

# LEGISLATIVE ASSEMBLY

Tuesday 2 December 2008

## ABSENCE OF THE SPEAKER AND THE DEPUTY-SPEAKER

**The Clerk** announced the absence of the Speaker and the Deputy-Speaker.

**Assistant-Speaker (Ms Alison Megarritty)** took the chair at 1.00 p.m.

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

## BUSINESS OF THE HOUSE

### Notices of Motions

**General Business Notices of Motions (for Bills) given, by leave.**

## BUSINESS OF THE HOUSE

### Notices of Motions

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

## PRIVATE MEMBERS' STATEMENTS

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

## FLINDERS PUBLIC SCHOOL SOFTIES PRESENTATION

**Ms LYLEA McMAHON** (Shellharbour—Parliamentary Secretary) [1.05 p.m.]: On Friday 21 November 2008 I had the greatest pleasure of attending the inaugural year 6 Softies Presentation at Flinders Public School at the invitation of year 6 student Sebastian Descalzo. Year 6 teachers Michelle Green and Jenny Hegedus created the softies project to help address some of the many issues faced by students in the middle years—those students from years 5 to 9, representing a combination of both primary and high school students. Michelle has been identified as the ideas person whilst Jennifer has inherited the role of enforcer. This project was destined to be a success with this dynamic combination. These two dedicated teachers also participate in the middle years conferences that are held in Sydney, where the softies concept originated.

Jenny Hegedus and Michelle Green believe they have developed a greater understanding of the what, how and why of students in these formative years and have developed important strategies to engage students during that time. In trying to enhance the learning possibilities for the school community of Flinders Public School they developed a cluster of partner schools, including Warilla High School and other local schools. The development of this cluster has been invaluable to the school, allowing staff to share not only their experiences but also their teaching strategies and ideas that have worked. Michelle and Jenny were joined by Mrs Fallow Cranny, head teacher of design and technology at Warilla High School, who was keen to participate in this initiative as she recognised the value of this program.

The softies project is just one of a number of activities resulting from the working partnership between Flinders Public School and Warilla High School. Other projects include literacy and an emphasis on teaching as well as sports days. As I said earlier, on Friday I attended the launch of the softie initiative, which also made its debut on the New South Wales Department of Education and Training system. Little did the teaching staff know when they commenced this project that the idea of making a plush toy as a means of assisting primary school students in their transition to high school would become an important educational tool and could be used as a vehicle to satisfy the goals of the middle years cluster.

All 83 year 6 students at Flinders Public School set about designing their own softie. What exactly is a softie? It is a stuffed toy designed exclusively by each student. It represents their imagination conjured up from

fantasy and is created into something that reflects their individual personality. The students embraced this project and created something that was fun, but they also learned new skills along the way. They had the opportunity to interact with students at Warilla High School whilst familiarising themselves with the school that would facilitate their future learning needs. Through this project the students develop confidence about going to high school, helping to alleviate some of their anxieties about entering high school, develop self-esteem and nurture their creative spirit. I pay tribute to those hard-working students.

The following students participated: Joshua King, Shaun Milton, Justin Neloski, Chad Seymour, Tyson Silk, Hayden Smith, Luke Woods, Amy Angeloska, Daisy Clarke, Chantelle Cvetanoskit, Taylah Hogan, Matilda Jones, Amy Martins, Kirsten Nash, Cassie Nikodijevic, Laura Petkovski, Chloe Rootes, Kaylee Ryan, Alisha Saint, Taylah Savell, Alina Setter, Emily Spaseski, Natasha Spirovski, Jared Anset, James Broad, Cade Gronlund, Koray Kaplan, Jack Lara, Detland Lisch, Jordan Marsh, Sean Nolan, Connor Opie, Mitchel Ruiz, Jordan Sangster, Matthew Shaw, Zac Trunzo, Osgur Yilmaz, Ashley Angeloski, Kiana Breakspear, Lily Clarke, Michelle Li, Tegan Mongta, Shania Rae, Brittany Wickham, Joshua Boulton, Matthew Bright, Brendan Den Hoedt, Sebastian Descalzo, Liam Gallagher, Derek Hely, Wade Holz, Alex McPhie, Jake Packham, Daniel Petricca, Mark Robertson, Tristan Waine, Jacob Williams, Kyle Thomsen, Aylin Ashton, Christine Cooke, Annelise Dimech, Shelby Fewings, Megan Harrison, Alyssa Hartgrove, Natalie Henderson, Clair Higgins, Monika Jangelovski, Rachael Malin, Alexis Mallia, Melissa Mendicino, Tegan Kearney, Madeleine Stone, Stephanie Thomas, Sabrina Velasco, Chloe Waugh, Brad Chambers, Jordan Charman, Ricky Degidio, Hayden Goody, Timothy Hegedus and Dylan Kerr. I congratulate all those students and their teachers on this invaluable learning process that has benefited everyone involved.

### SHOALHAVEN POLICING

**Mrs SHELLEY HANCOCK** (South Coast) [1.10 p.m.]: This afternoon I speak in support of a submission by the executive of the Nowra branch of the Police Association of New South Wales for an increase in the actual strength of police numbers in the Shoalhaven Local Area Command. The Nowra branch of the association believes that at the present time both general duties police and detectives are understaffed and as a result the front line police have excessive workloads, which is having a negative impact both on the ability of police to service the Shoalhaven community and the welfare of police in the Shoalhaven Local Area Command. I quote from a letter from the association outlining the three areas covered in the submission:

The first is for an increase of six criminal investigations positions and one Detective Sergeant position within the Shoalhaven Detectives Office. There has not been an increase in actual strength of the Criminal Investigation team since at least 1996. During this time the population has increased by approximately 15%. Together with this increase the workload within the Criminal Investigation unit has increased by 200% since 2006. Comparisons with other commands with similar demographics such as Tweed Byron LAC and Wagga Wagga LAC and Orana LAC show that on average the Shoalhaven has four fewer investigation positions and one less Detective Sergeant Position.

The second is for an increase of ten general duties officers attached to Nowra Police Station. During the recent past due to lack of police numbers the Shoalhaven LAC has struggled to fulfil our first response agreement, that is two response vehicles, station officer, supervising sergeant and custody officer. Not only are police from outstations such as Berry, Culburra and Huskisson frequently recalled to Nowra to fill these vacancies leaving those communities unattended, but other police sections such as Crime Management Unit, Target Action Group, Drug Unit and Detectives have also been utilised to fill these vacancies. Even when there are sufficient police available, recent changes to policing practices, such as domestic violence legislative requirements and pro-activity pressures have seen a marked increase in the workload of each officer. The constant pressures of increased workload and lack of resources has resulted in added strain on the welfare of these officers.

Finally since 1998, both the community and Shoalhaven Police have made submissions for the upgrade of the Bay and Basin Police Station to a 24 hour station. At the present time there are nine positions attached to Huskisson Police Station however there are only seven police currently working. The current situation has Huskisson police working from 7.00am to 2.00am on weekdays and 4.30am on weekends. At the present time police are unable to fulfil the basic requirement of one officer on day shift and two on night shift. This in itself is cause for concern given the dangers attached to single unit policing in an area that has an increasing crime rate. To allow two officers per shift for a 24 hour period there needs to be 16 officers attached to this station, an increase of seven (7) officers. The fact that there are not sufficient police in the Bay and Basin area apply added pressure to the Nowra Police who are taken away from Nowra to respond to jobs in this area.

This admission relates to pressure currently felt by each of the officers attached to the Shoalhaven LAC and do not take into account increases in the population over the next few years as a result of improvements in infrastructure in the area such as the proposed Nowra Corrective Services Centre.

The issues raised in the submission from the Nowra branch of the Police Association of New South Wales are indeed serious. I call on the Government to respond urgently, particularly to the request for an additional 10 general duties officers. Nowra Local Area Command is having difficulty fulfilling its first response obligations without having to call in police officers from outlying villages. I have spoken before in the House about the problems that occur when police are continually called away from villages to assist the Nowra Local

Area Command or the Nowra command station. Those villages are some distance from Nowra and they are left vulnerable without a police presence. The safety and security of the community and the welfare and morale of the police officers in the Shoalhaven Local Area Command are serious issues. I call on the Government this afternoon to respond urgently to the submission of the Police Association of New South Wales and I ask that this matter be raised in the other place so that these matters can be taken seriously.

### **REGION 1 BUS NETWORK**

**Mrs KARYN PALUZZANO** (Penrith—Parliamentary Secretary) [1.15 p.m.]: I raise the issue of community consultation on the Region 1 bus network. Those who rely on contractual bus networks know how important it is that the very first of the community consultations following the Unsworth bus review is taking place and how vital it is for members of the community to have their say. Contractual area No. 1, or Region 1, comprises areas covered by Westbus, Busway and Hawkesbury Valley Bus Service. One of the many recommendations of the Unsworth bus review that took place in 2003 and 2004 was reducing the 100-odd bus contract areas in the Sydney area to 12 contracts. Contractual area No. 1 has been running for approximately three years. The Passenger Transport Reform Act provided for community consultation on these new networks.

Another aspect of the Unsworth bus review was fare harmonisation. I am pleased to inform the House that fair harmonisation happened in contractual area No. 1 a number of years ago. It means that no matter what distance a passenger travels on the bus network in the Sydney area the fare is the same. But the key issue is that in contractual area number one, or the Penrith area, the distances travelled by passengers on buses are far greater than the distances travelled by our inner city colleagues. Following the Unsworth bus review we also were able to introduce the pensioner excursion ticket. Pensioners in outer western Sydney and the electorate of Penrith have been able to catch their contracted bus—whether from Westbus or the Blue Mountains Bus Company—pay their \$2.50 at the point of entry to the bus and travel the network at any time. Up until 8 December members of the community can have their say. They can do that via the website, which is [www.nswbusnetwork.com.au](http://www.nswbusnetwork.com.au), or by calling 1800 005 113. It is important for the community to have its say because prior to the changes and legislative reforms resulting from the Unsworth bus review the contractual bus companies had perpetual contracts and all they had to do was meet minimum standards.

In western Sydney, in particular in areas of Penrith, the minimum standard is not good enough. The proposed bus routes were set out in a flyer letterboxed to people in the electorate. There were mistakes in the flyer and I was adamant when speaking to the Ministry of Transport that the pamphlet should be rewritten and reissued, which it was. We now have the opportunity to have a say on the proposed bus routes. The proposals contained in the flyer relate to the ticketing data only. Nepean Shores at Jamisontown does not have weekend services; half of South Penrith does not have weekend services. So if there are no tickets issued there is no data relating to a bus service that can be put into a proposal. Last Thursday evening a public meeting at South Penrith Neighbourhood Centre was attended by more than 60 people.

I commend a representative of the Ministry of Transport, Adrian Dessanti, and Stephen Timbrell from Westbus, David Yee from the Penrith City Council and Susan Day from the South Penrith Residents Action Group for their presentations. Susan is a community activist who helped to organise the community forum, enabling more than 60 people from a small pocket of Penrith to have their say. The people were not happy for the reason that the proposed public transport services are not good enough. Penrith needs more frequent services. There has been an 8 per cent increase in rail services, yet there has been no corresponding increase in bus services to provide a link. Penrith also needs more public transport services on weekends.

### **TED SIMPSON, FORMER MAYOR OF BREWARRINA, TRIBUTE**

**Mr KEVIN HUMPHRIES** (Barwon) [1.20 p.m.]: Mr Ted Simpson was born on 22 February 1944 and passed away at Brewarrina on 26 August 2007. The family of the late Ted Simpson—his wife Noelene Simpson and his children, Elizabeth, Edward, William, Linda, Cathy and Henry, his grandchildren, his great-grandson Talan Edward, his sisters and brothers, nieces and nephews, Missy, Stanley and family—are all extremely proud and honoured that the National Museum of Australia will recognise and honour Ted Simpson for the contribution he made to Aboriginal affairs at the local, State and Federal levels, and for the contribution he made to Brewarrina Shire Council, especially his recent history-making achievement of becoming the first Aboriginal Mayor of Brewarrina—a position Ted held for three years—and the first Aboriginal mayor on the western side of the Blue Mountains.

In the 1970s Ted, together with the then New South Wales Commissioner of Police, Mr Bill Galvin, was instrumental in the implementation of the appointment of Aboriginal community liaison officers, among

many other achievements. A number of items will be displayed in the National Museum of Australia in Canberra in recognition of many of Ted's achievements throughout his life in Aboriginal politics and public life and his personal attributes. The family is beaming with pride that Ted will be recognised at the national level for his contribution, commitment and dedication to Aboriginal affairs over 35 years and to local government for 10 years. Ted was part of an era that seized the new day for Aboriginal affairs when he and many of his colleagues from the National Aboriginal Conference—Allan Hall, Lyall Munro, Jim Stanley, Ossie Cruz and another 30 National Aboriginal Conference members from throughout Australia—continued the work of the elders who preceded them in a fight at the front line for the rights of Aboriginal people at local, State and national levels.

The National Museum of Australia in Canberra will specifically design a cabinet to display cultural, personal and professional belongings as well as accolades sent to Ted in recognition of his achievements. They show a true reflection of the contribution and progression in Aboriginal politics from the National Aboriginal Conference days when Ted was chairman of the New South Wales branch for six years in the 1970s and Commissioner for the Aboriginal Development Commission for the whole of New South Wales for three years in the early 1980s, tackling issues such as housing, health, education, training and employment, and legal assistance. With the vast amount of experience that Ted gained through Aboriginal politics, he knew it was important to get involved in local government. By standing for election to the council in 1997, through his hard work and with the support of the community, he was elected as the fourth councillor on the primary vote on election night.

Approximately 80 items will displayed in the cabinet at the National Museum of Australia in Canberra, and those items include the Murdi Paaki Person of the Year 2004 Cup; a recognition pen set from the New South Wales Police Service in respect of the introduction of Aboriginal community liaison officers in New South Wales; a plaque from Orana Haven Drug and Alcohol Rehabilitation Centre for the service, dedication and overwhelming contribution he made to Orana Haven in the areas of improving the infrastructure, refurbishment, the delivery of service and a huge amount of voluntarily work that he contributed after hours; a plaque from Ballot Land Enterprises for his contributions and efforts to secure a property from the Indigenous Land Corporation in the 1990s; and a plaque from the Walgett community recognising the contribution he made to Walgett and surrounding areas.

Congratulatory letters when he was elected as the first Aboriginal Mayor of Brewarrina Shire Council also will be displayed along with many of the tribute letters that flowed in after his passing. The display will also include a watch that Ted purchased from the National Heart Foundation when supporting the worthy cause of heart disease research, his radio, wallet and watch set, a number of photographs from the family, a precious photograph of Ted and his first great-grandchild, who happened to be born on his birthday, a photograph of his mother Linda Fernando, who was born in 1901, and a photograph of his father, who was born in the late 1880s, as well as photographs from the Brewarrina Shire Council. Also among the items will be newspapers clippings outlining his work in Aboriginal politics and public life. Other items will include Ted's clothes, shoes, belt and ties, including one tie that was a very special gift from Deborah Walford of Walgett, who had a strong influence and significant impact on Ted during his life.

The family would like me to express on their behalf how proud they are that Ted will finally be recognised at the national level and for many years to come throughout history. His story will be told through the eyes of the National Museum of Australia, and that will be part of history for a very long time for his family and for many people who will pass through the museum. Even though Ted would not have wanted recognised for what he achieved, he knew before he passed away that this project would go ahead. But now Ted's family, in partnership with the National Museum of Australia, will be able to ensure that the project is carried forward to completion and that he is remembered so we all may truly honour Ted for all his hard work.

### **LITHGOW SMALL ARMS FACTORY**

**Mr GERARD MARTIN** (Bathurst) [1.25 p.m.]: The year 2008 marks the centenary of the decision by the Australian Government to establish a small arms factory in Lithgow. The defence Minister in 1908 was Joseph Cook, who was also the Federal member who represented Lithgow. The successful tenderer was the American company, Pratt and Whitney, from Hartford, Connecticut, whose tender price was £68,000, which was less than half the most expensive quote, from the Birmingham Small Arms Company in the United Kingdom. Joseph Cook, who later became Prime Minister, was an Englishman who came to Lithgow to work in the coalmines and then went on to a career in politics.

Construction of the factory began in late 1909 and was completed in 1912. It was opened by the then Governor-General, Baron Denman, on 8 June that year. The factory had the first automated production line ever constructed in Australia. The Lithgow Small Arms Factory has played a significant role in the economic and social history of Lithgow for almost a century. It has been at the heart of Australia's defence production capability. All three rifles that have served Australian forces over the last century were produced at the Lithgow Small Arms Factory—the Lee-Enfield .303 rifle, 100,000 of which were produced during World War I and which was in production until 1957 until succeeded by the Belgian FN .762 calibre rifle, and the current Steyr rifle, which was commissioned by the army in 1988.

The factory also produced a range of machine guns and other armaments, including mortars and various parts for army tanks and other equipment. Between the world wars the factory produced a whole range of goods, including sporting equipment, such as the Slazenger .22 single shot rifle, Slazenger golf clubs, Pinnock sewing machines, Mixmasters, handcuffs, and shearers combs. Any object that required precision metal engineering could be made at the Lithgow Small Arms Factory. But the history of the factory was boom and bust as Australia moved in and out of various armed conflicts throughout the world. During World War II the factory employed 6,000 people and operated 24 hours a day, seven days a week. This put enormous strain on the infrastructure of the city of Lithgow and many people lived in canvas shanties in various recreation areas around the city. Shift workers often had to share a bed on a rotation basis.

Without doubt, the Lithgow Small Arms Factory was Australia's premier precision engineering establishment. Its highly skilled tradesmen, particularly toolmakers, could hold their own with the best in the world, as they do today. The factory passed into private ownership in 1990 when the Federal Government sold the factory to Australian Defence Industries. There has been a dramatic decrease in the workforce over the years, from approximately 1,100 to approximately 150 today. Under the factory's new owners, the Thales Group, which is a French company and one of the leaders in armaments production around the world with a workforce of 68,000, 3000 of whom are in Australia, 85 per cent of the factory's workload is for the Australian Defence Force.

Yesterday I attended a very important ceremony at the Lithgow Small Arms Factory when Thales announced a new direction for the Lithgow facility. It is now known as the Soldiers Support Systems Facility and will concentrate on developing highly specialised equipment, such as highly technological changes to the Steyr rifle, including new sighting mechanisms, night vision equipment and sophisticated communications which will allow a soldier to be in direct contact with his base. The staff at the small arms factory, many of who began their career as apprentices, are significant contributors to this exciting phase in the factory's development—people such as Trevor Pearse, Stephen Peacock and David Forbes, to name just a few. At the ceremony the inaugural Jack Finlay Employee Excellence Award was awarded to David Forbes, and Jack Finlay's son, Jack Finlay junior, presented it. Jack Finlay was one of the original employees of the small arms factory who rose through the ranks to become general manager.

The important point about yesterday's ceremony at Lithgow is a message that I will be taking up with the Minister for State Development. We in New South Wales should recognise the enormous capability of this facility that has stood the test of time. It has the ability, in conjunction with the State Government, to attract a whole range of the defence-related work to New South Wales, not only to the Lithgow factory but also to the Thales facility at Garden Island. This facility is very important and it is important that we as a government recognise the contribution it makes. I intend to make representations to the Premier and the Minister for State Development about building a relationship with the Thales Group and encouraging the development of further projects in New South Wales.

### **EPPING TO CHATSWOOD RAIL LINE**

**Mr GREG SMITH** (Epping) [1.30 p.m.]: I draw to the attention of the House the fiasco that is the Epping to Chatswood rail link: an example of the Government's incompetence in delivering infrastructure for the people of New South Wales, and especially the people of the Epping electorate. In 1998 we were promised that a Parramatta to Chatswood rail link would be in operation by 2009. Former Minister Carl Scully announced the project on a daily basis, and reannounced it and then reannounced it again. Then, of course, in 2003 Michael Costa changed all that when he announced that the line would stop at Epping. Now we are left with a rail link that will cost twice as much and deliver half the distance, and the people of the Epping electorate have been waiting to see a train come down the line since 2006.

My hopes were raised recently during an inspection of the Macquarie University station in which I and other members of the local chambers of commerce participated. It was shining and splendid. The officials said

wonderful things about what would happen and that all the problems raised in the media were exaggerations. Since then media reports have indicated serious defects in this \$2.3-billion project that will have disastrous effects on the long-term operation of the line, and that the running costs will increase. An insightful article written by the *Sydney Morning Herald's* transport reporter Linton Besser referred to a government report outlining thousands of defects in the line, which once again jeopardise the viability of the line and its commencement date. It is astounding to compare the comments in the report with the spin that has come from government sources and to which I was subjected during the inspection. The report states:

The presence of slab cracks and prevalence of voids under [base plate] pads suggests some level of variance from design and placement requirements for ERL.

However, according to Transport Infrastructure Development Corporation officials, everything is fine. They have said that there is no problem with the concrete slab. The corporation officials seem to be in Sergeant Schultz mode: "I hear nothing, I see nothing, I do nothing!" Or was that Manuel in *Faulty Towers*? That seems to be the motto of this moribund Government and the people of the Epping electorate have noted it often. The Government keeps coming back cap in hand and changing the opening date for the rail line. After promising the commuters of the Epping electorate that the line would be opened in 2006, the Government then said it would be opened in 2008. It is now back again and the Minister has stated that it will be opened in early 2009—"Trust me."

The people of the Epping electorate have heard those empty promises and assurances time and again. They have had enough of empty promises and they want some action. It is my hope that the railway line will be in operation as soon as possible and that it really works. We do not want a white elephant producing the same level of noise as a jumbo jet. The people of the Epping electorate want to utilise this vital piece of infrastructure that they have been promised for so long. Unfortunately, this Government has a woeful track record in delivering infrastructure—or not delivering infrastructure as we saw with the north-west rail link, the south-west rail link and the dual lines at Richmond. Along with the people of Epping, I will be waiting with baited breath.

**Mr Kerry Hickey:** What about the airport link delivered when you were in government?

**Mr GREG SMITH:** In his inimitable way the member for Cessnock is complaining about his own bus services. I am also complaining about transport. I heard the member complaining about a lack of bus services and the likelihood of cancellations as a result of the Government's school bus fare rebate policy.

**Mr Kerry Hickey:** There will be no cancellations.

**Mr GREG SMITH:** That is what the member said last week. I urge the Government to cease its discrimination against people who live somewhat to the east of Parramatta. According to this Government, anyone who lives to the east of Parramatta is a second-class citizen. They have to pay more in road taxes, more for tolls and more for parking. When the Coalition is in government—which will not be long because there will be so many by-elections that it will have to take over—it will ensure that everyone in New South Wales gets equal treatment regardless of whether they live in the east, the west, the north or the south. I assure members we will do that.

### KURRI KURRI DISTRICT HOSPITAL

**Mr KERRY HICKEY** (Cessnock) [1.35 p.m.]: I bring to the attention of the House the Kurri Kurri District Hospital. It was only a few weeks ago that the hospital received the 2007-08 award for the best-performing hospital in a small rural community at the tenth annual New South Wales Health Awards held in Sydney. The New South Wales Minister for Health, the Hon. John Della Bosca, said that the awards provide an opportunity to thank all health staff for their outstanding contributions to the wellbeing of the community. I totally agree with him.

However, this issue goes a little further. The Garling report recommends the closure of the emergency department at the Kurri Kurri District Hospital. The community is totally opposed to the closure of any more health services in Cessnock or Kurri Kurri. Mr Coogan Frame, a former Freeman of the City of Cessnock and a strong advocate for the Kurri Kurri District Hospital would be turning in his grave as we speak. My electorate office has been inundated with calls about this issue. I keep telling people that it is only a recommendation in the report; it is not government policy. I will ensure that the Minister is fully aware that my community is totally opposed to any closure of any health service across the Cessnock electorate. Other changes are being made to

government services in the area, but this is the number one issue of concern. Kurri Kurri retired miners made it very clear to me at a Christmas function I attended that they will rally against any closure. Cessnock retired miners have also said that they will rally against any such proposal.

The Minister has accepted an invitation to a meeting at Kurri Kurri District Hospital with the nurses and doctors to discuss the issues facing the hospital. The issues are very clear. Hunter New England Area Health Service has run down services across the Kurri Kurri and Cessnock area. No new doctors have been brought to the area despite the fact that the health service has been trying to recruit them for nine years. The efforts of the area health service are pretty poor if we are not attracting doctors to this wonderful area. The delivery of services at local hospitals is second to none, and the recent award to Kurri Kurri District Hospital is evidence of that. The bottom line is that the Hunter New England Area Health Service needs a good rocket under it. It must understand that it cannot have a top-heavy staffing structure. There must be staff on the ground. I challenge the Minister to compare the number of administrative staff in the health service with the number at the coalface. That is the problem. I would rather have staff at the coalface delivering services to our communities, which is what our communities expect.

About four weeks ago I had a meeting with Dr Nigel Lyons, who told me very clearly that the emergency department at Kurri Kurri District Hospital would not be closed. He was trying to push the Treasury line of moving beds out of the Kurri Kurri area, but I was not wearing any of that, and I am not wearing any of this either. Frankly, any change to delivery of service other than to benefit communities in my electorate would be an appalling move, and I would condemn anyone who tried to make such a move. If I am to represent my community fairly, honestly and rightly, I have a right to do that as a member of Parliament, and I will do that. The Hunter New England Area Health Service should have a good long look at itself and the way it is delivering services across the Cessnock electorate.

#### **WESTERN DIVISION LAND RIGHTS AND PENNE AND TAS CLARKE, KAYRUNNERA STATION**

**Mr JOHN WILLIAMS** (Murray-Darling) [1.40 p.m.]: Today I raise people's rights. In the Western Division of New South Wales pastoralists hold a lease under the Western Lands Act. Historically, they have enjoyed an opportunity to have a say in the way people move around their property to protect their rights and their property. Unfortunately for Penne and Tas Clarke of Kayrunnera Station, which is 200 kilometres north of Broken Hill—a property that has been in the family for more than 90 years—this situation does not exist. Penne and Tas Clarkes' property contains alluvial gold, which has been a great attraction for fossickers to move onto the property and use metal detectors to search for it. Over the years bus loads of fossickers have rolled in, and it has become impossible for the Clarkes to run their property. As a consequence, they have decided to deny access to these people, simply so that they can have peace of mind, they do not have to clean up after the fossickers and their land is not degraded.

For the past six years three commonly called blowflies from Victoria and Western Australia have decided that they will dictate what happens to the Clarkes' property. They have set up mining rights and, basically, are standing over the Clarkes. Between 2000 and 2003 a new section introduced into the Mining Act 1992 stated that fossickers do not need the permission of landholders on western lands leases. The Miscellaneous Provisions Act 2003 reversed this so that permission from the landholders is necessary to fossick. However, these people do not take no for an answer. They have been using every form of intimidation, standover tactics, threats and innuendo to push their case to gain access to the Kayrunnera property and carry out their fossicking.

These blowflies from Victoria are probably on the dole. They fossick full time with their metal detector. They pay no royalty on the gold they find, and they do not pay any tax. Indeed, they probably still draw the dole. They are the grubs of society. Unfortunately, Penne and Tas Clarke have been exposed to these people. As a consequence they will have to sit in court and basically argue their case as to why these people should not have access to their property. All the Clarkes want to do is carry out grazing activities. Most recently, these people reported the Clarkes to the Environment Protection Authority for carrying out mining activities. The Clarkes had opened up a watercourse, which was deemed a mine, so they could adequately fill their dams. Consequently, that was looked at and found to be a frivolous accusation.

The Clarkes have an incredible investment in this property—about \$1.3 million. Currently they have 10,000 acres locked up for conservation. They have a property vegetation plan on that land. They have virtually locked it up and fenced it for conservation. The fossickers want access to that area as well, which must be questioned. These standover merchants are intimidating a legitimate pastoral family that has worked on this

property for 90 years. These people—Tony Fraser, from Arastra Pty Ltd; Neville Perry and Robert Armstrong, who set up a company called Bet, Victoria; and Bob Creasy from Western Australia, who set up a company called Rosane Pty Ltd—are deceiving the Minister for Mineral Resources so that they can gain access to the Clarkes' property.

### **REVESBY COMMUTER CAR PARKING**

**Mr ALAN ASHTON** (East Hills) [1.45 p.m.]: I have spoken in the House about the need for more commuter car parking in my electorate. As the need for extra car parking, particularly at Revesby, is essential, I will do so again. Some time ago the former Deputy Premier and Minister for Transport, the Hon. John Watkins, answered a question in the House about commuter car parking and indicated that Revesby was on the list for examination, and was definitely a potential site for commuter parking extension. A year later nothing seemed to have been done, so I spoke about it in a private member's statement earlier this year. Last week RailCorp announced its proposed new timetable arrangements for the East Hills line, including beginning to use Revesby turn-back facility, which has cost the Government about \$100 million, as a starting-finishing station for local trains on the East Hills line, that is, all stops to and from Central and the City Circle.

The turn-back has three lifts and is an excellent example of the Government's commitment to the Clearways Project of detangling the city's railway system. The Kingsgrove to Revesby quadruplication project will complement the clearways scheme, but with this progress comes some big changes in commuter behaviour: people who used to park at East Hills and Padstow to catch fast and all-stops trains will have to make changes. When the turn-back and new timetable, which has yet to be finalised—it is still just a proposal but it most likely will happen—come into operation the volume of car parking spaces needed at Revesby would grow dramatically and exponentially for several reasons.

First, many existing spaces have been lost to accommodate the turn-back and more will be lost to accommodate the quadruplication construction. Second, commuters who want to catch a local train from East Hills can only access the fast train under the new proposal and then change at Revesby. Many commuters will simply decide to begin their journey at Revesby and they will need to park somewhere. Commuters at Padstow who used to have fast train services may decide to drive to Revesby to catch the train, and they will need to park. Further, many commuters can be expected to come by car from the Sutherland shire to catch East Hills services, which they do already, and parking at Revesby will become impossible.

To put it simply, the whole plan for the turn-back and trains beginning and ending journeys at Revesby may fall over if the Government does not commit urgently to build a lot of extra car parking facilities at Revesby. The council land near the Franklins site on the northern side of the railway line should be considered. The Revesby Workers Club may be interested in entering into an arrangement with RailCorp for commuters to use some of its parking spaces or simply charge commuters a fee for parking on its property. I call on the Government, the Minister for Transport and the Ministry of Transport to expedite the building of extra commuter car parking facilities at Revesby station. There is no way that local streets could take the extra volume of cars anticipated, and as much of Revesby is earmarked for commercial development very little street parking is available anyway.

Some years ago the New South Wales Labor Government and Bankstown Council committed hundreds of thousands of dollars—it probably was more like \$1 million in the end—to make Revesby an urban village. It was the first such village in the Bankstown city area. In that time the parks, streetscapes and other aspects of the centre of Revesby were dramatically improved. New shops sprang up, a huge Woolworth's was built and some dense development began. With the probability that Revesby Workers Club will soon embark on a multimillion dollar club extension, which will include shops, Revesby will be the biggest town centre outside Bankstown itself in the city of Bankstown. There must be more parking. I call on the Government to expedite the process of bringing more commuter car parking to Revesby.

### **PORT STEPHENS ELECTORATE INFRASTRUCTURE**

**Mr CRAIG BAUMANN** (Port Stephens) [1.49 p.m.]: Today I speak about the highs and lows of Port Stephens in 2008—and my and the community's hopes for 2009. One of the community's biggest achievements this year was the establishment of a Port Stephens Local Area Command. This was a major Coalition commitment in the 2007 election and a big win for the local community, which was struggling with a very low police presence. Attention now turns to the construction of a new police station and headquarters for the



command in Raymond Terrace. We have received guarantees—and funding for the new station is still available in the recent mini-budget—but there can be no better guarantee than seeing the first sod turned and the first brick laid. I hope that will happen in 2009.

But a low for the Port Stephens community this year has definitely been in the housing sector. One of the most common complaints to my office in 2008 has been a clear lack of housing affordability and a shortage of vacant rental properties. We have extensive waiting lists for public housing, with people regularly relying on emergency accommodation funded by the Department of Housing until they can find a home. I trust that an increase in housing stocks will follow the rezoning of land at North Raymond Terrace—a future town of 10,000 residents just waiting on the Minister's signature—followed by another 5,000 residents in Medowie.

Another low for Port Stephens this year has been the environmental degradation of the Myall River at Tea Gardens. Over the past few months locals have watched their beautiful, clean and healthy river slowly turn a putrid brown. They have seen thousands of fish die of fungal-related disease, they no longer see dolphins swimming upstream, and sadly a lack of salinity has closed the oyster farms. Despite my numerous pleas on behalf of the community in this place, the New South Wales Government continues to refuse to acknowledge the problems in the river, instead taking the soft option of labelling it a natural occurrence that will correct itself. The river mouth needs dredging now to give nature a chance.

But more than anything else I hope 2009 brings a real and firm commitment by the New South Wales Labor Government to upgrade the Tomaree Community Hospital. As all in the community know, it is a hospital in name only. The hospital should be better staffed, and have better resources and equipment to service the growing and ageing population of the Tomaree Peninsula. An upgrade of the Nelson Bay Ambulance Station is well and truly overdue—I would like to see that completed in 2009. In the 2007 budget the New South Wales Government announced that it would undertake planning for a new Nelson Bay ambulance station as part of a \$14.4 million refurbishment package for various towns and centres in the State. It was promised to be up and running by June next year. But just last month an upper House inquiry recommended the Government reconsider the largely unpopular and illogical choice of location for the new station, in agreement with my previously voiced concerns on behalf of my community.

In 2009 I would also like to see more funding for education in the Port Stephens electorate. First and foremost, I would like the New South Wales Labor Government to listen to the community and follow the New South Wales Opposition's lead by reversing the decision to axe free transport for school children. This is an ill-conceived plan that does not take into account the impact on families, schools and businesses in regional areas like Port Stephens. In 2009 I also want to see the New South Wales Government follow through with upgrades to the power kiosk at Medowie Public School to ensure the air conditioners, which were purchased by the Howard Government, can be turned on—a simple promise, which so far has taken more than 12 months to be delivered.

I would also like to see the New South Wales Government come to the table and begin planning for a new Medowie high school in 2009. The Government has made vague commitments, but we need something more concrete. Medowie is a rapidly growing town with a young population, so work must begin as soon as possible to ensure adequate education services to support this growth. But most of all, I hope 2009 will be a safe and prosperous year for the electorate and community of Port Stephens. I hope we can continue to grow and I hope this time next year I will have many more highs to talk about, and not as many lows.

#### **TAMWORTH ELECTORATE FLOOD AND STORM DAMAGE**

**Mr PETER DRAPER** (Tamworth) [1.54 p.m.]: They say it never rains but it pours. Tamworth experienced massive downpours on 28 and 29 November, resulting in extensive flooding. Woolbrook, in the ranges north of Tamworth, has an average rainfall of 82.3 millimetres for November, but recorded 203.2 millimetres for the month, with 82.6 millimetres falling on 29 November alone. Tamworth averages 71.1 millimetres, but received 283.6 millimetres last month; while Tamworth airport received a massive 164 millimetres of rain in the 24 hours to 9.00 a.m. Saturday, the heaviest fall in more than 130 years. Gunnedah's November average rainfall is 60 millimetres; this year it was 189 millimetres, with 112 millimetres falling on 29 November, the heaviest rain in 34 years.

These torrential downpours were exacerbated by years of debris that had built up in gullies, creeks and rivers, plus substantial field growth that slowed the progress of the water, enabling blockages to occur. This led to damaged bridges and causeways, road closures, damage to the power distribution network, and flooding of

homes and business premises, not to mention ruining what was set to be the best harvest in many years. The damage bill is estimated at more than \$15 million just for Tamworth Regional Council's area, but this will undoubtedly blow out further. The emergency events that developed from Weabonga, Loomberah, Bendemeer and Calala, through to Tamworth, Gunnedah and on to Boggabri demonstrate the professionalism of our State Emergency Service [SES] volunteers, and I recognise the units that were directly involved in this event. SES units from Tamworth, Manilla, Nundle, Gunnedah, Armidale, Liverpool Plains, Tambar Springs, Boggabri, Narrabri, Barraba and Lake Macquarie were all extremely busy over the weekend.

This event also demonstrated how all of our emergency services and local government work as one when local communities are in need. That no lives were lost in this event is testament to the commitment and dedication of these wonderful people. The Ambulance Service of NSW, NSW Fire Brigades, the Rural Fire Service and the NSW Police Force all assisted the SES in rescuing 11 people on Friday night and two people in Gunnedah on Sunday. A wonderful example of the way our emergency service teams work so well together is illustrated by the way Tamworth ambulance paramedics and rescue personnel cooperated in a number of events. At Loomberah, four paramedics spent 13 hours assisting to retrieve a motorist stranded on the roof of a vehicle. During this operation, two of the rescue paramedics were called upon to rescue two SES members, after one member was stranded on a rocky outcrop when the SES boat capsized. Paramedics Dickson and Macrae waded into the rapidly rising river and threw a rescue safety line to the SES officer and pulled her to safety.

To the south, the Calala area was isolated from the main part of Tamworth. A vehicle trying to drive through fast-moving water was washed downstream at Calala Lane, resulting in a 58-year-old woman being swept along the river, where she spent five hours clinging to rocks and trees. The Westpac rescue helicopter was able to land on a small outcrop of rock at first light and an ambulance paramedic escorted the motorist to safety. Further medical emergencies occurred around Calala, and ambulance paramedics were able to access the patients and bring them to a makeshift medical post that they established at Farrer Memorial Agricultural High School. The cooperation rendered by Farrer school staff is also much appreciated. In all, five patients were transported from outlying areas. The Westpac helicopter was able to land on Farrer's football field, and then conveyed the sick and injured back to hospital. Commander of the Ambulance Incident Management Team, Tim Collins, said:

It was an extraordinary team effort by all of Ambulance which included supervisors, Operations Centre staff and individual selfless acts by all of the Ambulance paramedics involved. Their dedication to duty has once again enabled the delivery of timely, professional pre-hospital care in treacherous conditions.

It is disappointing to me that, despite years of warnings, people still endanger their lives by attempting to enter fast-moving, swollen causeways and other dangerous situations. Whilst these events took place in Tamworth on Friday night, it must be mentioned that severe storms were also occurring in the communities of Gunnedah, Weabonga, Nundle, Bendemeer, Inglebar, Loomberah, Manilla and Walcha, with the SES providing assistance to many, many people. Throughout the region the SES responded to more than 250 calls, and at the height of the event the service had more than 100 people on the ground, resulting in excess of 2,000 man-hours of service.

I pay tribute to Namoi SES region controller, Kathleen Caine, local Tamworth controller, Neil Carless, and their dedicated crews for the efficient manner in which they dealt with this flood crisis. In addition to thanking the volunteers, I also thank their families who support them throughout what can be very long hours in the field. I also thank the employers of the volunteers who allow their staff to take time off work to assist their communities. The sacrifice that employers make is often overlooked but is equally worthy of recognition. I also thank Minister Tony Kelly for his very speedy declaration of natural disaster areas right across the region, and his staff for keeping me updated. I urge the Government to ensure that people can readily access the relief that they will need to rebuild their lives and businesses following this natural disaster.

### **LORD HOWE ISLAND PHASMID STICK INSECT**

**Mr PETER BESSELING** (Port Macquarie) [1.59 p.m.]: On many occasions in this place, and for good reason, members speak about issues that are causing their electorates and the State great concern—where bad news follows after bad news and, quite rightly, the affected members advocate for change for the benefit of their constituents. This afternoon, however, I will give some good news, to spread the word about a truly remarkable story that is occurring in a truly remarkable part of the Port Macquarie electorate and to celebrate the tremendous work that is being done to ensure the future of a truly remarkable creature. I refer to the rare giant stick insect, commonly referred to as a "land lobster", but more correctly known as the Lord Howe Island phasmid, or *Dryococelus australis*, which was once abundant on the island and found nowhere else in the world.

Presumed extinct for 80 years until rediscovered a number of years ago, the phasmid is the most rare and endangered invertebrate in the world, possessed of a rare reproductive ability found in few other creatures. Females can reproduce without male assistance in a process known as parthenogenesis, through which unfertilised eggs hatch as clones of the female that laid them. Following European settlement and the introduction of black rats to the world heritage listed island, the insect was easy prey. As a result, it was deemed extinct for many years until in 2001 the National Parks and Wildlife and the Lord Howe Island Board discovered three phasmids on Balls Pyramid, a volcanic spur some 20 kilometres from the island.

Now a key aspect of the island's biodiversity management plan, two male and two female of the species were taken to Melbourne zoo as part of a captive breeding program. The breeding program was designed to ensure the survival of the species, as only a limited number of other insects were surviving and the insect only feeds off a single species of bush that is native to the area. Several hundred of these native plants, *Melaleuca howeana*, were also transferred from the island in an effort to successfully breed the phasmid at the zoo. As a result of the great work by Melbourne zoo, the Lord Howe Island Board and the Department of Environment and Climate Change, the phasmid will return to the island this Saturday, in an event that will be celebrated by many locals and others interested in the survival of the world's endangered wildlife.

The event will also seek to raise the profile of threatened species on the island, including the Lord Howe Island woodhen, and celebrate the 1,000 species that are endemic to this remarkable place. With the current phasmid population now exceeding 400 individuals, a number of them will be moved to a specially designed enclosure on the island and become part of the Lord Howe Island Board's nursery tour. The purpose-built accommodation will protect the insects from any attack from rats, which continue to be a threat whilst ever the rodent population remains on the island. The eradication of both rats and mice from the island remains an important link in the survival of its threatened species, and I fully support all stakeholders in their attempts to find a solution to the problem. I understand that National Parks and Wildlife are attempting to provide a solution that will have minimum impact upon the inhabitants of the island, as well as be effective enough to prove successful in permanently dealing with the rat population.

The plight of the Lord Howe Island phasmid has been noted around the world, having been reported from as far afield as New York and Pakistan. Its return will signify a global event that will certainly be followed by more than just the island's population. I warmly congratulate all those involved in the success of this program and am delighted to be able to join in the celebration of this event and pay tribute to those who have taken on this project from its early days in 2001 when the insect was re-discovered.

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

**Private members' statements noted.**

*[The Assistant-Speaker (Mr Grant McBride) left the chair at 2.04 p.m. The House resumed at 2.15 p.m.]*

**The Speaker (The Hon. George Richard Torbay)** took the Chair at 2.15 p.m.

### **DISTINGUISHED VISITORS**

**The SPEAKER:** I welcome a guest of mine to the Parliament, the Speaker of the Northern Territory Parliament, the Hon. Jane Aagaard. Welcome to the New South Wales Parliament.

### **ADMINISTRATION OF THE GOVERNMENT OF THE STATE**

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

J. J. SPIGELMAN  
Lieutenant-Governor

Office of the Governor  
Sydney, 2 December 2008

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

**MUMBAI TERRORIST ATTACKS****DEATH OF DOUGLAS JUSTIN MARKELL, MUMBAI TERRORIST ATTACK VICTIM****DEATH OF BRETT GILBERT TAYLOR, MUMBAI TERRORIST ATTACK VICTIM****Ministerial Statement**

**Mr NATHAN REES** (Toongabbie—Premier, and Minister for the Arts) [2.18 p.m.]: It is appropriate that I inform the House of the shocking experiences endured by members of a New South Wales Government trade mission visiting India during the recent terrorist outrage in Mumbai. It is the story of remarkable courage and presence of mind on the part of the Australians concerned, and a tragic reminder of the continuing reality of the international terrorist threat to Australia and other nations. Let me first place on record the Government's deep sense of outrage at the loss of innocent life by citizens of all countries who suffered in the Mumbai atrocity. Tragically, two men from New South Wales were among those who died in the attacks. One was Mr Brett Taylor of Blacktown Timbers, a member of the trade delegation. The other was Mr Douglas Markell, 71 years old, a businessman from Sydney, who was staying at the Taj Heritage Hotel in Mumbai with his wife.

Both were widely respected and well known in business circles and in the wider community. Mr Markell was a chartered accountant, a former deputy mayor of Woollahra and closely involved in Rotary and other community organisations. Their deaths are a terrible loss, and I know all members will join me in conveying our deepest sympathies to their families, friends and loved ones. In this appalling tragedy I believe we have cause for pride in the behaviour of the Australians involved. We mourn the loss of Australian lives and we also remember the many scores of other innocent victims. Our thoughts are also with the Indian people and their government as they come to terms with this tragedy.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [2.20 p.m.]: I join with the Premier in expressing condolences. When I spoke in the House last week about the atrocities in Mumbai I never believed the consequences would be felt so close to home. The deaths of Brett Taylor of Turramurra and Doug Markell of Woollahra changed all that—something that was confirmed last Thursday night when, a few hours after I spoke here, I attended a school function attended by Mr Taylor's daughter. The disbelief and distress amongst the school community was clear to see. Brett Taylor and Doug Markell were amongst the 172 people killed and the hundreds of people injured during that premeditated act of evil, an act of violence that will not achieve its intention of undermining the freedom and democracy upon which our society is based.

We live in a country inhabited by migrants, whether they came 60,000 years ago or whether they came last week. Most came to this country looking for a better life, looking to take advantage of the freedom and opportunity that abounds here. It is upon our cultural diversity that the success of our State and nation has been built. But opportunity and freedom must coexist with responsibility and respect. Bigotry, racism and other hatreds have no place in our society. Where they do exist, they usually breed on ignorance, which is why we put so much emphasis on education. It is incumbent upon us all to promote tolerance and harmony. But whether in mosque or church, synagogue or temple, in Parliament or in public, there is no place for the dissemination of ideas or the promotion of hatreds that are so clearly behind these attacks in Mumbai. If we fail to remember this, we will do our society far greater harm than anything that those responsible for Mumbai will have achieved.

**DEATH OF JOERN UTZON****Ministerial Statement**

**Mr NATHAN REES** (Toongabbie—Premier, and Minister for the Arts) [2.22 p.m.]: All Australians, and especially the people of Sydney and New South Wales, will have heard the news of Joern Utzon's death with great sorrow. It is difficult to think of another foreign national whose death has meant more to Australians. It is as if we have lost one of our own. There is sorrow that this nation and the city of Sydney have lost a good friend, a warm admirer and a hardworking servant. There is a special sorrow in the knowledge that the man who gave the world one of the great buildings of the modern era was to die without seeing his finished creation.

All who knew Joern Utzon spoke of his humility, his willing sense of humour, his professional integrity, and the warmth and loyalty of his dealings with colleagues and friends. He was a man greatly loved for his personal qualities as much as his professional achievements. Many honours were showered on Mr Utzon in his lifetime. The Royal Institute of British Architects awarded him its gold medal in 1978, and he was made a

Companion of the Order of Australia. In 2003, three decades after his masterpiece on our great harbour was opened—and he was never officially invited to the opening ceremony—he was awarded the Pritzker Prize, the highest accolade his profession can bestow. He was then aged 85, and too frail to attend the presentation in Madrid.

Finally, in July last year, the Sydney Opera House was included by UNESCO on its register of World Heritage sites—the most recent building, and one of the few non-natural features of the global environment, to be honoured in this way. In UNESCO's citation it declared the Sydney Opera House to be "a masterpiece of human creative genius". Such accolades were justly and generously bestowed. On behalf of the Government, and I believe all members of this place, I place on record our lasting sense of indebtedness to the man who gave Sydney one of the great buildings of the world and the acknowledged symbol of this nation, and the gateway to our great city. I ask all members to join me in expressing our sincere condolences to Mr Utzon's family.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [2.24 p.m.]: The Opposition joins with members opposite in this tribute. Sydney without the Sydney Opera House would be like Australia without kangaroos. Yet, along with the Sydney Harbour Bridge, it is one of the most recognisable and iconic structures in the world; both are perfectly suited to the harbour that crowns this city. We owe Joern Utzon a debt of gratitude for his lasting legacy to this city, and to the tourism potential and attractions that it has provided for this nation. It was conceived with idealism, constructed amidst controversy and opened with opulence by the Queen, indicating an air of optimism about what Australia, courtesy of a Danish architect, could achieve.

Hindsight has perfect vision and so too do those who dwell on the controversy. We should remember that those involved—architects, builders and politicians—acted in what they believed was the best interest of the public. I am happy to pay tribute to Joern Utzon and all those involved in the construction of the Sydney Opera House. I send my sympathy to his family and friends. I salute those governments who had the vision and commitment needed to deliver projects such as the Sydney Opera House and the Sydney Harbour Bridge, and I look forward to their return to this State.

## MINISTRY

**Mr NATHAN REES:** I advise the House that in the absence of the Minister for Tourism, Minister for the Hunter, Minister for Small Business, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer), the Minister for Education and Training, and Minister for Women will answer questions on behalf of the Minister.

## QUESTION TIME

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### RURAL HEALTH CRISIS

**Mr BARRY O'FARRELL:** My question is directed to the Premier. When the Parliamentary Secretary for Health addressed the Rural Doctors Association annual general meeting on Saturday and said that the best way to fix the rural health crisis was for country doctors to become candidates for The Nationals at the next election, was that confirmation of Labor's failure on rural and regional health, and that even the Premier's own team has no confidence in him or his Government?

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

**Mr NATHAN REES:** It was clearly confirmation that those opposite do not have a sense of humour.

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

[*Interruption*]

**Mr NATHAN REES:** Perhaps that was another preselected candidate. I am aware of the campaign by the Rural Doctors Association last weekend, in relation to health services in rural New South Wales. There is no question that they are giving top-quality health services to people.

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

**Mr NATHAN REES:** Living in rural and remote parts of the State is a challenge, as it is across Australia. Factors such as distance, workforce shortages and an ageing population are even more marked in many parts of rural New South Wales than in our cities. We need specific ideas for that specific character of rural New South Wales.

**Mr Andrew Stoner:** That is why you cut 400 jobs on the coast.

**Mr NATHAN REES:** Wrong! The New South Wales Government is committed to getting this right. Commissioner Garling's report on acute care in New South Wales public hospitals noted some of the issues facing the bush. The Government will consider carefully every recommendation, and will consult with hospital staff and the community. In March 2009, the Government will provide a formal response on how to improve things.

### HEALTH SERVICES COMMONWEALTH FUNDING

**Mr DAVID HARRIS:** My question is addressed to the Premier. What is the latest information on how the Government is working with the Commonwealth to improve health services in New South Wales?

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

**Mr NATHAN REES:** I thank the member for Wyong for his continued interest in delivering better health services to families in New South Wales. Finally, we have a Commonwealth Government that is committed to funding our public health system, the Medicare system, and public education. On a sunny spring day in Canberra on Saturday the Treasurer and I went head to head with the Federal Government. It was revealed that we have a Commonwealth Government that does not walk away from families who rely on basic services such as health and education. When the Howard Government arrived, funding for public hospitals was shared 50:50 with the States. When the Howard Government departed, the Commonwealth's share had dropped to 40 per cent. It went from 50 per cent to 40 per cent, leaving the States to pick up the gap. During that time our population continued to grow and so did the number of elderly people. Technology advanced and got more expensive, as did procedures and pharmaceuticals. A worldwide shortage of skills means salaries and other costs have also risen.

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

**Mr NATHAN REES:** With record health budgets every year the State Government endeavoured to fill the gap here, as did State governments in other jurisdictions. Is it any wonder that our hospitals are stretched when for a decade the Commonwealth Government walked away from its shared responsibility? During that whole period did Coalition members march down to Canberra and demand a better deal for the people of New South Wales? No, not on one occasion. They jumped right into the blame game, the default position of the Liberal Party. We have entered into a new era of cooperation with the Rudd Government.

**Mr Barry O'Farrell:** Where has the GST gone?

**Mr NATHAN REES:** Let us go to the GST. New South Wales taxpayers were short-changed some \$14 billion over eight years by John Howard and Peter Costello. It is an inconvenient truth for the Opposition. At no stage did members opposite pick up the phone and ask for a better deal for the people of New South Wales. You know that is the case; it is an inconvenient truth.

**The SPEAKER:** Order! I call the member for Goulburn to order. The Premier will direct his remarks through the Chair.

**Mr NATHAN REES:** Unlike our colleagues opposite, we can work cooperatively with the Federal Government to deliver a fair share for New South Wales.

**Mr Andrew Stoner:** Deal or no deal.

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

**Mr NATHAN REES:** I will come to the detail of the deal right now. Under the agreement reached at the Council of Australian Governments meeting on Saturday, New South Wales will receive \$19.83 billion over

five years from the Commonwealth. The Commonwealth is also providing a \$500 million increase in our base payments in 2008-09. Indexation of the Health budget will be 7.3 per cent. What was it under John Howard? It was 5.3 per cent. Indexation by the new Rudd Government will be 7.3 per cent for our health system against 5.3 per cent under the Howard Government. A decade of Federal neglect will not be fixed overnight, but the Commonwealth's share of funding for public hospitals has turned a corner. The Commonwealth's share in year one will move from the paltry 40 per cent under former Prime Minister Howard to 45 per cent, a very good start on a journey back towards a fair 50:50 split. It is a step in the right direction and a partnership that will deliver for patients right across New South Wales.

Since the election of the Rudd Government, New South Wales and the Commonwealth have agreed on a plan to reduce elective surgery waiting lists. The Commonwealth recognises that the New South Wales Government has already invested significant funds in recent years in an effort to reduce waiting lists. The Australian Medical Association's [AMA] report card recently showed that New South Wales was leading the nation for both emergency department performance and elective surgery. Patients are more likely to get treated and operated on in an appropriate time in New South Wales than in any other State in Australia. That is not us saying that, it is the AMA. It is inconvenient for the Opposition, but it is the AMA saying that, not us. We will never hear our opponents mention that and the good work of 110,000 staff in our public health system. That is the reality.

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

**Mr NATHAN REES:** I am delighted that the efforts of the doctors and nurses in our system have been recognised and acknowledged by the Commonwealth Government and I welcome the additional funding that will now allow New South Wales to improve further on our solid performance in these areas. New South Wales has received \$43 million to provide nearly 9,000 additional surgical procedures this year. A final incentive payment will be made to our State when we achieve and maintain the targeted improvements over the longer term. COAG has also agreed to a national workforce initiative to train more doctors and nurses. This is another area that John Howard neglected for a decade. The Commonwealth and the States have agreed to a \$1.7 billion hospital and health workforce reform agenda. Our State will invest \$178 million over five years and the Commonwealth will invest \$575 million in New South Wales over the same period. This joint package will include 605 postgraduate training places, including 200 places for general practitioners, 18,000 nurse supervisors, 5,000 allied health and other supervisors and 7,000 medical supervisors. In addition, \$750 million will be provided nationally to ease the pressure on public hospital emergency departments this financial year.

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

**Mr NATHAN REES:** This is a recognition from the Commonwealth that our emergency departments are treating patients who would otherwise be seen in the primary care sector. Commission Garling made the same observation in the landmark report released last week, which said that New South Wales health care is among the best in the world. The report said the high standard of our skilled staff, our very large taxpayer investment and our high-quality infrastructure are among the best in the world. The commissioner said this important element of context "ought never be overlooked or forgotten". My Government is determined that valuable taxpayer dollars are spent wisely to provide the best care for our patients and to educate a new generation of clinicians. I congratulate the Prime Minister. The COAG negotiations were a great start and have demonstrated that the Commonwealth is willing to work with the States in stark contrast to the decade before.

### SCHOOL WIRELESS NETWORK

**Mr ANDREW STONER:** My question is directed to the Premier. Given the Premier could not even deliver his promise of a free wireless network for the Sydney central business district, how does he expect the public to believe he can deliver a wireless network for half the State's 400 high schools, containing 100,000 students, by mid 2009?

**Mr NATHAN REES:** The Rudd Government committed to working with the States to deliver a computer for every senior secondary school student. At the Council of Australian Governments [COAG] meeting on the weekend the Prime Minister, other State Premiers and I signed the agreement that will make it a reality. New South Wales and the Minister for Education were right at the centre of the discussions and negotiations. It is inconvenient for the Opposition that we are delivering on this—I know that—but we are delivering it right across the State.

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

**Mr NATHAN REES:** We will be at the centre of making this happen. We will be at the centre of Prime Minister Rudd's education revolution. New South Wales stands ready to deliver teenage-friendly, custom-built laptops to the nation. We have worked with information technology specialists to design a streamlined version of a laptop. It is about three-quarters of the size of a regular laptop and is compact enough to fit into a schoolbag or a school locker, but powerful enough to support all the IT needs of our high school students. Students will be able to take them home at night to work with and we will also encode them strictly for use within the New South Wales Department of Education network so that they are of no value stolen or resold. We are ready to push the button to seek market players as early as this week and we can help other States to get on board by being the national broker for the deal. We will deliver the digital revolution by putting wireless networks in every public secondary school and buying a laptop for each of the 197,000 New South Wales school students in years 9 to 12. This is the best option to affordably deliver the national commitment of computer access for students in years 9 to 12.

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

**Mr NATHAN REES:** The New South Wales model has been developed in collaboration with the Secondary Principals Council, the Primary Principals Association and the Federation of Parents and Citizens Associations, and it has their support. We have a good track record of delivering IT to our classrooms—

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

**Mr NATHAN REES:** If Coalition members were ever on the Treasury benches they would be handing out an abacus every week. Their policy work is still done with an abacus, a crayon and some butcher's paper, so I would not go on about that if I were them. New South Wales has a good track record of delivering IT to our classrooms and we have already invested heavily in this area. We were the first State in Australia to connect every classroom to the Internet and the first State to provide email to every student. We are also delivering our \$168 million Connected Classrooms program. Interactive whiteboards and videoconferencing facilities are being rolled out to schools around the State.

**Mr Andrew Stoner:** Point of order—

**The SPEAKER:** Order! Government members will come to order. I call the Minister for Finance to order.

**Mr Andrew Stoner:** I refer to Standing Order 129, relevance. The question was quite specific. I have allowed the Premier ample time to answer the question, which is about providing the wireless network by mid next year.

**The SPEAKER:** Order! The Leader of The Nationals will resume his seat. The Premier's response is relevant to the question asked.

**Mr NATHAN REES:** The digital education initiative comes on top of more than \$1 million in new funding being injected into New South Wales schools by the Rudd Government. Unlike the previous Liberal-Nationals Federal Government, Kevin Rudd and Julia Gillard support public education and are ready to make sure our public schools have the resources they need.

**The SPEAKER:** Order! The Leader of The Nationals has asked his question. He will listen to the Premier's answer in silence.

**Mr NATHAN REES:** The Federal Government has budgeted substantial new dollars for its education revolution, including investments in teacher quality, literacy and numeracy, and supporting our needier schools. On Saturday in Canberra the Prime Minister and I signed the necessary agreements to govern these massive new investments. The new money and programs will enable New South Wales to go even further with successful programs we are already implementing.

#### **PARRAMATTA FERRY AND JETCAT SERVICES**

**Ms TANYA GADIEL:** My question is directed to the Premier. What is the latest information on ferry and JetCat services? Are there any alternative views?



**Mr NATHAN REES:** I thank the member for Parramatta for her question and her continued work for better ferry services for her community.

**The SPEAKER:** Order! Members will cease interjecting, including the Leader of The Nationals, the member for Terrigal and the member for Wollongong.

**Mr NATHAN REES:** This morning I caught the ferry from Parramatta. I was joined by the local member to make an important announcement about the next step in delivering better and more reliable ferry services for the people of western Sydney. I have said before that I am determined to deliver the tough reforms needed to improve public transport in Sydney and New South Wales to provide the level of service that families expect. One of my first acts as Premier was to accept the recommendations of the special commission of inquiry undertaken by Bret Walker, SC. I said that I would put competitive pressures on Sydney Ferries. I said I would give Sydney Ferries a fair chance to do better but if it could not we would get someone in who can. I also said that I wanted commuter services along the river to take some of the pressure off the crowded western rail lines.

Today I advise the House that we are calling for expressions of interest from private ferry providers to deliver a commuter ferry service between the central business district and Parramatta. The member for Parramatta has been a strong advocate for this service for an extended period. She is very pleased with today's result. She is not the only one, but I will come to that in a moment. The Lord Mayor of Parramatta—one of the Coalition's own—joined me this morning to make the announcement.

**Ms Kristina Keneally:** Yes, he welcomed it.

**Mr NATHAN REES:** Indeed, he did welcome this announcement. In a statement of support for our initiative this Liberal Mayor of Parramatta said:

Replacing the present tourist RiverCat service with a proper and efficient commuter ferry service is the next big step in making the river a legitimate transport alternative to our congested road and train networks.

He went on to say:

This isn't just about commuters going to the Sydney CBD. [It is] an investment in a commuter ferry service to Parramatta [that] acknowledges its commercial importance and provides accessible transport options for an additional 30,000 workers who will find employment in Parramatta over the next 20 years.

That is a ringing endorsement from a man who shares my Government's commitment to western Sydney. Ferry services to Parramatta have had to deal with shallow water and we have not had the right boats for the job. This meant that on some occasions services had to be discontinued. We are asking private operators to come up with the right boats and to get them into service as quickly as possible. We are looking for an operator to deliver peak-hour ferry services in both directions between Parramatta and the CBD in less than 55 minutes. The operator will also need to provide off-peak and weekend ferry services in both directions between Parramatta and the CBD as we turn Parramatta River into a marine highway for the people of western Sydney. I want to see public transport working properly for people in the west every day of the week. If we get the right proposal, we will be looking to go to tender in March next year.

**Mr Brad Hazzard:** Do you know where Manly is?

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

**Mr NATHAN REES:** Yes, I do know where Manly is. If you had to get to western Sydney you would need a cut lunch and a hurricane lamp—so do not start! Getting the right boats is vital. We are serious about reforming services. We have made Sydney Ferries a statutory authority, giving direct control over services back to the Government. I want public transport directly under government control answering to the Minister on behalf of the public. We are making progress with ferry reform to deliver better transport services on our waterways. The Government has accepted the Walker report's recommendation to proceed with market testing to find the best operator, whether that operator be a private enterprise or a new and improved Sydney Ferries. Whoever operates the ferry services, the Government will maintain strict control over services under a tough service contract between the Government and the operator. The Opposition has not been clear about its plans, whether it wants Sydney Ferries or the private sector—it is flip-flop, flip-flop, not quite sure.

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

**Mr NATHAN REES:** I have taken action to get Sydney Ferries up to scratch and get the private sector in where Sydney Ferries has failed to provide the right boats on the river. The people of Parramatta deserve a reliable commuter ferry service to the CBD. Today's announcement is the first step in restoring that.

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

### NO-DEPOSIT E-TAGS

**Mr ANDREW FRASER:** My question is directed to the Minister for Roads. Is the Minister's failure to consult the Premier on the Minister's backflip decision to introduce no-deposit E-tags just another example of the Minister's, the Caucus' and the community's view that the Premier is irrelevant and out of touch?

**The SPEAKER:** Order! Government members will come to order. I call the member for Monaro to order.

**Mr MICHAEL DALEY:** Break out the champagne, hip hip hooray, three cheers for the member for Coffs Harbour! I have read *Hansard* regarding the number of questions the Coalition has asked about the roads portfolio in this place. Apart from some lame offering from the Leader of the Opposition a couple of weeks ago, 2,000 days have passed since Coalition members asked a question about roads in this place. This is despite the fact that they have—

**The SPEAKER:** Order! The House will come to order. The Minister will direct his remarks through the Chair.

[Interruption]

**Mr MICHAEL DALEY:** That is a timely interjection from a number of Coalition members, who say, "But the Minister for Roads was in the other place." Does that stop the member for North Shore, the Leader of the Opposition and others from asking a question of the Premier about health? Is John Della Bosca hiding under one of these benches? That is one of the dumbest interjections I have ever heard.

**Mr Andrew Fraser:** Point of order—

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

**Mr Andrew Fraser:** As much as I hate to use Standing Order 129, I draw your attention to the fact that the question is about the Premier's competence.

**Mr Barry O'Farrell:** Or lack thereof.

**Mr Andrew Fraser:** Or lack thereof. The Minister has not answered the question in any way, shape or form. I ask you to direct him to answer the question. My question was not about health matters or other issues.

**The SPEAKER:** Order! I am sure the Minister was making some introductory remarks and will now move on to the substance of his answer.

**Mr MICHAEL DALEY:** Two thousand days, two shadow roads Ministers—

**Mr Barry O'Farrell:** Point of order: Standing Order 129 does not allow Ministers to lie. What about questions about the Lane Cove Tunnel?

**The SPEAKER:** Order! The Leader of the Opposition will resume his seat. I urge the Minister to answer the question.

**Mr MICHAEL DALEY:** Calm down, Barry. Shouting at people—

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

**Mr MICHAEL DALEY:** I know the polls are bad for the Leader of the Opposition.

**The SPEAKER:** Order! The House will come to order. As I understand it, this is the last sitting week of the year. Members will conduct themselves according to the conventions of this House.

**Mr MICHAEL DALEY:** This morning the Premier—

*[Interruption]*

Barry, shouting at people will not convince them that you have a backbone, so calm down. This morning the Premier was asked a question. The specifics of the question were whether the Government is planning to drop the \$40 deposit on E-tags. The answer quite clearly given by the Premier, and by me, is no. As I have said on numerous occasions, especially during numerous interviews today, there are currently two E-tag products offered by the Roads and Traffic Authority: one of them requires a \$40 deposit and the other one requires no deposit and can be rented for \$5 a week. After we announced that the Sydney Harbour Bridge would be going cashless in January, I was concerned that some older people and people from the bush, who may or may not have credit cards and who might not have found it convenient to pay a deposit, might be inconvenienced by not finding those two products as flexible as they need them to be.

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

**Mr MICHAEL DALEY:** Therefore, I asked the Roads and Traffic Authority to come up with an additional third product that involves no credit card and no deposit, and that is what the Roads and Traffic Authority is working on. We will be making an announcement this week.

**Mr Barry O'Farrell:** When are you going to tell the Premier?

**Mr MICHAEL DALEY:** The Premier was asked a specific question about whether the tag product with a \$40 deposit will go. It will not; it will remain. The Leader of the Opposition should listen. Instead of getting his policies from the media, he should formulate some himself.

#### CLIMATE CHANGE ADAPTATION PROGRAMS

**Mr ROBERT FUROLO:** My question is addressed to the Minister for Climate Change and the Environment. What action is the Government taking to assist local communities to address pressing local environmental concerns? Is the Minister aware of any alternative approaches?

**Ms CARMEL TEBBUTT:** The Rees Government is very proud of its landmark environmental achievements and programs that continue to increase environmental awareness and drive change throughout New South Wales. The Government is committed to innovative solutions to tackle climate change, protect the environment, and manage our precious water.

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

**Ms CARMEL TEBBUTT:** If the member listens, he will hear about catchment management authorities [CMAs]. We achieve this by listening to the community, by listening to local government and by smart regulation. We also achieve it through the Environmental Trust program, which is the major vehicle by which environmental grants are provided to the community. All members of the House would be familiar with one if not more projects in their electorate that at some stage have been funded under the Environmental Trust. The trust was created in 1998 and now substantially is funded through the City and Country Environment Restoration Program, which commits more than \$400 million over five years to some of our most pressing environmental challenges.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. Opposition members who wish to conduct private meetings will do so outside the Chamber.

**Ms CARMEL TEBBUTT:** The latest round of Environmental Trust grants provides more than \$34 million in funding for 92 projects from the Murray to the Tweed. The project stretches right across New South Wales and represents some of the State's most innovative approaches to tackling environmental issues. They include major partnership projects on natural resource management, landscape sustainability and climate change adaptation. There are 24 grants totalling more than \$29 million under the Urban Sustainability Program, which will result in improved water management, waste avoidance and more sustainable business practices.

One example that I know you, Mr Speaker, and the member for Tamworth will be particularly interested in is the Namoi Sustainability in Action project. This project is being undertaken by the Namoi Regional Organisation of Councils, the Namoi Catchment Management Authority and the Northern Inland Regional Waste group. To assist communities in the Namoi to develop innovative, practical and cost-effective actions, \$2 million will be provided over three years to reduce energy and water usage, increase the use of renewable energy and improve waste management. This is a local initiative, but it is aimed at reducing the region's environmental footprint. In addition, \$8.6 million will be allocated to revegetate riverbanks, rehabilitate habitat and clean our waterways.

Another example that I know the member for Lake Macquarie will be interested in is that support through Commonwealth funding has been provided to enable the Lake Macquarie City Council to develop community sustainability plans at the sub-catchment level, while working with residents to manage their own natural resources sustainably. The Government also knows that the next wave of practical programs will be based on the research of today. That is why the Government is allocating over \$1 million for scientific research that is concerned with improving air quality and preserving our diversity.

**The SPEAKER:** Order! The member for Wakehurst and the member for Bathurst will cease interjecting.

**Ms CARMEL TEBBUTT:** For example, research that is being funded includes projects to examine the Sydney airshed. Ultimately, that is about improving air quality in Sydney. We are also funding the CSIRO to undertake research that is aimed at improving conservation management under climate change. The Restoration and Rehabilitation Program will provide 42 grants to restore degraded environmental resources, including rare and endangered ecosystems. For example, the Lachlan Catchment Management Authority will be funded for the Boorowa River Recovery, which is a partnership between the Lachlan Catchment Management Authority and Greening Australia.

The project will build on work that has already been done to improve the riverbank. Continuing that work will improve the flow and quality of water entering the Boorowa town water supply, and will bring a better quality of water to Boorowa. The latest round of grants under the Environmental Trust program underlines the Rees Government's commitment to grassroots support for communities, councils and science to support environmental research, education and restoration. We are committed to working with the community to develop solutions to a range of environmental challenges that face communities across New South Wales. The grants demonstrate that commitment.

## **PUBLIC SERVICE ACCOUNTABILITY**

### **MINISTER FOR PRIMARY INDUSTRIES SPOUSE EMPLOYMENT**

**Mr ADRIAN PICCOLI:** My question is directed to the Premier. How can the Premier find it acceptable that the Minister for Primary Industries has his wife employed in a \$110,000 a year job in his department whereas, in the lead-up to Christmas, he has sacked 200 Department of Primary Industries staff, all of whom, conveniently, are not related to the Minister?

**Mr NATHAN REES:** I state for the record that, in my view, this question goes beyond the pale.

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

**Mr NATHAN REES:** I will explain why. Government members would not seek to highlight employees in the New South Wales public service who are married or related to Opposition members of Parliament.

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

**Mr NATHAN REES:** The staff member in question has been a professional public servant since 1983.

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

**Mr NATHAN REES:** She commenced employment in the public sector five years before the Minister for Primary Industries, the Hon. Ian Macdonald, was elected to Parliament. She was transferred to the

position—it was not a promotion—based on the unanimous recommendation of an independent panel. That is the end of the matter. The Government does not believe there should be a glass ceiling for professional women in New South Wales.

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

**Mr NATHAN REES:** The selection process for the transfer of the individual to the position withstands the closest scrutiny and is appropriate.

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

### **HOLIDAY SEASON ROAD SAFETY**

**Mr FRANK TERENZINI:** I address my question to the Minister for Roads. What action is the Government taking to keep families safe on New South Wales roads this Christmas?

**Mr MICHAEL DALEY:** I thank the member for Maitland for his interest in road safety. We can never be complacent about the road toll, but we have had some encouraging results in New South Wales in recent years. Last year the New South Wales road toll was at a record low since World War II, despite there being 13 times more vehicles on the road, 10 times more licensed drivers and double the population compared with 1945. Last year's road toll was a record low. The final road toll for 2007 was 435, which is a 12 per cent reduction on the previous year. The fatality rate per capita in 2007 was the lowest since records began in 1908.

As at midnight on 1 December, the provisional road toll for 2008 was 363, which is a decrease of 39 fatalities compared with this time last year. That is a pleasing result. That is 39 families who have not had the devastating news that one of their sons, daughters, mothers or fathers has been killed on our roads. But we all acknowledge that that is 363 too many. More than \$127 million was allocated for road safety programs and campaigns this financial year. The New South Wales Government is committed to improving road safety, and this is a crucial message that I wish to get across to all families and to everyone in this Chamber as they head into the holiday season.

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

**Mr MICHAEL DALEY:** At this time of the year, as Christmas and the holiday season approaches, there are more people on the roads. This means a greater risk of accident, injury or death. Of course, it goes without saying that it would be devastating to lose a loved one on the roads at any time, but to have that occur at Christmas would be doubly tragic. To keep our roads safer this year, we will again be implementing the successful double demerit scheme over the holidays. This year the scheme will be in force from midnight on Tuesday 23 December until Sunday 4 January, or 24 December to 4 January inclusive. Last summer speeding was responsible for 39 deaths and more than 1,000 injuries. Speeding kills 30 per cent more people on New South Wales roads in summer than it does in winter. Surprisingly, many speed-related crashes happen on dry, sealed roads in sunny conditions.

**Mr Andrew Stoner:** And on the Pacific Highway, where you cut \$350 million.

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

**Mr MICHAEL DALEY:** The Leader of The Nationals wants to talk about the Pacific Highway. I refer him to the answer given earlier by the Premier about the GST. The New South Wales Government has spent more than \$1 billion in excess of the contributions that the national Coalition Government has spent on the Pacific Highway in the past 10 years. That is \$1.66 billion compared with John Howard's \$6 million. Not a single one of you lifted the phone—

**The SPEAKER:** Order! The Minister will make his contribution through the Chair.

**Mr MICHAEL DALEY:** Not one member opposite, particularly The Nationals, picked up the phone and spoke to Mark Vaile, John Anderson or John Howard and asked them to contribute more to the Pacific Highway. If they had done so, we would not be at the point we are now—\$1 billion ahead of the Commonwealth in spending on the Pacific Highway. So do not give me your sanctimonious claptrap about the Pacific Highway!

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

**Mr MICHAEL DALEY:** Last summer speeding was responsible for 39 deaths and 1,000 injuries. As I said, many of those happened on dry, sealed roads in sunny conditions. This year, like every year, the traffic will be heaviest on all our major highways during the Christmas period, particularly on Friday 26 December and Saturday 27 December, which is the traditional time for families to head off for their summer holidays. Once again, I urge motorists to travel outside these peak periods when they can. People should plan to drive during daylight hours when they are normally awake to avoid driver fatigue, and take regular rest breaks.

Driver Reviver is a community-based program that has been operating for more than 20 years to help stamp out driver fatigue, and it does a great job. I cannot believe that I am talking about trying to save lives on the roads this holiday period and Coalition members still inject. That is disrespectful and ignorant in the extreme. There are 90 Driver Reviver sites across New South Wales that operate during the peak Christmas holiday period. About 500,000 people in New South Wales stop at Driver Reviver sites every year to have some refreshments and to take a break. For many people in New South Wales, Christmas is a time for celebrating. There are many young drivers—those who have just finished school and university—on our roads. The New South Wales Government introduced a package of P-plate and novice driver reforms last year.

**The SPEAKER:** Order! The member for Tweed will contain himself.

**Mr MICHAEL DALEY:** These include restrictions on the number of passengers that P1 or red P-platers can carry at night. This was in addition to the zero tolerance to speeding and drink-driving approach. Zero tolerance is practical, workable and enforceable. In addition, mobile phone use by first-year P-platers and learner drivers, even with hands free, is banned. Since these reforms were introduced there has been a decrease in P-plate driver deaths and injuries. It shows that these reforms are working to keep our young drivers safe. As I have done here and in other places many times in the past few months, I simply urge people to slow down on our roads and to stick to the speed limits. Plan ahead and, for the safety of your passengers and other motorists on the road, take a break every two hours to stop, revive, survive. I speak on behalf of all members in this place when I say that we want to keep our record road toll down over the Christmas period. We want our people to come back to us safe and sound in the New Year.

#### **RYDE ELECTORATE TRAIN SERVICES**

**Mr VICTOR DOMINELLO:** My question is directed to the Minister of Transport. Why have morning commuters using Eastwood, Denistone, West Ryde and Meadowbank stations—who will suffer a halving of train services from 8.00 a.m. until 4.00 p.m. under the Minister's draft timetable—been singled out and forced to pay for Labor's transport incompetence?

**Mr DAVID CAMPBELL:** Once again we get more criticism from the Opposition about the biggest single public transport infrastructure project under construction in New South Wales. The \$2.3 billion Epping to Chatswood rail link is under construction and about to be completed. It will come on line early next year as a shuttle service, and will have a fully integrated timetable from mid next year. In delivering this major piece of infrastructure, the Government has a draft timetable available for community consultation.

**Mr Andrew Fraser:** Point of order: We are interested in what the Minister is saying, but he is addressing his remarks to the gallery. He is not speaking to you or to the members of this place. You should direct him to utilise the microphone so that we can hear him.

**The SPEAKER:** Order! I ask all members to ensure that they speak into the microphone.

**Mr DAVID CAMPBELL:** As I said, the Government has put out for public consultation a draft timetable that integrates \$2.3 billion worth of infrastructure into the overall CityRail network, and all we get from this mob is more criticism, whingeing, whining and complaining. One would have thought that whingeing Wilma would get out of the black Honda and listen to what people have to say about these issues. The 2009 timetable and the Epping to Chatswood rail link will provide a number of benefits, including additional peak services for the western, south, and airport and East Hills lines; additional services from 9.00 a.m. to 12 noon for western, south, northern and North Shore passengers; additional carriages on peak hour trains to increase capacity; more equal spread of patronage across peak hour trains; and direct rail access to the Macquarie Park-North Ryde employment corridor. So we bring on line new infrastructure and invite the community to have some say about, and input into, the draft timetable, and then we get this talking down, whingeing, whining and complaining—which we have come to expect from the New South Wales Opposition.

**Mr Greg Smith:** Point of order: I refer to Standing Order 129. The Minister has not attempted to answer the question about services at Eastwood, Meadowbank, Denistone, or stations further towards the city that are all suffering.

**The SPEAKER:** Order! Has the Minister concluded his answer?

**Mr DAVID CAMPBELL:** Yes, Mr Speaker.

### COUNTRYLINK SERVICES

**Mr STEVE WHAN:** My question is addressed to the Minister for Transport. What action is the Government taking to encourage families to use CountryLink services during the summer holidays?

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

**Mr DAVID CAMPBELL:** Another question from a member of Country Labor about all-important CountryLink services. A positive question—

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

**Mr DAVID CAMPBELL:** There will be no more interjections from the member for Willoughby.

**Ms Gladys Berejiklian:** Yes, there will.

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

**Mr DAVID CAMPBELL:** There you go: she does not have the courage to go on with it.

**The SPEAKER:** Order! The Minister will direct his remarks through the Chair.

**Mr DAVID CAMPBELL:** I shall indeed, Mr Speaker. We are headed into the holiday season when many families go away for Christmas. It is a time when mums and dads take their kids travelling to holiday spots across New South Wales. I am pleased to advise the House that the Government is making these holidays more attractive and more affordable, with \$1 fares for kids to be offered on our CountryLink services over the summer. Travel to country New South Wales will be cheaper than ever with the introduction of a \$1 child fare for up to four children travelling with a full fare-paying adult. It will provide a good option for families who want to get out of town but who are on a tight budget.

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

**Mr DAVID CAMPBELL:** I am pleased that we are able to make travel a little easier this year, especially when many families are doing it a little tough. These cheap fares will hopefully encourage families to spend their summer breaks in country New South Wales, giving a boost to our regional and rural economies. The CountryLink network spans far and wide, so families who access this offer will be able to travel to 360 destinations including Queanbeyan, as the member for Monaro will be delighted to hear, Bathurst, Dubbo, Coffs Harbour, Katoomba, Moree, Broken Hill and Leeton. Leeton is the home of the Wave of the Week on the personal website of the Leader of The Nationals. There are not many waves at Whitton on the Murrumbidgee River. As the Leader of The Nationals points out, he has acted in response to my scrutiny of his website.

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

**Mr DAVID CAMPBELL:** Mr Speaker, you will recall that last time I pointed out that the member's Wave of the Week was in Bondi. He has taken the Government's advice and put a country location on his website—although I am not sure how big the swell will be on the Murrumbidgee River at Whitton.

**The SPEAKER:** Order! Members will cease interjecting, including the Leader of The Nationals and the member for Murray-Darling.

**Mr DAVID CAMPBELL:** I encourage interested families to visit the CountryLink website, [www.countrylink.info](http://www.countrylink.info), for more information about fare promotions. As the member for Monaro reminded the Premier and me yesterday, there is also an opportunity for country people to travel on these fares to the city to go to the cricket or to do some shopping.

**The SPEAKER:** Order! Hansard is having difficulty hearing the Minister's contribution. I ask him to speak into the microphone.

**Mr DAVID CAMPBELL:** It may be that people will want to take a Freshwater Class ferry to Manly. On that note, the member for Manly—the real leader of the Liberals—has been flopping around about a fast ferry service from the peninsula to the city while the real Leader is running around in circles. His party failed to support the Government's legislation that will allow a private operator to run the service; Coalition members voted against it. I cannot help but think how ironic it is: Those opposite, including the real Leader of the Opposition—I apologise, the member for Manly—opposed the very same legislation that will enable the provision of a premium, fast ferry service to Manly at no cost to taxpayers. That is right. It is all talk, complaining, whinging and whining, with no ideas and no action on the Opposition side of the House.

On this side, we have made it clear that the way remains open to private operators to step up to offer an alternative service. The Government already has had close discussions with a private operator and is encouraging other interested operators to make themselves known. I am sure the member for Manly will be pleased to learn that the Ministry of Transport will shortly be issuing the expression of interest documentation for private operators to run a high-speed service on that route on a fully commercial basis at no cost to the taxpayers of New South Wales. But I digress; I will return to CountryLink. The Government is investing in CountryLink services, with the \$1 fare offer making the newly refurbished trains even more attractive. CountryLink's carriages are currently undergoing a \$54 million refurbishment and upgrade program, with work expected to be completed by mid 2011.

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

**Mr DAVID CAMPBELL:** The work on the XPT fleet included refurbishing seats, toilets, carpets, air conditioning and buffet equipment. All 60 XPT carriages have been fully refurbished. They have new toilets and are being repainted. The Xplorer carriages are also being refurbished. Upgrades include an overhaul of passenger seats, lighting and air conditioning, replacement of floor coverings, curtains and interior fittings, and refurbishment of the toilets. The Rees Government is continuing to work hard to attract passengers to CountryLink services. This new deal is a great win for the families of New South Wales. The Premier and I, with the member for Monaro, made the announcement on CountryLink platforms yesterday. I am pleased to say that the new deal will benefit not only families but also country economies as people from the city travel to the country and country people travel to city, perhaps to go to the cricket or even to take a trip to Manly.

**Question time concluded.**

## **OPPOSITION ROADS QUESTIONS**

### **Personal Explanation**

**Mr ANDREW FRASER**, by leave: I wish to make a personal explanation. Today the Minister for Roads suggested that no Opposition member, including me, had asked a question about roads for 2,000 days. I draw his attention to the *Hansard* of 29 November 2007—I am aware that he was not the Minister then—and to my question about the Pacific Highway upgrade.

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

## **OPPOSITION ROADS QUESTIONS**

### **Personal Explanation**

**Mr THOMAS GEORGE**, by leave: I wish to make a personal explanation. I, too, was offended by the assertion of the Minister for Roads because on 10 April I asked the Premier a question about roads.

## **OPPOSITION ROADS QUESTIONS**

### **Personal Explanation**

**Mr ANDREW STONER**, by leave: I wish to make a personal explanation. My character and reputation was impugned by the Minister for Roads, who misled the House when he claimed that Opposition members had not asked any questions about roads.



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

**Mr ANDREW STONER:** Last week I asked a question about the Pacific Highway, and in September I asked two questions about the M5 East tunnel. The shadow Minister for Roads has asked many more questions in the Legislative Council.

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

## **LEGISLATION REVIEW COMMITTEE**

### **Report**

**Mr Allan Shearan**, as Chair, tabled the report entitled "Legislation Review Digest No. 15 of 2008", dated 2 December 2008, together with minutes and extracts regarding Legislation Review Digests Nos 12, 13 and 14 of 2008.

**Report ordered to be printed on motion by Mr Allan Shearan.**

## **PETITIONS**

### **Public Library Funding**

Petition requesting increased funding for public libraries, received from **Mr Kevin Humphries**.

### **Sydney Olympic Park V8 Supercar Track**

Petition opposing installation of a V8 Supercar track at Sydney Olympic Park, received from **Ms Clover Moore**.

### **Drink Container Deposit Levy**

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

### **Hornsby Area Haemodialysis**

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

### **School Student Transport Scheme**

Petitions opposing any changes to the School Student Transport Scheme, received from **Mr Greg Aplin** and **Mr Daryl Maguire**.

### **Hawkesbury River Railway Station Access**

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

### **Bus Service 311**

Petition requesting improved services on bus route 311, received from **Ms Clover Moore**.

### **Bus Service 389**

Petition requesting improved services on bus route 389, received from **Ms Clover Moore**.

### **School Staffing Procedures**

Petition opposing changes to school staffing procedures, received from **Mr Kevin Humphries**.

### **Barangaroo Planning Guidelines**

Petition opposing the Sydney Harbour Foreshore Authority proposal to modify Barangaroo planning guidelines, received from **Ms Clover Moore**.

### **Star City Casino Proposal**

Petition opposing the Sydney Harbour Casino Properties proposal for the Star City Casino, received from **Ms Clover Moore**.

### **Pet Shops**

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

### **Alstonville Tropical Horticulture Centre**

Petition opposing the closure of the Alstonville Tropical Horticulture Centre, received from **Mr Donald Page**.

### **Glen Innes Agricultural Research Station**

Petition opposing the closure of the Glen Innes Agricultural Research Station, received from **Mr Richard Torbay**.

### **Albury Policing**

Petition requesting additional beat police in the Albury electorate, received from **Mr Greg Aplin**.

### **Wauchope Policing**

Petition requesting additional police and resources for the Wauchope area, received from **Mr Andrew Stoner**.

### **Iron Cove Bridge Project**

Petition opposing the construction of an additional bridge over Iron Cove, received from **Ms Gladys Berejiklian**.

### **Preschool Speed Zones**

Petition asking that 40 kilometre per hour speed zones be introduced outside all preschools in New South Wales, received from **Mr Kevin Humphries**.

## **BUSINESS OF THE HOUSE**

### **Business Lapsed**

**General Business Notices of Motions (General Notices) Nos 1 to 17 lapsed pursuant to Standing Order 105 (3).**

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing and Sessional Orders: Routine of Business**

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

That standing and sessional orders be suspended to:

- (1) alter the routine of business at this sitting as follows:
  - (a) consideration of the matter of public importance to immediately follow the motion accorded priority;
  - (b) at the conclusion of the matter of public importance, consideration of government business;

- (c) at 6.30 p.m., the Speaker to leave the Chair;
  - (d) at 7.30 p.m., the Speaker to resume the Chair and the House to consider government business; and
  - (e) the House to adjourn on motion.
- (2) permit the introduction without notice and passage through all stages of the Liquor Amendment (Special Licence Conditions) Bill 2008; and
  - (3) permit the resumption of the debate and passage through all remaining stages of the State Revenue and Other Legislation Amendment (Budget Measures) Bill 2008 and the Superannuation Administration Amendment (Chief Executive) Bill 2008.

**Mr ADRIAN PICCOLI** (Murrumbidgee—Deputy Leader of The Nationals) [3.23 p.m.]: It is the end of the year again, and we get the same suspension motion.

**Mr Martin:** And the same speech not supporting it!

**Mr ADRIAN PICCOLI:** Does the member want me to table my speech? It is much different this year. First, family-friendly hours are out the door because the Government cannot run its own business. It cannot run Parliament, so how does it expect to run the State?

**The SPEAKER:** Order! The member for Murrumbidgee does not need the assistance of Opposition members.

**Mr ADRIAN PICCOLI:** Another week of sittings is scheduled for next week but the Government has indicated that Parliament will not sit then, despite the Premier saying upon his election—so it is said—that he would set a new standard for Parliament. He announced a record number of parliamentary sitting days for next year. But 12 weeks after his election as Premier he cannot agree to Parliament sitting on the days scheduled for this year! I advise the member for Bathurst that there will be a few suspensions of standing orders this week; we have plenty of time for him. He need not worry about that.

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

**Mr ADRIAN PICCOLI:** Of more importance is the legislation that the Government wants to ram through the House tonight. It is a sign of the Government's incompetence that most members opposite do not know what is to happen tonight. Last week the House debated the Liquor Legislation Amendment Bill 2008 and now, just one week later, it needs to be amended. The Government will deny people and businesses the right to appeal to the Supreme Court; the Government plans to abrogate people's rights and to deny them the opportunity to use the courts to protect themselves and their businesses. Opposition members have not seen the legislation—we know only what has been reported in the newspapers—but we understand that that is the Government's intention.

The Government ought to amend the legislation so that it applies to the member for Bankstown, Tony Stewart. He has proceedings underway in the Supreme Court, and I am sure the Premier would love to amend the legislation to deny the member for Bankstown the right to appeal to the Supreme Court. What does the member for Bankstown expect to achieve from his action in the Supreme Court? Does he expect to be reappointed? As I said last week, various members, including the member for Rockdale, the member for Kiama, and the member for Blue Mountains, ought to pursue a class action on the denial of natural justice.

**Mr Gerard Martin:** Point of order: I refer to Standing Order 129, relevance. The speech of the member for Murrumbidgee has nothing to do with the motion moved by the Leader of the House. It is just another gutter-trawling trip by that little guttersnipe.

**The SPEAKER:** Order! That is not a point of order. Members will come to order, including the member for Cessnock.

**Mr ADRIAN PICCOLI:** The member for Bathurst is the man with the most to gain from the member for Bankstown being on the backbench. Given that point of order, we should assist the member for Bathurst, who asked a question during the winter recess—unfortunately he asked it through the newspapers rather than in Parliament. At about that time the former Treasurer, Michael Costa, said that there were people in the Labor Party with no ability. He referred to them using the derogatory term "d\*\*\*heads". In the *Sun-Herald* the member for Bathurst said, "I must be one of those talentless d\*\*\*heads". As the Opposition is always here to help, the answer to that is "Yes". That is why the member for Bathurst remains on the backbench—I notice he has left the Chamber. The Opposition will not support the motion to suspend standing and sessional orders for

two reasons: the House is supposed to sit family-friendly hours, and we have another week of sittings scheduled for next week. Members opposite are a bit lazy; they want to go home. But Coalition members are here to work—and we are ready to be in government in a couple of years time. We do not support the motion.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [3.28 p.m.], in reply: With your indulgence, Mr Speaker, last week the House was privileged to congratulate and celebrate the Clerk of the Legislative Assembly, Mr Russell Grove, who is now the longest-serving Clerk in the history of the New South Wales Legislative Assembly, having served 18 years, two months and four days. He has sat in the Chamber every sitting day for all that time and every year he has heard exactly the same debate. We hear the same speech and the same claims. The only exception is that in most other years there has been some element of relevance to the speech that has been made by an Opposition member. There is absolutely no relevance whatsoever to what the Opposition has claimed today with one exception, and I will refer to that in a moment.

**The SPEAKER:** Order! I extended a great deal of latitude to the member for Murrumbidgee. The Leader of the House will be heard in silence.

**Mr JOHN AQUILINA:** I do not propose to detain the House by going through a point by point justification of what I have done. There is probably something like a hundred years of history to justify those points. I will refer to one matter raised by the member relating to the legislation we are about to introduce this afternoon. He made it sound as though it was a matter of great mystery to everyone in this Chamber. There is no mystery about it. Everyone knows precisely what the legislation is about and everyone knows why it has been introduced. Everyone knows, understands and appreciates, particularly on the Government side, why it has to pass through all stages in the Legislative Assembly today.

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

**The House divided.**

**Ayes, 49**

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

**Noes, 39**

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

**Pair**

Ms McKay

Mr Souris

**Question resolved in the affirmative.****Motion agreed to.****CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY****Health System Funding**

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [3.37 p.m.]: Health care is core business for any government. My motion deserves priority because we now have a rare opportunity to do something about health. We have the Garling report and we have increased funds from the Council of Australian Governments [COAG]. Those opposite have made a career out of misleading the public and this House about the true state of our hospitals and facilities. Their aim is to create fear and loathing about the New South Wales health system purely for their own political ends. They use the New South Wales public hospital system—

**ACTING-SPEAKER (Ms Diane Beamer):** Order! There is far too much audible conversation in the House. Members will come to order.

**Dr ANDREW McDONALD:** They use the New South Wales public health system and its patients, doctors and nurses as a political football to score cheap points. This is counterproductive to patient care and they know it. Fortunately, we now have a Commonwealth Government that recognises health as a priority. The COAG health agreement is a positive start; obviously we have a distance to go. We need to hear today from our opponents whether they have any ideas now that Garling recommendation 134 has blown their health policy out of the water. What will they do now? Today is their chance to show their plans for the New South Wales health system. The spotlight is on them. What will they do?

**Public Service Accountability****Minister for Primary Industries Spouse Employment**

**Mr ADRIAN PICCOLI** (Murrumbidgee—Deputy Leader of The Nationals) [3.40 p.m.]: My motion ought to have priority because it raises an important issue that goes to the heart of the accountability of the public service and of the New South Wales Government. The public service employs many spouses or family members of members of Parliament. We do not have an issue with that. The husband of the Minister for Planning works, I think, in the Premier's office or is a senior officer holder in the New South Wales public service. The very famous Belinda Neale, now a Federal member of Parliament—the very famous member for Robertson—previously worked for Tony Kelly as his chief of staff.

**Mr Barry O'Farrell:** And he's relieved. He's very relieved.

**Mr ADRIAN PICCOLI:** That is right, he is very relieved that she was elected. Michael Coutts-Trotter, the Director General of Education and Training, is the husband of the Federal member for Sydney. Plenty of people employed in the public service are spouses or family members of members of Parliament. We do not have a significant problem with that. Our issue is that Minister Ian Macdonald and his wife are working within the public service in the same department for which he is the Minister. Imagine if the director general, for whatever reason, needed to sack the Minister's spouse.

**Mr Barry O'Farrell:** Or reprimand her.

**Mr ADRIAN PICCOLI:** Or even reprimand her. What sort of future would the director general have in the public service if he sought to sack or reprimand the Minister's wife? I believe her position is as an adviser of the Minister. I am sorry that she has been dragged into this. Had she worked for some other department—I believe she is eminently qualified—that would be fine. The Minister has chosen, I believe improperly, to

employ his wife in the same department for which he has ministerial responsibility and this has resulted in her becoming part of a public debate. For many years the people of New South Wales have put up with nepotism but this really takes the cake. The Minister's comments in the newspaper today were even more odd. He actually sought to turn the matter into a gender issue; that somehow his wife's appointment to his department was about getting the gender balance right. It is more about getting the Minister's bank balance into perspective.

**Mr Steve Whan:** Point of order. The member is debating a substantive motion about an individual. It is improper for the member opposite to attack an individual or cast aspersions on his motivation, as the member for Murrumbidgee just did. He cast aspersions on the Minister and suggested that he was interested in making money out of the situation. I suggest that is most improper. This debate is on whether his motion should have priority; it is not a debate on a substantive motion. I ask you to direct him not to make allegations about individuals.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! I direct the member for Murrumbidgee to state why his motion should be accorded priority.

**Mr ADRIAN PICCOLI:** My motion is very urgent because right now the Department of Primary Industries is in the process of sacking 200 public servants, including public servants in the electorate of the member for Monaro. This motion is urgent: we want to know from where the Minister is getting his advice. The employment guidelines for the public service regarding conflicts of interest state, "Conflicts of interest exist when it is likely that an employee could be influenced or could be perceived to be influenced by a personal interest in carrying out—"

**Dr Andrew McDonald:** Point of order: The member has to state why his motion should have priority rather than debate the motion.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! The member for Murrumbidgee may continue.

**Mr ADRIAN PICCOLI:** My motion is urgent because the Parliament has chosen not to sit next week. Therefore, we will not have the opportunity to debate my motion. We will not get the opportunity next week to debate the Department of Primary Industries job cuts. We are entitled to question judgement when a Minister employs a family member in his or her department, particularly when 200 jobs will be cut from the electorate of the member for Monaro, from my electorate and from the Speaker's electorate. With all due respect to the Minister's family member, this is about the Minister's judgement. It is a matter of priority.

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

**The House divided.**

**Ayes, 49**

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

**Noes, 38**

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

**Pair**

Ms McKay

Mr Souris

**Question resolved in the affirmative.****HEALTH SYSTEM FUNDING****Motion Accorded Priority****Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [3.53 p.m.]: I move:

That this House:

- (1) notes the historic health agreement struck at the Council of Australian Governments [COAG] over the weekend;
- (2) notes that this will see renewed investment in the State's health system; and
- (3) congratulates the New South Wales Government and Federal Government for working in partnership to deliver better health services for families in New South Wales.

As mentioned earlier in this House, the States and Territories have reached an agreement with the Commonwealth over health funding for the next five years. This agreement goes some way to restoring the equity in Commonwealth-State health funding. Under the Howard Government their contribution slipped from 50 per cent to 40 per cent—a shameful example of neglect. Not once during 13 years of the Howard Government did our opponents opposite ever breathe so much as one word about this shameful reduction. Everyone in health could see that more funds were needed, yet this craven tactic of ignoring the bleeding obvious adopted by members opposite has permanently damaged their credibility with the vast majority of health workers.

Commissioner Garling, who released his very significant report into our health system last week, described our health system as among the best in the world. I emphasise that it is among the best in the world, as do most doctors from the United Kingdom who work here say—and I make a point of asking them. This is not just Mr Garling's opinion; any medical journal will say the same. The Australian Medical Association's recent report card found that New South Wales is the best performing jurisdiction in emergency departments, elective surgery, funding and beds per head of population.

In my previous job as a senior examiner with the Royal Australasian College of Physicians I regularly travelled throughout Australia. I spent many hours with patients and clinicians, and I can state that the practices of the New South Wales health system reflect extremely high standards of care by any standard anywhere in Australia or worldwide. Many of my colleagues from other States were extremely envious. Fortunately, we now have a Commonwealth Government that recognises health as a priority. The Council of Australian Governments [COAG] health agreement is a great start—but we still have a way to go.

The agreement will help us improve our already good health system even more. As part of the agreement the Commonwealth will contribute \$1.75 billion to increase funding for undergraduate clinical

training, including increasing the clinical training subsidy to 30 per cent. It is the clinicians employed by New South Wales Health that do the bulk of medical student teaching. There will also be an increase in postgraduate training places, including general practitioner places, and the establishment of a national health workforce agency and a health workforce statistical register to drive a long-term plan for our health workforce. This is something that should have happened prior to the Howard Government winning office.

As the House well knows, there is a global shortage of clinicians, particularly specialists—and that is one of the legacies of 13 years of the Howard Government. In addition, there will be more funding in capital infrastructure to expand teaching and training, especially at major regional hospitals. Across Australia, funding will be provided to train about 18,000 nurse supervisors, 5,000 allied health and other supervisors, and 7,000 medical supervisors. New South Wales will receive a large number of those positions. The agreement also includes one-off funding for 1,600 sub-acute care beds; \$750 million to relieve pressure on public hospital emergency departments; \$448 million for preventative health measures, especially those designed for children; \$5.3 billion for specialist disability services, especially for those who need disability aids and equipment; and \$805 million to improve indigenous health programs, which will decrease smoking rates. In my area 58 per cent of pregnant indigenous women smoke. The percentage did not decrease at all during the Howard years.

The indigenous health program will also reduce the burden of disease, decrease the length of hospital stays and significantly improve the coordination of care. This agreement would not have been possible under the Howard Government. Health spending in New South Wales is now 27 per cent of the entire New South Wales budget—more than ever and double the funding of the past decade. Despite that, there are increasing demands on our health system. Emergency department admissions increased by nearly 6 per cent, and the number of operations performed in our hospitals increased by 6.5 per cent. In this year's budget health was allocated a record \$13.2 billion, which is a greater allocation than at any other time in the 150 years of the State's history. The mini-budget has not changed the health service's allocation. We retain a \$2.7 billion capital program over four years. We are still building and investing in major health infrastructure.

The Government has reconfirmed its commitment in major projects already in progress and among them are the Liverpool Hospital, which I check every week, the new Royal North Shore Hospital, Orange Hospital and the Mater in Newcastle. We have provided an additional 72 beds to expand medical assessment units across the State, \$46 million over four years for expanded maternity services to care for mothers and babies, an additional 52 acute hospital beds, and extra nursing and allied health staff to treat patients in local hospitals closer to their homes. The recent Australian Institute of Health and Welfare report showed emergency department waiting times in New South Wales were the best in the nation. This is the result of the hard work and dedication of our doctors, nurses and other personnel across the health system.

The Rees Government is continuing to invest in health services and to support our doctors and nurses, who do great things in the public health system. The Council of Australian Governments agreement will help us improve our health services even further. The Rees Government has promised to improve health services, which is in stark contrast to the record of Opposition members who persist in criticising our hospitals, doctors and nurses. Their only plan for health services—the return of local boards—was blown out of the water by recommendation 134 in the Garling report, which states:

I recommend that, but for the institution of NSW Kids there be no other alterations to the current area health service governance structure.

Today I hope to hear what Opposition members plan to do. My pen is poised.

**Mrs JILLIAN SKINNER** (North Shore—Deputy Leader of the Opposition) [4.00 p.m.]: What a disappointing contribution from the member for Macquarie Fields! I remind members that this man came to see me before he was elected. On 23 January 2007 a photograph of the member for Macquarie Fields, the then Leader of the Opposition and I appeared in the *Daily Telegraph*. The member for Macquarie Fields came to see us after a shadow cabinet meeting in Campbelltown to tell us about the dreadful way in which the Labor Party was running the hospital at which he was practising as a paediatrician. The story is entitled, "Labor doctor—friend or foe?" The member for Macquarie Fields changed his tune and became a political apparatchik, which is disappointing. So much of what he said in his speech today, which undoubtedly was prepared for him by somebody else, simply was not true.

The Parliamentary Secretary said that no budget cuts were proposed in the mini-budget. I do not think he read the mini-budget. The Parliamentary Secretary should look at pages A-6 and A-7, which reveal that nearly \$1 billion will be cut from the health budget over the next four years. The Parliamentary Secretary also



said that the former Federal Government cut funding for New South Wales hospitals, which is a lie and a myth perpetuated by Government members. I think Government members believe that if they say it often enough it will come true. The New South Wales budget papers reveal—I have them available to show to the Parliamentary Secretary and anyone else who wants to see them—how much money was provided to New South Wales through the Australian Health Care Agreement, or the Hospital Funding Grant as it was previously called, from 1996-97 to 2006-07 during the time of the former Coalition Government in Canberra.

Funding went from \$1.52 billion to \$2.927 billion—an average increase of 8.46 per cent each year, and a greater percentage increase than that proposed under the Council of Australian Governments [COAG] agreement negotiated at the weekend. If the Parliamentary Secretary wants all the State budget papers downloaded and printed off I will happily provide them to him. He should not perpetuate the myth that the former Federal Government provided less money to the health system in New South Wales. In fact, the health budget was increased every year, sometimes substantially, and over that 11-year period the average annual increase was 8.4 per cent. The member for Macquarie Fields should not perpetuate that lie because, frankly, that is all it is.

I wish to deal with the matter referred to today by the Leader of the Opposition in question time, which shows that the Parliamentary Secretary says one thing when he is out of this Chamber and another when he is in the Chamber. At the weekend he attended the line in the sand rally at Bondi held by members of the Rural Doctors Association. He then attended that body's annual general meeting, which was also attended by Jennifer Gardiner, a member of The Nationals. He told doctors at that meeting, who obviously had asked him some questions that he did not like to answer, that if they wanted to they should seek The Nationals endorsement as members for the next State election. He also said—and there were plenty of witnesses—"New South Wales is broke and the health system is broke." That is thanks to 13 years of Labor Government in this State.

During his speech he referred to other matters, such as the Garling report. The Garling report confirms the parlous state of the New South Wales health system after 13 years of Labor Government. The Garling report refers to the health system as being at crisis point—not reaching crisis point but already at crisis point. That report refers also to patient care problems and so forth. The Australian Medical Association confirmed what has been identified in the Garling report—that is, that the health system needs radical surgery. The Parliamentary Secretary is good at selective quoting. Talking about funding and the COAG agreement, the report reveals that the States will report on hospital performance.

The communiqué issued on 29 November lists a number of issues on which the Government should be reporting, issues such as reduced waiting times for selected public hospital services, a reduction in selected adverse events, and a reduction in unplanned and unexpected readmissions. The Coalition has been calling for these changes for many years but the Government has failed to deliver. If the recently released Federal Government's hospital performance report is anything to go by, we will be waiting for a long time. Will the Federal Minister for Health and Ageing, Nicola Roxon, be true to her word? The most recent report reveals that 11 key hospital performance measures have been omitted from the performance reports, for example, the total number of people waiting for elective surgery.

How can a hospital plan for the future when issues such as that are omitted? Thirty-one hospitals were also dropped from those performance reports, which is contrary to the suggestions in the COAG agreement. Mr John Menadue, who has often been quoted and used by the Labor Party to chair various health committees, referred to the need to report avoidable deaths in our hospitals, but there is no sign of that anywhere. I call on the Government to ensure the open reporting of avoidable deaths in our hospitals. John Menadue suggested that each week we have about 200 avoidable deaths in our hospitals, which is terrible for the families of those who die. I refer also to the \$100 million that is owed as a result of overdue accounts, which is disastrous. The motion moved by the Parliamentary Secretary is disgraceful. [*Time expired.*]

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [4.07 p.m.] What a disappointing contribution by the Deputy Leader of the Opposition! Not once during her seven-minute spiel did she thank our clinicians for the hard work they do every day in our health system. She did not thank the nurses and doctors in New South Wales for their tireless work or for their professionalism. The weekend meeting of the Council of Australian Governments [COAG] signalled long-awaited action after a decade of neglect by the Howard Government. It is fantastic to have a Commonwealth Government that is willing to take seriously its role in supporting public health, especially in New South Wales. Over 10 years the Howard Government shamelessly eroded its share of funding of State public hospitals from 50 per cent to only 40 per cent. New South Wales has done its best to fill that funding gap. Prime Minister Kevin Rudd is now restoring the right balance.

Under the agreement reached by COAG, New South Wales will receive \$19.83 billion for health in special purpose payments over the next five years. The Commonwealth is providing a \$500 million increase in base payments for 2008-09, of which New South Wales will receive \$165.7 million. This funding increase will form the basis of a Commonwealth and New South Wales partnership to improve health care services for families in New South Wales. We will spend these valuable taxpayer dollars wisely to promote the best care for our patients. In the face of rising health care costs, complex illnesses and a growing and ageing population, a key priority for the New South Wales Government is preventable health care. New South Wales is leading the way with prevention and promotion.

The recent chief health officer's report revealed that residents in New South Wales are living longer and healthier lives. The report demonstrated that our health services and disease prevention strategies are keeping death rates from disease and cancer down and providing better protection to our children through vaccination. I have a two-year-old child and another baby on the way in five weeks time, so I understand that entirely. New South Wales has the lowest rate of cancer deaths, the lowest rates of heart disease and the lowest suicide rates on record, coupled with a growing life expectancy, ranking us third in the world.

The Council of Australian Governments has recognised these achievements and the importance of prevention and promotion for our community and our health system. I welcome the Commonwealth's contribution of \$448.1 million nationally over the next four years for health prevention. This is one of the three national partnerships to progress reform in the areas of health and hospital performance, preventative health and indigenous health. The funding will support further preventative health initiatives and focus on increasing access to services for children to increase physical activity and improve nutrition, provide incentives for workplaces and local communities to provide physical activity and undertake other risk modifications. I commend the motion to the House.

**Mr GEOFF PROVEST** (Tweed) [4.10 p.m.]: I will speak against this motion. Some 12 months ago, in the lead-up to the Federal election, Kevin Rudd gave the States an ultimatum: If you cannot fix your health system within 12 months, we will do something about it. Twelve months to the day and the Prime Minister has done something about it. He has looked at New South Wales and, in particular, the way the Government has managed the health system and said, "You are the weakest link in the whole of Australia." Better still, if it was like another television show he would have said, "The tribe has spoken, New South Wales. You should leave." We have had a number of issues. Labor has been in charge of our health system for 13 years. I dispute what the member for Drummoyne said earlier. I have heard the Deputy Leader of the Opposition regularly praise the doctors and nurses. At a health rally in the Tweed on Saturday the first motion we passed was support of the great doctors and nurses within our system.

However, there is a lack of morale. Members should go out to any public hospital and see how well the staff speak of this State Government! Hospitals are starved of resources. They cannot even pay their bills on time. We have had cases of hospitals borrowing bandages. Four or five local suppliers in my town have refused to supply the local hospital. There was a big song and dance from the Government when it announced that it had opened 30 new beds in the Tweed. That was back in July. Currently, only 15 of those 30 beds are operational, because they cannot find the staff. No-one will work for the New South Wales health system. Our hospital is regularly bypassed by patients who choose to use Queensland emergency services. In the Tweed an MRI machine that could have saved lives sat in a box for 12 months. Because of a bureaucratic waste of money, time and effort, the machine sat in a box, and it is still there.

A number of these issues are mentioned in the Garling report. Tweed hospital has been unable to admit 48 emergency cases in the past 10 months. It has the highest number of patient transfers from the emergency department—some 367 in the past 10 months. In terms of my local hospital, the Garling report is extraordinarily damning and scathing of this Government. Once again, the New South Wales Government has been bailed out by the Federal Government. My confidence and that of my local doctors and nurses to be able to deliver services at the end of the day is severely eroded. Yet in the northern rivers we must get rid of 400 jobs to save \$200 million. Do they line up the doctors and nurses and shoot every second one? That is about the sum of the Government's plan. I strongly believe that the Government is not applying the correct funds.

**Mr NICKOLA LALICH** (Cabramatta) [4.13 p.m.]: As we have already heard from my fellow members of Parliament, health is at the centre of our prosperity as a community. It is the measure of our society and the chief priority of our State, our communities and our families. Last Saturday our Premier went to the Council of Australian Governments [COAG] to discuss this very cause and work for a new era in Federal-State cooperation. He secured \$5 billion for front-line services for the families of New South Wales and more money

for our health system. No community is more vulnerable to health issues than our indigenous Australians. Within the Commonwealth's \$5 billion package is funding dedicated to improving care for our indigenous Australians—an initiative that this Government welcomes with enthusiasm.

Indigenous Australians in New South Wales have a life expectancy of about 17 years less than the general population. That figure needs addressing, and it is one that the New South Wales Government has been aggressively targeting. This year we have invested \$63.8 million towards improving the health of indigenous Australians in New South Wales. On top of this, we have provided \$3.5 million to training Aboriginal health to identify health risk factors earlier, and an additional \$4.4 million for the maternal and infant health strategy. The New South Wales Government's Aboriginal maternal and infant health strategy is designed to improve health outcomes for Aboriginal women and their babies during pregnancy and birth and to decrease mortality rates.

To meet this aim, the strategy provides community-based maternity care in pregnancy and the early postnatal period for indigenous families. In the areas where the strategy has been introduced, we have been successful at driving down the rate of premature births, improving breastfeeding rates and increasing access to antenatal care early in pregnancy. The strategy works, and we are building on that success by establishing 17 new Aboriginal maternal and infant health services throughout the State to take the total number to 31. We welcome the news that New South Wales will receive a significant portion of the \$806 million from the Commonwealth to build on our existing programs and to continue to work at driving down the gap. New South Wales is leading the way with prevention and promotion, which are the keys to addressing health issues in the indigenous community.

COAG has recognised our achievements and the importance of prevention and promotion for our community and our health system, and we can see that in the funding New South Wales received over the weekend. The COAG agreement will help us improve our health services even further, to strengthen our strategies and to give us the capital to extend the reach of our strategies further into communities. The events at COAG are the result of two governments with vision working together to address important issues and bring better services to the people. I urge the Opposition—in stark contrast, it has no vision and no strategy—to stop undermining the public's confidence in our health system and back the New South Wales Government's health initiatives. With an issue as serious as the health of indigenous Australians, we need cooperation, not conflict. Fortunately for the New South Wales people, we delivered that at COAG and secured a better future for our indigenous Australians. [*Time expired.*]

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [4.16 p.m.], in reply: I thank the member for Tweed, the member for Cabramatta, the Deputy Leader the Opposition and the member for Drummoyne for their contributions to the debate. What will members opposite do about health in New South Wales? Unfortunately, I did not hear any coherent plan for New South Wales health from members opposite. There was selective quoting from them. We have more funding than ever—

**Mrs Jillian Skinner:** This is a motion congratulating yourself.

**Dr ANDREW McDONALD:** —despite the comments of the Deputy Leader of the Opposition on funding. I attended the rural doctors meeting on Saturday at the invitation of the Rural Doctors Association.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! The Deputy Leader of the Opposition was heard in silence. She will extend the same courtesy to the Parliamentary Secretary.

**Dr ANDREW McDONALD:** I will not suggest that my colleagues who oppose my views join the Liberals—I do have some standards! As Menadue said, avoidable deaths should be reported. Since the last Liberal Government, we have created one of the world's greatest reporting systems for adverse events. It is viewed throughout the world as a leader in the reporting of adverse events. Yet members opposite did not mention that. Indeed, in contrast, when the Liberals were last in power they sued health workers who complained about poor standards. I suppose that is an improvement, given that the member for Tweed suggested that we shoot health workers.

Worldwide, 70 per cent of American patients believe that their health system is in crisis. This is a worldwide phenomenon. We have greater changes than ever. We live an extra 15 years. Workforce shortages are a worldwide problem; we drain a global workforce pool of doctors and nurses. The Garling report will change the way that New South Wales works for the next 20 years. The report is to NSW Health what Vatican II is to the Catholic Church. In 20 years time we will remember the changes that Garling has brought to the New South Wales health system. Garling is not the *Bible*. Not everything in Garling will happen, but the vast majority—

**Mrs Jillian Skinner:** Which ones will not?

**Dr ANDREW McDONALD:** The Government's response is being prepared and will be released in the next few months. Garling has given us a vision and a light for the future. It is a brilliant report. He is to be congratulated on his work over the past 12 months. The report was commissioned by the Government to see what can be done with our health system. It has blown the policies of our opponents out of the water. I commend the motion to the House.

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

**The House divided.**

**Ayes, 49**

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

**Noes, 39**

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

**Pair**

Ms McKay

Mr Souris

**Question resolved in the affirmative.**

**Motion agreed to.**

**DOMESTIC AND FAMILY VIOLENCE**

**Matter of Public Importance**

**Mr DAVID HARRIS** (Wyang) [4.30 p.m.]: I ask the House to note as a matter of public importance domestic and family violence. The Government is determined to tackle the terrible crime of domestic violence

and is giving top priority to measures that will support victims and bring perpetrators to justice. During the past 18 months the Government has been meeting its election commitments about domestic and family violence. Late last year the Government undertook to review how its efforts could be better coordinated and how to build on existing strategies to better respond to victims of domestic and family violence. Following this review in February 2008 the Government implemented a new whole-of-government approach to domestic and family violence that will better coordinate agencies to help prevent violence and support women and children, ensure better engagement with the non-government sector and better align criminal justice and human services responses.

As part of this approach the Government is investing some \$40 million into improving responses to domestic and family violence, including increased counselling, case management, accommodation and support services. As a result, the Government has now set up a centralised Violence Protection Coordination Unit located at the Office for Women's Policy, which is in the Department of Premier and Cabinet. This unit is at the very heart of government and is leading a comprehensive whole-of-government response to tackling domestic and family violence. We are currently rolling out five key domestic and family violence projects across the State. The first is the Integrated Domestic Violence Case Management project, which prevents victims from having to tell their story again and again to different agencies and so makes it easier for women to escape violence once and for all.

The second project is the Staying Home, Leaving Violence Program, which allows victims and their children to safely stay in their homes while the perpetrator is removed. The Government is rolling out this program to a further 16 sites from the two pilot studies currently operating in Bega and south-east Sydney. The Staying Home, Leaving Violence Program is a specialised domestic violence program aimed at preventing victims' homelessness. It is based on intensive casework, which is long-term, needs-based and integrated with key agencies. All sites will be funded by 2010-11. The third project, the Domestic Violence Court Intervention Program, has resulted in increases in guilty pleas, decreases in court waiting times and improvements in police responses to victims.

The Government is rolling out also a common risk assessment tool to help identify people at risk of domestic violence, and consistent, coordinated training for health practitioners. This new approach included establishing a new expert advisory body, the Premier's Council on Preventing Violence Against Women. That council held its first meeting in October with the Premier and the Minister for Women. The council comprises a range of eminent and expert women and provides the depth of knowledge and experience needed to advise the Government on issues of violence against women. Among its members are Dr Lesley Laing, a well-respected academic from the University of Sydney; Betty Green, Convenor of the Domestic Violence Committee Coalition; Karen Willis, from the Rape Crisis Centre; and Libby Carney, an Aboriginal Domestic and Family Violence worker and advocate from Bourke.

As well as reforming the way in which domestic violence policy and services are organised, the Government has implemented a suite of legislative reforms aimed at enhancing women's access to justice and at bringing perpetrators to account. The legal changes offer greater protection to victims of domestic and personal violence, recognise the gravity of domestic violence and how it may differ from other violent crimes, minimise as much as possible the stress and trauma that is associated with apprehended violence orders [AVOs], streamline the process of making an application and having that application heard, and minimise the impact AVO proceedings have on children.

In legislation introduced late last year the Government created new laws that focus specifically on the offence of domestic violence. The Crimes (Domestic and Personal Violence) Act creates a specific offence of domestic violence. It automatically protects victims via an apprehended violence order if their attacker is charged with certain personal violence offences, and it protects children by automatically including them on an apprehended violence order unless there are good reasons for a judge not to do so. Police now have extended powers to apply for 24-hour telephone interim apprehended violence orders and they can apply for AVOs on behalf of a victim who is reluctant to proceed. We have also installed more video link equipment in New South Wales courts in order to reduce trauma for victims and witnesses when testifying. That new technology was installed in Wyong Courthouse earlier this year as part of the \$680,000 statewide upgrade.

Further, police have been given greater search powers at homes where there is domestic violence. The Government has increased also police specialist training and will ensure that local area commands have domestic violence evidence kits. Forty new domestic violence specialists are being rolled out across the New South Wales Police Force. Those officers are in addition to the network of nine regional coordinators within the

New South Wales Police Force who are part of the structure established earlier this year. The coordinators are located in Newcastle, Coffs Harbour, Dubbo, Tamworth, Wollongong, Wagga Wagga, Surry Hills, Bankstown and Parramatta.

The Government will continue its work to ensure that the services it provides to women in the most dreadful circumstances are the best resourced and coordinated, and that they will ultimately reduce the impact of domestic and family violence on victims and society. That is of particular relevance to my electorate of Wyong and to the wider Central Coast. Unfortunately, we have some of the worst domestic violence figures in New South Wales. I am very supportive of the Government's initiatives. Out of 14 divisions, the Central Coast has the second-highest rate of domestic violence in the State. As a school principal, I dealt with families who were directly affected by insidious acts of violence at home. The lives of those children will be affected by that violence. We want to break that cycle, and that is what the Government is doing. I commend all the initiatives.

**Ms PRU GOWARD** (Goulburn) [4.35 p.m.]: The right to be safe in one's home is a fundamental human right for men and for women. Domestic violence is intimately connected with the status of women. Inevitably, domestic violence reflects the imbalance of power between men and women in domestic relationships. The clearest evidence of that is the relationship between employment status and the propensity to be the victim of domestic violence. The research is quite overwhelming. The highest rate of domestic violence occurs in households in which both people are unemployed. The second highest rate of domestic violence occurs in households where she is unemployed and he is employed. The lowest rate of domestic violence occurs in households where she is employed and he is unemployed. Those figures establish that domestic violence is related to the differing economic status between men and women.

Another matter to be considered is that the number of domestic violence incidents is increasing. Over the years it has been easy for people to argue that the incidence of domestic violence is increasing because women are more confident about reporting it and police are more confident about dealing with it. However, the current record-high homicide rate in New South Wales is not about reporting rates—murders are reported, and have always been reported. The record number of domestic violence homicides reported in the last year for which figures were provided suggests that the rate of domestic violence must be rising—morbidity and mortality figures are often connected.

What can we do? Is it about a greater integration of responses from criminal justice agencies, the police, support services, housing and welfare services? Of course, we now know that it is about integration. Therefore, it is welcome news that the Government is continuing to invest more in community-based response programs and is finally recognising—after Partnerships Against Domestic Violence first established it in 1996—that an integrated response is needed. Integrated responses are about ensuring not only that we have the most cost-effective use of money but also that perpetrators and victims get the same message wherever they are in the system, and that the response and purpose of each agency is consistent culturally with the responses of the other agencies.

There is no point having a wonderful domestic violence service that is supportive of victims if that approach is not reflected by either the courts or the police. Integration is about more than the cost-effective use of resources; it is about ensuring that information is shared and that the response is consistent. It is clear that when there is not sufficient access to housing many women return to violent situations. It could be argued that, even with a very strong legislative base against domestic violence and all the laws in the word, women will inevitably return to violent households if they do not have the resources that enable them to live free from domestic violence. What else does the legislative base need?

All members of this House would agree that we must do more for children. Children who grow up to witness domestic violence inevitably become part of it and suffer effects from it either as children or as adults. Research by Access Economics suggests that the cost of domestic violence in Australia is \$8 billion a year, and it attributed a lot of that to the cost of dealing with social as well as economic consequences for the innocent bystanders of domestic violence. We also know from the research that young girls whose mothers are the victims of domestic violence are more likely to become victims when they grow up and young boys whose fathers are perpetrators are more likely to be perpetrators when they grow up.

We are only just beginning to recognise that so often women who are the victims of domestic violence believe they should stay with their partners because it is better for the family and children. All the research suggests, of course, that this is not the case and that we should be encouraging families in those circumstances to separate so that children no longer have to witness that violence. Inevitably a percentage of children also

become victims of domestic abuse. Domestic violence also relates to elder abuse. There is an increasing incidence of elders being abused by their children, and we deplore that also. It is slightly more difficult to manage than intimate partner violence.

I refer now to support for police officers. If one talks to the police a lot one finds that there is increasing concern amongst the ranks of the specialist domestic violence liaison officers that the role is viewed as a second-rank career within the Police Force—something for women returning from maternity leave. It is seen as being a bit optional and going nowhere. That view has to change or we will not have any serious, high-level response to domestic violence, with leadership from the top of the Police Force. Of course, it is not the case that leadership is not provided in what is said about domestic violence, but the officers do not see it as an important part of policing. Statistically, domestic violence incidents constitute a very significant number of callouts. We also need to be more honest about the role of drugs and alcohol in domestic violence. Rather than continuing to say alcohol is simply something that brings out domestic violence, we have to agree that it is something we need to be able to control. Fundamentally, this is about children and ensuring that the next generation does not learn the behaviours of the past.

**Mrs KARYN PALUZZANO** (Penrith—Parliamentary Secretary) [4.42 p.m.]: As my colleague has highlighted, the Government is making real progress in working with the community sector to deliver more effective services to women and children experiencing domestic violence. I note that the member for Goulburn acknowledged that fact. Among the initiatives this year, the Government has established an annual grants program of \$2.9 million for non-government organisations to deliver front-line domestic and family violence services. Acknowledgement of this by the Coalition is welcomed. Of that figure, \$900,000 is specifically quarantined for Aboriginal projects. This is in addition to the initiatives that were outlined by the member for Wyong. These new grants have been advertised recently and are on the Office for Women's Policy website. Information about the new grants will be available for the people in non-government organisations who are delivering these services. There are also partnerships with non-government organisations to prevent violence against women, in particular domestic and family violence.

A number of innovative and important projects and services have already been funded under this program, particularly those supporting women and families in western Sydney. We are funding through the Penrith Women's Health Service and the WILMA Women's Health Service at Macarthur a project to assist women with an intellectual disability who experience domestic violence, and for the support of deaf and hearing-impaired women. Tomorrow at the Joan Sutherland Performing Arts Centre at Penrith the Looking After Me resource kit will be launched. This is a resource kit for women with an intellectual disability as part of Stop Domestic Violence Day, which the Nepean Domestic Violence Network and the Penrith Women's Health Centre have facilitated. I commend the women involved in this project for their effort. The resource kit will be available to aid women with an intellectual disability suffering domestic violence.

I thank Maggie McNulty, who is the coordinator of the Penrith Women's Health Centre, for her tireless advocacy in this area, and all the women who were involved with this project. My thoughts will be with them when they launch this project tomorrow. In Menai, the Amelie House domestic violence outreach service will receive \$50,000 for another project focusing on gaps in domestic violence service delivery for older single women aged 45 to 80 years. The Immigration Advice and Rights Service and the Australian Bosnian Women's Association will receive funding to provide education about domestic and family violence to women from a range of ethnic backgrounds in a number of community languages. I encourage all members to bring this important issue and the programs and organisations to the attention of their electorates.

**Mr DAVID HARRIS** (Wyong) [4.45 p.m.], in reply: I thank the member for Penrith and the member for Goulburn for their contribution to the debate on this very important issue. Both sides of the House share the same concerns with regard to domestic violence. I particularly thank the member for Penrith for outlining the programs in her electorate, which are very practical examples of how we can work as a community and as a government to reduce domestic violence in our areas. I also thank the member for Goulburn for her very comprehensive outline of the issues confronting women and men who suffer domestic violence. The White Ribbon Day campaign was started by a men's movement in Canada in 1991, and 25 November has been officially adopted by the United Nations as its International Day for the Elimination of Violence Against Women. It was very pleasing to see last week that many members in this Chamber were wearing the white ribbon to show their support for that campaign.

Nationally, domestic violence is the most likely form of preventable death for women under 45. It is also the biggest cause of preventable illnesses and disabilities for women in the same age bracket. The New

South Wales Government recognises this and is putting in place real initiatives, as has been outlined here today. The Government is investing some \$40 million in improving responses to domestic and family violence, including increased counselling, case management, accommodation and support services. I outlined some of those projects, such as the Staying Home, Leaving Violence Program, which allows victims and their children to stay safely in their homes while the perpetrator is removed. The Domestic Violence Court Intervention Program is seeing increases in guilty pleas, decreases in court waiting times and improvements in police responses to victims. The member for Penrith outlined some other initiatives such as the resource kit for people with disabilities, which I think is a fantastic initiative because the most vulnerable in our community often suffer most from domestic violence.

The community and the Government know that much police time is taken up dealing with domestic violence cases. On the Central Coast in 2002, police attended 3,042 domestic violence incidents. Apart from that figure being tragic in itself, it means the police were diverted from other work they should have been doing. Anything the Government can do to decrease the incidence of domestic violence and help families through very difficult situations should be supported. I thank members for participating in this debate and hope that as a Parliament we continue to support measures to reduce domestic violence.

**Discussion concluded.**

## **TRANSPORT ADMINISTRATION AMENDMENT (METRO RAIL) BILL 2008**

### **Agreement in Principle**

**Debate resumed from 26 November 2008.**

**Ms GLADYS BEREJIKLIAN** (Willoughby) [4.48 p.m.]: I lead for the Opposition in the debate on the Transport Administration Amendment (Metro Rail) Bill 2008. When I first read the bill a question immediately came to mind. The State Government announced the North West Metro project in March this year but did not see fit to bring a bill of this nature to Parliament then. My first question to the Minister for Transport is: Why has it taken the Minister so long to introduce legislation if he thinks establishing an agency for Metro Rail is so critical? Why did he leave it so long when the Government kept telling the community that it would build and construct the North West Metro line at a cost of \$12.5 billion over a number of years? This State Government has a knee-jerk reaction to many critical transport issues. Regrettably, it cannot be believed. I ask the Minister to indicate in his reply why the bill was introduced now when the Labor State Government introduced the metro concept back in March, if not earlier.

Another concern about the bill is the vagueness the State Government has demonstrated regarding the details of the current Central to Rozelle proposal. The State Government was unable to indicate the cost of that project at a press conference. It subsequently released a cost of \$4 billion, but it has not yet secured funding for the project. This comes on the back of the State Government's cancelling the North West Metro project after spending millions of dollars on advertising and acquiring land. Judging by the answers given by the Minister for Transport at recent estimates committee hearings, the State Government acquired five properties in recent months prior to abandoning the project. The State Government also has not told us what proportion of the \$232 million it set aside to spend on the project actually has been spent.

The North West Metro project has been an unmitigated disaster from start to finish. Therefore, it begs the question: If the overview of this bill as described in the explanatory notes is to amend the Transport Administration Act 1988 to facilitate the development, implementation and operation of the metro railway systems by constituting Sydney Metro, a statutory authority having the function of developing metro railway systems and other related functions, and to provide generally for its management and functions, why was this bill not introduced prior to the State Government's announcing its North West Metro project? I argue, as would many concerned members of the New South Wales public, that this demonstrates the State Government's inability to plan properly for public transport infrastructure projects and to put together the project teams and planning positions necessary to ensure that the projects come to fruition.

Regrettably, confidence in public transport and service delivery, including major public transport infrastructure projects, is at an all-time low in New South Wales. The Action for Public Transport document, which was announced by Carl Scully in 1998, had its tenth anniversary only a couple of weeks ago. In that 10-year period up to a dozen different rail lines were announced. But the only result in the past 13 years is half a



rail line, which originally was the Parramatta rail line and is now the Chatswood to Epping rail line, at nearly double the cost—it went from \$1.3 billion to \$2.3 billion. I and others have spoken ad nauseam about the problems with that rail line.

That project and this bill demonstrate the State Government's inability to do its homework and to make sure that the proper processes are in place at the beginning rather than adding things on as the project proceeds. That is why I want the Minister to explain to the House and to the people of New South Wales why this bill—I am sure many members opposite will argue that it is a good, positive bill—was not introduced before, or even concurrent with, the announcement of the North West Metro project, given that over the months and through the expenditure of millions of advertising dollars we were told it was the be-all and end-all for the future of public transport. The North West Metro project has come to nothing. Actually, it is worse than nothing because so much taxpayers' money has been wasted and so much of the community has been let down by a State Government that simply cannot deliver or keep its word. I ask the Minister to explain to the House why this bill was not introduced earlier if it is as important as he claims.

Another concerning feature of the bill is that it does not support the notion of an integrated transport network. It does not support the major principles the Opposition outlined in its document released in February 2008, which, I am pleased to say, has a lot of support from stakeholders who are interested in and concerned about public transport matters. Our vision for the way that government should structure public transport is to establish an integrated transport authority to oversee all planning and policy issues, irrespective of mode of transport. Our vision for public transport in New South Wales is to have an integrated transport authority that will look at all planning and policy issues across the portfolio. Agencies such as the State Transit Authority and RailCorp will simply deliver the services.

We need better integration between modes of transport, not greater segregation. With this bill the State Government will introduce yet another transport agency rather than deal with the massive problems within RailCorp. In fact, many of the bill's provisions demonstrate how the new agency will be separate from RailCorp. Even though in other jurisdictions rail is rail—irrespective of whether it is light rail, metro rail or heavy rail—here we have a State Government that would establish a separate metro rail agency rather than fix all the problems in RailCorp. Let us get to the heart of some of those problems in RailCorp. Perhaps one of the most concerning aspects of the State Government's inability to deal with the problems is that in December 2006 and June 2007 the Independent Commission Against Corruption [ICAC] made a total of 41 recommendations for RailCorp to clean up its act in relation to procurement procedures and so on. The State Government has not yet implemented all those recommendations. As a result, up to \$30 million in taxpayers' money has been wasted in recent years because both the State Government and RailCorp chose to turn a blind eye to those practices and not implement those procedures.

Train maintenance also is a major issue, as trains break down too frequently on our network. The Clearways Project is behind schedule because the State Government is unable to manage its finances. This means that a breakdown on the network at one end impacts on commuters at the other end. Tens of thousands of commuters are impacted weekly because the Clearways Project is behind schedule and has not yet reached completion. Staffing practices and procedures are also of concern. The Opposition and the trade union movement are concerned about the blow-out in RailCorp middle management. RailCorp is still hiring middle managers, some from overseas, to the detriment of front-line services. Limited resources are available because the State Government is squandering millions of dollars weekly due to its inability to manage these issues.

Last week when the Auditor-General handed down his report on a number of State finance areas he commented specifically that, even though rail fares are going up, they are having a less significant revenue impact on RailCorp's overall cost structure—that is, cost increases are relative to fare box revenue. The equation is wrong because the State Government is increasing the cost of providing services through its inefficiency. That hurts not only the taxpayer but ultimately the commuter. It means that less can be invested in providing more services on the network and in future public transport infrastructure projects, which is at the heart of some of the existing problems in RailCorp. I and many others have spoken publicly about all these problems. The bill demonstrates that the Government has all but given up fixing RailCorp, even though it will not say so publicly. The Government has thrown its hands in the air; it will not even disclose publicly its negotiations with the trade union movement about this bill and the future of RailCorp.

All we hear from the Premier is his dithering and what he intends to do. I regret that the Minister for Transport has not demonstrated the ability to master very complex areas in this portfolio. If he had, he would have explained in his agreement in principle speech the timing of this bill, what he intends to do about the future

of RailCorp, and what he intends to do about the future of an integrated transport body. We know that the Minister for Transport reluctantly agrees with the Coalition's policy on an integrated transport authority. He does not state that publicly but I know, because of feedback I have received from stakeholders who have put that to the Minister, that behind closed doors he supports that policy. Sadly, the Minister is too gutless to admit publicly that he should adopt a policy that the Coalition has been very vocal about for many months.

This bill is evidence firstly of the State Government's inability to manage public transport infrastructure in the future and secondly of the fact that the State Government has thrown up its hands instead of trying to fix RailCorp's many problems. I am concerned that over the next two years at least the State Government will try to crisis manage RailCorp and try to head off bad media stories in an attempt to avert crises. But when it comes to the heart of cleaning up the organisation no effort will be made in spite of the fact that it is what everybody wants. People who drive the trains, clean the train stations, work in the back office, and manage ticket sales want a better and more efficient working environment.

The State Government has turned its back on all RailCorp's problems instead of establishing a body that administers all rail modes. Rail services, in all their manifestations, including light rail, metropolitan rail and heavy rail, need integration, not disintegration. However, RailCorp entrenches the Government's notion of having separate agencies for each aspect of transport planning. The Coalition accepts that in relation to contracts and setting benchmarks each agency delivering transport services in the public or non-government sphere needs coordination. I know the way that bus contracts are delivered in New South Wales: every party needs to know what their responsibilities and benchmarks are. But planning and policy should be done at a central level so that all modes and regions are considered as part of a transport integration plan. Each agency such as RailCorp should not be developing policy and planning for just one mode of transport. Planning and policy should be done by a central authority whereas the delivery of services should be done by separate agencies.

The Coalition questions the timing of this legislation and why the State Government has given up on RailCorp. The Coalition also questions why the State Government thinks anybody would trust or believe that its Central to Rozelle metro line will move forward, given the Government's track record of rail line after rail line being cancelled—up to 12 in the past 13 years. The Coalition also asks the State Labor Government to explain its rationale and logic in determining that the Central to Rozelle metro line will be a key public transport priority. The Government has failed to do that. Many stakeholders and proponents of metro rail—and if metro rail is part of an integrated solution I count myself among them—are scratching their heads and wondering why the State Government has chosen that particular route, especially given that the City of Sydney and other transport commentators have argued in favour of light rail.

The State Government has not explained its rationale. The concern of many stakeholders who have raised the issue with me is that, given the manner in which the State Government operates, if the Central to Rozelle rail line is ever constructed and completed—and there must be huge doubt that it will be—it will be a stand-alone rail line instead of being integrated with the so-called western line and North West Metro line by the time the Labor Government gets its act together and that it will be too far in the future to result in any material benefit. There is a concern that that \$4 billion stand-alone rail infrastructure project will not deliver as the Government suggests it will. I am still wondering why the Government abandoned its heavy rail proposal for the north-west, the CBD and the south-west rail link at a total cost of \$8 billion. That amount is Treasury's calculation, not from the Opposition's figures. The State Government has chosen to abandon those rail lines.

The CBD rail line was proposed to extend from Redfern to Chatswood and would have provided a second harbour crossing. That would have meant that if a breakdown occurred on the Harbour Bridge, similar to the incident that occurred immediately prior to the 2007 State election, much of the inconvenience and delay would have been prevented. It also will take pressure off the central business district railway stations that are at breaking point. Town Hall and Wynyard are in desperate need of upgrading. Notwithstanding that, the State Government abandoned its metropolitan rail expansion program and adopted instead a metro strategy without real consultation. I say that because when the State Government announced the North West Metro it was revealed, after the Coalition called for the production of documents in the upper House, that Treasury was still working out the cost of the project, even though the project had already been announced. The cost of the project was revealed after former Premier Morris Iemma made the announcement.

There is no doubt that there is a place for metro in an overall integrated transport solution for Sydney. However, the Coalition does not understand why the State Government has abandoned its metro projects in favour of the Central to Rozelle project. Transport experts have told the Coalition that they are concerned about the stand-alone nature of the latter project and the benefits it will provide. I am sure that the member for Sydney,

who is also the Lord Mayor of Sydney, will have some views on that issue, because she has been a very strong advocate of light rail in the CBD. The Coalition wants to know with whom the State Government consulted in relation to the Central to Rozelle rail project and why it abandoned its metropolitan rail expansion program as well as the North West Metro. Why has the Government put the Central to Rozelle project in place when the public surely knows, given the horrific mini-budget a few weeks ago placing increased burdens on residents and taxpayers of New South Wales, that the State Government has run out of money.

It would not be far-fetched for the Coalition to conclude that the State Government has announced the Central to Rozelle metro project as its only hope of obtaining Federal funding. Everybody knows that the Government does not have any money to be able to build anything itself. The Government cynically wants to be seen to be doing something. It made the announcement to cover its laxity in relation to details and vagueness about where the funding will be coming from. I ask the Minister to discuss during his reply where additional funding will come from if the Prime Minister deems the project not worthy of Federal funding and what that will mean for the future of the project. I would also like to know why the Minister introduced the bill at this stage instead of when the Government first announced the metro as its new form of transport. Former Premier Morris Iemma and former Minister for Transport John Watkins mentioned it on a number of occasions, as did Nathan Rees and David Campbell subsequently, until they abandoned the project. Why was the public led to believe that the metro was the future of transport in Sydney when the project was subsequently abandoned?

Members of the Coalition recognise the urgent need for an integrated transport authority in New South Wales. That is our clear message and that is what we have been putting to the people of New South Wales since February 2008 when we launched our policy on transport. We are concerned that the metro rail agency detracts from the notion of integrated planning and policy. I am sure all other jurisdictions would question why New South Wales needs a separate authority for heavy rail and a separate authority for metro rail. I suspect that at some time in the future, if the State is considering expanding the light rail network—which I know many constituents who live in the inner-west area have been advocating for many years—another agency may be formed.

The Coalition is concerned about the timing of this proposal and that the State Government has thrown up its hands instead of fixing the many problems confronting RailCorp. It also concerns the Coalition that certain provisions of the bill relate to the agency's ability to override local government in a number of areas and the agency's ability to employ staff when there are not any projects on the board, apart from one that relies on Federal Government funding. This legislation leaves a lot to be desired. I regret that from an outsider's perspective—from the point of view of someone who is new to the State, who reads the bill and looks at the history of metro rail announcements New South Wales—this legislation would be considered to be not much more than a cynical gesture by the Government. If the Government were serious about the establishment of this agency it would have established it when the North West Metro was announced.

If this Government were serious about integrating timetables and projects it would adopt the Coalition's integrated transport solution. These are just some of the issues to which the Minister should respond in his address in reply. The Opposition believes that its concerns are worthy of a response and the taxpayers of New South Wales deserve an answer. Bureaucracies and agencies of this sort cost a lot of money. Why did the Government not do these things when it announced its \$12.5 billion metro project? Why has it taken it nearly a year to implement this project? What will the State Government do to integrate public transport agencies and ensure that we have an integrated transport authority?

How will the State Government close the funding hole if the Federal Government does not provide funding for the Central to Rozelle line? What was the State Government's rationale for abandoning its metropolitan rail expansion program in favour of this project? I have an endless number of questions but I would like the Minister to address the basic issues that have been raised today. I also ask Government members to consider some of the issues that have been raised as I would like to have a constructive debate about them. I want answers rather than Government spin as to why the bill is necessary at this time.

**Mr PAUL GIBSON** (Blacktown) [5.11 p.m.]: I support the Transport Administration Amendment (Metro Rail) Bill 2008, which provides an exciting opportunity for Sydney. I congratulate the Minister on introducing a bill that will address the future needs of Sydney. I have great expectations for the metro project, which will give Sydney commuters an entirely new transport experience and help to shape the future of Sydney. As I said, this bill addresses the future needs of Sydney. The Government, through this legislation, will address Sydney's transport needs for many years down the track—not just for the next two or three years or until the next election.

The CBD Metro is the start of a new system that will shape the future of Australia's global city, support its economic growth, provide for its increasing population and, importantly, improve services on the existing rail network for commuters in western Sydney. The population in western Sydney is greater than the population in Western Australia, South Australia or Tasmania, so anything that the Government does to alleviate the public transport burden would be a plus for people in Sydney's west. The opening of the heavy rail network's first line to Parramatta in 1849 changed the geography of Sydney forever. The opening of the Sydney Harbour Bridge in 1932 transformed Sydney's north and opened up opportunities for growth and development on the North Shore.

As the main form of transport in 1932 was horses and sulkies, our forefathers must have thought that the engineers of Sydney Harbour Bridge were stark raving mad when eight or nine lanes were constructed on the bridge. However, those engineers were aware that Sydney would grow and become a great city. The opening of the City Circle railway stations at St James and Museum in the 1920s, Town Hall and Wynyard in the 1930s, and Circular Quay in the 1950s supported the growth and development of Sydney's central business district, providing the means for tens of thousands of commuters to get to work in the city, and establishing the foundations for Sydney's economic success.

When Neville Wran was Premier he said, "If you get people to work on time and you get them home from work on time you are 70 or 80 per cent sure of being re-elected at the next election." The new metro rail will get people to and from work on time. These infrastructure investments have shaped Sydney's growth, just as the metro rail network will play a major role in Sydney's story over the next few decades, just as the London Underground underpinned London's growth, became an icon of that city and helped to service the economic success of London, and just as metro-style rapid transit systems have shaped and continue to shape the growth of other global cities such as New York, Copenhagen, Singapore, Barcelona and many others.

I have a great deal of time for the shadow Minister, who is a lovely lady, but she has been misled on a number of issues. She said that this Government should have done its homework in relation to this project. I remind the member that some people have long memories. How much homework did the Coalition do when it built Port Macquarie Base Hospital, or invested millions of dollars in Luna Park? What about the airport rail link, which ended up costing us a great deal of money? When Coalition members were in government they proposed to build a tunnel under the Blue Mountains. In 1988, just after becoming elected as a member of Parliament, members of the Labor Opposition attempted to see Premier Greiner and subsequently Premier Fahey about the duplication of the Richmond railway line but our proposal was knocked back on every occasion.

This Government has commenced but not yet completed the Richmond railway line project. Back in those days we also talked to the Coalition Government about the widening of Windsor Road—a main arterial road into the city from the north-west. Every time we approached the Coalition Government and asked it to widen Windsor Road our proposal was rejected. This Government has subsequently widened Windsor Road and people in that area appreciate the great work that has been done. It has been said that this Government has shelved several projects but that is because of the current global economic crisis. In the seven years in which the Coalition Government was in office it did not have to deal with any economic crisis but it created one of its own. It had seven budget deficits for seven years in a row compared with this Government's 12 budget surpluses for 12 years in a row. This Government has proved that it has done its homework and it has proved that it is fiscally responsible.

It is time for Sydney to take this step and to join other global cities in embracing the metro-style rail to complement our existing rail network. As Australia faces the challenge of global warming and the pressures of the current global economic crisis this is the right time to invest in making public transport a more attractive option. I am pleased that the Government has taken the fiscally responsible approach of funding the start of this new mass transit system for Sydney, providing the foundation for a new network that begins with the CBD Metro. The CBD Metro is the enabler of a system of metro rail lines that will service Sydney. It will act as a spine—the focus of the system. Future metro lines will attach to it, allowing travel into as well as across the city.

The CBD Metro will play an essential role in the medium term, providing critical relief for CityRail stations in the city, taking pressure off Town Hall and Wynyard stations, and providing modern, easily accessible stations within the heart of the city. The CBD Metro will also give us an opportunity to improve capacity on Sydney's existing rail network, and to bring more frequent services and more seats to commuters in Sydney's west. The Minister for Transport referred to the potential to reconfigure services and make better use of Central station's country and intercity platforms to boost capacity for passengers in Sydney's west. I am advised that currently a number of CityRail lines converge at Central, with only three lines running through the city.

The complexity of this system leads to congestion and service reliability problems. A breakdown on one line will affect the other three lines that run through the city. City services running through the City Circle and through Martin Place operate from 10 platforms at Central station. Along with these busy platforms are an additional 15 platforms that provide for the termination of inner-city and country train services. The Government is establishing how to make better use of these 15 underused country and inner-city platforms at Central to provide a better service for western Sydney commuters. Making metro rail work together with the CityRail network and other public transport modes is the key to ensuring the success of metro rail.

Metro rail will not replace CityRail: the Government remains committed to CityRail and to improving service standards for Sydney commuters. Metro rail will complement CityRail. The CBD Metro and future metros will complement and work together with CityRail to improve service standards and to make public transport a more attractive option. Getting this coordination right is essential to getting the service right for passengers. I am pleased that the Government's 11 November mini-budget announced funding, as part of the CBD Metro, to redevelop Central station so that all transport services work together and passengers can easily and swiftly change between metro rail, CityRail and buses. Ensuring a simple, quick and efficient transfer at Central is paramount to ensuring an efficient journey for western Sydney commuters taking advantage of the improved services at Central.

The CBD Metro allows us to make better use of our existing rail network while laying the foundation for the future. I am convinced that the bill and the Sydney Metro Authority represent an historic opportunity for Sydney. I am pleased to speak in support of this bill. If we are to remove congestion from our roads we must work out a solution that uses our roads better and smarter. People must have confidence in public transport. Public transport must be efficient, clean, and on time. I repeat, as Neville Wran said: If you can get people to work and home on time you are 70 per cent certain of being re-elected at the next election. I commend the bill to the House.

**Mr MICHAEL RICHARDSON** (Castle Hill) [5.20 p.m.]: Here we go again—yet another transport announcement from this failed Labor Government. My electorate has been more hurt, more wounded, by this Government, its broken promises and its rotten, stinking mini-budget than any other electorate in the State. It is absolutely outrageous that this Government has introduced the Transport Administration Amendment (Metro Rail) Bill, and that the Minister, with a straight face, talked about the benefits that this will provide for the people of Sydney, and indeed the people of New South Wales. I ask the Minister: If it is so important to have a metro from Central to Rozelle, why was that not the Government's original plan? Why did the Government spend millions of dollars on advertising the North West Metro from February or March this year up until now, convincing people that it would build this 17-station extravaganza to Rouse Hill, if it needed to clear the Sydney centre of people before it could make that work?

How could Government Ministers, for the past eight or nine months, come in here and tell bald-faced lies about the North West Metro and what a wonderful thing it would be for the people of Sydney, particularly for the people of north-western Sydney, when, as we now find out, it would not have worked? According to the Minister for Transport, it could not have worked because of the congestion in the Sydney CBD. The member for Blacktown talked about the metro in glowing terms, saying that what the Government is doing is fantastic. He said that the 15 underutilised country platforms at Central caused problems and the metro would make better use of those platforms. That is absolutely terrific, but why was that not thought through nine months ago when the Government made the announcement about the North West Metro?

It is not just the North West Metro that was scrapped; it was the north-west rail link, which goes back to a promise made by the Government in December 1998. Originally the Government intended to build a two-station heavy rail line from Epping to Castle Hill, but it reneged on that promise. Actually, that rail project was on again, off again more times than the costumes in *The Producers*. Finally, the North West Metro morphed into this 17-station extravaganza. I never believed that the Government would build the North West Metro—not at a cost of \$12,000 million. It never had the money to do that, and there must be a question about what the Government is proposing now. Where will the money come from to build this truncated metro from Central to Rozelle? It has never indicated where the \$1.8 billion will come from. This is a government that has gone from a surplus of something like \$270 million to a \$970 million deficit.

The Government did not blink an eyelid. It announced tax increases of \$3.6 billion in the mini-budget and still managed to come out with a deficit of about \$970 million. That is a clear indication of the Government's total incompetence. What is the Government's solution to all of this? The Government will do it on the cheap. The Government will be seen to be doing something; although it is not really doing anything for

the people of Sydney with regard to transport. So it will set up yet another bureaucracy. Big whoops! Setting up another bureaucracy will solve Sydney's transport problems! One must ask: What happened to the Transport Infrastructure Development Corporation [TIDC]? It has a website and is supposed to be involved in all major projects. Certainly, the North West Metro was on the TIDC website until comparatively recently. But—surprise, surprise—it is no longer there.

**Mr Thomas George:** What? Why?

**Mr MICHAEL RICHARDSON:** I do not know why it is the case but it is no longer there. So TIDC obviously does not have anything to do with metros now; all of that will be transferred to this new organisation, which will be striving to deliver metros for Sydney. That is absolutely fantastic. My constituents have been crying out for the past 10 years for yet another bureaucracy! And this Government will give it to them in spades. One can see that in the bill. The bill sets up this extraordinary bureaucracy. It does not specify how many people will be employed but, judging from the Government's past actions, I think we can expect there to be 100 or 150 highly paid operatives within this new metro authority. What will they achieve? They will be drawing more lines on the map. We have seen all this before. In 2000 the heavy rail link was extended from Castle Hill to Rouse Hill. There were proposals to take it out to Vineyard. They just kept drawing more and more lines on the map. That is precisely what this new metro rail authority will do, because I do not think it will be capable of doing anything else.

In 10 years the Government was not up to the task of laying one single sleeper, one single fishplate, of that rail line. It did absolutely nothing over that time but it spent millions and millions of taxpayers' money on propaganda. That is all this bill is about—propaganda. It is about the semblance of doing something when it is doing absolutely nothing. So far as metros are concerned, I do not have any particular problem with the concept of trains running more frequently and carrying higher volumes of passengers. I do not have any problem with that at all. What I have a problem with is the Government's actual commitment to delivering a solution for the people of Sydney, because of its failure over almost 14 long years to deliver anything for this city.

People who go to New York use the subway, people who go to London use the underground, and people who go to Paris use the metro. It is all about frequency, smaller trains and shorter dwell times. It works well. The member for Blacktown said that the platforms at Central are underutilised. The metro may well connect with the heavy rail system at Central, but people will still have to change trains. One big problem with people changing trains—that is what they will have to do as this is only supposed to clear people out of the Sydney CBD—is that the heavy rail system will still be operating on a half-hour schedule. It will not be like the underground where people can get off one train, walk down a long tunnel and another train is pulling into the platform within 30 seconds. People at Central may have to wait for another half hour.

Anybody who knows anything about transport would know that that is a barrier to people using public transport. Even if the metro is built, the Government may well be setting itself up to fail because of that problem. People who have to change their mode of transport will say, "It's taking me too long to get from Rozelle to Epping." I do not think a lot of people work at Rozelle. It would be terrific for people who live there. However, the plan does not connect places of employment, so I do not understand its rationale.

When the member for Hawkesbury, the member for Baulkham Hills and I appeared before the upper House inquiry into transport needs in north-west Sydney we said that there had to be a rail line out to the Norwest Business Park, which currently employs 25,000 people and projects that it will employ 40,000 people. Those employees were going to provide backloading for trains. Where is the backloading from Rozelle? What is this plan? It was devised on the spur of the moment on a failed attempt to try to win some funding from the Federal Government.

It is significant that Rozelle is in the electorate of Balmain, which is held by the Minister for Education and Training. She almost lost her seat to the Greens at the last election. It is also significant and more than a little bit suspicious that Rozelle is close to the Federal seat of the Minister for Infrastructure, Transport, Development and Local Government, Anthony Albanese. The Government is looking after its heartland rather than the hardworking people who live in north-west Sydney. They have been outrageously neglected once again. In question time the Minister for Transport talked about the Epping to Chatswood rail link, which I remember was originally going to be a Parramatta to Chatswood rail link. Does the member for Hawkesbury remember that?

**Mr Ray Williams:** Yes.

**Mr MICHAEL RICHARDSON:** What happened to that?

**Mr Ray Williams:** It was conveniently forgotten.

**Mr MICHAEL RICHARDSON:** Yes. They built half the line at twice the price. The half that services the electorate of Madam Deputy-Speaker, the member for Parramatta, was forgotten.

**Mr Ray Williams:** But she is getting more ferry services, so she does not need the rail link any more.

**Mr MICHAEL RICHARDSON:** That is true. Parramatta will get these ferry services so it probably will not need a rail link. People in Telopea and Dundas will be rushing down to Parramatta to catch the new RiverCat. I can see it happening. That is another example of this Government's neglect of the people of north-western Sydney and the people of The Hills. The Government could not even get it right and build a rail line from Parramatta to Epping, something that the previous Government promised in 1994. The Coalition was absolutely committed to building that rail line, yet this Government ummed and ahed and finally scrapped it. The Government could not afford it because of its incompetence in the way it built the Epping to Chatswood line. The Government grossly underestimated the cost of building that line.

It is my understanding that the metro out to Rozelle—which is not, as the member for Baulkham Hills recently remarked in question time, Rouse Hill—is supposed to be an engineering feat in its own right. The line has to go underneath the harbour and up the other side, and some steep gradients are involved. What have we found with the Epping to Chatswood line? Half-way through the digging process the Government chose to go underneath the river rather than over it. Now the gradient going up to Chatswood is so steep that three-quarters of the trains that are currently operating in the system cannot be run along that line.

**Mr Ray Williams:** But they can use a red rattler.

**Mr MICHAEL RICHARDSON:** They can use a red rattler—we will have to bring them out of mothballs and use them especially for that line. It is probably no coincidence that the Government has also talked about replacing the doubler deckers—which have been running in this city for more than 40 years—with single-deck carriages. This Government has a real back to the future approach. The cost of going back to what we had in the 1960s, if I recall correctly, is something like \$92 billion. Once again, that is a measure of this Government's incompetence. Quite frankly, I do not think the Government is capable of running a country bus service.

The Government will set up a new Metro Authority. We are supposed to believe that this plan will be the answer to everyone's prayers and will be the solution for the future. It will provide, as the Minister said, "a much-needed new high-capacity transport corridor through the city relieving passenger congestion at Town Hall and Wynyard stations". I do not believe that—I am sure I speak on behalf of everybody in my electorate, everybody in north-western Sydney and everybody in Sydney. Apart from the true believers, no-one in New South Wales believes what this Government says about anything, let alone its promise to deliver a better transport future for Sydney. The \$1.8 billion will not eventuate. Quite frankly, a metro going underneath the harbour is a tunnel too far. The last time the Government tried that approach it was an engineering disaster, so who believes this plan will not be an engineering disaster? In the meantime, 150 bureaucrats will have scribbled away with their biros and worked on their computers and proved absolutely nothing.

**Mr ROBERT COOMBS** (Swansea) [5.35 p.m.]: I support the Transport Administration Amendment (Metro Rail) Bill 2008. As many members would be aware, metro rail systems are becoming increasingly popular in the global cities of the world. Metro rail systems can be found in large, busy cities such as Toronto, Washington, Paris, Hong Kong, Shanghai, Singapore, London, Madrid, Dubai, Copenhagen, Lisbon, Munich, Brazil, Berlin, Barcelona, Tokyo and Frankfurt. In many respects, a metro typifies a global city. Whether it is known as the tube in London, the metro in Paris or the subway in New York those cities have a convenient, reliable transport system that can move large numbers of passengers quickly. In fact, they can move several millions of people every day. Metros are an internationally proven success. They are purpose designed and built to serve densely populated inner city districts, taking people across the city and to outer destinations.

Sydney is about to take the next step in developing its transport service by introducing metro. Metro trains are not light rail, nor are they trams. They are fast rail systems that operate on railway tracks similar to those currently being used by CityRail. However, a number of standout differences between metro trains and other forms of rail transport present a number of outstanding advantages to a city and its people. First, there is

the metro's capacity to carry people. As it exists, a typical CityRail line can handle a maximum of about 24,000 people per hour during peak hour. The new CBD Metro system will be capable of comfortably carrying up to 29,000 people per hour in peak hours. That is because metro trains run very frequently. In peak hours a metro train runs every couple of minutes and one waits only a few minutes before the next train. Just "turn up and go" on the metro.

Second, a metro has frequent stops to service its target market, moving them quickly and conveniently. Importantly, they are on dedicated track, quite separate from roads or other rail. Being an independent operation, metros are not caught up in delays flowing from other parts of the transport network. However, they provide good interchanges with other transport modes such as rail, bus and light rail. Metros are renowned for excellent safety and reliability as the trains and the control systems are highly integrated and automated. The Government's plan provides this new mass transit system across the city with stations at Rozelle, Pyrmont, Wynyard, Martin Place, Town Hall and Central.

The international experience is that metros start with one line but grow by adding new lines; they become substantial networks with high levels of interchange between lines for cross-city transfers. The CBD Metro clearly has the same potential. The bill establishes the Sydney Metro Authority as the Government body to develop and deliver the CBD Metro and possible future schemes. A metro is clearly the gold standard in rail services around the world. The bill enables the New South Wales Government to bring that standard to Sydney. It is truly the beginning of a new era of transport for Sydney. This new era requires a fresh approach to delivery, construction and operations. This fresh approach will be secured through the establishment of a statutory authority to be known as the Sydney Metro Authority.

The Sydney Metro Authority will be the Government body responsible for the development and delivery of the CBD Metro and possible future schemes. The principal functions of the Sydney Metro Authority will be to develop safe and reliable metro railway systems for Sydney. It is important to note that the Sydney Metro Authority will work in partnership with the private sector. To achieve maximum value for the taxpayer, it is essential that the New South Wales Government have an organisation that can draw from specialised, international expertise in the design, construction and operation of metro systems. It is important also to ensure that the Government has an organisation that is focused solely on the demands of delivering a world-class metro system for Sydney.

The scale of the investment, the need for tight project control, high-level commercial capability and the need for rapid performance to deliver the CBD Metro and future extensions all combine to necessitate the establishment of a special authority. When construction of the metro is completed, the role of the entity will require a small team to manage, on behalf of the Government, the ongoing performance and contractual arrangements and performance of the metro rail private operators. Importantly, the authority will have a focus on the long-term success of the metro service, not just the construction phase. The Sydney Metro Authority will be established under governance arrangements similar to those applicable to other statutory corporations under the Transport Act.

There is to be a Sydney Metro Authority Board, comprising the chief executive officer, three members appointed by the Minister for Transport and one member appointed by the Treasurer. The chief executive officer will manage and control the affairs of the Sydney Metro Authority. The authority must prepare a corporate plan for each financial year and provide it to the Minister. In addition, it must make it available for public comment before it is finalised. Sydney deserves a metro system and this new Sydney Metro Authority is the right way to deliver it. I am pleased to speak in support of this bill. I commend the bill to the House.

**Mr RAY WILLIAMS** (Hawkesbury) [5.42 p.m.]: The Transport Administration Amendment (Metro Rail) Bill 2008 highlights, once again, the failure by the Government to undertake the task of implementing new infrastructure across the State by establishing another statutory authority to undertake the provision of metro rail systems. The establishment of any authority is at huge cost to the New South Wales taxpayers, as it was for the establishment of the growth commissions to undertake planning across New South Wales, or the Sydney Metro Authority to implement the North West Metro. As mentioned by the member for Swansea, a number of paid positions—including a chief executive officer and a number of directors—will be appointed to the Sydney Metro Authority Board. I wonder what the Department of Transport, the Department of Health or the Department of Planning will do when they have to implement separate authorities to undertake a task. In the past those departments would have undertaken such tasks themselves.

The bill will deliver, it is hoped, a CBD Metro. Given the history of the Government, there is no certainty it will deliver anything. Over the past 10 years the Government has promised a north-west rail link and



then a North West Metro. Nothing has been delivered. It is anyone's guess as to whether the CBD Metro will eventuate. No-one across Sydney or the metropolitan area, and certainly not in the north-west of Sydney, would dispute that better public transport is needed. It is needed and we want it to be delivered. The people of the north-west have paid dearly, not only through taxes but most certainly through urban development, but precious little has been delivered.

Earlier the member for Blacktown spoke about Windsor Road. The upgrade of Windsor Road was coordinated prior to 1995, with a contribution scheme put in place by the Greiner Government, with a very small levy of some \$2,000 per household to pay for the upgrade of the entire road. The Greiner Government established that contribution scheme to fund the upgrade of Windsor Road. Development boomed in that area after 1995. Hundreds of thousands of homes were built across the north-west area in my electorate and in neighbouring electorates. The one thing we did not get was the promised upgrade to the road. In 1999 and 2000 this Government was dragged kicking and screaming with the former Minister for Roads, Carl Scully, to the negotiating table, where it was outlined that the Government had received hundreds of millions of dollars that had not been put into roads.

That fact was highlighted by a very good journalist on 2UE at that time, Mr Alan Jones, who later moved to 2GB. When he pointed out that a lot of money was sitting in the Government's coffers the upgrade of that road began. The original plan for that road, under this Government, was not to be completed to Garfield Road, Riverstone, until 2012. However, when that issue was forced and the money was redirected to the road, the upgrade was completed by 2006, which was a little later than the original plan of five years. That upgrade has been a great asset, one that has been paid for by the residents of the north-west. The point I want to make is that—

**Mr David Campbell:** Are you having trouble making it?

**Mr RAY WILLIAMS:** No, I am not having trouble at all, but I want to place this firmly on the record so the Minister for Transport knows that the residents have paid an enormous amount of stamp duty over the 10 years of development of the north-west sector, which has achieved billions of dollars above budgetary expectations from that massive development in the north-west. The question must be asked: Where is that money from 10 years of growth?

**Mr David Harris:** We paid off Liberal Party debt—that is what happened to it. We paid for the Olympic Games.

**Mr RAY WILLIAMS:** The member for Wyong said that money was wasted on the Olympic Games—they were very good Olympic Games. The Government obviously has wasted money on areas that it cannot control, and this is another area. The Government cannot control, cannot roll out, cannot organise a contract and a tender to come in on time or most certainly on budget. That has been seen. Recently the member for Castle Hill pointed out that originally a rail line was to be constructed from Chatswood to Castle Hill at a certain cost. At that stage it was about a billion dollars, but we ended up with a rail line from Chatswood to Epping, half the distance, at a cost of \$2 billion. This Government has never brought in a contract on time, on budget. The Government has experienced some disastrous consequences with contracts.

In relation to public transport, the Government implemented the Tcard. The Minister for Transport would be extremely embarrassed to hear this, but we have continued to highlight that after putting in place the contract for the Tcard it has cost New South Wales taxpayers \$100 million—but we do not have as much as a ticket roll. These are the problems that have beset New South Wales. This is where our taxpayers' money is going—into contracts that have gone over time and over budget. The Chatswood to Epping rail link cost \$1 billion, but we did not see that extended to Parramatta. Some \$100 million was spent on the Tcard. These are the problems that beset New South Wales because of the failures of this Government.

In the north-west a levy of just under \$30,000 has been imposed on every block of land that is being built on at the moment. That levy is either the interim development charge or the State infrastructure charge, depending on whether the land is inside the Growth Centres Commission or outside, as the Balmoral Road release area is. The cost is just under half a million dollars a hectare. If you apply that to a block of land it equates to about \$30,000 a house. Every person who purchases a new home in that area pays this very significant cost. What is that levy for? What is the State infrastructure charge meant to do? It is supposed to provide heavy infrastructure such as main roads. We already have our big main road, Windsor Road, but that was paid for by another charge.

We are supposed to get some heavy rail infrastructure. That is what the levy is supposed to pay for. That would equate to billions of dollars after the development rolls out, but at this point in time there is still a very significant \$30,000 per block charge. What are we getting? We are not getting a rail line. The point is, why do we not give the landowners in that area a little relief and remove that significant infrastructure charge? No, the Government will continue to take a charge off those people to put away in its coffers and spend it or place it wherever it likes, and not give any relief to the homeowners. Are we going to receive anything? No, we are not. We are not going to receive any infrastructure because this Government has lied to us for the past 10 years about delivering the north-west rail link and then the North West Metro line. Now there is absolutely nothing.

What have we got out there? Well, we have some buses and a pretty good bus company that provides a bus service in that area. If we go back a couple of years, the private bus companies used to put the runs in place. They used to provide runs wherever the passengers were. We got some great services. All of a sudden a Minister for Transport, Mr Michael Costa—who has now left this Parliament—wanted to put in place some reforms. Once those reforms were put in place and the Government controlled the services that were undertaken by the private transport industry, we no longer had services provided where the people were.

Down the road at Baulkham Hills, on the corner of Windsor Road and Old Northern Road on any given day of the week from Monday to Friday, we now have 100 to 150 passengers standing on the side of the road waiting for a bus. Yet five or six kilometres away there are up to 150 buses a day running six or seven kilometres at a time around Rouse Hill and not picking up anyone. The majority of those buses are not picking up any passengers. A normal private business would be pretty smart and realise that there was nobody at Rouse Hill and redirect the buses to Baulkham Hills. I have been arguing that for 12 months and nothing has happened. We continue to waste taxpayers' money running services where there are no passengers.

The point is that every time this Government wants to put something in place not only can it not implement something itself and undertake contracts and implement infrastructure through its own departments under the guidance of Ministers, but it has to spend hundreds of thousands of dollars of taxpayers' money to put in place another statutory authority to oversee the implementation of infrastructure. I think it is absurd. It is another waste of taxpayers' money. I cannot understand why the Government cannot do it itself. Obviously the Government has proven over the past 13 years that it is quite inept and that it needs to pull people on board. Every time it does that there is a further cost and a further embarrassment to the New South Wales Government.

I certainly hope that we will see some better public transport. I would have loved to see some public transport running to the north-west area and certainly to my electorate of Hawkesbury. We have not seen that. I hope for the sake of the inner-city suburbs that they see this metro rail. I hope it does not end up with a bloated doubling of the cost similar to what happened with the Chatswood to Epping rail line. I hope we will see some infrastructure implemented by this State Government. As our leader, Barry O'Farrell, said today, we have some wonderful monuments across the city—the Harbour Bridge, the Opera House—that are testament to visionary people who really wanted to put things in place on behalf of the residents for hundreds of years into the future. Let us look at some other infrastructure in our city. I refer to the Gladesville Bridge, which is a marvellous monument to necessary infrastructure. Members will have driven over it many times and taken it for granted.

There is no vision from this Government. It has proven that over the past 13 years because we continue to see cancellations of major infrastructure. This is a wonderful State and it has enormous potential. It is like a treasure chest that is yet to be opened. The prosperity of this State could be realised if we had a government that could unlock the chest. This Government has proved time and again that it cannot do it, and when we see new statutory authorities, such as the one being proposed in this bill, it is testament to that fact.

**Mr ROB STOKES** (Pittwater) [5.56 p.m.]: I shall make a brief contribution on the Transport Administration Amendment (Metro Rail) Bill 2008. This bill seeks to establish a statutory corporation under the Transport Administration Act to have the function of developing and overseeing the construction, management and maintenance of metro rail lines of Sydney Metro. I speak about this not because my electorate is blessed with any rail lines whatsoever but because the people I represent will be expected to pay for all of this. It is important that I speak on this bill from that perspective. The Government first announced the notion of metro rail as a new mode of transport for Sydney in March 2008 with the announcement of the now abandoned North West Metro rail link. At the time, the Minister for Transport said the Government's vision began with the urban transport statement in late 2006. He went on to say, according to *Hansard*:

Since then we have been working hard to develop projects that will keep Sydney moving and cater for growth. The new \$12 billion North West Metro rail line will be the anchor for a rollout of rapid single-deck trains that will be the future of Sydney's transport.

He then suggested that members could expect to hear more about that program in the future. Well, he was right. We did hear more about it. We heard that it was axed! So it is with a degree of incredulity that I come to this bill in that it is setting up an institutional arrangement for establishing a metro line when everything that this Government has said about metro rail in the past has not come to pass. Importantly, in that vein I note that the bill does not mention specifically any current or future projects for Sydney Metro. It simply establishes the agency in recognition of metro rail being a new mode of transport that the Government has committed itself to. There are no projects, just a commitment that this is a general direction in which the Government wishes to proceed.

I also note that the Government has not secured any funding for any metro projects, so it raises the question of the need to establish an agency now. Why is it necessary? I believe this Government is out of touch: It announced the heavy rail line in 1998, and then announced the abandonment of heavy rail for the north-west. Then it announced metro rail for the north-west, followed by an announcement to abandon metro for the north-west. Now it has announced metro rail again but promises to deliver it not by building anything but by establishing a new bureaucracy. Can we believe anything this Government says any more?

**Mr Steve Cansdell:** No.

**Mr ROB STOKES:** The member for Clarence has suggested we should not believe this Government anymore. If we need a metro board now, why did we not need it when the more extensive North West Metro was announced? The Government's earlier promises about the metro were half baked at best because they were not backed by any institutional framework. While this bill shows that the Government is prepared to spend our money to create the illusion of activity, any sensible person would ask why should anyone believe it? It is a bit rich that this Government expects Parliament to endorse the creation of a new bureaucracy when the widespread corruption exposed in RailCorp by ICAC shows that the Government cannot even manage the bureaucracy already at its disposal. In many ways the metro rail bill seems to set up the New South Wales version of Monty Python's Ministry of Silly Walks—a bureaucracy with nothing to do because there are no specifically devised projects. Rather than setting up more ad hoc agencies with not much to do, this Government should get on board with the Coalition strategy for an integrated transport network.

**Mr DAVID CAMPBELL** (Keira—Minister for Transport, and Minister for the Illawarra) [6.00 p.m.], in reply: At the outset I thank members representing the electorates of Willoughby, Castle Hill, Hawkesbury, Pittwater, Blacktown and Swansea for their contributions to this debate. At least the member for Pittwater had some inkling and understanding of the Transport Administration Amendment (Metro Rail) Bill 2008. The bill will establish an organisation—a corporation—as a statutory authority to plan and deliver the first link of a metro network for New South Wales. The bill is not about all the nonsense we heard from the member for Castle Hill or the member for Hawkesbury. The bill provides for RailCorp to run the CityRail and CountryLink networks, just as Sydney Ferries runs the ferries and the State Transit Authority runs the best bus network in Sydney and in Newcastle, as well as the ferries in Newcastle.

Once this bill passes through Parliament the statutory authority will plan, deliver and oversee the operation of the metro network in New South Wales. It is as simple as that. It is entirely appropriate that New South Wales has an organisation focused on delivering this new method of transport. The member for Blacktown and the member for Swansea made very clear the benefits of a metro-type arrangement in Sydney, as did I during the agreement in principle speech. I do not intend to reiterate all that. Nor do I intend to take the time of the House to respond to the errant nonsense from the member for Castle Hill and the member for Hawkesbury, not to mention the whingeing, whining and complaining from Opposition members generally.

This simple piece of legislation seeks to set up a corporate structure to get on with the job. That is what the Government will do in the face of the whingeing and whining from those opposite. If the Opposition votes against this bill, it votes against a bright and strong future for public transport for Sydney; it votes against the concept of getting a metro up and running. That is the challenge for the Opposition. The Government is up to the task of putting in place this authority and getting on with the job of building a metro for Sydney funded, as it was, in the first tranche of funding in the mini-budget. For all those reasons 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.**

### **LIQUOR AMENDMENT (SPECIAL LICENCE CONDITIONS) BILL 2008**

**Bill introduced on motion by Mr Kevin Greene.**

### **Agreement in Principle**

**Mr KEVIN GREENE** (Oatley—Minister for Gaming and Racing, and Minister for Sport and Recreation) [6.07 p.m.]: I move:

That this bill be now agreed to in principle.

The Liquor Amendment (Special Licence Conditions) Bill 2008 will transfer new liquor licence conditions applying to a list of 48 venues from the Liquor Regulation 2008 to the Liquor Act 2007. The Government is committed to reducing alcohol-related violence. In October the Premier announced a package of measures to tackle this growing problem. Alcohol-related assaults make up a large proportion of violent crimes in New South Wales. Statistics from the New South Wales Bureau of Crime Statistics and Research [BOCSAR] show that alcohol-related assaults, excluding domestic violence, increased by 4.7 per cent per annum over the past two years, while non-alcohol related assaults are declining. The community is simply fed up with alcohol-related violence.

The Government has made clear its determination to tackle this growing problem. The Government is using a number of different ways to tackle the problem; the Liquor Legislation Amendment Bill 2008 is one element of the Government's strategy. That bill was passed last week. It introduced provisions to require a six-hour closure each day for all new liquor licences, effectively putting a freeze on new 24-hour liquor licences; to give police and local council enforcement officers more power to enforce alcohol-free zones, for example by allowing them to confiscate and tip it out; and to deter young people from using false IDs to purchase alcohol and enter licensed premises.

When that bill was introduced, the Government also flagged its intention to use regulations to impose new licence conditions on specific high-risk venues. The Liquor Act 2007 includes several different ways to apply new conditions to a liquor licence, including by way of regulation. The Liquor Amendment (Special Licence Conditions) Regulation 2008 commenced operation on 1 December 2008. It amends the Liquor Regulation 2008 to apply a number of new liquor licence conditions to a list of 48 specified venues. Nine of those 48 licensees have brought proceedings in the Supreme Court in relation to the decision to include those venues on the list and the validity of the Liquor Amendment (Special Licence Conditions) Regulation 2008. The Government is vigorously defending the proceedings and it stands by these provisions.

However, the Government wants to put the matter beyond doubt so that the scheme is effective over the coming summer months. Both the community and the industry need certainty. This bill will ensure that the Government's reforms will apply. The new licence conditions are designed to reduce alcohol-related violence in or around the listed high-risk venues. The list of 48 venues was prepared on advice provided by the New South Wales Commissioner of Police and based on data provided by the Bureau of Crime Statistics and Research. The data identifies assault incidents that were reported to or detected by police between July 2007 and June 2008 at licensed premises. Bureau of Crime Statistics and Research data is used to inform a range of Government policy decisions. The Bureau of Crime Statistics and Research is the Government's statistics and research agency within the Attorney General's Department. It has a reputation for independence and reliability.

It is entirely appropriate that the Government has sought to identify the high-risk venues to be subject to these measures using statistics provided by the Bureau of Crime Statistics and Research. Selected high-risk venues in Newcastle were excluded from the list in the regulation as they are already subject to a set of conditions that have been in place since March 2008 that are designed to have a similar effect. Star City Casino was also excluded from the list in the regulation as an alternative regime is in place, including the presence of the Police Casino Investigations Unit and casino inspectors. The new licence conditions introduced by the regulation are a vital element of the Government's strategy to reduce alcohol-related violence and antisocial behaviour.

The licence conditions are designed to address problems, such as assaults, glassing, intoxication and disturbance of nearby areas. The new licence conditions include a mandatory lockout preventing patrons from entering a listed venue between 2.00 a.m. and 5.00 a.m.; prohibiting the use of glass or breakable plastic containers after midnight; restrictions on the number of drinks that can be sold to the same person at any one time; prohibiting the supply of certain alcoholic drinks after midnight, including shots and drinks containing more than 50 per cent spirits or liqueur; 10-minute time-outs each hour, when alcohol cannot be supplied; and liquor sales ceasing 30 minutes before closing.

Exemptions from these conditions can be given by the Director of Liquor and Gaming if other conditions are imposed that will be more effective than the conditions contained in the regulation in reducing the risk of alcohol-related violence in or about the premises. This is a reserve power that will be exercised on a case-by-case basis when the appropriate statutory tests are met. New clause 2 (2) provides that the new licence conditions are in addition to any other conditions to which a licence is subject. If a licence already requires a venue to have a lockout from 1.30 a.m., then this will continue to apply, alongside the new requirement for a lockout from 2.00 a.m.

The regulation provides that, in the event of any inconsistency between a provision of an existing licence condition or the proposed new special conditions, the condition that is in the opinion of the authority more onerous will apply. This provision is not being re-enacted in the bill as a review of licence conditions has shown that there is unlikely to be inconsistency between existing licence conditions and the proposed new licence conditions. As I have noted, while some premises are already subject to lockout conditions that commence at different times from the proposed new statutory conditions, it is possible for venues to comply with both sets of lockout conditions, as required by clause 2 (2).

I also note that venues affected in this way have the option of seeking exemption under the proposed amendments or of applying to have existing licence conditions varied. In Wollongong and Newcastle similar licence conditions have been shown to be effective. In Newcastle the new conditions on some venues included lockouts after 1.30 a.m. and restrictions on alcohol strength after 10.00 p.m. and drink purchase limits. In Wollongong new conditions included lockouts and drinks service ceasing 30 minutes before closing. They have been very effective in reducing alcohol-related violence and antisocial behaviour in Wollongong and Newcastle. Very significant drops in alcohol-related assaults have been identified for 2008 in those areas.

The Liquor Amendment (Special Licence Conditions) Bill 2008 will transfer the new licence conditions relating to the 48 identified venues from the Liquor Regulation 2008 to the Liquor Act 2007. The new arrangements are being overseen by a high-level implementation team. If new problems emerge, they will be considered by the Government. The bill will confirm that these important measures will remain in place over summer, when alcohol-related assaults tend to increase. The measures in the bill will ensure that a vital part of the Government's strategy can be implemented, bringing with it significant benefits for the community in terms of improved safety and lower rates of alcohol-related violence as well as antisocial behaviour. As I have already said, the public is fed up with alcohol-related violence. This bill will ensure that the Government's strategy to control alcohol-related violence is effective. I commend the bill to the House.

**Mr GEORGE SOURIS** (Upper Hunter) [6.16 p.m.]: I lead for the Opposition in debate on the Liquor Amendment (Special Licence Conditions) Bill 2008. At the outset I state for the record my appreciation of the Minister awaiting my return from Newcastle, where I attended the funeral of a former member of the House, Mr George Keegan, before introducing the bill. Nevertheless, I point out that the bill has seen the light of day only in the past five hours as far as the Opposition is concerned. Quite unreasonably, the Opposition is being asked to consider a very important piece of legislation virtually without notice, apart from an exclusive report of the Government's intentions that was published in today's *Daily Telegraph*. Information on the bill must have been given to the *Daily Telegraph* yesterday, so one would expect that at that point the Minister or the Premier would have contacted either the Leader of the Opposition or me to seek bipartisan support for the bill, especially since the Premier declared in the newspaper that bipartisan support was his expectation.

The Premier had no right whatsoever to make that statement because he had not had the decency to consult the Opposition in any way, shape or form. The only information the Opposition received was what had been published in the newspaper. The Government made very little effort to approach the Opposition and obtain bipartisan support for a bill that will pass through all stages in both Houses tonight. I understand that a copy of the bill was brought to the office of the Leader of the Opposition some time this afternoon. I arrived at Parliament House at 5.40 p.m., which is when I was given a copy of the bill and I have had a cursory glance at it. That is not a good way of doing business.

I return to the theme that I used only last week when the original bill passed through this House without opposition. During debate on that legislation I said that this Government had become increasingly prone to issuing press releases in the hope that the legislation would mop up whatever statements had been made in those press releases after an event concerning the Liquor, Gaming and Racing portfolio had been reported in the overnight or morning news. I think those press releases were rather prophetic because not quite 24 hours after the commencement of the Act—the regulations are yet to have 15 days of exposure on the table of the House—the Government, once again in complete panic mode, exclusively briefed one of the newspapers and introduced legislation to overcome last week's bad legislation introduced to overcome the bad media release of the week before.

That points to a Government that is utterly incapable of managing the affairs of this State or its own legislation—I will return shortly to this theme. It showed no semblance of morality in its approach to this whole issue. At approximately 8.55 a.m. I received a call from Mr Mike Bailey who offered to brief me on this legislation. Everybody in this Parliament knows—if they do not they have not been around Parliament House for long—that at 9 o'clock on Tuesday morning the Opposition shadow Cabinet meets, followed by individual party meetings and a joint party meeting. Opposition members know that the Labor Party has its caucus meeting on Tuesday morning.

The briefing offer that I received at 8.55 a.m. was not a good way of doing business. I immediately thought that the Government was trying to avoid the obvious criticism that it had not consulted Opposition members about the bill. I received a solitary phone call from someone I did not know. I did not recognise him as being a member of the Minister's staff, and I subsequently found out that he was a member of the staff of Minister Kelly in the other place—which is why I did not recognise who it was. I apologise to Mr Bailey for using bad language, uncharacteristically, during that conversation. My remarks were not intended for him; they were intended for the Government as a whole because of the way in which it does business in this State.

The Government is now attempting to pass a piece of legislation that we only hope has been considered properly. After all, this issue has been on the agenda for years. We had an Alcohol Summit, the introduction and passage of many pieces of legislation, and a complete rewrite of the Liquor Act—which is omnibus legislation. That Act, which commenced on 1 July 2008, has not yet been implemented fully and has not yet achieved a significant outcome. I believe that the department is underresourced. Inspectors and departmental officers have not yet had an opportunity to utilise their extensive summary powers. Opposition members were pleased with that legislation as it implemented something for which they have been arguing for some time: selective dealing, premise by premise and issue by issue. This would have enabled the Government to deal with individual premises as the need arose and to impose summary sanctions, the full extent of which are contained in the new Act. But after an overnight incident the Premier decided to issue a press release and we now find ourselves in this mess.

Opposition members did not oppose the legislation—in fact, they accepted the Government on trust. In debate on the legislation I remember stating that I accepted the Government on trust and that I would not oppose the legislation. Opposition members had only an information sheet from the Internet detailing the regulations, so they had to accept the position of the Government on trust. I state purposefully that the Opposition takes seriously the problem of out-of-control drinking and the associated antisocial behaviour. However, that is not the essence of this bill or of our intended position. If the bill was capable of implementation—I would have thought it was capable of lasting for more than 24 hours—it could withstand the judicial appeals process.

That takes us to the essence of the debate. Ordinary citizens in this State have rights: they have the right to appeal in court and they have the right to access the judicial system. Even a speeding motorist has the right to appeal to a court. Imagine if this Government introduced a bill such as this to abolish the right of young P-plate drivers to appeal after being booked by a police officer for speeding in the hope that it would arrest the problem of young drivers being killed on our roads. That is what is occurring through the introduction of this bill. A most fundamental principle of our democracy—the oldest democracy in Australia—is the right of citizens to approach a court, take their grievance to that court, and let it give due consideration to the matter and deliver an outcome. This legislation, which will be rushed through this Parliament, is designed to deny citizens that right.

The Government intends to rush the bill through Parliament tonight because court proceedings either resume or commence tomorrow. That is what this legislation is all about. The Minister referred in his agreement in principle speech to plastic cups, which is not the issue. Last week we took no issue with those matters, but we vehemently take issue with the abrogation of a citizen's democratic right to access the legal system and to appeal to the courts. We will defend that right for as long as we can because it is fundamental to our democracy. This

Government, which is morally bankrupt, is unable to see clearly in relation to the rights of individuals in this country. So far as I am concerned, this Government, which has been in office for 13 years, should be ashamed of this vituperative and excrescent piece of legislation. I am ashamed to be dealing with this legislation. Today will be remembered as the day that the citizens of New South Wales lost a fundamental right: the right to appeal to a court. This day will be remembered as the day when the Government legislated to entangle powers that are supposed to be separated.

The introduction of licence restrictions on 48 declared premises in New South Wales has been marked by secrecy, poor research, political expediency and a flouting of the principles of the separation of power and the rule of law. I am obliged to Gadens Lawyers for offering me a briefing today—which is a lot more than this Government was prepared to do. It is relying on its strength of numbers in this place to ram through a piece of legislation. It does not bfit the Government to be doing business in that way. Gadens Lawyers went on to suggest to me that a Government that has made a fair and lawful decision should not be so concerned by the prospect of a court examining the decision that it acts to prevent a fair hearing on the matter from taking place by legislating retrospectively to amend its earlier decision.

A defining characteristic of democratic nations is the separation of powers between the Executive, the Legislature and the judiciary. The purpose of this separation is to enable all three branches to act as checks and balances on each other in order to prevent excesses of power, thereby ensuring the rule of law and protecting individual rights. Does that sound like a lesson? Interestingly, during the passage of this bill I need to explain some of the most fundamental principles that underpin our democracy in Australia. Whilst tension between the separation and concentration of powers will always exist, the independence of the judiciary is strictly separated from interference by the Executive and the Legislature by virtue of chapter 3 of the Constitution.

The strictness of this separation is maintained so that the courts can defend fundamental principles of liberties against the wishes of elected governments and Parliaments. The restrictions on licensed premises, introduced by way of regulatory amendments—regulation—and published in the *Government Gazette* on Friday 28 November 2008, trespass on the personal rights and liberties of patrons of the declared premises. They are likely to have a significant adverse impact on the business community and may even send some of the declared premises out of business.

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

[*The Deputy-Speaker left the chair at 6.30 p.m. The House resumed at 7.30 p.m.*]

## **LIQUOR AMENDMENT (SPECIAL LICENCE CONDITIONS) BILL 2008**

### **Agreement in Principle**

**Debate resumed from an earlier hour.**

**Mr GEORGE SOURIS** (Upper Hunter) [7.30 p.m.]: The protection of civil liberties requires not only formal recognition guaranteed by the letter of the Constitution but also support in political convention and law-making procedures of the Legislature. In accordance with the rule of law, individual citizens are entitled to have their rights and obligations determined in a court of law. Pursuant to this principle, a number of the 48 declared premises commenced proceedings in the Supreme Court of New South Wales seeking an urgent injunction to prevent the publication of the regulation, with the hearing listed for 10.00 a.m. on 28 November 2008, ahead of the scheduled publication of the regulation in the *Government Gazette* at 2.00 p.m. on 28 November 2008.

The Government published the Liquor Amendment (Special Licence Conditions) Regulation 2008 by way of special supplement to the *Government Gazette* at 9.00 a.m. on Friday 28 November 2008 ahead of the 10.00 a.m. hearing for an urgent injunction in the Supreme Court on Friday 28 November 2008. This early publication was the Government's first attempt to subvert the right of the premises to bring action in an independent court of law. We should take note of the way this Government has acted and tried every trick it knows, including racing off to the printers, to try to beat the court proceedings commencing. Is this a Government or is it a school ground with a group of schoolchildren? Is that how the Government thinks it can achieve something by rushing off quickly to the printer to beat the court by 10.00 a.m.? That is not how a sophisticated Government with 13 years of tenure and experience operates. I respectfully suggest that members of the Government are hopeless and incompetent with no idea of what they are doing. They run around like schoolchildren to try to cover up for their hopelessness.

But it gets worse. The second attempt to subvert this right was revealed in this morning's *Daily Telegraph* which announced that the Government plans to pass urgent legislation to block the Supreme Court challenge by nine declared premises against the recently introduced regulations. The decision by the Government to remove the right of judicial review of the regulation reveals a concern that the regulations are unlikely to withstand the scrutiny of the courts, consistent with the strength of the legal submissions made in the case thus far. One only needs to reflect on the events of earlier this year when the Federal Court of Australia struck down the New South Wales Government's similarly ill-conceived World Youth Day do-not-annoy laws on the basis of invalidity. In other words, this is not the first time. We only have to go back a few months to find another example of the way in which this dictatorship has abrogated the rights of ordinary citizens in this supposedly First World sophisticated democracy that members of the Government are defiling. They ought to be ashamed of themselves.

Intervention of this nature represents a fundamental breach of the rule of law and trespass of individual liberties. Furthermore, this action damages public confidence and institutional integrity for the sake of avoidance of political embarrassment. I hope that members of the Government are listening to my words. The Government's actions in moving to pass legislation to block the Supreme Court challenge to the validity of the regulation is a violation of due process and an attempt to circumvent a legitimate legal challenge to laws which have subverted the intention of the New South Wales Liquor Act 2007, the stakeholders' entitlement to consultation and the community's entitlement to proper policy making.

Independent judicial decisions must be able to be made in the face of opposition from government. We know it is in the Government's interest to shut down every institution and democratic and legal process in this State—processes which have been developed over more than a century and which we inherited from centuries' worth of experience and institutional refinement. New South Wales is back to the old colonial days. Members of the Government are hopeless. The Parliament must prevent the introduction of these proposed legislative amendments in the Parliament in order to preserve the principles of the separation of power and the rule of law that underpins Australia's place as a democracy. I find it amazing that I have had to explain this to the Labor Government of New South Wales, which has 300,000 public servants at its disposal. The process of this Government, having been in office for 13 years, has degenerated to a farce. The Government is superintending a farce.

This is a Government in its final death throes, death throes of its own making leading to its own demise. Any government that acts in this way is in its final days. This is what happens when a Government runs out of process and is prepared to override and gallop across everybody's rights. A Government that rushes off to the printer and then introduces legislation that prevents a legal right of appeal in the Supreme Court has had its day. This Government no longer deserves the confidence of the people of New South Wales. It is no wonder that members of the Opposition receive messages, emails and faxes one after another. Why can there not be an election? Why cannot the people of New South Wales who have made up their minds pass judgement on this hopeless administration?

The sequence that we have just experienced over the past 24 hours reinforces the vehemence held by the public of New South Wales against this Government. Members of the Government should be ashamed of themselves for superintending this process. The Government should have undertaken a little more consultation and communication, which would have gone a long way. I am amazed to read today's media release from the Australian Hotels Association [AHA] that states:

The Australian Hotels Association (NSW) has repeated its support for initiatives to reduce anti-social behaviour, but warns the State Government's latest moves are seriously flawed and may well be counter-productive.

I cannot believe a Government has to be told that by a media release. Where has the communication been? We certainly know it has not been with the Opposition. The Government has not consulted industry representatives groups, not even the peak body. If it consulted only one body it would have been the AHA, I would have hoped. We are now reduced to a media release to get the message through to the Government about the problems it has created and is continuing to create. The Australian Hotels Association media release continues:

... while trying to target the small number of "at risk clubs and hotels", the government is relying on raw Bureau of Crime Statistics and Research ... figures that even police wouldn't rely on for their own intelligence.

"In many cases, the incidents reported to police involved hotel security keeping undesirables out of hotels, as well as incidents that occurred well outside the hotel premises," ...

Basic arguments and basic points are being made by media release because the Government is not listening, it is not interested, and it intends to approach the governance of New South Wales by decree. Why does it not get a



crier to go out to Macquarie Street and ring a bell? That would be communication. At least some people might hear what the Government is saying, rather than through this subversive way of introducing this incredibly repressive legislation that subjugates the very rights of citizens in this democracy. Just this afternoon the Australian Hotels Association [AHA] made one final plea to members of Parliament. That plea was the only way it believed it could deal with this legislation, as there has been no time, no consultation, no exposure, no discussion, not even a phone call. That peak body, the Australian Hotels Association, is now driven to sending emails to argue its case to members of Parliament. Its email stated:

The government is endeavouring to rush through legislation tonight that will entrench their draconian licensing conditions against 48 venues.

Irrespective of any personal opinions relating to the actual venues or the conditions, the issue here is the lack of process afforded to the affected licensees.

I hope that Government members are listening, because that would be the first time they have heard this. They have had no communication. I will tell the Government what the AHA said in its email, which continued:

Last Friday we saw Government rush through regulations, in order to circumvent any legal challenge by the licensees to injunct the regulations. The legal challenge was mounted by certain individual licensees as a last resort, given that Government refused to discuss any details of the proposed legislation with the venues. A hearing date was then set for tomorrow challenging the validity of the regulations.

Government is again seeking to circumvent this by rushing through legislation, thus defeating tomorrow's challenge.

Members of Parliament, this is what is at stake tonight. The rushed passage of this legislation is designed for only one thing: it has nothing to do with the measures of plastic cups and so on, it is designed to circumvent the court action that is to occur tomorrow. That is why it has to be rushed through tonight. That is why the Government has no time to listen to anyone, no time to consult. It has time only to throw this together, come into the House, exert its strength of numbers, and ram this legislation through the New South Wales Parliament. What an abhorrent process it is engaged in. This is about using its power to defeat the courts that will independently consider this case tomorrow. The email continued:

At no time have these effected licensees been afforded any communication, consultation or natural justice.

Do these words mean anything to members opposite? I wonder! The email continued:

They don't know why they're on the list, how long they'll be on the list or what they need to do to get themselves off the list.

How is it that in NSW a person can challenge a speeding fine, yet no ability has been afforded to these venues to question or challenge why they are on this list—a measure that substantially affects their livelihood and threatens the jobs of their staff.

This process is nothing short of heavy handed and brings into question the morals of our current NSW democracy. Surely even a short adjournment of this legislation to debate its merits is a reasonable request.

Members of the dictatorship opposite should not be surprised if colleagues in another place decide to consider this matter with a little more caution, with a little more time, or perhaps refer it to a committee. I do not know what will happen in the other place; I have not had time to talk to anyone, because all I got was, "Rush it through Parliament tonight, beat the court tomorrow. We beat the regulations by getting it to the printer, and now we will beat them to the court." The Government is an outrage upon our democracy. Government members are creating the excrescence, and they ought to be ashamed. The comments I made publicly today, I add to the record. In my media release I stated:

The Rees Government is in damage mode following yesterday's decision to legislate away the right of hoteliers to test new liquor laws that had been rushed through Parliament and which commenced yesterday ...

The plan to head off court action in this way is evidence of a government in dictatorship mode—the final death throes of a Government that legislates by media release. This flawed approach inevitably leads to desperate correction legislation as we now witness before even 24 hours of the new laws had been completed.

A Government in this mode of thinking is out of control.

Why is the Government trying to legislate itself out of trouble? Is the legislation that flawed? Can the legislation not stand the test of even 24 hours?

No one has been consulted. Not hotels, not clubs, not the Opposition (which Mr Rees says he expects Opposition support without asking anyone in the Opposition), no one!

No-one whatsoever. What a hide to put that in an exclusive newspaper article, without the decency of a phone call or communication of any sort. My media release continued:

... the Government should pause; enter some meaningful dialogue especially about the inappropriate statistics being used to garnish the Premier's media release with a fancy list of supposed recalcitrant venues.

Otherwise, this is a democracy without scrutiny or consultation.

The measures are full of contradictions and inconsistencies anyway.

This latest legislation is based on flawed statistics, it is attempting to cover up for incompetence and ineptitude.

... there were new powers that came into effect with the omnibus rewrite of the Liquor Act, which commenced on July 1, 2008. These powers have not seen the light of day. The Department is inadequately resourced but there are enough new powers to do all that is necessary venue by venue.

After all, if the Government thinks 48 venues alone across NSW is the sole source of all the trouble, it is living in a dream world.

Most decaying dictatorships in their final days live in a dream world, and this Government is the utter emblem of a dying dictatorship. Enjoy it while it lasts, because it will surely be thrown out of office with its dictatorial approach. My media release continued:

This new legislation abrogates people's fundamental democratic right of appeal to the Courts, and will be opposed on these grounds by the Coalition.

I re-emphasise that it is that fundamental principle that will cause the Opposition to oppose the legislation—not the previous bill, not anything to do with measures, venues or those other aspects—this particular aspect, which is designed solely to cut off citizens' rights of appeal and rights of access to the judicial system. This is a very shameful day in our democracy. This day will be remembered as the day that the Government tried to block people's legal access and legal rights. It is something that I will certainly never forget. I have now seen it in action and I wonder whether the Government realises the damage it is doing to this institution and to the confidence of the people in the process of governance.

**Mr MALCOLM KERR** (Cronulla) [7.50 p.m.]: It was only on 26 November that we were debating the Liquor Legislation Amendment Bill 2008 and now it is being amended. I warned the Government at that time that it was a mistake to legislate as a consequence of issuing a press release. I said there had been insufficient consultation in relation to the legislation and it was bound to have consequences, intended and unintended, and it would need to be amended at a later date. I have to say that my prophecy has come true a lot quicker than I anticipated.

**Mr Paul McLeay:** It is not your first prophecy.

**Mr MALCOLM KERR:** It is not my first prophecy. I am pleased the member for Heathcote, who I notice is wearing a day pass—

**ACTING-SPEAKER (Mr Thomas George):** Order! The member for Cronulla will direct his comments through the Chair. I am sure his prophecies have been well and truly documented in this place.

**Mr MALCOLM KERR:** Yes, and I am sure you will be here longer than today, Mr Acting-Speaker. To return to the leave of the bill, I warned this Government that what they were doing without consultation would come back to haunt them, and so it has. This is one of the most shameful episodes during the lifetime of this Government. I have to say that it is a very competitive title. Taking the title means overcoming quite a bit of competition when one looks at what the Government has been responsible for since 1995.

**Mr Kevin Greene:** Such as?

**Mr MALCOLM KERR:** Such as a whole range of things. I am glad the Minister has mentioned that. I refer to what has been done to the transport system and the education system and the failure to maintain both those systems. The people of Kurnell would refer members to the desalination plant. The people of my electorate would tell members opposite about the duplication of the Cronulla line, which is over budget and over time. I have only 13 minutes and there are a number of other matters that I could raise, but I will return to the leave of the bill.

This bill is quite shameful because it takes away the rights of citizens. It is a direct attack on the rule of law. The Minister at the table may be aware of a play called *A Man for All Seasons*, although I suspect he would

be disappointed to know that the seasons referred to were not the cricket or football seasons. It was a play by Robert Bolt about Sir Thomas More, someone I am sure he would have heard of. He indicates that he has. More about More: In the play he spoke to William Roper, as the member for Epping would attest. Sir Thomas More was Chancellor of England and he is a saint. Sir Thomas More's son-in-law, Roper, had been complaining about what he considered an unjust law or a law that was wrong. Sir Thomas More said that they had to obey the law. Roper responded, "So now you'd give the Devil benefit of law!" The play continues:

MORE: Yes. What would you do? Cut a great road through the law to get after the Devil?

ROPER: I'd cut down every law in England to do that!

MORE: Oh? And when the last law was down, and the Devil turned on you – where would you hide, Roper, the laws being all flat? This country's planted thick with laws from coast to coast – Man's laws, not God's – and if you cut them down – and you're just the man to do it – d'you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake.

The Minister is taking away the benefit of the Government's own law that was debated here on 26 November. He is denying citizens access to the right of law. This bill is about stopping a court case. As the shadow Minister said, and he laid out the argument, it is the right of citizens to access the courts of this State. That is being truncated. That is the shame of this bill, the more so because it is so unnecessary. All of us recognise the social problem that is sought to be tackled here. I spoke about that on 26 November and the way all of us want to see binge drinking curtailed. We want to see the antisocial behaviour that this legislation is intended to address dealt with. However, I said then it was not a panacea. I say now that this law, if it is enacted, will be the source of a great deal of injustice to the citizens of the State.

**Mr Frank Terenzini:** That is a bit of overkill, isn't it, Malcolm?

**Mr MALCOLM KERR:** No, it is not overkill because there is a principle involved here that is fundamental to what all of us should appreciate. I am sure the shadow Minister would make available that opinion that sets it out in chapter and verse. When we come to a principle involving the citizen and the State in a matter of law, it is not a small matter; it is fundamental. A citizen's right to access the courts to test laws is fundamental in this State. When the Minister replies, he needs to address the justification for what is being done here. All of this could have been avoided.

There is a considerable amount of goodwill in the liquor community, as the Minister would acknowledge, to deal with the problems. Both sides of the House have a commitment to deal with antisocial behaviour and binge drinking. All of us recognise it is a problem. The Government could learn a great deal from the member for Heathcote. It is a great pity he is only here on a day pass. He showed a consultative approach when this bill was debated. I mentioned about Councillor Schreiber moving a motion at Sutherland Shire Council about having a forum on binge drinking where all the stakeholders could be involved. As I understand it, Sutherland Shire Council has rejected Councillor Schreiber's motion.

**Mr Paul McLeay:** Shame on them!

**Mr MALCOLM KERR:** Shame on them. At least the member for Heathcote is one person who puts people above politics. He would probably have to plead guilty to that charge at least in relation to binge drinking. There is a bipartisan approach in the shire and the members of both the Government and the Opposition were prepared to take part in a forum on binge drinking. The member for Miranda has been active in relation to liquor accords. He would have had a contribution to make at that forum, but that contribution apparently will be denied. Sutherland Shire Council has an obligation to constitute a forum to allow the people to be heard in relation to the problems that are affecting a large number of the residents of the Sutherland shire. It is affecting their quality of life.

The bill before the House seeks to trample the rights of those citizens and deny them access to the court. That really is a very serious matter. It is an injustice that will be perpetrated by this Government on its citizens. As the shadow Minister said, if you deal with these people you will create a precedent. You can always argue why the rights of a minority should not be observed by what is perceived to be the majority. There is no doubt that any legislature in Australia can legislate away the rights of citizens. The courts themselves have held that, because we live in a democratic society where the views of the democratically elected government will prevail. However, in the past we have seen that governments of whatever political colour have had a commitment to the rule of law and to ensuring that the laws they pass in Parliament can be tested, whether by the citizens of the State or the citizens of the nation, and that the citizens have what is literally their day in court.

This bill denies citizens their day in court. It is all the more tragic because it is unnecessary. We share common ground because we are committed to ensuring that antisocial behaviour from excessive drinking is dealt with effectively. Trampling on the rights of a section of the business community is not the way to achieve the solution. The way forward is to listen to the liquor industry, the public and Opposition members. As the shadow Minister asked, where is the consultation? The Premier verbalised the Opposition when he said there was cooperation with this piece of legislation. The Premier has said on a number of occasions that he doorknocked 25,000 homes.

**Mr George Souris:** He didn't make a phone call to the Leader of the Opposition.

**Mr MALCOLM KERR:** He did not make a phone call to the Leader of the Opposition. I suspect I know why he doorknocked 25,000 homes: he probably said, "Unless you vote for me, I'm coming back." They probably would have.

**Mr Greg Smith:** He bullied the Liberal candidate—a woman.

**Mr MALCOLM KERR:** The member for Epping referred to what the Premier did in relation to those matters. This piece of legislation is wrong and unjust. The tragedy is that it is unnecessary because the objectives of the original piece of legislation had considerable support. The information should have been gathered in a consultative manner. This bill is an example of why this Government is such a bad government. None of these problems has arisen overnight; the Government has been in office since 1995.

The Government talks as though it was elected in November and moved swiftly to deal with the problem. This Government since it has been in office has known about binge drinking and excessive drinking problems—whether it was the Carr Government, the Iemma Government, or even the Rees Government, which has been in office for some time. This Government has rushed the judgement by introducing this bill, which damages considerably the fabric of this State—the judiciary and the Executive. This bill is a great disservice to the people of New South Wales. As I have already said, this approach was totally avoidable. The matter could have been dealt with cooperatively and more effectively because there is common ground.

**Mr GREG SMITH** (Epping) [8.02 p.m.]: The Liquor Amendment (Special Licence Conditions) Bill 2008 is an extraordinary piece of legislation that displays the typical approach of the Government: it discriminates based on where one lives. In this case its discrimination against various legal establishments is based on a flawed test. If the decent Government members really looked at this bill and in their heart of hearts examined their consciences they might say, "I ought to listen to Sir Thomas More." Sir Thomas More died for his beliefs. That is why he is a great patron saint. Those who are Anglicans may say Henry VIII was right. All of us at some time in our life are called on to die for our beliefs, not in the physical sense but through embarrassment by standing up for what we believe in.

This sort of legislation is corrupt because it discriminates against many business people for ejecting patrons or preventing them from entering their establishments. I do not understand the Government's negative assessment of those people for taking that action. The Minister, who is a man of character and conscience, should look into his heart of hearts and go back to the Cabinet and say, "This is not fair." This bill advantages many clubs and hotels that do not have to close for the specified number of hours and continue to serve alcohol because they are not on the declared list.

**Mr Kevin Greene:** No-one has to close.

**Mr GREG SMITH:** Certain hotels and clubs do not have to close, but they cannot admit patrons under the terms of the special licence conditions applicable to them. However, other hotels, for example, the Eastwood Hotel, which is not far from my electorate and is not a declared premises, may continue to serve drinks. The nearby Epping Hotel, which is on the declared list and cannot admit patrons, will be disadvantaged because patrons will be able to drink more alcohol and play the poker machines at the Eastwood Hotel during the restricted period. If something is put in the way of water running downhill it will go a different way. When people want to binge drink they will just go to another hotel and buy alcohol to drink in the park, in their car or wherever. These restrictions will not make one bit of difference to binge drinking. The bill will give hotels not listed an advantage over those hotels and clubs that are. The bill removes the fundamental right to challenge the decision to put them on the declared list.

The Government used its majority to enact serious sex offender legislation, which has gone further than any other legislation in this State by holding people in custody after they have served their term of

imprisonment. Even Mr Tillman, who was the first man held for one year under the new legislation, was released subject to 35 conditions—an enormous number of conditions—and apparently yesterday was protected from the media so that he could not be photographed. He had rights in court to challenge any further detention. He is a convicted paedophile who has done the wrong thing and who psychologists and psychiatrists say is likely to commit further acts of paedophilia. The Government did not oppose his release yet it will stop hotels taking court action and will not allow them to challenge the regulation.

Let us be honest: The reason the Government is rushing this bill through is to stop hotels using their legal right to challenge ill-conceived regulations. By putting these conditions into legislation the Government thinks it is creating immunity—that may not be the case. Let us consider Dr Haneef, who was held under terrorism laws, charged with an offence and ultimately released. The Minister for Immigration and Citizenship issued a deportation order despite the strictness of the terrorism laws because at the time the mood was to get rid of Dr Haneef because it was believed he was connected with those in England responsible for killing people with bombs. Nevertheless, Dr Haneef had the right to go to court and to be released. Thank God he was. It then emerged that there was no legitimate reason to hold him as there was no real evidence.

How do we know the Government has evidence that these 47-odd establishments are breaching the regulation and operating in the suggested antisocial manner? We do not know, because the courts are being stopped from testing the legislation. People would have been outraged if Dr Haneef had been prevented by specific legislation from challenging a deportation order. For a time refugees in Australia were prevented from going to the Federal Court—initially by Keating legislation and later Howard legislation. They had to go to the High Court and seek a writ of habeas corpus.

Since then such persons have been treated with less harshness, and the Refugee Review Tribunal dispenses justice to them. They have an avenue for redress, but that is not the case with hotels on the list. How do they get off the list? That is at the whim of the Minister. Even if they can show that they have been serving only Coca-Cola 21 hours a day, and allowing people to play pinball machines and giving all proceeds to the St Vincent de Paul Society, will they be allowed to come off the list? No. They are on the list, and being on the list is like having a criminal record.

If the Government feels it fluffed its policies last week or the week before it should not try to redeem itself by introducing legislation of this type. Government members should be ashamed of themselves for what they have done. They should remember that in Britain years ago people who stole a loaf of bread either suffered the death penalty or were transported, and many of them were relieved to be transported because they had the chance of a new life, despite the suffering they had to endure. But at least they had a chance. However, hotels and other establishments whose names appear on the list have no chance. They are being blocked, and all their competitors will rub their hands together in glee, as they will reap extra benefits.

The Government has used the ruse of suggesting that the legislation is a means of forcing hotels and clubs to use plastic containers. All hotels and establishments selling alcohol should provide plastic containers, not just the premises whose names appear on the list. Does the law now restrict other drinkers in other hotels to plastic? It should. There should not be discrimination. People can be glassed wherever they go if glass is available. Unfortunately, every hotel and club has drunks from time to time. The Government is wishing itself a happy Christmas, but this Christmas might be one of its last. Legislation of this type will ensure that members opposite will have only a couple more Christmases in government before they are on the way out.

Governments must not discriminate. The Government has introduced various pieces of legislation to protect people from discrimination but it is now discriminating against people who live in the north and north-western districts of Sydney by charging them tolls. Contrast that with people who receive rebates on tolls because they live in the western suburbs of Sydney. Kevin Rudd recognises that there are votes in it for Labor if Labor provides funding. Labor will provide funding for rebates but not for the north-west rail link because there are no votes in it—forgetting Maxine in Bennelong, of course.

**Mr Frank Terenzini:** We do not think like that.

**Mr GREG SMITH:** Oh, no—of course not! But Labor politicians practise like that. Has Labor withdrawn its rebates for people on the M4 and M5 who pay only the GST? Labor will not withdraw that concession, but it will charge people who live in the northern districts of Sydney, despite the fact that they might be poor people such as pensioners and others who struggle. They may be people who have come through from

the western suburbs but cannot go on the M4 and M5 to get where they want to go because they are being discriminated against. People who live in Liberal electorates are particularly being discriminated against. Let me assure the House that a Liberal government will not practise that type of discrimination.

When Labor members lose the next election they should ponder what might have happened if they had been a little more even-handed and fair to hotels and residents in the northern districts of Sydney, such as the Manly and Warringah areas, who have been hit with extra charges. The Government has taxed them for living in a particular suburb because it assumes that they must be members of an aristocratic class, whereas those who live at Campbelltown or Guildford and similar places and who receive a rebate may be millionaires or multimillionaires. But, oh no, we must not take away their benefits!

Government members are practising evil discrimination such that Thomas More would look down at them and say, "You shouldn't do that. You should be fair." But Government members are not fair. They have introduced unfairness to Labor culture. They are practising it in this Chamber by taking away people's legal rights. They should be ashamed of themselves.

**Mr CHRIS HARTCHER** (Terrigal) [8.15 p.m.]: Labor Governments have practised legislative denial of people's democratic rights on other occasions. One of the best examples of that is the dismissal of the Council of the City of Sydney under the Wran Government when the council, led by an Australian Labor Party Mayor, Doug Sutherland, instituted legal proceedings against the then State Government, which then, on legal advice that the dismissal may not be upheld by the courts, brought legislation before the House while legal proceedings were on foot and the case was being argued in the Supreme Court.

The Wran Labor Government suspended standing orders and rushed legislation through both Houses of Parliament in one night by applying the gag and the guillotine to overturn the court case and validate the dismissal of the Council of the City of Sydney. Such was the rush of the Government that a special issue of the *Government Gazette* was published the following day to proclaim the bill, and the bill was taken down to Government House for the Governor to sign it. The legislation was then taken to the Supreme Court while proceedings were still on foot so it could be waved in front of the judge to indicate that the legislation had been passed.

The legislation before the House demonstrates that the Rees Government is no different from its Labor Party predecessor the Wran Government. The Carr Government introduced retrospective legislation to deny people their rights under the self-propelled vehicles legislation. People who had been injured by self-propelled vehicles had their common law rights taken away, despite the fact that a number of court proceedings were on foot. Legislation was rushed through Parliament to bring them under the Transport Accidents Scheme introduced by the Labor Party. There was a gap in the legislation. Self-propelled vehicles that were not registered for use on State roads had been omitted.

In recent times and on numerous occasions Labor governments have denied people access to the courts by passing statutes and by retrospective legislation denying people their common law rights, including people whose cases were proceeding or were listed for hearing in the Supreme Court. Yet Labor Party members claim to be legal practitioners who uphold the rule of law. Voting for this legislation will cast a slur on those who do so. In years to come how will they, as Labor lawyers, be able to claim that they upheld the rule of law and followed the New South Wales Law Society motto, "Omnium jura defendimus", which means they will uphold the rights of all? Contrary to the professional oath they swore when they were admitted as barristers and solicitors of the court to uphold the law and ensure that the law is practised without fear or favour, discrimination or ill will, they are prepared to vote in favour of this bill that will deny people a right of access to the courts and flouts the fundamental separation of the Executive, the Legislature and the judiciary.

Each Labor member has an obligation to explain his or her conduct to the House. The significant factor about this debate is that not one Labor member is prepared to explain his or her conduct or why he or she is prepared to support this legislation. The challenge is open to every one of them, particularly members who are present in the Chamber. If they support legislation that denies people their right of access to a court and, more than that, upsets existing court actions or proceedings that already are on foot, they should be prepared to justify their position. They should justify their decision in the House. But their silence speaks volumes. Obviously, their political career and their ladder of opportunity are more important to them than is their respect for the integrity of the judicial process and the rule of law.

Standing orders were suspended at 3.30 p.m. today to allow this legislation to be introduced without notice having been given to the Opposition, without consultation with the hotel industry, and without any

explanation of why it was being introduced, other than that the Government wishes to forestall legal proceedings that already are on foot in the Supreme Court. If Government members think that this legislation will not have that effect they should inform counsel to the proceedings that are now on foot before Mr Justice Peter Hall in the Supreme Court—proceedings brought by nine of the affected hotels and licensed premises—that they do not object to Mr Justice Hall proceeding with that case. I invite them to do so.

I invite the Minister, in his reply tonight, to state that the Government has no objection to Mr Justice Hall continuing with the proceedings that are presently on foot. The Government will ensure that whatever decision is made by the court is respected and obeyed. If the Minister is prepared to make that statement I will withdraw everything that I have said, and the community will acknowledge that the Minister is upholding the rule of law. However, if the Minister is not prepared to say that, even though he is not a lawyer, he and every other member of his political organisation will be party to a denial of the rule of law.

This is the same political party that waxed eloquent for a long time about the legal rights of David Hicks. He was to be granted the full rights of every Australian citizen to approach the courts. Every member who argued for David Hicks said that they did not support terrorism or the conduct with which he was charged. Rather, they said that they supported his right of access to the courts—his right to have the courts determine his legal liability, which is what is at stake tonight. I will not repeat the forceful and cogent arguments put forward by my colleague the member for Upper Hunter, but I will make a number of important remarks.

Five of the premises that are affected by the legislation, as set out in schedule 4, special licence conditions for declared premises, are located on the Central Coast. Two of them are located in my electorate, two of them are located in the electorate of the member for Gosford, and one of them is located in the electorate of the member for Wyong. The member for Gosford and the member for Wyong should explain why they are denying licensed premises in their electorates the rights afforded to ordinary citizens—to approach the court and request it to proceed with a regulation that is to be tested before Mr Justice Hall. Those members should inform their constituents whether they uphold the rule of law and whether they believe that persons are entitled to have their court cases heard.

The Government well knows that the issue is not to ensure less violence in our community, that licensed premises properly respect the law, and that licensed premises properly comply with the ordinary conditions of their licence. The issue before the House tonight has nothing to do with preventing violence that is caused by alcohol; the issue is whether people's legal rights under our democratic system to approach the courts and to have government regulation tested by the courts will be upheld or overturned by special legislation that has been rushed through the Parliament. The Government announced at 3.30 p.m. that it would introduce this legislation. The only notification that industry, the Opposition and the community had was through a leaked article in this morning's *Daily Telegraph*. This Government claims to uphold the rule of law, but it trampled on that rule of law in the two examples I gave because it suited its purpose to do so. Part of the problem with this legislation is its total futility.

For example, a number of licensed premises are in Gosford. If the two premises that are specially affected by this legislation are eventually forced into virtual non-operation because of the harshness of the conditions imposed on them, people will simply go elsewhere. Other licensed premises in Gosford, which are located only a few hundred metres away, will simply extend their facilities to ensure that the overflow crowd comes to them. People will vote with their feet. That is what will happen in Terrigal and that is what will happen in Toukley. This legislation is ill advised. It does not seek to single out the alcohol problem in our society; it simply seeks to single out a certain number of premises through the police link system, which provides that those who have incidents recorded on the police computer through its link system are somehow to be regarded as undesirable premises in the operation of their licences. The legislation ignores the fact that many of those premises are well policed and many of the incidents that are reported occur outside those premises—incidents over which the owners and operators of the premises and the upholders of the licences have no control. They have no control over what happens on our public streets.

If operators and licensees turn away people under the influence of alcohol, as is their statutory responsibility, and people on our public streets misbehave, that is something over which licensees have no control and it becomes an ordinary policing matter. One hotel in Terrigal that has had this problem for a long time is well policed and well run, but people leaving the premises and wandering the streets around the hotel cause problems. The security guards attached to that hotel have no powers on a public street and they can do nothing to control those persons. This State Government has allowed the number of police at Terrigal to drop, which effectively has resulted in the closure of Terrigal police station. In 2003—five years ago—we had

251 police in the Brisbane Waters Local Area Command, but we now have only 229. Terrigal police station operates virtually as a shopfront. This Government, which more than anything else wants to be seen to be doing something, is denying people their fundamental legal rights. The Government cannot be seen to be doing something in the area of public works because public work after public work has fallen off the agenda due to the financial crisis into which we have been placed as a result of its economic mismanagement.

The Government wants to be seen to be doing something in the area of violence caused by a misuse of alcohol. It is attempting to do that in such a way that it will not cost it anything—by penalising certain licensees and by rushing special legislation through this House to deny those licensees the right of access to the courts. Nobody denies that the misuse of alcohol in our society causes problems. Nobody denies that licensed premises must be properly policed and controlled, and the Opposition supports such a move. However, the Opposition does not believe that singling out a few premises and denying them the right to have the regulations imposed on them tested by the courts will address this community problem. It is beyond belief that some people do not realise that those who caused problems in premises X would not simply move to premises Y once premises X had been closed. I will read onto the record some advice given by a firm of solicitors—advice supplied to me by the member for Upper Hunter—which states:

Pursuant to this principle, a number of the 48 declared premises commenced proceedings in the Supreme Court of NSW seeking an urgent injunction to prevent the publication of the Regulation, with the hearing listed for 10am, 28 November 2008, ahead of the scheduled publication of the Regulation the Government Gazette at 2pm, 28 November 2008. The NSW Government published the Liquor Amendment (Special Licence Conditions) Regulation 2008 by way of special supplement to the Government Gazette 9am on Friday 28 November 2008, ahead of the 10am hearing for an urgent injunction in the New South Wales Supreme Court on Friday 28 November 2008. This early publication was the NSW Government's first attempt to subvert the premises' right to bring an action in an independent Court of law.

The second attempt to subvert this right was revealed in an article published in this mornings' edition of the Telegraph which announced that the NSW Government plans to pass urgent legislation to block the Supreme Court challenge by 9 declared premises against the recently introduced Regulations.

It is a denial of reality for the Minister and the member for Maitland to pretend that this legislation will not do that. It is surreal and it reveals disingenuousness on their part and on the part of the Government in their approach to this matter. More than that, this denial of people's fundamental rights to approach the courts, and this contempt of the court by introducing legislation to destroy the court's power to hear proceedings already on foot before the court, reflect badly on this Government, is a denial of the rule of law and shows that this Government must be brought down.

**Ms KATRINA HODGKINSON** (Burrinjuck) [8.30 p.m.]: I never thought I would say it but the Liquor Amendment (Special Licence Conditions) Bill 2008 exemplifies the death of democracy in New South Wales. We first saw this legislation this afternoon. Earlier this afternoon the Leader of the House told us that the Government would ram this legislation through this House and through another place today. He asked the Opposition to support the legislation, but we had not even seen it until this afternoon. Indeed, when a copy of the bill was emailed to the Leader of the Opposition this afternoon it stated that it would be introduced in another place, in the Legislative Council. But it has now been introduced into the Legislative Assembly. This Government is in disarray; it is in absolute reaction mode. It does not know if it is coming or going.

How can we trust what the Government tells us when it says a bill will be introduced in another place but it is introduced in this House? How can we trust the Government when it tells the major metropolitan press that the Opposition supports the bill and will be all bipartisan and lovely and humdinger? The Government cannot presume that the Opposition will support any piece of legislation that it puts through when it has not consulted us or followed the procedures of this place. In this place there is a five-day rule: Legislation is introduced by a Minister and he or she makes the agreement in principle speech, and then it lies on the table for five days. We are supposed to have time to consult third parties around the State, or around the nation or the world if appropriate. That gives us two days to get an email back from the third party before we work through the feedback against the legislation, take our position to shadow Cabinet, to the joint party room, formulate our joint decision as an Opposition and bring that position to this place.

The Opposition represents a large number of electorates, a lot of people and a vast area in New South Wales. For the Government to deny the Opposition the opportunity to consult with third parties on any item of legislation is absolutely abhorrent. For that reason, I often argue that we should never support legislation that is not subject to that five-day rule. I firmly believe that if legislation is introduced into this place the Opposition should have the opportunity to consult with third parties—to consult the industries involved and their colleagues



who represent hundreds of thousands of citizens of New South Wales. The Minister for Gaming and Racing, and Minister for Sport and Recreation may be flippant about this but I am certainly not. It is important for the Minister, as much as other Government members, to listen to what I am saying.

It is simply obnoxious for this bill to be rammed through all stages in this place and then in another place in one day. It shows that the Government is trying to hide something, as we know it is. The shadow Minister for Gaming and Racing led us through a lengthy contribution today, and I compliment him on that. Today he travelled to the Hunter to attend a funeral. He saw this bill when he arrived back in Sydney at roughly 5.30 this evening. We know from this morning's media what the legislation is about. Obviously the Government chose to brief the media rather than the Opposition—another thing that is becoming synonymous with the Government. Let us brief the media, let us run government by the media, let us not include the Opposition—despite the fact that it represents many hundreds of thousands of people in so many seats—we will simply hold all those people in contempt.

The separation of powers comes to the fore in this debate. When Pauline Hanson was elected to Federal Parliament she was asked: Do you know what the separation of powers means? She confessed; she said she had no idea. We know that the purpose of the separation of powers between the Executive, the Legislature and the judiciary is to enable all three branches to act as checks and balances on each other to prevent excesses of power, thereby ensuring the rule of law and protecting individual's rights. Pauline Hanson may not have known that, but I am sure all Opposition members are aware of the separation of powers. However, it appears that the Government does not while ever we have legislation rammed through this place that is subsequent to legislation that was passed the week before.

Several hotels want to challenge the legislation in the courts. The Government is ramming this legislation through in one day to try to beat the courts, to beat the judiciary, to topple the separation of powers. That is how ugly this Government has become. Many citizens of this fine State will be disgusted to know that the Government has finally breached one core item of our democracy: the separation of powers. We will not allow the Government to get away with that without a challenge from us. Can this legislation stand the test of 24 hours? Why is the Government trying to legislate itself out of trouble? Is the legislation flawed? Clearly, it is if it is threatening enough for the Government to ram this legislation through in one day. It is evidence of a Government in dictatorship mode. This is clearly the final death throes of a Government that, as I said, legislates by media release.

The Government legislates through the media. The Government and the Opposition are supposed to consult and make decisions. But no-one has been consulted on this legislation—not the hotels, the clubs or the Opposition. The Premier said that he expected Opposition support, without asking anyone in the Opposition. The Government is attempting to have democracy without scrutiny or consultation. It has become a dictatorship, although the Government knows that it has the numbers. Despite the Opposition's protestations, and despite the fact that we will oppose this legislation, the Government knows that it can get it through. The Government can ram through consecutive items of legislation while flouting the five-day rule—a rule set down in this place to give third parties, the citizens of New South Wales, the opportunity to look at bills that will become the laws of this State.

This bill is being rammed through this place without the citizens of New South Wales, the industries that will be heavily impacted by this legislation, people who frequent licensed premises, suppliers to licensed premises and groups in the tourism industry being given an opportunity to see it. The many industries, bodies, corporations and individuals who will be impacted by this legislation have not even seen it. Although this bill is before the House tonight, it is not yet on the intranet. People who are watching this debate over the Internet cannot read the bill because it is not available electronically. This is democracy at its absolute worst. I have already spoken about the need to have a clean separation of powers, and the Opposition strongly believes that. This is clearly legislation on the run. It is clearly, blatantly and obviously being put in place to try to defeat the court action being mounted by some hotels.

The Government knows that once again its legislation is extremely sloppy. Last week the Opposition tried to highlight the flaws in the legislation to the Government, but it did not listen. Now the Government is trying to play catch-up by ramming through this unwarranted and unwanted legislation. If the Opposition had had five days to look at the legislation the outcome might have been different. Opposition members may have been able to talk to third parties—the clubs, the hotels, the industry leaders, the tourism industry, the patrons and the suppliers to the hotels—and work through some of the issues in the legislation. Who knows? We will never know because we were never given that five-day opportunity.

Several Opposition members, including me, who have spoken in this debate have had only a couple of hours to look at this bill to compare it with similar legislation concerning this portfolio. I am most concerned that I cannot contribute to this debate on behalf of my electorate or industry players because I do not know how they feel about this bill. Parliamentary protocol has been breached. We know that the media was briefed before the Opposition was briefed. We also know that this legislation is being put in place to try to breach court action because the Government is nervous that the hotels will win that court action. For all of the reasons I have highlighted, I am in tune with the shadow Minister, the member for Upper Hunter, and other Opposition members who have contributed to the debate. I cannot support this bill. The Opposition oppose the bill.

**Mr GREG APLIN** (Albury) [8.42 p.m.]: This morning I was affronted by the attitude of the Premier, who assumed that the Opposition would automatically fall in line with a bill that it had not yet had the opportunity to read and examine. This evening I was further affronted by the Premier's attitude on television when he basically had the effrontery to suggest that the people who objected to his Government's proposed legislation would do it tough because it would be rammed through the Parliament regardless of any opinions to the contrary. I congratulate the shadow Minister, the member for Upper Hunter, on one of the finest speeches that has been made in this House in recent days. I compliment him not only because of its content but because he stood up for democracy. It is a sorry state of affairs when the Opposition has to remind the Government that it has the responsibility to uphold democracy in this State. Today the Government has abrogated that responsibility by introducing this bill at such short notice, over-turning rules that it introduced only last week, and on which I spoke, because it has a difference of opinion with some 48 licensed venues in this State.

**Mr Daryl Maguire:** Democracy is dead!

**Mr GREG APLIN:** Democracy in fact is dead, as the member for Wagga Wagga said, because this Government has singled out specific venues that it claims are at the root of all alcohol-related violence in this State. That is a ridiculous situation and members of the Government should hang their heads in shame. They have singled out specific venues when they have problems so great within their own party that they have to divert attention to individual licensees. I have no time for alcohol-related violence. I have walked the streets of Albury with the Local Area Commander and witnessed the problems. I have fought against it vigorously. But to think the Government can single out 48 venues and lay the blame on them for all the problems goes to the root of its problems in running New South Wales. It has inadequately resourced the police to undertake their responsibilities.

I will examine some of the 48 individual venues listed in the Liquor Amendment (Special Licence Conditions) Bill 2008. Where are the members who represent the electorates in which those venues are located? Where is the member for Sydney representing the Sydney central business district, Darlinghurst and Potts Point venues? Where is the member for Coogee speaking up on behalf of the venue mentioned in this list? Where is the member for Penrith? Madam Deputy-Speaker, you may consider relinquishing the Chair to speak on behalf of the four venues in Parramatta. Where is the member for Dubbo on behalf of the Commercial Hotel? Where is the member for Wollongong on behalf of the Glass House Tavern? Where is the member for Maitland regarding the Club House Hotel? Where is the member for Port Macquarie regarding the Altitude Nightclub? I do not call upon members to refer to alcohol-related violence but to explain what has been done to counter those incidents that have led to the inclusion of those venues on this list of 48?

This bill bears a strong relationship to a movie I saw some time ago that starred none other than Sean Connery and Catherine Zeta-Jones named *Entrapment*. In many ways this bill bears all the hallmarks of that particular type of activity. The Government has encouraged the venues to report incidents of alcohol-related violence. Then, having complied with its request, it has entrapped them and caught them with this bill, supposing that they alone, out of all the venues in this State, are responsible for the majority of the problems that we now encounter. The problem has been brought about by inadequate legislation, policing and law enforcement in the past. It might come as a surprise to the Minister to know that six of the 48 venues won industry awards for excellence and safety at an industry award presentation last week. At that time the industry did know of the imminent publication of this list. How does the Government reconcile those awards with this legislation rushed through this week? This legislation has been introduced in such a way that, as the shadow Minister said, it is a fancy list of supposed recalcitrant venues.

Last year I walked the streets of Albury with the Local Area Commander one evening between the hours of midnight and 3.00 a.m. I passed the Roi Bar, which is on this list. Outside that bar I witnessed a gentleman who had obviously consumed far too much alcohol during the course of the night. He had been

ejected from the bar. He brought up the contents of his stomach on the pavement and the people who cleaned it up were the licensees and their staff. Two years ago the Roi Bar joined the 1.30 a.m. lockout. It is a surprise that under item [2], new section 3 (1) the bill states:

The licensee of any declared premises must not permit patrons to enter the premises after 2 am ...

The Government has failed to take any action, to investigate this situation and to consult the Roi Bar and other venues at Albury. They have already adopted, well in advance of this legislation, the 1.30 a.m. lockout. What is more, they have also introduced the means of patrons acquiring transport to travel home. I know that the Minister recognised that last week and congratulated those venues in Albury for having introduced the Nightrider bus. That has already occurred and it goes to the heart of what should have been undertaken by the Government prior to this bill—that is, the adoption of these measures by licensees through the State without resorting to the imposition on 48 of the venues of this legislation at such short notice tonight.

Earlier this year I was contacted by a mother who said that her two sons and a friend, all 19-year-old boys in their first year out of high school, were walking up the street at about 12.30 a.m. having been out earlier in the evening to a movie and then to a pub. They were going to grab a pizza in Dean Street, Albury, but were attacked by some 30-year-old and 40-year-old well-built men. For some reason, an altercation occurred in the street. As the three boys were outnumbered two to one they were advised to take off and escape before an ugly brawl developed on the street. They did so. It might come as a surprise to the Minister for Gaming and Racing to learn that the security guard who tackled one of the offending assailants was none other than the security guard from the Roi Bar in Albury. It might also come as a surprise to the Minister to learn that security personnel at the Roi Bar contacted the police and informed them of the assault, and helped the young boys to escape in a taxi. The boys went to the police station, where they reported the incident.

Does the Minister know that that incident was reported as having occurred at the Roi Bar and was therefore included in its statistics? Once again, it is a clear case of entrapment. The security personnel did the right thing: they assisted people who were not even patrons of that venue. But the statistic counts against them. That is the fundamental flaw in this bill, but the Minister does not accept it. It is an error; the legislation is inconsistent. That is just one example, and I assure the Minister there will be many others. That is what happens when legislation is rushed through Parliament. The bill has received no scrutiny and no consultation. It is an affront to democracy in this State. There is absolutely no reason why the Opposition should support the bill.

**Mr BRAD HAZZARD** (Wakehurst) [8.51 p.m.]: I indicate my very strong concern about the Government's approach to dealing with the issue of alcohol-related violence through the introduction of the Liquor Amendment (Special Licence Conditions) Bill 2008, which seeks to override the opportunity for any litigant to bring issues before the Supreme Court for review. The great thing about living in a democracy is that there is separation of powers. Separation of powers is fundamental to ensuring the strength and the health of a democracy. No-one on the Liberal-Nationals side would be reluctant to see appropriate steps taken to address the problem of binge drinking and alcoholic excess. But the Government is out of control: It has introduced a bill that strikes at the very heart of the safeguards of democracy in this State. The bill shows us that the Premier is drunk on power, drunk on excess. The Premier either does not understand the concept of the separation of powers or is completely out of control.

My grave concern is that the bill seeks to attack the right of hoteliers who feel that they are being dealt with inappropriately through regulation by limiting their capacity to have the regulation reviewed by a court of this State, the Supreme Court. I point out to members who may not have paid a great deal of attention to the debate that a regulation was rushed through by this out-of-control Government. That regulation was brought forward in an attempt to avoid Supreme Court proceedings initiated by a group of hoteliers who felt aggrieved. Members should set aside the issue of whether all aspects of the aggrieved hoteliers' case were appropriate.

Tonight we are dealing with a fundamental issue of democracy—the separation of powers. We must ensure that no government is able to indulge in excess without the possibility of review by the Supreme Court of New South Wales. The situation is reminiscent to that found in Third World countries—some of them are our neighbours—that over the years have failed to understand the significance of the democratic process and the separation of powers. I hesitate to use this analogy, but the Premier is drunk on power in much the same way as is Mugabe in Zimbabwe. He has lost the plot. Members opposite can joke and jest, but the member for Maitland, as a lawyer, should understand this. He is grinning, but he should understand the concept of the separation of powers.

**Mr Frank Terenzini:** Point of order: I certainly do understand the separation of powers. The member for Wakehurst is misleading the House. I ask the member for Wakehurst to confine his remarks to the bill.

**The DEPUTY-SPEAKER:** Order! There is no point of order. The member for Maitland will resume his seat.

**Mr BRAD HAZZARD:** If the member for Maitland ever acted for himself, he would certainly have a fool for a client. As I was saying, the Government is out of control. Quite simply, the Government does not understand that its actions in introducing this bill show clearly and unequivocally that it does not understand the significance of the separation of powers. It is critical that the Executive, the Legislature and the judiciary maintain a distance, and that the Supreme Court has the right to review the actions of Parliament and the regulations that are made pursuant to legislation by this Parliament. The Government clearly does not appreciate that it is striking at the very heart of democracy. When a government does not have enough confidence in its own regulations to allow them to stand on their merits, to allow them to be reviewed properly, and to allow an appropriate judicial decision to be made in regard to their substance and appropriateness, quite simply that government should not be in office.

Many issues pertain to the problem of alcohol use in the community, but that is not the core of the debate tonight. We are debating a bill that is being rammed through in the last week of the parliamentary sittings for this year, at a time when members want to be in their electorates to attend events such as school speech days that occur annually at this time. We will have to explain to our school communities that the New South Wales Government introduced this bill because it was no longer prepared to allow its regulations to be reviewed by the Supreme Court. This is a very bad precedent. But perhaps the Minister for Gaming and Racing does not think so.

**Mr Kevin Greene:** I do not think it's a bad precedent, no.

**Mr BRAD HAZZARD:** You do not think so?

**Mr Kevin Greene:** No.

**Mr BRAD HAZZARD:** So you think it is a great idea.

**The DEPUTY-SPEAKER:** Order! The member for Wakehurst will direct his remarks through the Chair.

**Mr BRAD HAZZARD:** The Minister is responding; I am allowed to respond to his interjections.

**Mr Kevin Greene:** I did not interject; you asked me a question.

**Mr BRAD HAZZARD:** So the Minister for Gaming and Racing is not prepared to stand up for the right of the gaming and racing community—the right of the entire community—to have legislation reviewed by the Supreme Court? Does the Minister claim that this bill is acceptable?

**Mr Kevin Greene:** Obviously.

**Mr Gerard Martin:** What about your expertise in looking after old ladies' wills.

**Mr BRAD HAZZARD:** It does not surprise me that the member for Bathurst would think it is acceptable.

**The DEPUTY-SPEAKER:** Order! Members will cease interjecting. Hansard is having difficulty hearing the member for Wakehurst.

**Mr BRAD HAZZARD:** The issue is simply that a court must be entitled to review the process. The member for Bathurst sits there making silly comments and perhaps does not understand what the Government is doing tonight. The Government is the purveyor of a principle that strikes at the very heart of the democratic safeguards that we have in this State. Time after time, both Labor and Liberal members meet dignitaries from foreign countries—it occurred as recently as yesterday—and we talk about the principles of democracy. We try to convey to them the idea of democracy and freedom. We try to make sure our international neighbours understand why this State and this nation are so great. It comes back to the issue of democratic principles safeguarded by the basic principle of the separation of powers. There is no jesting about it. There is no room to debate the removal of the separation of powers. The principle is fundamental. Yet tonight we have before us a bill that seeks to remove the right of a group of people to apply to the Supreme Court to have their issues resolved.

I cannot believe the Rees Government has descended to this level. The shadow Minister talked about this Government being in its death throes. I would say that it has become comatose along the way, because it no longer sees the reality of what it is doing. I know there are intelligent and capable members of the State Labor Party who would be very concerned about this bill. The Government has broad-brushed its approach to this issue. It has been sheltered behind a concern for alcohol abuse, which we all share, but there is no way the Labor caucus should have agreed to this bill. The Government is setting a very dangerous precedent. It is about as logical as saying to the member for Bankstown that he cannot have his day in court. Of course he can, as each one of us could if there was an allegation of abuse of government power or authority. Of course he should, of course we should, and of course these people should. There is no justification whatsoever for this bill.

**Mr DARYL MAGUIRE** (Wagga Wagga) [9.02 p.m.]: I move:

That this debate be now adjourned.

**Question put.**

**The House divided.**

**Ayes, 39**

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

**Noes, 46**

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

**Pair**

Mrs Hopwood

Ms McKay

**Question resolved in the negative.**

**Motion for adjournment of debate negatived.**

**Mr ROB STOKES** (Pittwater) [9.11 p.m.]: I oppose the Liquor Amendment (Special Licence Conditions) Bill 2008 in accordance with the basic democratic right of every citizen of this State to have his or her day in court. This bill seeks to oust the jurisdiction of the court and deny a citizen or a group of citizens the right to have their day in court. This is an ideal recipe for undermining democracy in this State, creating disillusionment with our system and exacerbating conflict. If this were a contract it would be illegal. A contract cannot contain a provision that seeks to oust the jurisdiction of the court. Policy by special legislation is bad policy. The famous jurist Sir Owen Dixon speculated that in order to ensure that power was not concentrated in a too-centralised set of hands we should have separation of powers, and we should separate the various functions of government into the judicial arm, the executive arm and the legislative arm.

The Executive Government through its control of the Legislature is seeking to muzzle the judiciary through this bill. This is bad law and bad policy, and it sets a bad precedent for other areas of public policy. It is always wrong to seek to oust the jurisdiction of the court. The Government can allow the matter to be heard before a court, and then it has the sovereignty of Parliament. At that stage the Government is more than welcome to introduce whatever laws it likes. However, through this bill the Government seeks to deny the citizens of this State their democratic right to seek a court hearing. By definition, that is simply bad policy. Any law that seeks control without allowing an appeal procedure and that seeks to muzzle the citizenry is bad law, and for that reason should be opposed.

**Mr KEVIN GREENE** (Oatley—Minister for Gaming and Racing, and Minister for Sport and Recreation) [9.14 p.m.], in reply: I thank members for their contributions to the debate. The Liquor Amendment (Special Licence Conditions) Bill 2008 demonstrates the Government's commitment to reducing alcohol-related violence. I shall make some brief comments about the purpose of this legislation. This bill simply transfers the Government's proposed special licence conditions from the Liquor Regulation 2008 to the Liquor Act 2007.

**Mr Andrew Fraser:** Why?

**Mr KEVIN GREENE:** For the edification of those opposite, I will repeat it. This bill simply transfers the Government's proposed special licence conditions from the Liquor Regulation 2008 to the Liquor Act 2007. Special licence conditions were announced by the Premier on 30 October 2008, approved by the Governor and gazetted last week. They were in the public domain for more than one month. The community strongly supports these measures. The bill will not stop the court proceedings from continuing—I add that the Government is vigorously defending those proceedings. We are codifying what is already in the regulation. Without this legislation there would be uncertainty because any proceedings and appeals could drag on for months. This bill puts the matter beyond doubt so that we have strong and effective liquor laws over the summer months. I commend the bill to the House.

**Question—That this bill be now agreed to in principle—put.**

**The House divided.**

**Ayes, 50**

Mr Amery	Mrs Fardell	Ms McMahon
Ms Andrews	Ms Firth	Ms Megarritty
Mr Aquilina	Ms Gadiel	Mr Morris
Ms Beamer	Mr Gibson	Mrs Paluzzano
Mr Besseling	Mr Greene	Mr Pearce
Mr Borger	Mr Harris	Mrs Perry
Mr Brown	Ms Hay	Mr Piper
Ms Burney	Mr Hickey	Mr Sartor
Ms Burton	Ms Hornery	Mr Shearan
Mr Campbell	Ms Judge	Mr Stewart
Mr Collier	Ms Keneally	Ms Tebbutt
Mr Coombs	Mr Khoshaba	Mr Terenzini
Mr Corrigan	Mr Koperberg	Mr Tripodi
Mr Costa	Mr Lynch	Mr Whan
Mr Daley	Mr McBride	<i>Tellers,</i>
Ms D'Amore	Dr McDonald	Mr Ashton
Mr Draper	Mr McLeay	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 Debnam	Mr O'Dea	Mr J. H. Turner
Mr Dominello	Mr O'Farrell	Mr R. W. Turner
Mr Fraser	Mr Page	Mr J. D. Williams
Ms Goward	Mr Piccoli	Mr R. C. Williams
Mrs Hancock	Mr Provest	<i>Tellers,</i>
Mr Hartcher	Mr Richardson	Mr George
Mr Hazzard	Mr Roberts	Mr Maguire

**Pair**

Ms McKay

Mr Constance

**Question 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.**

**INSTITUTE OF TEACHERS AMENDMENT BILL 2008****Agreement in Principle****Debate resumed from 25 November 2008.**

**Mrs KARYN PALUZZANO** (Penrith—Parliamentary Secretary) [9.24 p.m.]: I support the Institute of Teachers Amendment Bill 2008. Implementation of the Institute of Teachers Act 2004 means that all teachers in New South Wales must meet minimum qualification requirements. Schools can no longer employ teachers possessing no academic qualifications. In addition, the Institute of Teachers Act 2004 requires that all new teachers employed in government and non-government schools demonstrate standards of professional competence after a period of employment as a teacher. The standards cover content such as professional knowledge, professional practice and professional commitment. The standards were developed for New South Wales teachers by New South Wales teachers. The standards make clear what teachers must know and be able to do. Similarly, teachers now know what is expected from them.

Underperforming teachers are able to identify areas where improvement is necessary and work to achieve that goal. The standards are comprehensive and practical. They are not the result of the latest theory or fad; they are commonsense standards that reflect the professional experiences and expertise of teachers. The accreditation standards state, "Teachers know the content and how to teach it", or, "Teachers are able to effectively manage classroom behaviour". For classroom teachers, the standards provide a fair and more transparent basis for recruitment, selection, performance, management, transfer and possibly promotion.

The community and parents also benefit. They can be assured that, wherever their children attend school, they will be taught by a qualified, first-class teacher—the type of teacher who will make a difference in their lives. The standards describe levels of performance in all aspects of teaching, which include being up to date and knowing their subject area; being able to teach the subjects to their students; being able to assess students and give them useful feedback about their learning; being able to manage a class; being able to communicate with students, parents and the broader community; and knowing and understanding the syllabus and assessment requirements.

Well over 5,000 new teachers in New South Wales have been accredited at the level of professional competence through their consistent demonstration of the standards. The teaching profession's response to these standards has been overwhelmingly positive. Teachers are basing professional conversations about their work and the work of their colleagues on the standards. This professional dialogue is now extending beyond new scheme teachers, their mentors and supervisors. Experienced teachers are volunteering their time as external assessors to assess the accreditation reports of the new scheme teachers. External assessors receive training in this assessment task in collegiate groups of teachers who discuss the standards, their application, achievement, and demonstration by new scheme teachers. With the implementation of voluntary accreditation at the higher levels, the language and values of the standards will begin to permeate schools throughout the State. Given the generational change that is taking place in the teaching profession, it will not be long before most teachers in New South Wales are accredited against the standards.

However, as the Act stands now, there are limits to the employers' ability to fully implement some of the provisions of the Act. A condition of a teacher's accreditation is the payment of the annual accreditation fee. At the moment if a full-time teacher does not pay the fee the only option available to most employers is suspension of the teacher on full pay. The amendments to sections 29 and 25 and new section 42A ensure that teacher employers can fulfil their responsibilities under the Act. Other proposed amendments that tighten up teacher employers' responsibilities and powers are those dealing with general grounds for revocation of accreditation. Currently the Act treats government and non-government school teachers differently. First, the proposed amendments remove this potentially problematic situation. They also provide far more specific grounds for the revocation of accreditation.

Importantly, these amendments will enable a teacher accreditation authority to suspend a teacher's accreditation if that teacher has been charged, for example, with a serious offence. Comprehensive measures must be put in place to ensure that children and young people in New South Wales are protected from inappropriate teachers. However, at the same time there must be procedural fairness for teachers accused of misconduct. The proposed amendments to the general grounds for revocation of accreditation will achieve that all-important balance. In addition, the institute will develop guidelines to assist teacher employers in deciding whether to suspend or revoke a teacher's accreditation. None of the proposed amendments to which I have referred in any way contradicts the original intent of the Institute of Teachers Act. When the Institute of Teachers Bill was introduced in this House on 2 June 2004 I said:

The institute will ensure that a teacher's knowledge of the specific content areas does not stagnate upon graduation from university. Teachers, as educators, should be members of a profession that provides exemplary professional training and learning.

Nothing has changed since I made those comments in 2004. I continued:

Teacher professional development should be the forefront of approaches to continuing education of the work force. A core function of the Institute of Teachers is to assure teachers, schools, the community and the Government that professional learning of teachers is of a high quality and contributes to the development of the profession.

Those key aspects in the Institute of Teachers Bill 2004, which have been rolled out in New South Wales, exemplify fundamental issues for teachers in our schools. Many thousands of teachers in our primary and secondary schools require the best possible professional development. Teaching practices and methods are constantly changing, but all students throughout New South Wales must be afforded quality learning experiences. The Minister for Education and Training, who is in the Chamber, would be aware that the core business of schools in New South Wales is quality teaching and learning. These amendments will enable the institute and teacher employers to fulfil the aims of the Act, thus ensuring the maintenance of our continued high-quality teacher workforce. I commend the bill to the House.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [9.32 p.m.]: The Institute of Teachers Amendment Bill 2008 aims to correct existing anomalies in the Institute of Teachers Act. It is a shame that this important bill is being debated this evening—on the same day on which the Minister's office provided a legislative briefing to the Opposition. It is unreasonable to expect Opposition members to consider an important bill, without consulting widely with the education community, on the same day that the Government expects to finalise it. On that basis the Opposition would have every right to oppose this bill. The Government must get its act together. When the Minister introduced this bill last week she had plenty of opportunity to brief Opposition members. I will not go on bended knee to ask for a briefing if the Government wants to pursue its legislative agenda. As we near the end of the sitting year the Government's legislative program is a shambles.

**Ms Sonia Hornery:** Point of order: The Leader of The Nationals should refer to the leave of the bill, which is not about the Government's agenda. Rather, it is about the Institute of Teachers Bill.



**ACTING-SPEAKER (Mr Matthew Morris):** Order! I remind the Leader of The Nationals, as I am sure he is acutely aware, that—

**Mr ANDREW STONER:** What is the point of order?

**ACTING-SPEAKER (Mr Matthew Morris):** Order! The point of order relates to relevance. Nevertheless, I ask the member to continue.

**Mr ANDREW STONER:** To the point of order: This matter is relevant as it refers to giving Opposition members an opportunity to consider an important bill. I am sure that the education community and the wider community would like an adequate opportunity to have input on this important bill. My preliminary comments were relevant to the consideration of this legislation.

**ACTING-SPEAKER (Mr Matthew Morris):** Order! I asked the Leader of The Nationals to continue with his contribution. He should do that if he so wishes.

**Mr ANDREW STONER:** I thank the Acting-Speaker for his partisan ruling. Teachers must maintain a certain standard. We know from many studies that the quality of teachers determines the results achieved by students. Students in the New South Wales school system must remain at the vanguard of educational achievement. Without well-educated and highly competent teachers we cannot expect to provide our children with the world-class education they need to compete in the global economy, which is why we must strive to improve teaching standards in New South Wales.

The Opposition will always support endeavours to improve and maintain teaching standards. Improving teaching standards is not just about attracting and retaining the best and brightest to the teaching profession; it is also about offering recognition and status to those who choose a teaching career. It was with that in mind that the Institute of Teachers Bill 2004 received bipartisan support when it was introduced in this House over four years ago. That piece of legislation was aimed at improving the status of teachers and the quality of teaching. It did that by providing standardised accreditation and professional development opportunities for all teachers.

The Institute of Teachers Amendment Bill 2008 seeks to further refine the original legislation. These changes follow a review of the Institute of Teachers Bill 2004, which was legislated for in that original Act. Key changes to the Act include: enabling more teachers to gain accreditation, including early childhood teachers and other categories of teachers; making the grounds for revocation of accreditation consistent with dismissal from employment and across all educational sectors; a capacity for the Institute of Teachers to charge fees to secondary providers of professional development courses; making changes to the election of members to the Quality Teaching Council to allow time for more teachers to gain accreditation; and other changes, including the tightening of the definition of "returning teacher", the suspension of teachers without pay for non-payment of fees, with the Act to be further reviewed in five years time.

These changes have been put together following consultation with education stakeholders. I have spoken with key educational stakeholders, including the New South Wales Teachers Federation, the Catholic Education Commission, and the New South Wales Association of Independent Schools and they all indicated that they had no problems with the provisions in the bill. As the bill is fairly non-contentious the Opposition will not oppose it, despite my earlier comments. However, I inform the Minister that if she wants us on side—and we will be on side with commonsense legislation—she should give us a reasonable opportunity to consider provisions in legislation such as this. Having said that, the Opposition supports the Institute of Teachers Amendment Bill 2008.

**Ms SONIA HORNER** (Wallsend—Parliamentary Secretary) [9.39 p.m.]: At the heart of any professional's life is the imperative to keep learning throughout his or her career. It is a folly to think that once someone has completed his or her tertiary qualification the formal learning part is over. The opposite is the truth. Teachers who commence their career have a career of learning in front of them. When the Institute of Teachers began its work the need for professional development, linked to professional teaching standards, was a necessity. Through professional development, teachers are obliged to maintain their standard of accreditation against the professional teaching standards. This will also support their quest for accreditation at the higher levels of Professional Accomplishment and Professional Leadership, which became available earlier this year.

Professional development strengthens teachers' knowledge base and supports their commitment to effective teaching and learning. It allows teachers to build and refresh their skills and to take charge of their

professional development. The institute's vision for continuing professional development of our teachers was the result of extensive consultation with working teachers, employers, teacher professional groups and industrial representatives. Its goals are to increase teachers' access to high-quality professional development programs and courses; enable professional development providers to provide high-quality continuing professional development; assist teachers to maintain their accreditation at the level of professional competence; support the knowledge, skills and capabilities of teachers by providing appropriate recognition for undertaking continuing professional development; increase teacher participation in continuing professional development; and enable teachers to take responsibility for their continuing professional development.

It is also about maintaining accreditation at the professional competence level. As the Leader of The Nationals said, teachers must do a minimum of 100 hours of professional development over a five-year period. So it is an extensive form of accreditation and learning, which is important. Half of that time must comprise teacher-identified professional development such as seminars, forums, and contributions to professional journals. The other half is undertaking registered continuing professional development courses or programs presented by institute-endorsed providers. These are courses or programs mapped to the requirements of the professional teaching standards. Participation is logged online with the institute and, importantly, teachers have the opportunity to evaluate the course or program as part of the institute's ongoing quality assurance commitment.

If teachers fail to achieve their mandatory professional development requirements they may have their accreditation suspended. To put it simply, they will not be able to work as teachers until they have fulfilled their professional and legislated requirements. It is a responsibility to the law, to themselves, to their profession, to students and to the community. In order for a provider to be endorsed and their courses registered the institute has a rigorous process of quality assurance. The provider must complete a detailed application and a clear outline of how their courses address the professional teaching standards. This often requires negotiations with the institute to ensure the appropriateness of the application and, in particular, that their proposed courses address the standards.

The quality of all courses is assured by a standing committee of experts. Their advice is then forwarded to the Quality Teaching Council, the institute's governing policy body made up of appointed and elected teachers and representatives, for endorsement. It is a process essential to establishing and maintaining high quality professional development for our accredited teachers. This mandatory requirement also offers a compelling commercial opportunity for the providers of professional development. The absence of a specific or general capacity to charge fees within the Act means that there was no formal legal basis to charge fees, aside from specific fees for the annual accreditation of teachers. The recent consultations have reiterated the need for the institute to be able to levy fees in other areas. The result of those consultations is the Institute of Teachers Amendment Bill, which gives the institute the capacity to charge fees.

The legislated capacity will give the institute the opportunity to charge the registered providers of professional development a fee appropriate to recoup the institute's costs for the registration of providers and endorsement of their courses. What it offers to both providers and to the people of New South Wales is a win-win public-private sector partnership. More importantly, it supports the work of the teaching profession to maintain and foster teaching of the highest quality in every school in this State. The Leader of The Nationals agrees with the legislation and understands the need for ongoing professional development for teachers, because it benefits not only teachers but also students. The member also supports the improved status of teachers. I commend the Leader of The Nationals for his comments in that regard.

**Ms VERITY FIRTH** (Balmain—Minister for Education and Training, and Minister for Women) [9.45 p.m.], in reply: I thank all members for their contributions to this debate on the Institute of Teachers Amendment Bill. I thank the shadow Minister for Education and Training. I am glad that the bill has bipartisan support. I also thank my colleagues the member for Wallsend and the member for Penrith, who is the Parliamentary Secretary for Education and Training. Both of them were teachers before they became parliamentarians and therefore can speak with authority and experience on these issues. The strategic importance of assuring the quality of teaching in our schools has never been higher than it is now. To emphasise this point, last weekend's Council of Australian Governments meeting agreed to implement a range of critical reforms focusing on teacher quality.

The reforms are described in a national partnership called "Smarter Schools Quality Teaching". The reforms outlined in this national partnership reflect for the most part functions that are already being implemented under the New South Wales Institute of Teachers Act. New South Wales has led the policy agenda

in the area of teacher quality. The amendments included in this bill further strengthen the capacity of the Institute of Teachers to support quality teaching in New South Wales. Since the Act was implemented in 2005 there has been a quiet revolution across schools. When teachers commence their teaching career they are provided with a structured induction into the profession. All beginning teachers now receive induction and support that is based on professional teaching standards. When a teacher has met the requirements of the standards they are accredited at Professional Competence.

Practising teachers work with the institute to assure the consistency of these accreditation decisions across all schools. Teachers are required to maintain this professional standing over a five-year cycle. An integral part of this maintenance includes mandatory professional development. This provision is registered by the institute on the basis that it aligns to the professional standards and is high quality. The institute also works closely with universities to support the quality of teacher training. All programs of teacher preparation are assessed by practising teachers applying quality criteria. Every graduate must have met graduate teaching standards before they can start teaching. This means that beginning teachers will be better prepared for the realities and complexities of the classroom.

In May this year teachers were given the opportunity to apply for higher levels of recognition based on the professional standards. This accreditation recognises and celebrates outstanding teachers and teaching. Accreditation at this level has not been implemented in any other State or Territory. This is pioneering work. The Institute of Teachers uses respected practitioners to develop policy and then subjects its draft policy to widespread consultation across the profession. As a result, the policy and procedures of the institute and indeed the amendments in the Institute of Teachers Bill reflect the hard work of all interest groups in the education sector. I will briefly summarise the main amendments. The amendments expand the definition of "teach" and "teacher" to give increased flexibility to address the potential accreditation of some early childhood teachers or other categories of teachers.

The provisions for the revocation of teachers' accreditation for misconduct has been clarified to support consistent application across all schools. Should a teacher be investigated for serious misconduct, their accreditation can be suspended, ensuring that they cannot be employed by another school during this investigation. Teachers can also be suspended for failing to meet the conditions of their accreditation. Currently some teachers are able to avoid the need to upskill on return to employment because they are considered to be employed even though they have been on extended leave for up to 10 years. This technical loophole has been addressed by tightening the definition of "returning teacher" to refer to absence from paid employment. I thank all stakeholders of the Institute of Teachers for their contributions to this bill. They have demonstrated through their multilateral support for the institute their commitment to the future of the teaching profession and of quality education in New South Wales.

**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.**

### **SUPERANNUATION ADMINISTRATION AMENDMENT (CHIEF EXECUTIVE) BILL 2008**

#### **Agreement in Principle**

**Debate resumed from 27 November 2008.**

**Mr MIKE BAIRD** (Manly) [9.50 p.m.]: I lead for the Opposition on the Superannuation Administration Amendment (Chief Executive) Bill 2008. At the outset I say that the concept of paying a market rate to attract experts to critical roles of government is something that the Opposition is very supportive of. However, at this point the Opposition opposes this bill for a number of reasons. The Opposition believes it is poor principle to have a single piece of legislation for a single appointment. It also understands that the bill

requires the State to pay a salary that exceeds the current maximum for chief executive officers, but it is not a cost issue. The Opposition supports paying the market rate but it thinks it should be done under the current existing terms and conditions in place to enable such appointments.

Currently the chief executive officer of the SAS Trustee Corporation [STC], known as State Super, is employed under terms and conditions set by the Chief Executive Service under the Public Sector Employment and Management Act 2002. However, the object of this legislation is to enable the chief executive officer of State Super to be appointed by the STC Board on terms and conditions set by the board, with the approval from the Minister. To achieve this objective, schedule 1 to the bill amends the Superannuation Administration Act 1996 and schedule 2 amends the Public Sector Employment and Management Act 2002. I will look at the background. The Chief Executive Service and the Senior Executive Service were established in the New South Wales public sector in 1989. They include eight remuneration levels that are set by the Statutory and Other Officers Remuneration Tribunal, known affectionately as SOORT. Within those levels the maximum package allowed is \$428,900 with allowances, or close enough to \$450,000. The remuneration levels are reviewed annually and were last increased on 1 October this year with the chief executive officer level rising by 5.3 per cent.

The Opposition's main concern is that SOORT can make special determinations on issues referred by the Minister. I look forward to hearing the Minister's response to that issue. Within that context we would assume that an issue referred by a Minister would cover contexts such as total remuneration packages for critical executives at critical times. Certainly that is where we see this appointment at this particular point. Another concern is that the bill effectively takes this one appointment of the chief executive officer of State Super out of the hands of SOORT and it becomes the only job that is effectively removed from SOORT's hands. It provides the opportunity for effectively unchecked ministerial appointment on any terms determined appropriate by a small group of people. Now one piece of legislation for one appointment, in any parlance, has to be viewed as inefficient, messy and not necessarily a good rule to follow. Certainly in human resources parlance a HR structure is never performed around a single person. We should certainly not have a single piece of legislation for one person; our entire public service comprises more than 300,000 people.

The Opposition supports the market rate. The bill will enable salary to be offered above the current maximum of approximately \$450,000 and, unlike other issues, this is not a cost issue. The Opposition supports market-based pay. It supports employing the best people from the market. However, its strong stance is that it should be determined within the existing framework. SOORT has a mechanism for special determinations. Why is SOORT not being utilised for this appointment? Why at 10.00 p.m. on the Tuesday of the last sitting week of the year are we trying to pass legislation for a particular appointment? The Opposition understands the importance of the chief executive officer position. The chief executive officer has responsibility for managing an investment portfolio of all public servants of a huge amount of money. It is approximately \$34.2 billion. Over the past 12 months, while the position has been vacant, the value of superannuation has been collapsing. The Opposition drives home that criticism to the Government.

First State Super losses of 6.8 per cent as at year end were higher than the industry average and equivalent at that time to the funds under management of almost \$1 billion. In comparison in the same climate the Future Fund of \$63 billion lost a mere 1.81 per cent—markedly less. The concerns of collapsing values in State Super funds are coupled with the unfunded superannuation increasing by \$7 billion, which has also significantly increased. The mini-budget detailed that we have collapsing values and a huge ballooning future superannuation liability obligation. And we do not have a chief executive officer in place. The question is: Why has it taken 12 months to secure such a role at such a critical time? The Government's failure to attract and recruit someone into this position has a substantial impact on the super of the State's public sector workers.

I have no idea why the Government decided not to put any increased contributions to the ballooning unfunded superannuation liabilities in the mini-budget. I believe we will be debating the mini-budget tonight, so maybe we can look at it in more detail then. Not only do public servants have the problem of their super significantly reducing in value at the moment, but also future obligations are increasing and we are not doing anything to mitigate that concern. The Opposition believes that the Government has let down front-line workers—teachers, police officers, nurses and firefighters—because their super has been let to diminish in value without anyone overseeing it and being recruited into this role of chief executive officer to drive this process. This has been described as a once-in-a-century crisis. In such a crisis we need the best possible management team in place to address the concerns and guide us through stormy water. Who knows what would have happened if a chief executive officer had been effectively in place, regardless of who was in the position? For 12 months the position has been vacant—so there must be a temporary appointment. We need someone there securely making long-term decisions at this critical juncture.

If a basic investment profile is used with a mix of Australian equities and international equities, using the Dow Jones Index as a comparator for international indices, this week 12 months ago when we started to look to fill this position the All Ordinaries Index was 6,419.6. Last week the All Ordinaries opened at 3,397—that is a fall of 47 per cent in equity value. The Dow Jones, using that as an international comparator, a year ago this week was 12,980 points. Last week the most recent close was 8,048—a fall of 38 per cent. If those two falls are averaged, it is close enough to 42 or 43 per cent. It means we have potentially lost, if that was the investment profile pursued, \$6.45 billion in superannuation values. Clearly, we do not know the exact number but we know that many billions of dollars have been lost in State Super funds while we have been searching and trying to recruit a chief executive officer for this critical job at this critical time.

The Opposition opposes this bill and condemns the Government for failing to recruit a chief executive officer to State Super for more than 12 months. There could not have been a worst possible time to dither in relation to securing a top executive. The Opposition has said that, from its reading, SOORT certainly has all the mechanisms to make special determinations. Clearly, this should have been it. Where was the Premier? Why did he not inject himself into this appointment process? How can we be in a position where every single public servant's superannuation is at risk at the most volatile time in the history of recorded superannuation? There is no chief executive officer. Meanwhile, the Future Fund, with a sound management structure in place, has lost 1.8 per cent, but we have lost potentially billions of dollars while waiting for this recruitment to occur.

The Opposition does not oppose paying market rates to attract the appropriate person to this important position. That amount needs to be paid. However, we do not understand why the tribunal has not supported it, and we do not understand why the Premier has not intervened to make it happen. At the same time, we support an independent tribunal process that has access to market figures and is a mechanism for Ministers to ensure that the best possible people are in the best jobs. We urge the Government to make this appointment. As we wait, the superannuation of all public servants continues to be at risk until that appointment is made.

**Mr ROB STOKES** (Pittwater) [10.00 p.m.]: I oppose the Superannuation Administration Amendment (Chief Executive) Bill 2008. The comprehensive contribution of my colleague and friend the member for Manly left not a great deal for me to say, except to muse on the fact that it is of interest that for more than 12 months the SAS Trustee Corporation [STC], known as State Super, has tried to recruit a chief executive officer to manage an enormous investment portfolio. The main reason given for that failure was a lack of competitive remuneration. One might also wonder whether anyone wants to work for the current Government. However, that is a reflection for another time. During the period in which State Super has tried to recruit a chief executive officer, the funds managed by First State Super experienced losses of almost 7 per cent, which is higher than the average within the superannuation industry, and equivalent to almost \$1 billion in losses. In addition, the unfunded superannuation liabilities of the government sector were increased in the mini-budget by about \$7 billion over the forward estimates period.

As the member for Manly suggested, there is a gaping hole. The SAS Trustee Corporation is rudderless: there is no-one at the top. The object of the bill is the recruitment of just one public servant, and it effectively gives the SAS Trustee Corporation Board the power to recruit a chief executive officer completely outside the terms and conditions set up by the statutory tribunal that was established to recruit people for these positions. Schedule 1 [1] to the bill amends section 50 of the Superannuation Administration Act 1996 by inserting among the principal functions of the SAS Trustee Corporation the ability to employ a chief executive officer of the STC after—and this is ironic—the statement that "STS cannot employ any staff". It cannot employ any staff, other than the person who is to head the whole organisation. That makes a nonsense of the existing functions of the STC.

One of its key functions was to not employ staff, but now that is to be amended to allow it to employ the member who is to be in charge of all staff. Frankly, the bill was introduced as a quick fix to a problem. It is not a good idea to introduce a bill simply to recruit one position that the Government is unable to fill. It is not consistent with the other objects of the STC. Its principal functions are not to recruit staff or a chief executive officer; its principal functions are to manage its investment portfolios and to administer the SAS Trustee Corporation. The corporation is not a staff recruitment agency. I am concerned that the bill gives enormous power to the board and then the Minister to recruit someone outside the ordinary processes established under the Statutory and Other Officers Remuneration Tribunal. For that reason I join with my colleague in opposing the bill.

**Mr STEVE WHAN** (Monaro—Parliamentary Secretary) [10.04 p.m.], in reply: The Superannuation Administration Amendment (Chief Executive) Bill 2008 is a sensible bill that deals with a problem that is

acknowledged by the Opposition. Strangely, it then said it would oppose the mechanism to fix the problem. I find it odd that the Opposition spokesman would talk about risking public servants' superannuation while waiting to fill the chief executive officer position, but then oppose the mechanism to do so. That position is completely different from any other public sector position in the State. It may require a salary that is way out of the realms of the usual tribunal salaries. In fact, the SAS Trustee Corporation [STC] is the biggest superannuation fund in Australia.

It is quite bizarre that the Opposition, which claims to be the advocate and guardian of free enterprise, opposes a market-style model for this position where the salary is effectively determined by the STC Board. There must be more to this than we have seen, another effort to oppose for the sake of opposition, without yet again providing an alternative proposal. The bill is sensible and it will help overcome the problem of not being able to recruit this position for 12 months. It is a critical time, but the comments of Opposition members on many billions being lost as a result of the position not being filled ignore that losses are occurring in superannuation funds around the world. That is a factor of the present market conditions. Nevertheless, this sensible bill is aimed at ensuring that the chief executive officer position is remunerated equivalent to similar funds across Australia. The bill should be supported. I commend the bill to the House.

**Question—That this bill be now agreed to in principle—put.**

**The House divided.**

**Ayes, 45**

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

**Noes, 38**

Mr Aplin	Mrs Hancock	Mr Roberts
Mr Baird	Mr Hartcher	Mrs Skinner
Mr Baumann	Ms Hodgkinson	Mr Smith
Ms Berejiklian	Mrs Hopwood	Mr Souris
Mr Besseling	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
Mr Dominello	Mr Page	Mr J. D. Williams
Mr Draper	Mr Piccoli	Mr R. C. Williams
Mrs Fardell	Mr Piper	<i>Tellers,</i>
Mr Fraser	Mr Provest	Mr George
Ms Goward	Mr Richardson	Mr Maguire

**Pair**

Ms McKay

Mr Hazzard

**Question 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.**

#### **RURAL LANDS PROTECTION AMENDMENT BILL 2008**

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

#### **STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO 2) 2008**

**Message received from the Legislative Council returning the bill with an amendment.**

#### **Consideration in Detail**

**Consideration of the Legislative Council amendment.**

*Schedule of amendment referred to in message of 2 December 2008*

No. 1 Page 11, schedule 1.10, lines 19–30. Omit all words on those lines.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [10.15 p.m.]: I move:

That the House agree to the Legislative Council amendment.

**Mr Adrian Piccoli:** What is the question?

**The SPEAKER:** Order! The question is, That the House agree to the Legislative Council amendment.

[*Interruption*]

**The SPEAKER:** Order! It is not the place of the Speaker to do that.

**Mr Adrian Piccoli:** They get plenty of latitude to have time when they are bungling the business of the House.

**Mr JOHN AQUILINA:** If Opposition members are not up to what is happening in the House, it is their problem, not ours. As I explained in my reply to the Statute Law (Miscellaneous Provisions) Bill (No 2), if members objected to any issue in relation to those bills the Government would agree to have those provisions deleted from the bill. Various amendments have been moved in the upper House. The Government wished to proceed in relation to the Statute Law (Miscellaneous Provisions) Bill and certain matters have been deleted. If that is their wish and if they wish to deal with them in another way, the Government accommodates them. They are the amendments that we agreed to.

**Mr Andrew Fraser:** Point of order: If a bill comes from the other place with an amendment surely the members of this place are entitled to know what the amendment is and how it affects the legislation. To put through a motion without the amendment being provided to and discussed by the members of the Opposition is an arrogance that is totally unacceptable.

**The SPEAKER:** Order! I will put the question.

**Mr Greg Smith:** Point of order: The document that has been handed to the Opposition is headed "Statute Law (Miscellaneous Provisions) Bill (No. 2) 2008". It reads:

*Schedule of amendment referred to in the Legislative Council message of 2 December 2008*

No. 1 Page 11, schedule 1.10, lines 19–30. Omit all words on those lines.

Normally we would get the bill back with the amendment included in it. We should have a chance to look at it to see what that means, because it is meaningless when there are hundreds of pieces of legislation and we cannot carry them all in our heads.

**The SPEAKER:** Order! I seek clarification from the member for Epping. Has he been handed a copy of the bill with the amendment?

**Mr Greg Smith:** I have.

*[Interruption]*

**The SPEAKER:** Order! I am seeking clarification. I will not tolerate constant interjections. The issue before the House is not within the Speaker's domain. The question has been brought forward because of the message that has come from the other place. It is appropriate business before the House, in accordance with the standing and sessional orders. It is up to each member to ensure that he or she is up to date with amendments that come from the other place through the appropriate processes. All members are familiar with the procedures. This has been done in accordance with the standing and sessional orders. The Speaker cannot suspend the debate. Unless another matter is put before me, I intend to put the question.

**Mr ADRIAN PICCOLI** (Murrumbidgee—Deputy Leader of The Nationals) [10.19 p.m.]: I move:

That this debate be now adjourned.

**Question put.**

**The House divided.**

*[In Division]*

**The SPEAKER:** Order! I have sought further advice. I advise the House that the bill and the amendment were placed in the boxes when they came from the other House at approximately 7.30 p.m. As I ruled previously, the processes of the House have been followed as per the sessional orders.

#### **Ayes, 39**

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

#### **Noes, 45**

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



**Pair**

Mr Humphries

Ms McKay

**Question resolved in the negative.****Motion for adjournment of debate negatived.****Question—That the motion be agreed to—put and resolved in the affirmative.****Motion agreed to.****Legislative Council amendment agreed to.****Message sent to the Legislative Council advising it of the resolution.****CRIMES AMENDMENT (SEXUAL OFFENCES) BILL 2008****Bill received from the Legislative Council and introduced.****Agreement in Principle**

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [10.26 p.m.], on behalf of Mr David Campbell: I move:

That this bill be now agreed to in principle.

The Crimes Amendment (Sexual Offences) Bill 2008 was introduced in the other place on 26 November 2008 and the second reading speech appears on pages 3 to 9 of 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.**

**WORKERS COMPENSATION LEGISLATION AMENDMENT (BENEFITS) BILL 2008****Agreement in Principle****Debate resumed from 26 November 2008.**

**Mr MIKE BAIRD** (Manly) [10.29 p.m.]: I lead for the Opposition in debate on the Workers Compensation Legislation Amendment (Benefits) Bill 2008. As we embark upon debate on the legislation, I note that the Minister in his agreement in principle speech laid out the premise of the bill, and my speech will be directed towards assessing whether the bill achieves those objectives. I await the Minister's comments in his reply. During the Minister's speech, he stated:

The Workers Compensation Legislation Amendment (Benefits) Bill 2008 reflects the Government's continued commitment to ensuring the New South Wales workers compensation scheme provides comprehensive and generous compensation packages to the families of workers who die as a result of workplace injury. The significant reforms in this bill will provide additional security and peace of mind for these families.

The Minister also stated that the bill contains "an incentive for large employers to improve workplace safety". The bill's premises are admirable and are supported by the Opposition. Certainly the Opposition believes that potential exists for the bill to go towards addressing those premises. But what I should note and concentrate on during debate is how the Government and this State have performed in addressing some of the key statistical indicators and unfortunate circumstances around the issue of people losing their life at work.

In 1987-88, 209 fatalities occurred at work. The incidence of workplace fatalities has decreased, as reflected in the most recent statistics, which for 2006-07 show 137 incidences. Those statistics should be a sobering reminder for all members of the House, particularly as we approach debates on this issue, that a great deal of work remains to be done to reduce workplace fatalities to an absolute minimum. Whatever way one

wants to approach the topic, the incidence rate for 2006-07 at 4.7 fatalities per 100,000 workers is not acceptable to any member of the House. We therefore must continue to facilitate change, work with businesses and devise terms and conditions relating to employment practices to ensure that workplace fatalities become a thing of the past. The statistics indicate that we have moved forward, with a reduction in the rate of workplace fatalities of approximately 34 per cent based on figures for 1987-88 and 2006-07. But let us not forget that every single statistic represents the loss of a life which when considered as a single event is tragic enough, but more so when the incidence is extrapolated.

What does the bill propose to do? First, in amending the Workers Compensation Act 1987 it aims to increase the lump sum death benefit paid to the estate of a worker who has been killed as a result of a workplace injury from \$343,550 to \$425,000. I will deal in greater detail later with the very nice round figure that has been selected because I think that figure needs to be explored a little further. The increased amount will be payable in respect of death that occurs on or after 24 October 2007, and is payable in addition to funeral expenses and weekly payments for dependent children. Lump sum death benefits also will be available to firefighters, as well as emergency and rescue workers.

Secondly, the bill provides that the lump sum death benefit must be paid to a deceased worker's estate, if the worker dies leaving no financial dependants. Thirdly, it removes the discretion to reduce the amount payable as a lump sum death benefit to a deceased worker's dependants on the basis of partial financial dependency without preventing apportionment of the amount of the death benefit among multiple dependants. Those two parts of the third objective make sense because they avoid the trauma of trying to prove dependency or co-dependency in probably the most difficult circumstances that a family member would ever face. The bill also introduces an alternative method of calculating workers compensation insurance premiums for large employers, requiring them to launch a security deposit or to guarantee to provide security for the payment of premiums.

Given the lateness of the hour and that the shadow Minister is a member of the upper House, I will address the main tenets of the debate and try to be brief, particularly bearing in mind the legislative program that members face over the next 48 hours. The theory of the bill is reasonable but, as usual, the facts require testing and questioning in many respects. I look forward to the Minister or the Parliamentary Secretary addressing the points I discuss when they reply to the debate, as they attempt to address or unravel some of the concerns. The lump sum death benefit amount is increased and is proposed to be \$425,000, but what is not clear is how that amount was arrived at. Is it indexed in some way, shape, or form, to a cost-of-living parameter? Does it ride on the back of actuarial advice? Obviously, the amount has been based on expert advice. The increased cost will amount to approximately \$11 million, based on the numbers that I have been able to use. But the real point is why \$425,000 has been chosen.

Bearing in mind the current interest rate, which has been reduced to 4.25 per cent unless I am mistaken, and applying that to \$425,000 to obtain a weekly amount, the result is still below the statutory level that is required for pensions. That begs the question: Is this too low, or is it too high? It is difficult to ascertain the true position without information being shared. The Opposition looks forward in the concluding stage of the debate to the Government providing insight into how the number was determined, why it makes sense, why it should not be \$500,000 and not \$400,000, and why that particular number has been selected.

Certainly an increased premium accompanies the higher amount, notwithstanding the assurances that have been given. I will discuss premiums in more detail shortly. The Opposition would like some science applied to the calculation of lump sum benefits. I hasten to add that the Opposition does not begrudge the higher payment: certainly, the amount seems too low as it currently stands. The Opposition also appreciates that a number of stakeholders have been involved in discussions. However, the Opposition also believes that it is not unreasonable to expect the Government to give some insights, provide details, and reveal the methodology behind determining that figure.

The bill also refers to "large employers", but does not define "large employers" despite that provision being fundamental to the whole premise of the bill. I will discuss later certain large employers in the context of alternative premium calculations. From the discussions I have had with industry, a large employer might be categorised as an entity that pays \$1 million in premiums, but we nevertheless need to understand who a large employer is. The definition is fundamental to the calculation of premiums. Outside the amount, the second main point is concern relating to premiums.

The Opposition's understanding, which has been formed through discussions with industry and stakeholders, is that basically 92 per cent of people will not be affected by the calculation of premiums, and

most premiums will remain pretty much unchanged. The onus is on the Government to confirm that. When changes are introduced, we need to understand in the context of premiums why some commentators believe that if there is an impact it will be almost negligible, because almost everyone involved will not be affected by it. However, clearly some people will be affected by it, and the Government should provide the figures. How many people will be affected? What is the quantum? Are they happy with the resulting benefits? I ask the Minister or the Parliamentary Secretary to respond to those questions during their reply.

Fourthly, the alternative premium calculation is based on the proposition that employers should be able to benefit if their claims history is strong. That is a principle supported by the Opposition. We contend that those whose work practices are the safest should be rewarded. The Opposition would like the Government to provide details of consultation that has taken place. The feedback we have received is that there are some words in the Minister's agreement in principle speech indicating that the Government has consulted some of the larger employers, as well as Unions NSW and insurance brokers. Nevertheless, the Opposition would like to know who the larger employers are. I understand that a trial has taken place involving some of the larger employers and that the Government is considering rolling out a new regime. But the question remains: Who are some of the larger employers? What is their position on this legislation?

What is the amount of the deposit that larger employers will be required to pay to secure some of the benefits? If an employer has the opportunity to obtain an alternative premium calculation, which means that premiums will be reduced if a claims history is strong—or at least that is the very simple logic we are following through—there is also the argument that if one of the larger employers becomes insolvent there will still be a need to meet the commitments under the scheme. Clearly, if reduced benefits are obtained from some employers on the basis of their business being a going concern, the argument follows that employers should be covered in case they end up not being a going concern. I understand that. Intuitively it makes sense, but we want to make sure that this is not a grab for cash. Most importantly, we want tangible examples that show that the employers using this scheme are happy with the arrangements. We are awaiting regulations relating to this scheme. If the Government implements the scheme, the details are rolled out, and large employers as defined in the legislation are not happy with the arrangements, this scheme must be examined again.

This legislation must provide a mechanism to ensure that companies employing the safest work practices receive a reduced premium. They must not be punished for doing so. The Opposition understands the intent of the legislation but it calls on the Government to provide the required details. I put a strong caveat on that request. In discussion with employers, the Government must undertake to ensure that those who use the scheme are happy with its outcomes. We do not want a conga line of businesses coming back to this Parliament and saying, "We are unhappy with these workers compensation arrangements." The Government was supposed to reward those who pursued safe work practices but it must ensure that this is not a grab for cash.

The Opposition will support this legislation if those who use the scheme are happy with the outcomes and there is a negligible or nil impact on premiums. The Minister stated that the fund surplus was reduced to \$625 million in September this year, so the scheme is under immense pressure. Everyone who contributes to this scheme should be concerned about that huge reduction in the available surplus. Since September there have been much more adverse movements in market conditions and that surplus might have been reduced to nothing. We require an assurance from the Minister that every step has been taken to protect that surplus and the trust funds, and that includes putting employees in key positions to ensure those investments are overseen by experts, particularly at a time of deplorable market conditions.

I acknowledge that at present there is a surplus, but if that surplus is further depleted all members will face increased premiums. Businesses must be provided with incentives if they reduce workplace injuries and deaths. I think all members are united in their support for the claims and tenets in, and the thrust of, the bill. We support good management practices that extend to providing safe workplaces for every employee. The Opposition supports the bill but it seeks assurances relating to premiums and their impact on participants. Those who have the option to use alternative premium calculations must be happy with the deposit arrangements. If there is any increase in premiums as a result of those arrangements, the legislation will again be reviewed by the House. There must be adequate consultation. I again call on the Government to provide the required details. I refer to the figure of \$425,000 and ask the Government to inform the House how that amount was selected and whether or not it is reasonable.

**Mr FRANK TERENCE** (Maitland) [10.44 p.m.]: I support the Workers Compensation Legislation Amendment (Benefits) Bill 2008, which will significantly enhance what is already one of the most generous workers compensation benefit systems in the nation. The package of reforms will increase the amount of

compensation paid to the families of deceased workers, while also reducing disputes over dependency and making death benefits more accessible for families. The bill increases the lump sum death benefits from \$343,550 to \$425,000—an increase that will enhance financial security for families of workers killed as a result of their employment. Once implemented, the improved New South Wales benefits will be amongst the highest in Australia. The lump sum death benefits will continue to be indexed twice a year. The first indexation of the increased lump sum amount will occur on 1 April 2009.

The bill also simplifies the arrangements of families of deceased workers by allowing the lump sum benefit to be paid to a worker's estate when the deceased leaves no dependants. Currently, only funeral expenses are payable when the worker has no financial dependants. These changes recognise that dependency is not always clear-cut. Families of deceased workers should not be required to go through a complex process of providing dependency to obtain the lump sum benefit at an already difficult time. The bill further simplifies arrangements for families in relation to partial dependency. The proposed changes will ensure that the amount of lump sum death benefit is not reduced because of the partial dependency of some dependants. The full death benefit will be payable even when there is only one dependant.

When multiple dependants contest a share of lump sum death benefit, the Public Trustee or Workers Compensation Commission will consider relative levels of dependency as currently provided for under the Workers Compensation Act 1987. These reforms to death benefits aim to simplify the workers compensation arrangements and provide financial certainty for families in tragic circumstances. The bill also contains incentives for employers to proactively manage workplace safety through the introduction of an alternative premium model. Since November 2005 the Government has announced an average reduction in the target premium collection rate of 30 per cent—a \$785 million a year saving to the State's businesses.

The Government remains committed to ensuring efficient operation of the workers compensation scheme for the benefit of employers and employees. Following extensive consultation with large employers and other WorkCover scheme stakeholders, the bill contains provisions that will allow the introduction of an optional alternative premium calculation system for large employers without threatening the stability of the scheme. The fundamental aim of the proposed alternative premium calculation method is to create further incentives for large employers to reduce the number of injuries in the workplace and improve claim management strategies. This will reduce costs for the employer and improve return-to-work outcomes for workers.

This method of premium calculation is most appropriate for established large employers with a relatively stable claims history and the specialist resources necessary to actively manage injury prevention and return to work for injured employees. Analysis of the recent mature claims history of employers with a basic tariff premium of over \$1 million suggests that the majority of those employers would have saved money under the alternative model. Under the new premium calculation method, employers who implement effective injury prevention and management systems can achieve significant savings by reducing the costs of claims, while employers with poor performance in this area may pay more than conventional premium costs.

The final premium for any policy period will not be collected until five years after the inception of the policy. This deferred premium payment feature of the alternative method provides a cashflow benefit for the employer, but also presents a risk to the scheme and other participating employers from employer insolvency. In order to safeguard the scheme from such risks, the changes proposed in the bill will allow the workers compensation nominal insurer to require a bank guarantee or other surety from participating employers to secure outstanding premiums in the event of a participating employer becoming insolvent. The bill contains a number of worthwhile measures that will provide increased death benefits to workers and improve the operations of the workers compensation system for large employers. For that reason, I urge all members to support this bill.

**Mr JOHN WILLIAMS** (Murray-Darling) [10.49 p.m.]: I speak briefly in the debate on the Workers Compensation Legislation Amendment (Benefits) Bill 2008 and refer, in particular, to new section 172A, which deals with security deposits. Opposition members would support the bill if large employers who practised safe work practices were given the benefit of a discounted premium. Security deposits are a bit like the insurance that you have when you do not have insurance—that is, giving someone a discount for practising safe work practices but requiring a deposit before that occurs. There must be some way of distinguishing between those who have a good history in the workers compensation area and those who do not. Give those with a good history the discount and let them get on with business. This security deposit is an attempt to cover those companies in the building trade, in particular, that commence buildings or major works. They set up a company, complete the job and then wind up the company. Obviously, compensation claims that result after that are not an issue for that company.

I am concerned that the same thing will apply with the security deposit. Long-term large businesses that have good practices in terms of employee safety will still not get the benefit because there will be a drawing up of the security deposit to continue to fill that gap. Based on the past practices of WorkCover, it is obvious that the gap it needs to cover is always growing. At one stage when I paid workers compensation premiums WorkCover had a \$5 billion black hole. It is a call on employers to keep subsidising WorkCover. There should be a better way of protecting long-time employers who are given a discount but do not have to deal with the security deposit. Obviously, the security deposit creates an opportunity for the WorkCover account to be topped up and the real benefit of a discount will not be felt. That is my concern.

**Mr DAVID HARRIS** (Wyang) [10.51 p.m.]: I am pleased to give my support to the worthwhile proposals in the Workers Compensation Legislation Amendment (Benefits) Bill 2008. The proposed increase in the lump sum death benefit payment to \$425,000 will be of great help to families where, tragically, death results from a workplace incident. WorkCover reports in its Statistical Bulletin for 2006-07 that the rate of fatalities in the workplace from work-related injury and diseases has declined by 34 per cent since 1987. However, in 2006-07 there were still 137 deaths. In conjunction with unions, employers and workers, WorkCover is making every effort to make workplaces safer and to further reduce the incidence of workplace death. While the death of a breadwinner in the family is a tragic loss that money cannot replace, the lump sum death benefit provides tangible assistance at this most difficult time.

Earlier this year I was at the Workers Wall of Remembrance, which is in the electorate of the member for The Entrance, with the Federal member for Dobell. We met families there that had been affected by workplace deaths. I had taught one of the young boys at Kariong Public School. Listening to their story about their family being left in the lurch after a trucking accident was tragic. So I welcome this funding increase, because I know how important it is to those families. I also welcome the changes to death benefits that will allow the lump sum benefit to be paid to a worker's estate where the deceased leaves no dependants. These changes allow the full benefit to be paid, even though some dependants are only partially dependant.

I consider these to be good reforms as they will provide certainty for family members and reduce the need for disputation over such sensitive issues. It will also mean that benefits can be paid promptly. I note that the bill also includes provisions to enable the workers compensation nominal insurer to obtain a bank guarantee or other surety from employers that apply and are accepted into an optional alternative premium calculation method specifically for large employers. This is an essential requirement to enable the nominal insurer to introduce a more flexible and responsive premium calculation method that better meets the needs of large employers. This proposal has developed from extensive consultation undertaken by WorkCover during a comprehensive review of the scheme's premium system, which commenced in 2004.

The review resulted in a number of changes to premium calculations for the benefit of all employers, but principally for small to medium employers. These included an increase in the threshold at which companies are experience adjusted from \$3,000 to \$10,000, meaning that premiums for the significant majority of businesses do not increase if they incur a claim, and a new range of caps on premium increases for small to medium-size employers that experience high claim costs. In the course of the review WorkCover received feedback from large employers indicating they wanted a premium calculation that could be more flexible and responsive to their needs. Large employers with a basic tariff premium exceeding \$1 million constitute less than 1 per cent of employers but contribute around 20 per cent of the scheme premium pool.

These businesses are the leaders in their industries and have often devoted significant resources to injury prevention, management and return to work programs to achieve their dominant position. It is timely that the Government act to recognise their role in the scheme and their contribution to lowering claim numbers and improving injury management across the State. Following extensive consultation with large employers and other scheme stakeholders an alternative premium calculation method for large employers has been developed. This premium calculation method assists large employers by creating an environment where they can achieve significant premium savings by improving their individual injury prevention and management systems.

For those employers that apply and are accepted into the new arrangement, their premium costs will be closely linked to their own claims, not only during the policy period but until the claim is closed or for four years following the expiry date of the policy period, whichever comes first. The deferred premium payment feature of the alternative method results in a cashflow benefit for the employer, but also presents a risk to the scheme and other participating employers from employer insolvency. I therefore support the changes proposed in the bill that will allow the Nominal Insurer to require a bank guarantee or other surety from participating employers to secure outstanding premium in the event of a participating employer becoming insolvent. Overall,

the bill increases benefits to workers—at the start of my contribution I mentioned the importance of that—and will improve the operation of the workers compensation system. I support the bill and urge all members to do the same.

**Ms NOREEN HAY** (Wollongong) [10.56 p.m.]: I am pleased to support the Workers Compensation Legislation Amendment (Benefits) Bill 2008, which makes a number of significant reforms to the death benefit arrangements. It also provides a legislative framework to enable the introduction of an alternative method of calculating workers compensation insurance premiums for approved large employers that satisfy certain eligibility criteria. The New South Wales Government is proud of its record in delivering reforms to workers compensation and workplace safety in New South Wales, and the benefits that these reforms bring to workers and employers. These changes have been possible only due to the Government's sound management of the WorkCover scheme.

I take this opportunity to remind the House that the scheme deficit of \$3.2 billion as at 31 December 2002 has been retired, and since November 2005 the Government has delivered an average of 30 per cent reduction in the target premium collection rate—a significant saving to employers. The Government is continuing to identify and implement reforms that will cut red tape for workers and employers, particularly those operating in more than one State, while providing additional support for injured workers. The reforms embodied in the Workers Compensation Legislation Amendment (Benefits) Bill 2008 increase the lump sum death benefit payable under the workers compensation legislation to \$425,000. This reform will make New South Wales one of the most generous States to families of deceased workers.

The reforms also modify the circumstance when death benefits are paid to minimise disputes over dependency and give financial certainty to families during a difficult time. The bill also enables the implementation of an optional alternative method of calculating workers compensation insurance premiums for large employers. This will help to maintain the viability of the WorkCover scheme and continue WorkCover's work in reducing red tape, making New South Wales a more attractive option for large businesses. Extensive consultation regarding the alternative model has been undertaken with a broad range of interested stakeholders, including large employers, employer representatives, scheme agents and other groups. In early June 2008 WorkCover released a discussion paper proposing an alternative premium model based on commercial burning costs arrangements.

The discussion paper described the parameters of the proposed model and, through a public comment process, sought feedback from large employers, scheme agents, insurance brokers and others. In addition, two rounds of focus groups were held in October 2007 and August 2008, allowing WorkCover to enhance and refine the proposed model and test stakeholders' likely response to it. Throughout the process of consultation the alternative model has received broad-based support from stakeholders. The alternative premium calculation method being proposed is calculated to more closely reflect an employer's individual claims experience over a period of several years. One feature of the alternative premium calculation method is that, due to the highly responsive nature of its formula, it provides employers with additional incentives to reduce the number and cost of workers compensation claims. I commend the Minister and the Government for this bill and I urge all members to support it.

**Mr JOSEPH TRIPODI** (Fairfield—Minister for Finance, Minister for Infrastructure, Minister for Regulatory Reform, and Minister for Ports and Waterways) [11.00 p.m.], in reply: I thank members for their contributions to the debate and I thank the Opposition for its general support for this bill. The bill provides a number of initiatives that deserve the support of members. It contains a number of reforms to death benefits, increasing the amount of compensation paid to the families of workers killed at work and making it easier for the families to obtain compensation. The lump sum death benefit will increase from \$343,550 to \$425,000. The increase in the statutory lump sum should give immediate assistance to families of deceased workers. Further, these benefits will now be paid to the worker's estate when they have no dependants.

In addition, the bill makes it clear that the total death benefit is available for distribution among the dependants of a deceased worker, regardless of their degree of dependency, dramatically reducing the level of disputation on this issue. These reforms will increase worker confidence about the financial security of their family and loved ones in the event of their death at work. The bill also enables the introduction of an alternative premium calculation method for large employers. These reforms provide an alternative to the conventional premium system that is more flexible and responsive to the needs of large employers. The proposal for the Workers Compensation Nominal Insurer to obtain a bank guarantee or other surety from employers will enable the phased introduction of a new optional alternative premium calculation method for large employers whilst

ensuring the viability of the scheme. Monitoring at regular intervals will ensure that the model is meeting its intended objectives and there are no unintended consequences. The changes included in the bill have been canvassed in debate and are worthwhile amendments that merit the support of members.

In addressing the issues raised by the Opposition, the alternative premium calculation method is an optional means for employers who find it beneficial for them to change. It is only in those cases that we expect employers would contemplate changing to the alternative premium calculation method. We suspect that if it is not beneficial to them they will not take that option. It is an option to make sure that employers are not adversely affected. Concerns were raised about the financial state of the fund, which has recently been reported on. Obviously, there are concerns about the state of the fund given the global financial markets but there are no plans at this stage to change the premiums as a consequence of this reform. 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.**

#### **LIQUOR AMENDMENT (SPECIAL LICENCE CONDITIONS) BILL 2008**

**Message received from the Legislative Council returning the bill with an amendment.**

#### **Consideration in Detail**

**Consideration of the Legislative Council amendment.**

*Schedule of amendment referred to in message of 2 December 2008*

Page 8, schedule 1 [2]. Insert after line 3:

##### **9 Review of Schedule**

- (1) The Minister is to review this Schedule to determine whether the policy objectives remain valid and whether the terms of this Schedule remain appropriate for securing those objectives.
- (2) The review is to be undertaken no later than at the end of the period of 12 months immediately following the date of assent to the *Liquor Amendment (Special Licence Conditions) Act 2008*.
- (3) In undertaking the review, the Minister is to consult with the Bureau of Crime Statistics and Research of the Attorney General's Department and take into consideration any information and advice provided by the Bureau in relation to the incidence of alcohol-related violence in or about the licensed premises to which this Schedule applies.
- (4) A report on the outcome of the review is to be tabled in each House of Parliament within 3 months after the completion of the review.

**Motion by Mr John Aquilina, on behalf of Mr Kevin Greene, agreed to:**

That the House agree to the Legislative Council amendment.

**Legislative Council amendment agreed to.**

**Message sent to the Legislative Council advising it of the resolution.**

#### **SECURITY INDUSTRY AMENDMENT BILL 2008**

#### **Consideration in Detail**

**Consideration of the Legislative Council amendments.**

*Schedule of amendments referred to in message of 26 November 2008*

- No. 1 Page 4, schedule 1 [8], proposed section 39C, lines 14–19. Omit all words on those lines. Insert instead:
- (1) The Commissioner may, by order published on the website maintained by the Security Industry Registry within the NSW Police Force, declare any event or class of events that the Commissioner considers to be of regional, State or national significance to be a special event for the purposes of this Part.
- No. 2 Page 4, schedule 1 [8], proposed section 39D, line 27. Insert “or an event described in the application that the applicant requests be declared to be a special event (referred to in this Part as a *proposed special event*)” after “so specified”.
- No. 3 Page 5, schedule 1 [8], proposed section 39E (2). Insert after line 38:
- (c) where the event to which the application relates is a proposed special event—the Commissioner refuses to declare the event to be a special event, or
- No. 4 Page 6, schedule 1 [8], proposed section 39E (2) (c), line 1. Insert “or proposed special event” after “special event”.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [11.05 p.m.], on behalf of Ms Kristina Keneally: I move:

That the House agree to the Legislative Council amendments.

**Mr GREG SMITH** (Epping) [11.05 p.m.]: The Opposition does not oppose the amendments.

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

**Motion agreed to.**

**Legislative Council amendments agreed to.**

**Message sent to the Legislative Council advising it of the resolution.**

**CONTAMINATED LAND MANAGEMENT AMENDMENT BILL 2008**

**Message received from the Legislative Council returning the bill with amendments.**

**Consideration in Detail**

**Consideration of the Legislative Council amendments.**

*Schedule of amendments referred to in message of 2 December 2008*

- No. 1 Page 23, schedule 1 [9], proposed section 36. Insert after line 37:
- (2) A person:
    - (a) who carries out the requirements of a preliminary investigation order in relation to specified land, and
    - (b) who is not responsible for any significant contamination of that land,
 may recover the person's costs in carrying out those requirements as a portion from each person who is responsible for significant contamination to that land.
- No. 2 Page 29, schedule 1 [14], proposed section 58 (1). Insert after line 31:
- (b) a copy of any preliminary investigation order,
- No. 3 Page 29, schedule 1 [14], proposed section 58 (1), line 32. Insert “other” after “any”.
- No. 4 Page 40, schedule 1 [52], proposed section 111A. Insert after line 13:
- (2) Despite subsection (1), the Minister is not to enter into offset arrangements with a person who is or has been an approved party to a voluntary management proposal in respect of land that has been the subject of that proposal if:
    - (a) the person has not complied with the approved voluntary management proposal or a condition to which the proposal is subject, or
    - (b) the voluntary management proposal was approved on the basis of false or misleading information provided by the person.



**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [11.06 p.m.], on behalf of Ms Verity Firth: I move:

That the House agree to the Legislative Council amendments.

**Mr DARYL MAGUIRE** (Wagga Wagga) [11.06 p.m.]: This is the first notice the Opposition has been given of these amendments from the Legislative Council. The Government fails to give proper notice to shadow Ministers. A basic courtesy is to announce the message and give some time to the Opposition for consideration of amendments. Whilst the Opposition will not oppose the amendments passed by the Legislative Council, it would have been proper procedure had the shadow Minister been given notice to consider the impact of the amendments and for them to be dealt with at a later hour.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [11.07 p.m.]: I respect the point of view of the member for Wagga Wagga in relation to this matter. It was not the intention of the Government in any way to preclude the Opposition from the rightful consideration of these matters. As the matter was discussed extensively in the upper House I thought that members of the Opposition were aware of the specific details of the amendments. I acknowledge that the member for Wagga Wagga said that the Opposition does not oppose the amendments. I sincerely regret if the Opposition believes it has not had sufficient time to deal with the amendments. It is certainly not the intention of the Government in any way to preclude the Opposition from having an adequate appraisal of the matters before the House. Given the fact that the amendments, to my knowledge, were proposed by members other than from the Government in the other House and that the Government, trying to arrange the business of the House efficiently, agreed on this occasion to accept the amendments, I rightfully request that the House agree to them. I request the indulgence of the Opposition in that regard.

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

**Motion agreed to.**

**Legislative Council amendments agreed to.**

**Message sent to the Legislative Council advising it of the resolution.**

#### **ADJOURNMENT**

**Motion by Mr John Aquilina agreed to:**

That this House do now adjourn.

**The House adjourned at 11.09 p.m. until Wednesday 3 December 2008 at 10.00 a.m.**

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