's Advance has been applied for recurrent and capital expenditure. Secondly, it seeks an adjustment of the 2007-08 advance prior to the end of the current financial year. Finally, it seeks appropriation for payments that are intended to be made in the current financial year where no provision was made in the annual appropriation bill.

The Government, in presenting further appropriation bills, has sought as far as possible to ensure that Parliament has the opportunity to scrutinise anticipated additional funding requirements prior to expenditures being incurred. The Appropriation (Budget Variations) Bill 2008 in respect of the 2007-08 financial year seeks

appropriations of \$190 million in adjustment of the advance to the Treasurer and additional appropriation of \$218 million for recurrent services. Schedule 1 to the bill has an account of how the Treasurer's Advance has been applied this year. The Treasurer's Advance payments in 2007-08 highlight the commitment of the Iemma Government to ensuring appropriate services for the community, and include such things as \$46.9 million to match Federal funding for irrigators—I am sure my friend the member for Monaro will welcome that initiative—\$25 million towards the construction of the new Hill Grandstand at the Sydney Cricket Ground; and \$20.2 million for other emergency drought assistance, on top of the \$350 million in drought relief provided in the 2007-08 budget.

Mr Steve Whan: Hear! Hear!

Mr MICHAEL DALEY: The member for Monaro, who is sitting behind me, quite rightly says, "Hear! Hear!" The Treasurer's Advance payments further include \$10 million for a new educational wing at the Museum of Contemporary Art; \$7.9 million under the equine influenza response plan; \$34.8 million for out-of-home and foster care allowances; \$10 million as part of a \$30 million plan to provide an additional 150 acute care hospital beds, which I am sure every member of this House would welcome; \$10.3 million to extend the school safety zone plan; \$11.1 million to establish Events New South Wales to help attract major cultural, commercial and sporting events to this State and this nation; and \$4.4 million to cover World Youth Day planning costs. The Treasurer informs me that the bill includes \$140 million to reduce debt accrued during the construction of the Epping to Chatswood rail link on top of the \$960 million in rail debt repayments announced with this year's budget. With the Iemma Government investing a record \$17.7 billion over the next decade in new rail infrastructure, including \$12 billion on the North West Metro project—

Mr John Williams: Subject to selling the power.

Mr MICHAEL DALEY: —it is prudent financial management for the Government to pay down debt where we can. The member for Murray-Darling interjects. If it is subject to us remaining in power, it is implicit that if the Coalition is elected at the next election it will not proceed with the North West Metro rail link. Top-up funding has occurred in four of the past five years, and the request before the Parliament is less than half that required in previous years and constitutes less than 1 per cent of the total State budget. The Federal Government introduced 12 such bills for additional spending over and above its normal budget requirements in the past five years. The practice of introducing further appropriation bills has enhanced accountability for the expenditure of public moneys from the Consolidated Fund. It is further evidence of the Government's commitment to transparent and full financial reporting to the Parliament and the community. I commend the bill to the House.

Debate adjourned on motion by Ms Katrina Hodgkinson and set down as an order of the day for a future day.

PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT AMENDMENT BILL 2008

Bill received from the Legislative Council and introduced.

Agreement in Principle

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [4.58 p.m.], on behalf of Mr John Watkins: I move:

That this bill be now agreed to in principle.

The Public Sector Employment and Management Amendment Bill 2008 was introduced in the other place on Wednesday 2 April 2008. The second reading speech appears on page 6209 in the *Hansard* galley for that day. The bill is in the same form as introduced in the other place. I commend the bill to the House.

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

STATE ARMS, SYMBOLS AND EMBLEMS AMENDMENT (BLACK OPAL) BILL 2008

Agreement in Principle

Debate resumed from an earlier hour.

Ms KATRINA HODGKINSON (Burrinjuck) [5.00 p.m.]: I resume my contribution to the debate on the State Arms, Symbols and Emblems Amendment (Black Opal) Bill 2008. From memory, I was making some

complimentary remarks about the black opal gemstone, which is not only beautiful but also very valuable. I remarked how important and significant the adoption of this gem as an emblem will be for the wonderful town of Lightning Ridge—black opal country if ever there was. I looked up the Lightning Ridge Tourist Association's official website, which describes Lightning Ridge as "a place that abounds with colourful characters, barrels of dreams, opportunity and experiences". It goes on to say—

A visit to this thriving outback community and the opal fields surrounding it will not disappoint.

...

Be warned though, many have stopped for a 3 day visit and are still here 30 years later!

I think that says it all about what a wonderful place Lightning Ridge is. When I had the Tourism portfolio I enjoyed a brief visit to Lightning Ridge and it is indeed a wonderful and fascinating place, which is heavily dependent on the mining industry. I am very enthusiastic about Lightning Ridge and what this decision will mean for the township and the people, and in particular for tourism in that part of New South Wales. The area has suffered over the years from drought and there has been a lack of domestic visitation in north-western New South Wales. I know the members for Murray Darling and Barwon have been working to address that.

With your indulgence, Madam Assistant Speaker, I shall place on the record a few of the businesses in Lightning Ridge that will stand to benefit from this very important and significant amending legislation. Some of the wonderful tourism attractions that people will find in Lightning Ridge include the Astronomer's Monument, Bevan's Black Opal and Cactus Nursery, Black Queen cottage, the Bottle House, Coopers Cottage, the Chambers of the Black Hand, Down to Earth Opals, Everything Opal, the Fossicking Heap, Garrawal Aboriginal Artifacts Shop, Gemopal Pottery, GGS Opals, John Murray's Art Gallery, Kangaroo Hill, Lightning Ridge Arts and Crafts Association, Lightning Ridge Opal and Fossil Centre, Lost Sea Opals, Opal Cave, the Walk In Mine, the Sports Centre and the Water Theme Park. Everything is so dependent on tourism in Lightning Ridge. There are also Car Door Tours and Black Opal Tours. People can have a unique experience in this brilliant part of north-western New South Wales.

I encourage every member of this House who has not been to Lightning Ridge to do themselves a favour and go to outback New South Wales and check it out. It is a very special place. If you get the opportunity to go, Madam Assistant Speaker, which I would encourage, make sure you spend up big because I am sure those tourism attractions and local businesses would really appreciate it. We also have a local claim to black opal in my electorate of Burrinjuck, just over the border in Canberra where the AAMI Black Opal Stakes are held in February each year. That is a wonderful race day and I have been to it on many occasions, and had the odd flutter and even the odd win. This year it was held on 24 February.

I encourage members who have not been to the Black Opal Stakes in the past to go and have a look. It is a very big day for the many residents of Yass and district and the many horse breeders in the Burrinjuck electorate. Congratulations to those who organise the AAMI Black Opal Stakes every year. It is a big event and it is held at Thoroughbred Park in Canberra. This year it included the Canberra Centre Fashions on the Field competition. That is our local claim to the black opal. We might not be mining it but we do have the race. I encourage people to go there. In closing I again welcome the fact that this gemstone will be one of our State emblems. It is very significant. I congratulate the member for Barwon on bringing it to the attention of the House. I also congratulate everyone involved in helping to bring this to fruition.

Mr JOHN WILLIAMS (Murray-Darling) [5.05 p.m.]: I compliment the member for Barwon on his endeavours to see that opal miners are recognised by the inclusion of the black opal as a State emblem, particularly as it comes from country New South Wales. I guess some people play with their rocks and some people get out and do something with them. Here is a perfect example of someone going out and working to ensure that the black opal becomes the gemstone emblem for New South Wales. Certainly Kevin's efforts to encourage this legislation to be brought forward are commendable. He has recognised, as I do, that opal miners are a very distinct breed. We have a major opal mining site at White Cliffs in my electorate.

Most of the people in White Cliffs and Lightning Ridge have a common idea about how they should live their lives. They are very independent people who probably do not rely on handouts from government. They are people who get on with doing the job. They seek to one day make a find of magnificent black opal. These characters are unique; there are very few of them. They work very hard underground every day with no guarantee of actually making a find. They do it for love and from their desire to find that one rock that will change their life—the black opal. In this legislation we have recognised not only the town of Lightning Ridge, but also White Cliffs, which is very important to my electorate. The people of White Cliffs are opal miners who

have the same sort of drive as those in Lightning Ridge. They need recognition and the adoption of this gemstone as an emblem allows them to be recognised as a unique group of people. It also recognises the stone they try to find by mining.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [5.07 p.m.]: I support this legislation. I vividly recall the visit the Leader of the National Party, the Deputy Leader of the National Party and I made to the member for Barwon's electorate last year—the visit to Lightning Ridge; inspection of the opal fields; the visit to the magnificent mine that has been converted into the sculpture museum, and down under; and the suggestion by the member for Barwon as we went around that the black opal become the State's gemstone emblem. I am happy, as I did on that day, to lend my support to his initiative. I am pleased the Government has picked up the proposal and I look forward to us all wearing black opals in future!

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [5.08 p.m.], in reply: Madam Assistant-Speaker—

[*Interruption*]

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The Parliamentary Secretary has the call.

Mr STEVE WHAN: The offers that are made in this place are interesting. An offer has just been made to sell me an opal mine, going cheap! I shall mention a few things in summing up the debate. On behalf of the Government I thank all the members who contributed to this debate—the members for Barwon, Mount Druitt, Davidson, Bathurst, Burrinjuck, Murray-Darling and the Leader of the Opposition. The members for Barwon and Mount Druitt provided quite a bit of the history of opals in Australia and New South Wales in particular. The member for Mount Druitt also mentioned quite a bit of the written history provided to the two of us by Peter Black in a recent article he wrote for the local paper. I will quote some of that in a moment.

Firstly, I acknowledge the member for Barwon's comments. In his speech he acknowledged the Lightning Ridge Australian Opal Centre, opal jewellery designers, the Lightning Ridge Miners Association and a number of other people for their efforts in raising the profile of the black opal and in supporting this effort to make it one of the emblems of New South Wales. The member for Barwon talked about the importance of the areas he represents, including Lightning Ridge. During the agreement in principle speech I referred to that. The member for Mount Druitt referred to a number of the items in a recent newspaper article on this matter by the former member for Murray-Darling. As members would know, the former member is a person of renowned expertise on minerals and has one of the best private collections. Although that is fascinating, I have not seen his collection during my visits to Broken Hill. However, when I was in Broken Hill recently I visited an impressive golf course; it was frustrating that I did not have a hit on that golf course. I will have to take my clubs next time I visit Broken Hill.

Recognition of the black opal is important for the area. I acknowledge the efforts of the former member for Murray-Darling, Peter Black, Ian Plimmer—I had the pleasure of hearing him speak during my recent visit to Broken Hill—and many others in the geological community to get the black opal recognised as a New South Wales symbol. Australia supplies more than 95 per cent of the world's supply of black opal. I have been told by the former member for Murray-Darling that chemically opal is a hydrated form of silica; its water content varies from 2 per cent to 13 per cent. Geologically, most precious opal is located in cretaceous sediments in the arid zone of the Great Australian Basin. Major production has occurred at Winton, Euromanga, Quilpie, Yowah, Coober Pedy, Andamooka, Mantabie, White Cliffs and Lightning Ridge. We have heard a lot about White Cliffs and Lightning Ridge in this debate.

The member for Bathurst pointed out that the first recorded opal find in Australia was in the Bathurst electorate, at Rocky Bridge Creek, which is a tributary of the Abercrombie River. In keeping with Bathurst's association with precious minerals, a Gemboree featuring many opals will be held in Bathurst shortly. In 1881 W. H. J. Slee forwarded to Sydney specimens of black opal that were found at Milparinka. The third and, according to our former colleague Peter Black, most important find was at White Cliffs in 1884, with production beginning in 1890. The first find in Lightning Ridge, which is now one of the key areas for black opals, was in 1903. The White Cliffs and Lightning Ridge areas of New South Wales will take pride in the fact that the black opal is now the gemstone symbol of New South Wales.

The debate has highlighted the importance of recognising the black opal as a New South Wales symbol to many parts of New South Wales and particularly to those who work in the industry. The member for

Burrinjuck listed a number of businesses in Lightning Ridge. I am sure they will be pleased that the Government decided to make the black opal a New South Wales symbol. The contribution by the member for Davidson was a little out of keeping with other contributions to the debate. For a usually polite and quiet bloke, he was not particularly nice. He referred to the State's other emblems, including the blue groper, and made a reference to other sorts of gropers. His contribution showed that he is a fish out of water in this place.

Mr Thomas George: He's a flounder.

Mr STEVE WHAN: The member for Davidson may be floundering. For the most part, the debate was in good humour and positive, and it should have stayed that way. I am happy to politely acknowledge that the member for Barwon raised the matter of recognising the black opal as a New South Wales symbol, but the Government made the final decision. I quote the Premier when he introduced the Blackie bill to caucus; he said, "This will become known as the Blackie bill". Peter Black had spoken to the Premier about this matter some years before the bill was introduced. I give credit where credit is due, and a large part of the credit goes to Peter Black. I am sure the former member for Murray-Darling would not be so selfish as to claim all the credit; he would generously share the credit with others who played an important role, particularly the people in the industry. I am sure he would also acknowledge those who may have written to the Premier in the latter stages. If members opposite want to interject—

Mr Thomas George: Why did the Premier write a letter like that?

Mr STEVE WHAN: The Premier writes letters like that because he is polite and he sends polite responses to people who write to him. Indeed, it was positive news that Government members, being generous souls, were willing to share with other people. As I said, recognising the black opal as a State symbol is positive news for the people of New South Wales. I know that it will be welcomed. The member for Mount Druitt talked about the history of the black opal, and challenged me to say whether or not this had been approved by Her Majesty the Queen. I have no idea whether it has been approved by Her Majesty the Queen, but I see our pride in Australian symbols as one step towards becoming more independent, rather than perhaps less independent. It was interesting to hear that matter raised in the debate. I acknowledge all the contributions. Despite my comments about the member for Barwon, he is a positive supporter of the bill. I know he will continue positively to promote the black opal as a symbol of New South Wales, as do other members in this place. I welcome the Opposition's support for this bill, and I commend it to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

GROWTH CENTRES (DEVELOPMENT CORPORATIONS) AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 2 April 2008.

Mr BRAD HAZZARD (Wakehurst) [5.17 p.m.]: The Opposition will not oppose the Growth Centres (Development Corporations) Amendment Bill 2008 because we see the need to move forward as quickly as possible in terms of getting property into the market in New South Wales. The development of new land is critical to the financial position of New South Wales. It is critical to ensure that New South Wales moves from the bottom of the pile back to the top of the pile. When the State Coalition left office in 1995 all economic indicators showed that the State was progressing extremely well. Thirteen years later we have a government that has brought the State to its knees. We need to ensure that there is an appropriate land resource that is capable of being brought to the market expeditiously and appropriately.

The Growth Centres (Development Corporations) Amendment Bill will amend the structure for growth centres. Two of the main growth centres are in the north-west and south-west sectors of Sydney. This bill

purports to offer an opportunity to change the structure of the management of the board and to bring the various executives into a management structure from the various government departments that currently are needed to facilitate bringing land to the market. The Opposition has had discussions with the Minister for Planning about this legislation and whilst it has some reservations, on the basis of the information that the Government has made available to it—

Mr Frank Sartor: He is such a fantastic Minister we will go along with it.

Mr Andrew Constance: No, we didn't say that.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The member for Wakehurst does not need the assistance of other members.

Mr BRAD HAZZARD: I am in a state of shock. On the basis of discussions with the Minister, the Government and chief executive officer Angus Dawson, who is present in the gallery, about what is sought, the Opposition is sufficiently satisfied to not oppose the bill. As I understand it, the intent is to provide an opportunity to have senior executives from, for example, Sydney Water, the Roads and Traffic Authority and other major departments that are normally required to be part of the consensual process to bring land to the market. That is the easy part of the Growth Centres (Development Corporations) Amendment Bill but it is what is missing from it that is of concern to the Opposition. In New South Wales this Government is utterly incapable of ensuring that land reaches the market. In the north-west and south-west sectors, at this stage not one extra block of land has been brought to the market as a result of anything that this Government has done—

Mr Ray Williams: In reverse.

Mr BRAD HAZZARD: In reverse. Two or three years ago in the south-west of Sydney I met various local government officials. I remember they told me that one of the big problems in bringing land to the market in New South Wales was the obstructionist activity of the State Government's own agencies. I was then told—and this may have been addressed to some degree—that the de facto consent authority for land approval was really Sydney Water. That highlights that State agencies are often the cause of the obstruction of the forward movement of bringing land to the market. Maybe that might to some degree be assisted, as I am assured by the Minister and the chief executive officer of the growth centres it will be, but at this stage within each of those government departments no effort has been made by the relevant Ministers—I am not necessarily reflecting on the current Minister for Planning but more on all of his incompetent colleagues. They did not have the get-up-and-go to get up and go and to ensure that property can be facilitated to the market as expeditiously as is necessary.

That will be seen in a few weeks time when the revision of the Environmental Planning and Assessment Act, the planning legislation, comes to the House. We will then see that the Government has made no effort to break down the silos and accelerate the approvals process between government departments that exist within this Labor Government. The second major factor is that this bill has failed to address the big issue of the amount of government charges imposed on land in New South Wales. Time and time again developers who are trying to bring land to the market have told the Opposition that the current fee structure within New South Wales is a negative. The Opposition has been told that even with the Growth Centres (Development Corporations) Amendment Bill and with the structure of growth centres—north-west and south-west sector particularly—land will still not come to the market, particularly in the current economic climate, because it is simply financially unviable.

In a recent visit to south-west Sydney I observed that existing houses on land can be purchased for approximately \$230,000 in some areas. I was told by developers that by the time the State infrastructure contribution and section 94 levies are imposed, development becomes unviable as property costs would be about \$270,000. Simple market pressures mean that the cost of production exceeds the cost of sale, so development is not happening and will not happen. As long as the section 94 levies and the State infrastructure contributions remain the same, land will not be brought to the market in the growth sectors of Sydney.

That has been said by the Opposition and the Housing Industry Association on a number of occasions. In May 2007 the association observed a critical shortage of available land in New South Wales and referred to the cost of bringing that land to market. Companies such as A. V. Jennings reported to its shareholders in approximately May 2007 that it intended to do more work "in less aggressively taxed States" such as "Victoria and Queensland". Jennings asserted that its sales performance in all States had been satisfactory except in New South Wales where there is a major issue due to "State and local government charges" on greenfield residential developments.

The New South Wales Property Council, which very capably represents the interests of the property industry, has highlighted the enormity of State Government taxes and charges on new house and land packages. The council gave an example in Sydney's south-west of a house that costs \$544,115 attracting State taxes of \$44,993. In Sydney's north-west, on a property brought to the market at \$570,240, State taxes amounted to \$80,031. In other words, in the north-west of Sydney approximately one-sixth of the total cost of bringing a property to market is tax imposed by the New South Wales Government. That compares very poorly with interstate house and land packages. On the Gold Coast a property worth \$391,775, a typical property cost in that market, attracted State taxes of \$15,876, far less proportionately than in New South Wales. In Melbourne, a typical \$366,660 total house and land package brought to the market has State taxes of \$22,702.

New South Wales has a problem that has been created by this Labor Government's hunger for property taxes right across the board. Every major group that represents the property industry, an important industry in New South Wales, has been critical of the Government in this regard. In a media release in July 2007 the New South Wales Urban Task Force said, "At the moment almost no lots for new homes are being released because of State Government infrastructure charges." That is a simple statement of the simple truth. The problem compounds enormously on the State economy. On 24 September 2007, BIS Shrapnel showed in a report that the number of lots available dropped from 3,100 in 2004-05 to 2,800 in 2005-06.

The same report observed also that the average price of land in Sydney grew by 116 per cent between 2000-01 and 2004-05. What has been the Government's response to that critical economic issue? Yes, we have the Growth Centres (Development Corporations) Amendment Bill 2008, which offers a few people an opportunity for a management regime. Instead of having a distant group of board members, perhaps we will have more relevant State Government officials. Other than that, the only other response is a total jumble. In October 2007, with a bit of focus on political spin, the Government announced that there would be a reduction in government infrastructure charges on homes in growth centres from \$33,000 to \$23,000.

It was mentioned that there would be a similar reduction of local government charges in growth centres, from \$45,000 to \$30,000. For the section 94 levies, the local government charges, the Government was really talking about a nefarious average of figures, because currently there are no guidelines in place for the quantum of section 94 levies or, indeed, how they will be applied. At that time almost everyone was upset about this issue. The Government implied that there would be an overall reduction by about 10 per cent in government and council charges, but gave no real clarification of how that would work.

Quite possibly the announcements were based on a false assumption that the reductions would flow through to the sale price. I cannot see how that would happen. If a developer or anyone who owned a property could achieve the same sale price in an appropriate market, why would they reduce the price simply because government and council charges were reduced? There is absolutely no logic in what the State Government did, except that it provided a day's opportunity for media spin, media hype—which is what we saw. We saw also some interesting, fast, hot-shoe shuffling when on that day the Minister for Planning and the Premier released information that on the face of it looked as if the Government was for the first time about to impose new charges; that is, State infrastructure contributions on brownfield sites as well as greenfield sites.

The spin doctors worked overtime downstairs trying to convince the media that that was not what the Government meant. At the same time, Treasury officials were briefing the property industry. Treasury documents made it very clear that the State Government's intent was to potentially expand State infrastructure contribution levies to all sites in New South Wales; that is, existing areas of development that were to be redeveloped. The Government still does not seem to know the way forward. What it does know is how to spin for a day or a night's media—and I thought that that was it! In New South Wales there has been no serious discussion or negotiation with local government about the impact of a reduction of section 94 levies. The Government has failed to consider the impact on local councils. Indeed, Labor luminaries such as Leo Kelly, the Mayor of Blacktown City Council, has been very critical of the Iemma Labor Government in its approach to a large number of planning issues, particularly section 94 levies.

On behalf of the Opposition, I state that there is no question that section 94 levies are needed by local government. Equally, there is no question that we need to ensure that State government guidelines are in place for what is appropriate to be raised through section 94 levies, what total amounts should be raised and what they should be used for. There is no question that the areas in which the levies can be expended should be clearly stated and there should be equity between local government areas. There should be some continuity so that we do not have the situation that occurs in central Sydney, where section 94 levies on a home unit might be \$3,000 and just a few kilometres away in the former South Sydney Council area they could be \$23,000 or \$30,000. Clearly that is inequitable, it is wrong and it needs to be fixed.

I am hopeful that when the planning bill finally comes to the House that the Government will finally put in place the necessary guidelines for that situation. Having said that, at this point it is critical that I acknowledge on behalf of the Opposition that the Government has utterly failed to discuss this issue with local government. Under the Iemma Government there have been more and more impositions on local government and they have not been met with appropriate funding arrangements. Local government has been squeezed; it has been treated as a cousin one hopes will not visit. Local government has been treated as someone who one does not need to have a discussion with to work out what is in the interests of local government or the community. On behalf of the Opposition, I implore the Government to open the door to local government and to discuss section 94 levies. It should ensure that appropriate guidelines will be introduced in partnership with local government, not as an imposition.

That raises another issue: In October 2007 the Government announced that there was to be an across-the-board reduction in State infrastructure contributions and section 94 levies. There was a clear indication that all section 94 levies would be taken off local government to be managed through Treasury. That was a straight-out grab for cash by the Government. Fortunately, the Opposition, members of the community and members of the Local Government Association of New South Wales spoke out strongly on this issue. Ultimately, the Government was forced to reconsider the issue. We now have a revised plan under which the State Government will manage, if you like, section 94 contributions from the six councils in the growth centre areas of the north-west and south-west of Sydney.

On behalf of those councils I advise the House that at this point the councils are entirely dissatisfied, because the State Government has not negotiated with them on how the changes will work. That is an entirely unreasonable way to approach what should be a partnership of local government, as I said previously. I again encourage the Minister for Planning and the Premier to recognise the value of local government and to recognise that any changes that are brought about should be reflective of the needs of local government to bring about positive outcomes for the community.

I return to the growth centres issues, and what land has been brought to market. The Opposition is hopeful and earnestly believes that it is necessary for the New South Wales economy and the families who want to buy land that the Government should approach the need to bring properties viably to the market in a most earnest fashion. I acknowledge the work of the Urban Development Institute of Australia, the Property Council of Australia, the Urban Taskforce of New South Wales, the Planning Institute of Australia, the architects and all those who have tried to provide input and advice to the Government about the best way to facilitate bringing property to the market. No-one should for one moment misunderstand the Opposition's views on the property industry or the development industry. Quite simply, the community needs property development in New South Wales. We do!

We need to know though, in the bringing of property to the market, that there is an appropriate statutory and regulatory framework. We need a framework that guarantees transparency and does not allow the sort of situation as occurred in Wollongong to occur in other parts of New South Wales. The Opposition supports the property industry's efforts to bring property to the market and understands its frustration in dealing with the current Government, particularly on State infrastructure contributions and issues surrounding section 94 levies. It is about getting the balance right. I hope that this bill will address just one very small aspect of that equation. Whilst I could say a lot more about the issues that arose in Wollongong and make appropriate observations about the Government, I will let the bill pass without too much observation on those issues.

Mr Geoff Corrigan: Thank you. You can leave it up to Ray!

Mr BRAD HAZZARD: I am not necessarily leaving that up to Mr Ray Williams, the member for Hawkesbury. We can do our duets on radio when we wish to highlight these issues. I am sure that on this occasion we will be satisfied with simply formally raising the shortcomings of this legislation and expressing hope that the Government will address those important issues. It is important that agencies, such as the Growth Centres Commission involved in the north-west and south-west sectors, engage the Opposition and speak freely and openly with us about this issue. After all, it is an important issue that should be a bipartisan issue for the Opposition and the Government. As I mentioned earlier, Angus Dawson, the chief executive officer of the Growth Centres Commission, is in the Speaker's Gallery. On behalf of both sides of politics I acknowledge the good work done by Angus Dawson, trying in a difficult regulatory framework to bring properties to the market. I look forward to the planning bill coming to the House and to greater opportunities to discuss more of the things out of Wollongong.

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

PRIVATE MEMBERS' STATEMENTS

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

NEWCASTLE INNER CITY EDUCATION

Ms JODI McKAY (Newcastle) [5.42 p.m.]: I bring to the attention of the House the plan for the future of education provision in inner city Newcastle, which was prepared by the Newcastle Inner City Education [NICE] Futures Project Group. I formed the NICE Futures group in July last year to develop innovative options for the delivery of vibrant, high-performing public education for the Newcastle inner city area. The NICE Futures group consisted of a cross-section of government and community representatives from local schools, the Teachers Federation, Newcastle council, the University of Newcastle, the Newcastle and Hunter Junior Chamber, Workers' Educational Association [WEA] and TAFE. The group was chaired by Mark Arnold. I made a commitment to seek the views of these stakeholders in developing a plan for education in Newcastle in a climate of growth in our city. We have the Newcastle City Centre Plan and the Lower Hunter Regional Strategy, which position Newcastle as a centre for economic growth and job opportunities in the Hunter region supported by sustainable infrastructure and services.

The NICE Futures Project Group was given the task of assessing the inner city's future education needs. It was challenged with thinking differently and reaching consensus on a way forward to present to the Minister for Education and Training, the Hon. John Della Bosca. The resulting 11 recommendations presented late last year to the Minister embraced interagency, business and community partnerships, and responded to expected future growth in the number of school-aged children in inner Newcastle. The recommendations are broadly categorised under three main headings: future directions for educational provision in the Newcastle inner city, shared enrolment zone and capital works.

The NICE group recommended creating and promoting an educational precinct hub in inner city Newcastle with improved educational approaches and opportunities for people of all ages. It also recommended establishing a group to manage issues affecting education provision, progress priorities identified by the NICE Futures group, and as a mechanism for the engagement of all relevant stakeholders and partners. There was also consensus that the Department of Education and Training's Laman Street site in Cooks Hill should be retained by the department with a view to using it for future educational service delivery. The report sought investigation of establishing a new school on a separate site when required by demographic demand, within easy walking distance for parents and children living in Newcastle's inner city, which may also include alternative models of delivery for public education in an urban environment. Another suggestion was the creation of a small study group to investigate educational models operating successfully in New Zealand and Victoria as a basis for innovation in education delivery in Newcastle.

I can report that the Minister supported the majority of the NICE Futures group suggestions, including the trial of a shared enrolment process for Hamilton South, Newcastle East and The Junction public schools. With respect to capital works, the NICE Futures group agreed that demountables at The Junction Public School should be replaced by permanent classrooms or modular design range buildings. Also recommended was the construction of a permanent building at Newcastle East Public School incorporating classrooms, code-level toilets and staff meeting places, and the installation of security perimeter fencing. The final recommendation included the construction of a safe pedestrian access-way to Newcastle East Public School.

I thank the Minister for embracing the group's enthusiasm and commitment and the forward-thinking ideas it has produced. He has agreed that capital projects of toilets and staff facilities at Newcastle East should be given priority. The Minister has also agreed that the replacement of demountables at The Junction should be given priority. The recommendations I have spoken of today are the first step in improving public education delivery at a micro level, a key contributor towards the achievement of relevant targets within the New South Wales State Plan. I thank all members of the NICE Futures Project Group for their commitment and the Minister for Education and Training for his support of this innovative concept. As the Minister said in his response to the Newcastle Inner City Education Futures group, "Their commitment to engaging in continued dialogue and planning for the future delivery of high-quality educational services in the Newcastle area is to be commended."

PORT STEPHENS LOCAL AREA COMMAND

Mr CRAIG BAUMANN (Port Stephens) [5.47 p.m.]: I draw to the attention of the House recent developments with regard to the Port Stephens fight for its own police local area command. The lack of local

policing and maintenance of law and order have been the biggest issues facing the residents of Port Stephens for many years. My predecessor was aware of the severe community angst, but was presumably ignored by the Government that he loyally served. Last week, after a long wait, the Minister for Police formally announced the establishment of the Port Stephens local area command, and for that my constituents and I are very grateful. After a decade of knock-backs, broken promises and, in one recent instance, outright denial, it took the region's most senior police officer, Northern Region Commander Assistant Commissioner Lee Shearer, to initiate this administrative change. I am incredibly grateful. On behalf of the people of Port Stephens, I take this opportunity to thank the assistant commissioner and to welcome Superintendent Charles Haggart, who will lead the command, and his 107 officers.

Assistant Commissioner Shearer showed real leadership on this issue—leadership that was sorely lacking on the Labor Government's front benches. She cut through the petty politics clouding the issue and opened the way for an agreement to be reached, even after Mr Campbell, the Minister for Police, had made it abundantly clear that a local area command for Port Stephens was not one of his priorities. The announcement comes as a relief to the many community groups and interested parties that have been fighting for this change for such a long time. In particular, I single out for praise Doreen Bradley, OAM, and Peter Mason from the Tilligerry Peninsula for their unstinting support of this issue. Their region has been one of the hardest hit by the increasing level of criminal activity. They deserve our heartfelt congratulations for their tireless work in lobbying for these changes.

The formal announcement of the local area command resulted in a rare visit from the Minister for Police, who brought with him to Port Stephens the member for Maitland, the member for Newcastle and the member for Cessnock. I was not invited by the Minister to attend the announcement in my electorate, but I was lucky enough to hear about it on the Port Stephens grapevine. However, I assume that there was no ill intent on the part of the Minister in that regard. Perhaps he was confused by the fact that my office is still outside the electorate. During his press conference the Minister emphatically thanked members of neighbouring electorates for bringing this problem to his attention. He also thanked others who have had some involvement in it. I assume that when he said "others" he was talking about the strong community groups in Port Stephens who contacted his office, the shadow police Minister, Mike Gallacher, who worked tirelessly on this issue, the Hon. Robyn Parker in the other place, and me. I thank the Minister for his acknowledgement and remind him and other Government members that when I gave notice of a motion on 27 September last year that called for a Port Stephens local area command not one of them supported it.

In many ways the establishment of a local area command is the simplest step towards rectifying law enforcement problems in Port Stephens. I have faith that the police service will be able to overcome the administrative and logical challenge of creating a new local area command, staffing it and providing appropriate resources. We will have local police officers looking after the local community. But the cultural changes in the Government's attitude towards law and order will be much harder to shift. The Government's approach to law enforcement has failed. We must rethink our priorities and give police officers tougher powers to get young offenders off the streets. The people of Port Stephens do not want young offenders escaping from their crimes with a slap on the wrist. More importantly, they want young offenders to understand the error of their ways and to develop into fine community members. During the 2007 election campaign, creating this Port Stephens local area command was my number one priority. I am glad that that will now occur. The fight for police resources in Port Stephens is far from over. I will continue to air the concerns of my constituency in this place as they arise.

PARRAMATTA FEMALE FACTORY PRECINCT

Ms TANYA GADIEL (Parramatta—Parliamentary Secretary) [5.51 p.m.]: In 1871, just 137 years ago, the population of Australia was around two million, with just over 500,000 living in New South Wales and just under 140,000 living in Sydney. Outside Sydney lay Parramatta, first explored by Europeans on an expedition headed by Captain Arthur Phillip in April 1788. Phillip identified a location on the curve of the Parramatta River marked by a crossing of flat stones. That is where he envisaged a jail town and farm—a place that through industry and sacrifice became the crucible within which much of Australia was born. Phillip named this location Rose Hill, but it was not long until the name Parramatta was adopted—a variation of Burramattagal after the local Aboriginal people. To my knowledge, this is the first European settlement location named after the indigenous people of this country.

Nearby on a rise overlooking the river stands Australia's oldest public building—our first Government House, and home to the first 12 Governors of the colony. It is also the place where the Burramattagal fished the waters of the Parramatta River. They marked it as a woman's place—a place where the salt waters of the harbour

blended with the freshwaters of the river, a place for ceremony, for matrimony and for the gathering of tribes. Back in the early days of the colony the river marked the divide between those who ruled and those who were ruled. On the opposite shore stood the town jail, the female factory and a government orphanage for Roman Catholic children, which would later become the Parramatta Girls Home. We have become aware of the appalling way in which those young women were treated, which is a national disgrace.

Most people are unaware that almost 20 per cent of convicts were women and that on arrival all unassigned women were taken to Parramatta. Even assigned women would invariably spend time at the factory. For many it offered a safe refuge. For others it offered a marriage bureau, a hospital for the sick, destitute or nursing mothers, a place of employment or a place of incarceration and punishment. In many ways the female factory was an Australian variation on the English workhouse where women and their children lived, worked and served out their sentences. The women who lived there were the founding mothers of this nation, but instead these women were betrayed as damned whores, incorrigibles and wanton creatures beyond redemption. However, it was they who spun the first fleece and produced the first woven cloth in Australia. All this took place within the high walls of the Parramatta female factory. The precinct has been tainted with a legacy of immorality, criminality and, in the latter part of its history, insanity. This insidious legacy has had a significant impact on later generations confined to the precinct's institutions.

For the convict women and for the later generations of institutionalised kids—the thousands of forgotten Australians—no place is dedicated to their memory. It is time that all these Australians and the site were acknowledged. The Parramatta female factory is a site of memory and of conscience. It could be a world-class site of new cultural expressions by linking the rich narratives of the site's past to a multicultural, intergenerational exploration of art and new media, thereby increasing tourism opportunities and delivering real economic, social and cultural benefits to the region. It could also tell the story of the convicts in Australia. Its designation would affirm that we have moved forward, that we are a nation that values equality and that we strive for reconciliation with our past and the traditional owners of the land.

I have become aware of a rumour that this site will be used to house rapists and paedophiles. I believe that to be unfounded and I have been given assurances by the Attorney General that it is not true. Within Parramatta there is significant community opposition to this proposal, if indeed it is a proposal. A campaign has been initiated by the former Parramatta girls to designate this and the adjacent female factory site as a living memorial to women and the forgotten Australians. I completely support their campaign and thank Bonney Djuric for bringing this matter to my attention. I will work with her, the Parramatta girls, the Parramatta community and this Government to ensure that her dream becomes a reality. I thank Bonney for her passion. She is a wonderful woman. I thank her for spending so much time with me and for telling me about this story and her vision for this site.

SEAFORTH TAFE SITE FUTURE USE

Mr MIKE BAIRD (Manly) [5.56 p.m.]: Last Saturday the communities of Seaforth, Clontarf and Balgowlah Heights voted on the future use of the Seaforth TAFE site. In contrast to some of the planning changes before this House, this was about democracy. It was not about developer interests; it was about what the community thought in relation to this site. After the State Labor Government chained the gates of Seaforth TAFE back in December 1999, that facility has sat idle for almost nine years. The community has now delivered a resounding call to the Lemna Government to retain the site for education.

Three options were put to the community regarding the future use of that site. Residents were asked, first, whether they supported the reopening of the former Seaforth TAFE site as an educational facility. On that occasion 647 people, or 70 per cent, voted yes. Seven out of 10 people do not want the Lemna Government to sell this site and forego local capacity to educate younger generations. The second question gauged support on the redevelopment of the site within existing boundaries. On that occasion 1,147 people voted yes and 1,225 voted no. The final option was Landcom's proposal to redevelop and realign Sydney roads to create a new town centre with two new five-storey development sites. On that occasion 1,869 people voted no and only 508 voted yes.

It is clear at this point—the Minister and all members should note—that the Landcom option has now been rejected. That proposal had merits. I acknowledge the many people who worked on the proposal. I met many talented people within Landcom who had some interesting and significant ideas, but in reality the community said no. They do not want a five-story residential retail development; they want the educational facility to remain. We need transparency in discussions on how the site should be utilised. Figures from TAFE,

the New South Wales Teachers Federation and the Department of Education and Training are just not consistent. Some of the figures show huge shortages in education capacity and other figures show surpluses.

Malcolm Ogg from the New South Wales Teachers Federation spoke out about the conflicting evidence on local capacity and the demand for education. We must be sensible about this and have a rational debate so the community can be confident that the Government has in place the resources needed to educate Manly's younger generation, which is rapidly increasing. The demography in Manly is changing. Last month I referred in this Chamber to these changes. Over the past five years the Manly population has increased by a little over 2.5 per cent. However, the number of children aged under five years has risen by more than 10 per cent. More young families are moving to the Manly area and more babies are being born in the area. Kindergartens are bursting and local high schools are almost at capacity. Indeed, enrolments at many of our local kindergartens and primary schools are up 70 per cent to 100 per cent.

Under the State Infrastructure Plan the Department of Planning predicts that Manly's population will increase from 39,000 to 45,000—an increase of 16 per cent—and Manly will need to contribute an additional 2,400 dwellings. In Warringah the population is expected to increase from 139,000 to 142,000 and an extra 10,300 dwellings will be required. This growth is not sustainable with the current resources. The Government continues to ignore The Spit Bridge congestion and does nothing to improve public transport. We are still waiting to see the plan for the new Frenchs Forest hospital that the Minister for Health said would go to Cabinet last year. The Iemma Government now plans to sell an education facility while demand for public education is undoubtedly on the rise in my electorate. It just does not make sense.

It is clear that the community recognises the need for an educational facility on the Seaforth TAFE site. I am not an expert, but I am certainly open to preserving the site for future educational needs. Whether it is new parents battling to get their children into kindergarten or parents dropping off their kids at demountable classrooms at Harbord, the facts are plain. Demand for public education in Manly will only accelerate further. Manly has no coeducational high school for years 7 to 10. If we considered converting the old TAFE site into a Seaforth high school it would provide some certainty about local capacity to educate our younger generations. Whether it is a technical college, technical high school or a high school, the site must be used for educational purposes.

I have written to the Minister for Education and Training to request a meeting to consider all options for education on this site. The Minister for Planning has told me that the Department of Education and Training has established that the Seaforth site is no longer viable as an educational facility. I would like debate on that issue to commence with the new Minister for Education and Training. The community deserves to know why the site will not be used. The demographics show clearly that there will be a huge need for high schools in 10 years time. It is not acceptable that the Iemma Government expects us to have new dwellings and not provide the infrastructure. I urge the Minister for Education and Training to agree to the meeting and commence a rational debate.

THE NEW THEATRE, NEWTOWN

Ms CARMEL TEBBUTT (Marrickville) [6.01 p.m.]: The New Theatre is an important part of the cultural landscape of my electorate. The New Theatre, located in King Street, Newtown, was founded in 1932 and is one of Australia's oldest continuously performing theatres, professional or amateur. In 1973 it moved to its present address, a former television picture tube factory. Ownership of these premises was made possible by a grant from the Whitlam Government. In 2007 the New Theatre was honoured by the National Institute of Dramatic Art for its contribution to the Australian Performing Arts and 75 years of continuous production. From its beginnings as a political workers theatre, it has become one of Sydney's leading independent theatre companies, creating high quality, diverse and challenging theatre.

The New Theatre's patron is former Federal Minister Tom Uren, who has done so much to support and revitalise creative life in the inner west. The New Theatre receives no ongoing funding or sponsorship and survives on the income it generates through its productions and the enormous efforts of its volunteer members. Recently it was established that the theatre had to undertake urgent building works to comply with the City of Sydney place of public entertainment licensing requirements. The cost of these works was \$70,000 and through a tremendous fundraising effort the theatre raised \$50,000. I was very pleased a few weeks ago to announce that the New South Wales Government also has provided a grant of \$20,000 to meet the cost of the works.

I thank the Minister for the Arts, Frank Sartor, for his support of the performing arts in my electorate. I thank also Ruth Neave, his adviser, who was always available as we worked together on this issue. I pay

tribute to Rosane McNamara, President of the New Theatre; Frank McNamara, President of the New Theatre Properties Limited Company; and the many supporters of the theatre, including Richard Walsham, who all worked so hard in both raising awareness of the theatre's plight and funds to address it. The high esteem in which the New Theatre is held is demonstrated by the strong community support for its fundraising efforts. Newtown is very fortunate to be home to such a celebrated theatre, which plays a critical role in nurturing new Australian writers, actors and practitioners.

The history of the New Theatre is of course fascinating and is well set out in "The New Years: The Plays, People and Events of 75 Years of Sydney's New Theatre." The social, political and economic environment of the 1930s when the theatre was formed was very different to that of today. They were times of acute financial depression. People's lives were tough and unemployment was rampant, with long dole queues common and evictions of families unable to pay the rent on substandard houses. It was against this background that the New Theatre movement was born in America. Following the American trend, amateur workers' theatre groups sprang up in Australia. In 1932 the Sydney Workers Art Club was established in a premises on Pitt Street. The *Sydney Morning Herald* reported:

A club has been established with the object of bringing within reach of the working classes various advantages in the way of lectures, musicals, recitals, art classes and the exhibition of pictures.

I was interested to read that the first real evidence of the dramatic aspect of the club's activities was the players group's first public performance of *The Ragged Trousered Philanthropists* in 1933. A 1987 performance of *The Ragged Trousered Philanthropists* was the first play I ever saw at the New Theatre. By 1936 the New Theatre in its Pitt Street premises already had produced a number of generally accepted plays by writers such as Bernard Shaw, Upton Sinclair and Muriel Box. The early 1960s saw a definite upswing in New Theatre's fortunes at three successive New South Wales Arts Council Drama Festivals, and in 1963 the Sydney Theatre moved to premises in St Peters Lane near Kings Cross. The 10 years spent there were marked by many successes. Needing more space for major productions, workshops and acting classes, children's theatre and street theatre rehearsals, Sydney New Theatre moved in 1973 to Newtown, where for the first time it owned its own building.

The New Theatre is unashamedly political and states in its constitution, "Theatre must be vital, dynamic and meaningful to its time." It has sought plays with social and political themes, and aims to produce theatre about people and experiences that are not always presented in the more mainstream, commercial theatres. On more than one occasion it has been the subject of censorship attempts. At the same time, the theatre has aimed for performance and production quality and to provide exposure for Australian writers, along with performances for children and rehearsed readings of school texts. It is an important training ground for Australian actors, production managers and light and sound operators, with many members going on to become professionals in all aspects of the Australian theatre, entertainment, film and television industries. Over seven decades the New Theatre has mounted 511 productions. In short, the New Theatre provides challenging theatre at affordable prices for the widest audiences. I am very pleased that the Government has seen fit to support the New Theatre.

HILLSBUS SERVICES REVIEW

Mr MICHAEL RICHARDSON (Castle Hill) [6.06 p.m.]: Tonight I raise an issue of considerable concern to my constituents relating to proposed changes to Hillsbus services in my electorate, and request an extension to the Thursday deadline for submissions to the review. The proposed changes are to Hillsbus services throughout region 4, which covers the area from Parramatta to Pennant Hills and west to Acacia Gardens and Rouse Hill. While many of the changes will be welcomed—particularly those that improve commuter services—a number of changes are far from popular. Services along Castle Hill Road between Highs Road and Coonara Road are to be discontinued. While the number of residents directly affected—that is, those who live along Castle Hill Road—is comparatively small, there will be considerable inconvenience to anyone living in the Glenhope Road area of West Pennant Hills Valley who has been using this service.

Henceforth the 626 bus will run exclusively between Cherrybrook and Pennant Hills station as a feeder service, and will no longer operate along Victoria Road. Residents of Mawarra retirement village—which is now in the electorate of Epping since the boundary change at the last election—are up in arms about this change, which will force them to cross Boundary Road to catch the bus. Unfortunately, Boundary Road has no pedestrian crossing—which is an issue I have raised previously in this place. According to Hillsbus, the 626 bus will be replaced by the 600 bus along New Line Road and Cardinal Avenue. Unfortunately, the 600 bus will not go anywhere near Pennant Hills station. Instead, it will travel south along Pennant Hills Road and then along the M2 to the Macquarie Centre. Lots of people are upset about this change.

The 608 bus from Windsor to Castle Hill via Kellyville and Kings Road will be scrapped, which means that no buses will travel along Kings Road in the future. They will all go along Green Road, more than 400 metres away. That is no problem if you are young and fit, but it will place a terrific imposition on the less mobile. Daytime services through West Pennant Hills Valley to the city also will be stopped. Outside peak hours passengers will have to change buses at Pennant Hills Road, which is scarcely designed to encourage people to use public transport. It is possible to catch the bus at the Oakes Road bus station on the M2, but parking around there is a nightmare, thanks to the Government's continued refusal to build a parking station nearby.

However, the retirement villages in my electorate will suffer the most. Their residents of course need good public transport more than most. They may no longer have a car and they cannot afford a taxi but they still need to get around to do the shopping, to see the doctor and to visit friends and relatives. In our area the buses are our lifeline, and I pay tribute to the outstanding job Hillsbus drivers do looking after our older citizens—helping them to get on and off the bus, waiting patiently for arthritis-numbed fingers to extract coins from a purse, and even ensuring the safe return of wandering Alzheimer's victims.

Unfortunately, the drivers do not dictate the routes—the Government does. Some of these changes will not sit well with residents of both Nordby Village and the Anglican retirement villages. Nordby is a small retirement village near the West Pennant Hills Community Centre and is designed, as the name suggests, with a Scandinavian influence. It is currently serviced five times a day by the 635 bus to Beecroft station. Under the new regime this loop will be cut out and residents will be forced to walk across George Thornton Reserve to Taylor Street or down Hill Road to Aiken Road. Either way, it is a decent trek downhill, which means—you guessed it—a hefty slog uphill on the return journey. We are very literal in The Hills. Hill Road was not named after Benny Hill, David Hill or the racing car driver Phil Hill; it was called Hill Road because it is on a hill—pure and simple.

The Anglican Retirement Village complex at Castle Hill is the biggest concentration of aged persons in Australia. Many of its residents go to Hornsby to see doctors or visit sick friends in Hornsby Hospital. They catch the 632 bus. Unfortunately, under the proposed new arrangements, the 632 bus will terminate at Pennant Hills station. So the elderly will either have to catch a train to Hornsby or maybe another bus. If they are going to Hornsby Hospital, they will have to change again at Hornsby station. While this may not seem a problem for the able bodied, for those with limited mobility it is a major expedition. Imagine how you would feel if your wife or husband of 50 years were in hospital, you no longer drove, you used a walking stick and this extra obstacle to your visiting your loved one was put in your way. You would be dismayed.

Contrast this with the proposal for a new seven-days-a-week direct service from Castle Hill to Westmead Hospital, which will be a real boon for people living in Castle Hill. It is as though the Government has robbed people in the eastern part of my electorate of a hospital service so that it can be provided to the western sector. The Government also intends to scrap services from Castle Hill to Epping station, with the 635 bus to Macquarie Centre and to the city running down the M2 rather than Epping Road. I am not sure this makes a lot of sense, given that Epping will soon become the major rail junction in north-western Sydney, when the Epping to Chatswood rail link finally opens.

Rerouting the 635 bus down the M2 will cut travel times for those wanting to travel to the Macquarie Centre, but at considerable cost to other passengers. So, despite the way the Government has dressed up these changes, a number of significant alterations to routes and services will impact on my constituents—and more adverse effects may emerge with time. It has been only a matter of three short weeks since the changes were announced. Many people—not just in my electorate but in the electorate of the member for Baulkham Hills—have not had time yet to absorb the changes and to voice their objections. At the moment submissions close this Thursday—that is tomorrow, 8 May. I am asking the Minister for Transport for a further fortnight to allow affected residents and passengers to have their say. These changes are far reaching; the buses are all the public transport we have in my electorate, apart from the Clayton's railway station at Carlingford, and we need more time to absorb the impact of the changes properly.

CROSSROADS COMMUNITY CARE CENTRE, MIRANDA

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [6.11 p.m.]: I draw the attention of the House to a dedicated group of quiet achievers who are making a very real difference to the people of the Sutherland shire. These are the committee, staff and volunteers of Crossroads Community Care Centre, based in Miranda. On 23 April I had the pleasure of attending the fortieth annual general meeting of Crossroads and celebrating this marvellous milestone of its service with its enthusiastic members and, as the local member of

Parliament, acknowledging their outstanding achievements. How appropriate that outgoing President, Mrs Merle Heapy, should cut the fortieth birthday cake. Merle, who has been actively involved with Crossroads for more than 30 years, said, "I remain inspired and proud of my long association with Crossroads." Truly there is much to be proud of and I, too, am inspired by the work of Crossroads.

Crossroads is a life raft for the needy in the sea of perceived affluence that is the Sutherland shire. Crossroads provides help, support, guidance, information, referrals and counselling for some of the most vulnerable members of our community, including women and children victims of domestic violence and sexual assault, those with mental health issues, self-harm and addictive behaviours, those with relatives who abuse alcohol, and those with eating disorders, as well as persons suffering depression, social isolation and the effects of personal trauma. Crossroads helps those experiencing these problems and more. Crossroads so often gives those in dire straits and in despair the hope, the encouragement and the means to turn their lives around permanently and for the better.

Crossroads currently consists of 37 members, a 10-member governing committee and three part-time staff, as well as supporters and volunteers—six of whom provide regular reception, support and clerical assistance. Around 83 per cent of funding is provided by the Department of Community Services. Crossroads works with 130 different services to deliver positive outcomes for its clients and makes the most effective use of its resources. These services include accommodation, violence prevention and support as well as aged care, employment and mental health services. Last year Crossroads provided 9,026 information and referral services and 757 personal support services for shire residents. It also provided emergency financial assistance to 284 persons as well as 266 counselling sessions for individuals and families in crisis. These included matters involving neglect, child abuse, sexual assault, domestic violence, suicide and mental health—as well as issues involving parenting and grief.

I am, and remain, very impressed with the Crossroads Thelma and Luise Program for women and children who have escaped domestic violence and have experienced other forms of abuse. For those women most in need of safety and least able to cope, the program offers medium-term accommodation. A number of these women have their children with them. Most of the residents experience anxiety and sleep disorders, chronic fear, eating disorders and trauma-related reactions that disrupt normal function and tend to isolate them from support. They are often ill, and their low self-esteem and learned helplessness prevent them from getting their lives back together. The Thelma and Luise Program provides the time and a high level of support to help these women move forward, despite their past pain, into a better, healthier and safer future for them and their children. One of the participants in the Thelma and Luise Program said:

This is the best thing that ever happened to me, besides having a baby. Knowledge is power and I am learning about healing my life in a safe, stress-free environment with support. I feel like I have been given a second chance in my life.

The Thelma and Luise Program is clearly making a difference to those women and children who have escaped the demeaning and demoralising scourge of domestic violence. Today I met with the Minister for Community Services, the Hon. Kevin Greene, and sought his assistance with funding for this valuable program. As we celebrate its fortieth birthday, I congratulate and thank everyone involved with Crossroads Community Care Centre—coordinator Christine Bird and her staff, Denise Nichols and Yvonne Vallak; committee members Merle Heapy, Margaret Foster, Jessamy Hawkins, Nancy Unwin, Megan Taylor, Susanne King, Lyn Belsham, Roslyn King, Marie Corben and Shirley Hanks; all the volunteers, including weekly workers Dorothy Singleton and Karen Mountford; and all the sponsors, including Gladys and Charles Franchimon. Crossroads, you are clearly making a very real difference to my community. On behalf of all the people in my electorate of Miranda I thank you so much for your hard work, your support and your commitment to those in need in the shire. Happy fortieth birthday, Crossroads Community Care Centre.

TWEED GREYHOUND RACING

Mr GEOFF PROVEST (Tweed) [6.16 p.m.]: Once again, I am 100 per cent for the Tweed. Today I condemn Greyhound Racing New South Wales's ill thought out decision to cut the number of race days at Tweed's Border Park racetrack by an enormous 20 per cent, which will result in the number of race meetings at the track falling from 50 a year to just 40. Since the beginning of this year I have continually rallied Greyhound Racing New South Wales to reconsider this plan, as I believe it shows an extraordinary lack of vision as well as failing to take into consideration a number of important underlying circumstances.

Only recently the Parklands greyhound racing track, the only greyhound racing track on the Gold Coast, was closed to allow for the development of a new Gold Coast Hospital. This closure will have a

monumental effect on greyhound racing at Border Park as large numbers of both race-day patrons and participants entering greyhounds in Tweed race meetings will make the trip across the border to continue their sport. The added pressure that will be placed on Border Park Raceway by this surge in demand from the displaced Gold Coast greyhound enthusiasts will be immense, and cutting the number of race days at Border Park will only increase pressure on the raceway and its ability to cater for its patrons.

The Tweed is not the only electorate where the greyhound racing industry has faced enormous cuts. My Nationals colleagues the members for Barwon and for Murray-Darling also faced big slashes to the racing calendars at their local greyhound tracks. Whilst neither Broken Hill nor Moree greyhound tracks ended up losing any of the race days originally proposed by Greyhound Racing New South Wales, the Tweed lost 10 race days, which have been gifted directly to the Dapto raceway in the Illawarra. As things currently stand at Border Park Raceway, approximately 25 per cent of all race participants come from Queensland.

As I understand it, the primary concern of Greyhound Racing New South Wales was the potential for an increased amount of prize money to leave New South Wales and go to Queensland. While at face value this may be a valid point, it is clear that Greyhound Racing New South Wales has not given any consideration to the huge potential increases in revenue and patronage that these displaced Gold Coast residents will bring to New South Wales at Border Park as a result of losing 104 of their own race days because of the closure of their old track. The lack of vision shown by Greyhound Racing New South Wales chairman, Percy Allen, and chief executive officer, Brent Hogan, is extraordinary.

Simple economics dictates that if an organisation is trying to foster the growth of greyhound racing in New South Wales, it would be foolish to purposely reduce the number of race days when demand is set to increase rapidly. Brett Hogan's statement that cutting race days at Border Park would better reflect demand for greyhound racing is absurd. Cutting race meetings at Border Park and granting them to Dapto, which is hundreds of kilometres south of my electorate, in no way, shape or form reflects the huge demand for greyhound racing on the New South Wales North Coast, nor the increase in demand that is set to be experienced in Queensland as a result of the closure of the Border Park racetrack.

Border Park provides not only a service to its many patrons but also a means of employment for many Tweed residents in hospitality, cleaning and gambling facilities. This ill-conceived strategy means not only that Border Park will lose 20 per cent of its race days but also, ultimately, that the staff who work at the track will lose 20 per cent of their working days and therefore 20 per cent of the income they count on to get by. This decision by Greyhound Racing New South Wales Chairman Percy Allan and Chief Executive Officer Brent Hogan is unnecessary, and clearly little thought has been put into it.

The arguments put forward by Greyhound Racing New South Wales are dubious at best, and nothing said or presented to me by the organisation at the meeting I attended at its headquarters indicates to me that cutting race days in the Tweed would better reflect the demand for greyhound racing or provide any benefits to my electorate. Border Park Raceway is one of the State's most successful regional greyhound racing tracks, and Secretary Steve McGrath does a fine job in overseeing its operation. However, there is simply no logic in slashing the number of days the raceway is permitted to operate.

I urge the Minister for Gaming and Racing, the Hon. Graham West, to look into this matter and act to prevent the Border Park facility from being put on the chopping block to cater for other raceways. The organisation that owns the racetrack is about to sell five hectares of its land, and that will generate another \$5 million. The organisation has visions of using its own money to put in a sand-based track, which would further enhance the sport of greyhound racing. Once again, I am 100 per cent for the Tweed.

THE HUNTER MEDICAL RESEARCH INSTITUTE

Ms SONIA HORNERY (Wallsend—Parliamentary Secretary) [6.21 p.m.]: Mr Assistant-Speaker, may I preface this statement by saying that you look like a very healthy person and therefore I know you will be interested in listening to my speech. It gives me great pleasure to suggest that you would be a perfect candidate for the Hunter Medical Research Institute Register, a major tool of the Hunter Medical Research Institute, better known as HMRI. What is HMRI? It is a unique partnership between Hunter New England Health, the University of Newcastle, and the community. It provides a strong voice for health and medical research in our region. Having been established in 1998, in March this year the institute celebrated 10 years of showing how Wallsend electorate researchers have improved the health of our community and humankind. My sincere congratulations go to the institute for this remarkable milestone.

What an achievement: from an embryo to one of the State's largest medical research institutes in just a decade. HMRI was initially a revolutionary new model for health and medical research for a new century, and today it is recognised as a successful model for health and medical research. By providing both capital and infrastructure grants, the Labor Government, which I am pleased to be part of, recognises HMRI's outstanding contribution to health research. To help the institute continue to perform this critical work, HMRI has received over \$18 million in funding in the last two years. Of course, I do not need to remind the House of the significance of the Hunter region's export value to the State of New South Wales. Its traditional exports of industrial and agriculture products are very well known. But members may not be aware that the Hunter is increasingly recognised internationally for its strength in health and medical research, education and training. This diversification of the economy is vital to the future prosperity of the region. HMRI is certainly of economic benefit to Australia.

I first learnt about the register during a visit to John Hunter Hospital, and I was very keen to join. I urge members to set aside, as I do, about two hours each year to participate in this important research. More than 1,600 Hunter residents have joined the HMRI research register since it was established in June 2005, and 33 research studies have utilised the register. The areas of research that the register has supported include respiratory disease, schizophrenia, attention deficit hyperactivity disorder, or ADHD, bipolar disorder, multiple sclerosis, lupus and stroke. To date 476 tests have been completed. I was happy to sign up to the register as a practical and personal way to support local research. The register—a database of volunteers who are interested in participating in research studies—is unique to the Hunter. It helps Hunter researchers access healthy people who meet the criteria for their studies. By studying healthy people, researchers can determine what is in the mainstream, and develop new treatments and therapies for conditions such as asthma and mental illness, and for lowering cholesterol sooner. This important resource saves time and money, which can be better spent on research. The register includes a wide range of people aged 18 years and above, irrespective of their medical condition.

I have spoken many times about the wonderful volunteers of the Hunter who work tirelessly in every sector of the community, and once again I acknowledge my appreciation of these committed people. Without these volunteers many aspects of health and medical research simply would not happen. One of the main barriers to research is participant recruitment. This research would not be possible without the volunteers who dedicate their time and effort. I also acknowledge the efforts of my predecessor, Mr John Mills, who worked tirelessly to get funding for the HMRI and to raise the institute's profile. I encourage all people in the Hunter, not only those in my electorate, to join the HMRI research register.

Mr PAUL LYNCH (Liverpool—Minister for Local Government, Minister for Aboriginal Affairs, and Minister Assisting the Minister for Health (Mental Health)) [6.26 p.m.]: I commend the member for Wallsend and Parliamentary Secretary for raising the matter of the HMRI. As it so happens, I visited John Hunter Hospital last week to announce State Government funding of several million dollars for the institute to assist with the research work it is doing in relation to mental health. We have a record mental health budget, record numbers of beds, and record amounts of money going into community mental health, but there is also a need for money to go into research. We were therefore delighted to be able to provide money to the HMRI for some of the research projects it is pursuing.

It is an indication of the research capacity of the Hunter that the institute attracted that grant. There has been a long and impressive record of research done in the Hunter. It was put to me when I visited the Hunter last week that much of that has to do with the research traditions of the universities and that it has been built on that. Certainly whatever the cause, it is an impressive record, and the Government was delighted to be able to continue that tradition and allow the institute to further increase its research capacity through the grant announced last week.

MR PAUL HEALY HOME MODIFICATIONS FUNDING

Mr ADRIAN PICCOLI (Murrumbidgee) [6.27 p.m.]: On behalf of a constituent of mine, Mr Paul Healy of Barmedman, I draw to the House's attention difficulties he has experienced in accessing funding for home modifications. Mr Healy suffered an epidural abscess in 2007 and as a result he is permanently paralysed from the ribs down. He is ready to return to his home in Barmedman but cannot do so until his home is modified to accommodate his wheelchair and his ongoing care needs. Barmedman is about 120 kilometres east of Griffith and about 100 kilometres north-west of Wagga Wagga. The town is therefore some distance from the various medical facilities that are available in larger centres.

Unfortunately Mr Healy's application for financial assistance to modify his home has been declined. The reasons given for the rejection of this application include the complexity of Mr Healy's situation, and that his perceived needs cannot be guaranteed to be met long term in Barmedman. The fact that Mr Healy's home is not located near hospital services should an emergency arise is also listed as a reason for the rejection of his application. The recommendation is that Mr Healy consider relocating, on the basis that an application to modify a home deemed to be more suitable would be considered. The issue raises the difficulty of people's lack of understanding—I am sure, well-meaning people—of the problems of geography. Mr Healy lives in Barmedman, and he has family support and social support in that town. It is not an easy matter for him to sell up and move to Wagga Wagga, Griffith, Orange, or somewhere else.

Mr Healy cannot afford to move to another house in one of those larger centres. His home in Barmedman is valued at only about \$45,000, and all members would appreciate that \$45,000 will not buy much in any of the larger centres in western New South Wales. Mr Healy was told also that even if he did purchase another home, he would have to await a further assessment, with no guarantee of success. Moving is not a viable option for him, when one considers the difficulties confronting him, both physically and financially, especially without any assurance that modifications would be done to any new premises.

The alternative offered to Mr Healey is nursing home placement, which is not satisfactory to him. Paul is only 66 years of age and he has no impairment of his mental faculties. He is not ready for a nursing home. He feels he has much yet to contribute and to accomplish—and I totally agree with him. On a number of occasions I have asked that his case be reviewed and tonight I restate that request in this Chamber. It is unforgivable that a man whose life has already been turned upside down should be placed under additional stress. I ask that his case be reassessed sympathetically and that consideration be given to the geography of his hometown of Barmedman, and the difficulties he will face if he is forced to move. I ask that the necessary modifications be made to his current house so that he may return home and endeavour to put his life back together at Barmedman.

HERONS CREEK DISTILLATE POWER STATION PROPOSAL

Mr ROBERT OAKESHOTT (Port Macquarie) [6.32 p.m.]: Tonight I speak about power supply on the mid North Coast. The House has probably heard enough about power supply this week but I wish to refer to plans for a peak power plant on the Pacific Highway at Herons Creek that have just been placed on public exhibition under part 3A of the Environmental Planning and Assessment Act. The proposed development, worth more than \$30 million, raises a number of community issues. The first involves the details of the submission, which I encourage as many people as possible to examine either through the council or the Department of Planning, to consider the impacts, both positive and negative.

The proponent, International Power (Australia) Pty Limited, a United Kingdom based company, proposes to construct a 120 megawatt to 150 megawatt distillate-fired power station comprising three gas turbines in open cycle mode operation for up to 10 per cent of the year. The project includes the installation and operation of three distillate fired gas turbines; generators and ancillary plant; transformers and a switchyard connecting to the existing transmission line; control room, workshop and staff amenities; water treatment and storage facilities; and landscaping.

I wish to link this matter into the debate taking place currently statewide because I regard the peak power plant as somewhat of a necessary evil. It is a far from perfect model but it highlights the need for a local push from the business sector for a natural gas supply to be piped through to the mid North Coast region—something we do not have currently. As the area is high growth and there is an increased commercial need for gas, I encourage an expression of interest for such a project from local businesses. Further, I encourage the Government, through its various Ministers, to endorse the project. This necessary evil will involve a couple of B-doubles travelling down the highway every day providing gas to the gas turbines, but these can be dispensed with when natural gas is available. The preferred model is gas and the challenge is to get commercial gas to our area as quickly as possible.

I ask members to reflect on the demand issues. We have heard much about supply in this Chamber. The proposal draws attention to the lack of investment by government, the practice of hollow logging with respect to the raiding of dividends and the burying of debt into local retail suppliers, and the lack of investment in poles and wires. The high-growth areas in the mid North Coast will have to tolerate the construction of a new power plant to handle peak loads on very hot days, when everyone turns on air-conditioners, or on very cold days, when everyone turns on heaters.

We can argue about the lack of investment in the past—inactivity that is now biting the Government on the backside—but I do not accept that all avenues have been exhausted in the community to encourage people to change their habits. I know I am still guilty of leaving lights burning around my home, and I am sure that if members are honest they will admit likewise. The Government should be more proactive. I hope it is not true, but I am told that large plasma televisions being left on standby overnight is having a significant impact on power supply and will continue to do so into the future. The proposal for Herons Creek is important and is probably necessary for the mid North Coast. It is far from perfect, however, and I urge everyone to consider the proposal and reflect on it.

NEW ENGLAND WRITERS CENTRE YOUTH ONLINE PROGRAM

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [6.37 p.m.]: One of the biggest problems facing country communities wanting to participate fully in the telecommunications revolution is actually gaining access to technology. In the area in which I live it is still difficult for many people to access anything other than intermittent dial-up services. However, fortunately, most schools in isolated areas throughout the State now have broadband connection. Today I bring to the attention of the House how this access has facilitated a very successful and popular program being run by the New England Writers Centre for some of the most isolated small schools in the State.

Our writers' centre has been very effective in bringing together writers in the region through workshops, visiting writers programs and other activities. Online programs for outreach purposes are available where face-to-face activities are not possible because of remoteness and isolation. The touring component of a youth online project, which began last year, took performance artist Miles Merrill to six schools to give workshops in writing techniques and performing written work. Four tutors took 10 online workshops to more isolated schools. A total of 408 children took part in the workshops, with 333 involved in the primary and secondary school face-to-face workshops with Miles Merrill. A further 75 primary children joined the online workshops with tutors Sophie Masson, Susan McMichael, Janice Burn and Lesley Sly, all published and accomplished local writers.

Schools taking part in the Miles Merrill tour included Guyra Central, Glen Innes, Armidale and Duval high schools and the Armidale Waldorf School. Online workshops were held at the more isolated Chandler, Wyaliba, Yarrowitch, Blackville, Mingoola, Premer, Bendemeer, Nowendoc and Wongwibinda public schools. The ages of the students spanned from six to twelve years, with a maximum of eight children for each online session. The process involved writers sending material outline by email and students then writing their stories in class and emailing them back to the writers.

The writers edited the stories, made comments and notes and returned them to the students. Following that there was a 45-minute live chat to discuss the edited work and for the children to ask questions. Feedback from the schools was that the children were excited about their work being read by 'real' writers and they regarded it as quite different from writing essays in class. They saw the chat part of the session as giving them a chance to ask questions about becoming a professional writer.

Another benefit of this ongoing project is that it gives local writers paid work and the opportunity to develop their tutorial skills and potentially gives the New England Writers Centre access to tutors outside the area and even overseas. Last year's program was supported by Arts NSW, Regional Arts Fund Australia, Telstra Country Wide with free broadband, the public libraries of New England, the New England Credit Union and the Department of Education and Training, which provided access to schools through its web services, a protected Internet site. Most of the live chats were delivered online although there were some phone conferences with six year olds. The centre now plans to look into video conferencing. Although Webcam is another effective delivery system, it requires participants to have fast computers and fast broadband to really work smoothly, and in the bush fast broadband is a problem, even with satellite.

I urge the Government to continue its support for this very effective online project backed up by operations and program funding. The possibilities for delivering writing skills to youth in New England through this system are both endless and low cost. In the first half of 2008, the Writers Centre is offering six online workshops and hopes to raise funding for more later in the year. I will finish by quoting from a letter from one of the teachers whose students participated in the online project:

The quality of work produced by the students is testimony to the importance of such an enterprise. Rural isolated students such as ours, benefit enormously from such services being delivered online. As the comments illustrate this has been a wonderfully motivational, enjoyable and educational experience for all students. The highlight for myself, as the classroom teacher, has been

the opportunity to observe the students' progress, attitude changes and engagement with the writing process. How powerful it is to have an author valuing students' written work and providing students with positive suggestions, feedback and time! The springboard into new technology has been an added bonus for our school."

This is a very worthwhile project.

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

Private members' statements noted.

POLICING IN THE HUNTER

Matter of Public Importance

Mr FRANK TERENCEZINI (Maitland) [6.42 p.m.]: I ask the House to note as a matter of public importance policing in the Hunter. Friday 2 May was a significant turning point for policing in the Hunter Valley with the Iemma Government announcing its plan to secure the area's future through a redistribution of the police boundaries putting resources where they are needed most. This is about ensuring Newcastle and Hunter regions are safer places for families to live and work. The redistribution has been drawn up and delivered by New South Wales Police after extensive consultation with local communities and the Police Association.

Under the plan Lower Hunter Local Area Command will be split in two and Newcastle Local Area Command will be increased to take over much of the existing Waratah Command. This re-prioritisation and re-targeting of police resources reflects the geographic challenges in Lower Hunter Local Area Command brought about by the increasing population in the area. This is a very important matter for my constituents. I was very proud to stand with the Minister for Police, Mr David Campbell, and my parliamentary colleague the member for Newcastle, Jodi McKay, at Raymond Terrace police station to make this announcement. The community asked for solutions and, in conjunction with New South Wales Police, the Iemma Government has delivered them.

The plan will put more police patrols where they are needed and turn Raymond Terrace police station into the head station for a new Port Stephens Local Area Command. The Government has committed \$13 million to redeveloping the police station. I found it interesting that the member for Port Stephens appeared at that announcement. Members may recall that last year when industrial action was being taken the member for Port Stephens moved a motion in this Parliament despite the fact the Government had already announced an inquiry into policing of the whole Hunter Valley to ensure that police resources were put where they were needed. For the member for Port Stephens to move that motion calling for the immediate creation of a Port Stephens Local Area Command demonstrated not so much his naivety but the political stunt that was being put on here.

It was not a case of taking a pen to a map and drawing a new command. We all knew that what affected one command would affect the other, so an inquiry had to be carried out. The member for Port Stephens criticised that inquiry and wanted the immediate creation of the command. Since then the inquiry has taken place and the local area command has been created. There has been an investigation of police resources and where they are best placed. The member for Port Stephens was not only able to fall very quickly into the ranks of the Opposition by opposing, he also excelled himself by being present on the day of the announcement to stand shoulder to shoulder with the Minister, and put out his own press release rightly praising the Minister and the regional commander, Lee Shearer, for being the driving force behind the move.

I note that the member for Port Stephens criticised what the Iemma Government was doing but as it turned out we have delivered on both those items. The first is the new Port Stephens Local Area Command and the second is the new police station at Raymond Terrace. That has happened as the Iemma Government said it would, but there had to be an inquiry. That is what the Opposition is all about—criticising and whingeing. When it all happened, there was the member for Port Stephens for his photo opportunity at Raymond Terrace police station.

I congratulate the Police Association, the police and the Minister. I also thank my parliamentary colleagues for their input into this process. There is still some way to go but the structure is in place. The Lower Hunter Command will now be cut in half. As member for Maitland, I knew it was not just a matter of getting through the industrial dispute last year, which the police initiated. It was also a matter of structural reform. That is what it was all about. I never wanted to see this sort of thing happen again in the Lower Hunter. The

command was too big and it suffered from the tyranny of distance. I wanted to make sure all parties worked together so that we did not have that problem again. I am very pleased with the outcome. The New South Wales Government listened to the community and the representations made by people such as the member for Newcastle and me. There is still work to be done but I am confident it will proceed. The Police Association's Hunter representative, Kel Graham, said in the *Maitland Mercury* yesterday:

Morale in the Lower Hunter has improved. ... The Lower Hunter will have more police covering a smaller area—this has got to be good. ... The changes will make it easier for police to target criminals.

That is very appropriate. There is overwhelming support for this plan and the big winners are the people from areas right across the Hunter, including my local community. The Minister deserves credit for driving this project and the police should be congratulated on getting this right. I note that Wednesday last week was the birthday of the member for Port Stephens and he is quoted in his press release as saying the announcement was a great birthday present. I remind the member that the present was not for him; it was for his constituents, and it is a great result.

Mr CRAIG BAUMANN (Port Stephens) [6.48 p.m.]: It is very interesting that only now has the member for Maitland made policing in the Hunter a priority. In October last year, as he mentioned, he rose to speak in opposition to a notice of motion I moved that noted the rising incidence of violent crime and malicious damage to property in Port Stephens and called on the Government to immediately provide for a dedicated Port Stephens local area command. The member for Maitland spoke and voted against that motion, along with his Labor colleagues, and then had the gall to stand beside his Minister—the very Minister who denied outright that a Port Stephens local area command was ever promised by his Government—and be congratulated on his strong stance on policing in the Hunter.

The member for Maitland and his Labor colleagues have been missing in action on policing from day one. Where was the member for Maitland when the Police Association was protesting in his electorate over its mistreatment by the Minister? Where was the member for Maitland when the Police Association was threatening strike action and when the Minister was denying his predecessors' election commitments? The New South Wales Labor Government loves talking about everything it is doing for the Hunter, but since it lost the seat of Port Stephens, it likes to think that Port Stephens is no longer a part of the Hunter.

The New South Wales Police Northern Region Commander, Assistant Commissioner Lee Shearer, has put forward a plan that will go a long way towards solving the Hunter's policing crisis. It is telling that when someone else comes up with a solution, Labor members jump on board. This solution bares a striking resemblance to that put forward by the former Minister for Police. Why? Because it is commonsense. Assistant Commissioner Lee Shearer should be congratulated on coming up with a commonsense plan to fix police resource management in the Hunter whereas the Government should hang its head in shame at its own inaction on the issue.

Policing in the Hunter is the Labor Government's political football that is pulled out for a kick when it needs to score a few cheap points, but otherwise left in the shed and ignored when they have something more interesting to do—such as kicking each other to death during power privatisation debates. With the establishment of the Port Stephens Local Area Command, the policing levels in the Maitland electorate will remain the same, but it is Port Stephens that the changes really affect, and it is Port Stephens that has experienced increased levels of crime. Towns in the electorate of Maitland that will substantially benefit from a Port Stephens Local Area Command include Hinton, Seaham, Millers Forest and part of Raymond Terrace. Perhaps the member for Maitland should reflect on results from the 2007 State election when he received only 30 per cent of nearly 3,000 votes cast in those towns. Those communities are fed up with the broken promises of the Labor Government. They showed that at the polls.

The new Raymond Terrace police station, which is the linchpin of the proposed new local area command, has been promised at every election since 1995, but so far not a single brick has been laid. In the last budget, \$700,000 was allocated to begin work on a new station on the existing site, but when I visited the site last week, as did the member for Maitland, there had been no change to the facilities. I understand that cooler heads in the Police Force are trying to work out how to operate a police station as it is being demolished and being rebuilt, but I know that my former colleagues on the Port Stephens Council are as passionate about policing issues in Port Stephens as I am, and will do all they can to assist with temporary accommodation or, more sensibly, an alternative site.

The member for Maitland and the Labor Government's cheer squad talk about increased police numbers in the region. Last year the Lower Hunter Local Area Command received 12 new probationary

constables from the January graduating class, three officers in May, and a further three officers in August. During the debate on my notice of motion last year, this fact was mentioned on several occasions as evidence that the Government was serious about policing in the region. What the Government does not discuss is just how many officers have quit that command in the same time, how many officers were on sick leave from the command at that time, and how the officers the local area command has are overstretched in patrolling an 8,000-square-kilometre region. A patrol region of 8,000 square kilometres was never going to be workable. That is why the Northern Region Commander has made the commonsense decision to halve the size of the local area command.

Interestingly, the Government's solution to the region's policing woes prior to the Assistant Commissioner stepping in was a mobile police station—what most people refer to as a police car. With great fanfare, the "Campbell Campervan" was announced last year but, like the Minister of Police, seems to be missing in action. It makes no sense to solve the difficulties of administering a command area of that size by putting a police station on wheels. What will the mobile police station do when it is parked in Cessnock and there is an emergency in Nelson Bay? It cannot grow wings and fly there—although for the amount of money the Government spent kitting it out, we hope it could. For 10 years the Government has been obsessed with bandaid solutions to this problem. The 2007 State election ripped the bandaid from the policing resourcing wound in Port Stephens, and only now is the Government serious about stitching it up. I do not believe motion of the member for Maitland should be treated as a matter of public importance because adequate policing in the Hunter has not been one of his Government's priorities for the past 13 years.

Ms JODI McKAY (Newcastle) [6.54 p.m.]: I join in debate on the matter of public importance because policing in the Hunter is an incredibly important issue, not just for my electorate and local area commands in Newcastle and Waratah which are located in my electorate but for policing in the Hunter region generally. Last year I spoke during the debate to which the member for Port Stephens referred. I argued for a regional approach to be adopted to resolve resources and staffing issues that affect the Lower Hunter Local Area Command and the Port Stephens area. The Tilligerry community actively supported that approach. I congratulate the member for Port Stephens on the work he undertook on behalf of his community. As I said to him last year, a regional approach should have been adopted, and that is the solution presented by the Minister for Police and Commander Lee Shearer during the last week.

Any change to the boundaries of the Lower Hunter Area Command would have affected Newcastle Local Area Command and Waratah Local Area Command. The member for Wallsend and I worked collaboratively to have Newcastle and Waratah local area commands merged into Newcastle City Local Area Command to make sure that the Port Stephens community had a dedicated police presence. I reiterate the importance of all who worked together on this issue in the adoption of a regional approach. I also congratulate the Police Association on its work on this issue. Today I spoke with representatives of the union, who came up with some impressive suggestions, such as keeping Stockton within Newcastle City Local Area Command rather than in Port Stephens.

Although some staffing and resources issues remain to be resolved, ultimately everybody has approached the resolution of the problems in a spirit of goodwill and with the benefit of the community in mind, and that should be recognised. I also congratulate Commander Lee Shearer on the work she has done and the Minister for Police on giving her the opportunity to resolve the problems at a local level. That was an important initiative and enabled efficient resolution of the problems in consultation with local area commands, the Police Association and local parliamentary representatives. Some really good things are being achieved in Newcastle. I hope that the creation of a new local area command will build on those achievements. In the past month alone the number of assaults have decreased by 43 per cent, which represents 53 fewer assaults in one month. While my electorate has issues with alcohol-related crime, initiatives have been put in place to deal with that. I look forward to dealing with the new area commander in the future.

Mr FRANK TERENCE (Maitland) [6.57 p.m.], in reply: The redistribution of police resources in the Hunter is a great outcome. I thank the member for Port Stephens for his contribution to the debate, but I admit to being somewhat confused with his on-off attitude and switching in his point of view. Late last year he displayed negativity, but adopted a positive outlook when the announcement was made, yet during his contribution to this debate again displayed negativity. Nevertheless, his constituents will benefit greatly from this initiative.

The outcome was planned in the overall review of Hunter policing. Exactly the outcome forecast by the Iemma Government has become the reality. I am confident that the Police Association will continue to play a

key role and that the Northern Regional Commander, Lee Shearer, will continue to be the driving force in working out details in the future. Essentially, a structure has been put in place that is particularly significant for Lower Hunter Local Area Command, which previously was way too big. The Government has created a new local area command by redistributing resources. As I have stated publicly on many occasions, a local area command cannot be created without adjacent commands being affected. The proper allocation of resources demanded an overall review of policing in the Hunter, and that is exactly what happened. The creation of a new local area command represents an enormous step forward towards a new kind of policing in the Hunter. That will ensure that police resources are where they should be.

Port Stephens was originally part of Lower Hunter Local Area Command but will now have its own local area command. That will ensure that police are on the ground, located in areas where there is population growth and development. The situation had to be reviewed before a decision could be made. That is what we kept telling people like the member for Port Stephens, who continually criticised the Government in the media. On the day the announcement was made he said it was a good thing; tonight he said that the decision was not. It is confusing. His constituents will benefit. I thank members for their contributions. It is a matter of public importance because policing makes us all feel safe. The police do a fantastic job. Because of the review, and because the Government has ensured that there is restructural, positive and long-lasting change, police resources will be better allocated in the Hunter, which will benefit the whole of the community.

Discussion concluded.

The House adjourned at 7.00 p.m. until Thursday 8 May 2008 at 10.00 a.m.
