

LEGISLATIVE ASSEMBLY

Wednesday 3 December 2008

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

Mr Speaker offered the Prayer and acknowledgement of country.

TRANSPORT ADMINISTRATION AMENDMENT (METRO RAIL) BILL 2008

WORKERS COMPENSATION LEGISLATION AMENDMENT (BENEFITS) BILL 2008

Messages received from the Legislative Council returning the bills without amendment.

NSW OMBUDSMAN

Report

The Speaker tabled, pursuant to section 43 of the Community Services (Complaints, Reviews and Monitoring) Act 1993, the report of the Ombudsman entitled "Report of Reviewable Deaths in 2007, Volume 1: Deaths of people with disabilities in care", dated December 2008.

Ordered to be printed.

MEMBER FOR COFFS HARBOUR: CHAMBER CONDUCT

Personal Explanation

Mr ANDREW FRASER, by leave: I wish to make a personal explanation. Mr Speaker, as you know I am and always have been a stickler for the procedures in this Parliament. Unfortunately at this time of the year standing orders and orders of business within the House are thrown out of the Parliament and Rafferty, in fact, rules. Last night the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2008 was returned with amendment from the upper House, yet the Government failed to give the Opposition the opportunity to speak to the amendment. Even though I sought the call it effectively gagged debate on the amendment. As a result, I was in animated conversation with the Leader of the House, the Hon. John Aquilina, when a colleague intervened by putting their arm on my shoulder in order to negate the situation.

Mr John Aquilina: Point of order: My point of order is that under the standing orders of the House the member is entitled to make a personal explanation if he feels he has been personally impugned but he cannot give his version of what may or may not have happened or his version of whether the Government is complying with the standing orders. I fully contend to you, Mr Speaker, that the statements that have just been made by the member for Coffs Harbour are totally out of order. They are totally incorrect. They are not a true reflection of what happened last night.

The SPEAKER: Order! I understand what happened last night and I will extend a degree of latitude. I ask the member to explain how his reputation has been impugned.

Mr ANDREW FRASER: I brushed my colleague's arm aside inappropriately. As a result I have apologised to my colleague and I apologise to the House. I have offered my resignation as shadow Minister to the Leader of the Opposition, Barry O'Farrell. I offer no justification for my actions, and I apologise again to the House.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

COMBAT SPORTS BILL 2008**Agreement in Principle****Debate resumed from 27 November 2008.**

Mr GEORGE SOURIS (Upper Hunter) [10.11 a.m.]: I lead for the Opposition on the Combat Sports Bill 2008. New South Wales is the only State in Australia that has a ban on female boxing and kickboxing. This is deemed to be discriminatory and women have to travel interstate to compete. There is signification data to that effect. Indeed, I have a number of press clippings, including one from the *Sydney Morning Herald* under the heading, "Women in Sport: She's leaving home to beat the ban on boxing". Eleanor Bowden, a 23-year-old, who was preparing to contest the Australian women's amateur boxing championships in Melbourne, conceded during her final preparation at Daceyville in Sydney that she would need to leave the State of New South Wales, where female participation in boxing and the Australian championship was illegal. Indeed, New South Wales is the only State where it is illegal.

Another press clipping from the *Land* ran a similar story on 22-year-old Tammy Taylor, who was training for a fight. She stated that she wanted to challenge the New South Wales Government's law that forbids female amateur boxing bouts being held in the State, saying the ruling was out of date and unfair. This female boxer was seeking to participate interstate in an Australian championship, as she was unable to do so in New South Wales because her sport is deemed to be illegal. I have a number of other press clippings but clearly there is discrimination and interstate inconsistency. This bill will allow females in New South Wales to compete in boxing and kickboxing for the first time. It also extends to other sports that come under the broad term "combat sports". The bill also seeks to replace the Boxing Control Act 1986.

I do not particularly like the title of the bill "Combat Sports". Although I understand that it does not have a deeper meaning, I regard it as inappropriate and suggest that a more neutral word would be preferable. To me the word "combat" implies a war and troops at war. I do not appreciate that connotation with this bill, which refers to amateur sport. Perhaps the Minister may consider using less aggressive words when naming the new authority because calling the authority the Combat Sports Authority perhaps sends the wrong message. I accept other activities, including caged fighting, previously not recognised as sport were undertaken without regulation and legislation. This bill seeks to bring those activities under the control of this bill and under regulation. Standards of conduct, safety and medical procedures will then apply to those activities. Although I do not gain pleasure from caged fighting, it is better to regulate and control those activities than to pretend they do not exist. To that extent the Coalition supports the bill.

The Minister will not be surprised that I raise a matter not included in the bill, that is, aged under-14 boys amateur competitive boxing. I am very disappointed the Government has chosen not to incorporate that aspect in the bill. This practice remains illegal and therefore unavailable to under-14-year-old boys. In my role as member of Parliament I often see the benefits that flow from participation in sports generally, but boxing particularly at police citizens youth clubs where it is one of the offered range of activities. Boys who would otherwise waste their lives being unruly and undisciplined can undertake a disciplined sport, be given leadership and be taught life skills. That is one of the main purposes of participating in team sports.

This is particularly important for young Aboriginal boys. The enormous benefit to be derived from boxing is being lost because no doubt the medical profession will claim it is a potential risk to health. One must realise we are talking about amateur sport, an Olympic sport, a three-round sport, with head protection and thicker gloves, where 95 per cent of the time it is scored on points. It is not a professional boxing bout without protection and 12 rounds to the knockout. That would not be a valid comparison and the objections that the medical profession might generally have about boxing would undoubtedly be slanted to the professional code rather than in the amateur code. Is it better to have young Aboriginal boys sniffing petrol, or at police and community youth clubs participating in amateur boxing and all the good things that would flow from that disciplined environment? So, I am very disappointed. The Government has missed a huge opportunity to really do some good in the community, particularly in country areas, although not exclusively. Nonetheless, I offer the Coalition's support for the bill.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [10.20 a.m.]: I support the Combat Sports Bill 2008. The bill will ensure that combat sports events in New South Wales are conducted in a safer, more controlled, better regulated environment, and with a higher standard of professionalism across the sector. The replacement of the existing Boxing Authority of New South Wales with the Combat Sports Authority of

New South Wales will provide wider industry representation on the controlling body. In addition, the broader regulatory coverage using definitions of combat sports in the new Act will include a range of other sports that have become popular since the existing Boxing and Wrestling Control Act 1986 was enacted.

Sports such as Muay Thai, mixed martial arts and cage fighting are not covered in existing legislation and have not been regulated by the Government to ensure the maximum safety possible for competitors. I particularly applaud the decision to remove the exclusion of women from competing in amateur and professional boxing and kickboxing in New South Wales. Currently women participate in a number of forms of unregulated combat sports, but are prohibited from participating in boxing and kickboxing contests. Through the regulation of these emerging combat sports, and through allowing women to participate in boxing and kickboxing, an obvious anomaly is removed whilst, at the same time, a safer, regulated environment for their involvement is provided.

The women in my electorate who participate in boxing and other combat sports, particularly Tammy Currell who works at a local boxing gym, have advised me that that is what they want. It is clear also that many have seen the exclusion of women from boxing and kickboxing as discriminatory. The bill addresses the longstanding issue that has seen advocacy by a number of organisations, including Womensport and Recreation New South Wales and individuals including the former Federal Sex Discrimination Commissioner and members of State Parliament.

It is important to note that the participation of women in combat sports will be accompanied by the development of a number of measures to address issues specific to the involvement of women in those sports. More facilities specific to the involvement of women will be required at venues and permits issued for the conduct of events will allow female competitors to compete at venues only with appropriate facilities. Similarly, conditions will be attached to permits relating to the attire to be worn by women, including protective items, consistent with international best practice for the safe conduct of contests. Added to that will be a policy of increasing the involvement of women on the controlling body, the Combat Sports Authority, as well as the accreditation and training of female officials.

Increased penalties will apply to the conduct of illegal contests; that is, those operating without permits. Because the sport of boxing includes impacts to the head, the current minimum age of 14 years will continue to apply to children taking part in competitive boxing matches. The need for effective management of crowds at contests has been highlighted by recent events, and the Boxing Authority of New South Wales and the new Combat Sports Authority will have as one of its priorities the addressing of those issues in association with the New South Wales Police Force and the Department of Arts, Sport and Recreation.

The new system will represent a major change for some people currently involved in combat sports, with legislative requirements for registration, an insistence on proper matching of opponents, the attendance of a doctor at all promotions and clear responsibilities of officials and other participants at contests. The Department of Arts, Sport and Recreation and the Combat Sports Authority will work with the industry in a transition process, with industry consultation to continue over the next 12 months and with registration required for all from the beginning of the 2010 calendar year.

Permanent registration of combat sport combatants and participants, similar to that applying in registration systems such as in the greyhound racing legislation, will ensure that no loopholes will allow anyone to operate outside the system. The authority will be in a position to promote safety and professionalism for the industry. The bill is an important step in promoting national consistency in combat sports legislation and to assess the industry in meeting the challenge of new standards and expectations for the conduct and care of its competitors and other participants. I am pleased to commend the bill to the House.

Mr STEVE CANSDELL (Clarence) [10.25 a.m.]: I support the Combat Sports Bill 2008 but raise some issues along the way. Firstly, I believe in equal rights and if women are prepared to do the training and have the required medical background check-ups, and if overseeing officials ensure that everything is in accordance with the rules, the paramount safety of participants will be ensured. The bill proposes that males and females between the ages of 18 to 36 be eligible to compete in combat sports if they have the required certificate of fitness that must not be more than one week old. That requirement has been applied to amateur boxing since time immemorial. At the beginning of each year any contestant who wants to be involved in any combat sport should have a full medical examination by a medical practitioner. Further, on the night of participation in any combat sport, the contestant should have a brief medical examination carried out by a doctor, as occurs in amateur boxing.

In amateur boxing all contestants must wear head and mouth guards, and that should be included in all combat sports to ensure the safety and protection of females. In addition, females should wear breast pads to protect them from any harm that could result in solid blows to their breasts. I am disappointed that the bill does not lower the age for participating in amateur boxing from 14 years to 11 years. In kids amateur boxing in Australia there has never been a more serious injury than a broken nose. They get full supervision by referees, and I hope that applies with women in combat sports of any sort, whether Muay Thai, boxing, karate or kickboxing. Importantly, I hope that referees involved in contests ensure that the safety of the contestant is paramount, as they do in amateur boxing, especially in the under 18s.

As soon as a referee finds someone stressed—whether hurt or beaten to the point of becoming stressed—the bout is stopped, or the referee gives a compulsory eight-count, then stops the bout if the combatant is stressed or harmed. A combat sport is only as dangerous as the referee allows it to be, in accordance with the rules and regulations. It is expected that every event will have a medical practitioner on board to ensure safety not only during but also after the matches. Quite often injuries are apparent only after the bout, with contestants suffering from a headache or concussion derived from the blows received.

Women have been pushing for this for some time. At present they go over the border to compete. But we must also realise that young people under the age of 14 who cannot fight in New South Wales also go over the border to fight in Queensland and Victoria. Those States provide the necessary protection level and regard the safety of the contestants in the ring as paramount by ensuring that the youths are not put in any danger. Many great Australians have had careers in amateur boxing as juniors. In fact, years ago I think just about every male used to go to the boxing clubs as juniors, and jump in and learn how to hold their hands up. Their parents would support that, to give their kids a bit of self-esteem and give them that little bit of a kick in life. Professional boxing is a different thing altogether. Professional boxing is a very tough, brutal sport. You can tell, can't you, Frank?

Mr Kerry Hickey: You've got the face to prove it.

Mr STEVE CANSDELL: That is right.

Mr Frank Sartor: Why did you stay in it so long?

Mr STEVE CANSDELL: Unfortunately, I did not have a long amateur boxing career; I never fought as a child. I might have learned to duck a bit quicker if I did, but I did not. But professional boxing is a very vicious, brutal sport. The medical profession has tried to ban amateur boxing, where all the safeguards are in place, yet we do not have those safeguards in any other contact sport, such as rugby league, rugby union and Aussie rules. No safeguards are provided for those sports. There is no medical at the beginning of each season, and there is no medical before each game.

If someone gets a hard hit on a football field and they are down for more than 10 seconds they get up and play on. They put themselves at severe risk of concussion and serious injury; whereas with amateur boxing if a person is down for more than 10 seconds or is declared knocked out the person cannot contact spar or train for a month. If this happens again within three months the person is out for three months. If it happens again the person must have a full medical before coming back. If it happens yet again the person is out for 12 months and has to have CT scans and every examination possible before being allowed to fight again, or train or spar. If it happens again the person is barred. In rugby league, rugby union, or any of the other contact sport, there is none of that. There are no medicals at the beginning of each season. For children, there are no medicals before each game. Especially preseason when it is very hot, that is when accidents happen, with both adults and juniors, who may be unaware that they have a problem that could be picked up by a simple medical at registration time, before the beginning of the season.

I support the bill. However, with regard to cage fighters currently there are very few regulations and very little medical control. I would like to see much more stringent rules brought in, similar to those applying to amateur boxing, so that there is a full medical at the beginning of each season, on registration, and a medical before each event. If a person is deemed to be hurt in some way, whether they are knocked out or stopped after being hit hard, I would like to see some controls to ensure they cannot be involved in any combat training or sport for at least 30 days, as also occurs in amateur boxing. In that way we might ensure that little damage is done over the period of a person's involvement in such combat sports, whilst at the same time ensuring their safety. It might also ensure support for them in their sport. There are ghouls who want to see car accidents in

which people are badly injured, and some of these contact sports may attract such people, but they also scare many people away. Combat sports in which there is an element of safety will start attracting crowds and could become very popular. I commend the bill to the House. The emphasis on safety should be paramount.

Mrs DAWN FARDELL (Dubbo) [10.34 a.m.]: I support the Combat Sports Bill 2008. I do so after receiving lobbying on this issue and after following up as a member of the Dubbo Police and Community Youth Club [PCYC] committee in support of the good work of the Dubbo PCYC and other PCYC institutes throughout New South Wales. I approached Mark Nuttal, the manager of the Dubbo PCYC, and Mick Ostini from the PCYC Boxing Institute, Sydney. Both Mr Nuttal and Mr Ostini are very supportive of a change in the laws to allow women to box. They said that there are already some girls in Dubbo who are keen to train, and in other parts of the State there is great interest in the sport. Mr Nuttal and Mr Ostini told me that the interest in boxing from girls initially seems primarily driven by the health and fitness benefits of boxing training regimes, although the PCYC expects an increased interest in girls competitive boxing when competitive bouts are legalised in New South Wales.

Mark Nuttal also said that boxing in Dubbo has been in recess for about four months because the coach, Graham Wallace, has been ill. Graham Wallace is a great former boxer, as is Bomber Carney from Dubbo. It is hoped that the new coach will start working with children in 2009. There are some private gyms offering coaching in Dubbo. At Dubbo PCYC about 20 children are interested in boxing. Two females aged about 12 or 13 have expressed interest in boxing for self-defence and self-esteem, and to improve their fitness. Mark Nuttal said that if the right person is acting as trainer-mentor-coach boxing can be invaluable for young kids as an avenue for learning respect for authority and getting rid of pent-up aggression. Boxing also encourages self-discipline as well as good health habits. We have a large indigenous population in our area and boxing has always been a popular sport for them. It would be extremely worthwhile if the club's activities in sports they are particularly interested in could be increased.

Mark Nuttal said that if the training program is well run it could have great benefits for kids, particularly in the 8 to 14 years age group, but if it is run badly it can be counterproductive. The member for Clarence made a similar comment. Mick Ostini runs the PCYC Boxing Institute and is in charge of all PCYC boxing groups throughout New South Wales. He advised that there are 40 active PCYC clubs around New South Wales, and that about 20 of those clubs would have a future girls squad in training. He said there was a lot of interest among females to take up boxing, particularly in towns such as Bourke amongst indigenous girls. He said there are also many girls from suburbs such as Penrith and Redfern who are already fighting competitively—indeed, they travel to Canberra. He is not aware of any boxing interest among girls in Parkes or Forbes, in my electorate, but he says there is such interest in Dubbo.

At the Orange PCYC there are many females interested in boxing under trainer Bobby Williams, mainly for fitness and health reasons. Mr Ostini said the PCYC would like to hold some exhibition fights, which are less intense than competitive bouts. He said female boxing is definitely part of the PCYC's future plans, and once it is legalised in New South Wales the PCYC expects a big spark in interest. Both Mark Nuttal and Mick Ostini see the age restriction on boxing—which will not be changed by the bill—as a big problem. They say that young boys stay out of trouble when they are involved in boxing training but they lose interest in the sport because they are not able to compete until they are 14 years of age.

The member for Clarence and other members have referred to the impact of boxing on females, saying it is somewhat brutal and so on. My eldest daughter is a world professional triathlon champion. Late in life she competed in Ironman events, which take about 9 or 9½ hours. Nothing could more brutal than coming off a bike at full speed going down the Swiss Alps and then hitting the deck, as happened to my daughter. The countdown was more than 10 seconds, but she got up and went again. I do not say that she does not have scars all over her legs. Every sport has a certain amount of danger. The member for Clarence may have hit on something we need to look at in the future: that for all children, regardless of their age and the sport they are undertaking, regular medical checks are well warranted. I fully support the bill and I commend it to the House.

Ms PRU GOWARD (Goulburn) [10.38 a.m.]: I support the Combat Sports Bill 2008. A number of years ago in my role as Sex Discrimination Commissioner a case of kickboxing was brought to the commission. We took the case to the Federal Court, where it was lost on the grounds that we did not have jurisdiction: it remained a matter of New South Wales law entirely. On that basis I wrote to the then Minister for Women, the Hon. Sandra Nori, and asked her whether she would consider reviewing the law and allowing kickboxing to be practised by women in New South Wales as it is in a number of other States. The Minister declined and I thought it was a pretty disappointing outcome that she was prepared to hand out a lazy prize to women in motor racing, which consisted of a free trip to Monte Carlo, but she was not prepared to do the hard yards when

it came to enabling women in New South Wales to engage in a number of sports that were obviously very important to them and that were already being practised at an Olympic level. I welcome the belated decision by the Government to introduce this bill and remove a source of discrimination against women that for some time has been peculiar to this State.

There are two reasons it is important to remove a ban on women participating in boxing and kickboxing. One obviously is that it is important to enable all people to have the maximum freedom of choice, and this is essentially a quality of choice issue. The second reason is that once something is made legal it can be regulated much more easily than when it has no official status. I absolutely support the comments by the shadow Minister, the Hon. George Souris, that this will enable proper regulation of women in the sports, particularly in pub sports, and ensure that their health and indeed their dignity are much better protected than at the moment. The most important thing is, of course, that it means that women in this State can compete in boxing and kickboxing competitions with the proper safeguards, and since these sports are practised at an Olympic level it should enable women in New South Wales to truly compete with women from other States and at an international level. I commend the bill.

Mr PAUL PEARCE (Coogee) [10.41 a.m.]: I support the Combat Sports Bill and encourage the House to support it. The bill seeks to regulate a range of sports that currently are not regulated and to extend the definition of what is a combat sport to cover sports such as fist fighting and kickboxing and a range of other sports that are mentioned in the bill. I use the word "sport" advisedly. The bill enables an authority to control an enhanced system of registration of combatants and other industry participants. It seeks the registration of combatants on an annual basis, and there are conditions of registration and for imposing fines and the like. The bill therefore establishes a regulatory regime that is currently lacking. The bill also seeks to eliminate the discrimination that currently exists in boxing and related sports in New South Wales, namely, the prohibition on women participating in those sports. To that extent I support the intent of the bill to eliminate the discrimination that clearly exists and I support the proposed regulation. I think the previous speaker alluded to the fact that currently we are operating in an unregulated environment and that regulation will allow a greater level of control, including health and medical checks on the participants.

However, I have a problem with the concept of the legality of these so-called sports such as boxing and related sporting activities. I very much take issue with the comments of the member for Upper Hunter about allowing the extension of boxing to children under 14. Given the proven medical information that younger children have thinner skulls, even with the wearing of padded gloves and headgear, boxing will have a cumulative impact on young men, and in the future on young women. The extension of boxing to under-14s is a step in the wrong direction. There is a broader issue of the desirability of encouraging aggressive sports of this nature. The member for Clarence made some reference to other forms of contact sport such as rugby. Of course, there is a very distinct difference in the nature of those contact sports when compared with these so-called combat sports.

In sports such as rugby contact, and possible injurious contact, are incidental to the main objective of the sport; whereas contact in boxing and kickboxing and the like is essential and core to the nature of combat sport. In these sports people score by actually aiming to hit or kick an opponent in a manner which in other circumstances would generate an injury. The objective of these sports is to score points by inflicting what would otherwise be an injury. That in itself is decidedly different from the concept of contact sports such as rugby and others. There has also been a lot of talk about this sport being for amateurs and that amateurs wear a lot of padding. This is cloud-cuckoo-land stuff. Any young man, and in the future any young woman, who displays capacity in an amateur sport will be encouraged by a promoter to move into professional sport.

Members have talked about these sports being Olympic sports. I cite the example of Muhammad Ali, or Cassius Clay as he was previously known, who won an Olympic gold medal in boxing. He won that the medal as an amateur and went on to box professionally. For those people who like the sport he was clearly one of the best boxers of all time and an ornament to the profession. I ask members to look at the state that Muhammad Ali is in now. Medical opinion is that the Parkinson's disease and the assortment of other injuries that he is suffering from are a direct consequence of the battering he received cumulatively over a number of years as both an amateur and a professional boxer. I put it to members that as a Parliament we should be looking to discourage this form of activity.

However, as I said, I am supporting this bill because it regulates a new range of sports that are currently unregulated, and to that extent the bill is a good piece of legislation. It also eliminates discrimination against women in certain areas and in that regard it is also a good piece of legislation. However, essentially, boxing and other combat sports should be discouraged and ultimately made illegal.

Mr KEVIN GREENE (Oatley—Minister for Gaming and Racing, and Minister for Sport and Recreation) [10.47 a.m.], in reply: I thank members for their contributions to this debate. I particularly appreciate the fact that all speakers have supported the legislation. I shall review the main issues addressed in the bill. The name of the new legislation will be the Combat Sports Act 2008. The Boxing Authority of New South Wales will be replaced by the Combat Sports Authority of New South Wales. The regulation will list all of the sports to be covered by the new regulatory system. Sports such as Muay Thai, mixed martial arts and cage fighting will be subject to government regulation for the first time. I note the contributions of many members who were pleased, as I am, that we are able now to put a regulatory regime around so many more of the sports that have appeared since the original Act of 1986 was brought in.

The new legislation will ensure proper conduct of combat sports contests, including medical supervision and application of other safety measures. I particularly note the contribution of the member for Clarence and the detail he gave with regard to the medical requirements of the Boxing and Wrestling Control Act 1986. It is worth noting that generally the requirements that are in place for boxing will now move across to these other sports that will be regulated. The exclusions in the existing Act relating to women competing in boxing and kickboxing will be removed in the new legislation. Again, I appreciate the comments of members in support of that proposition and noting the current discrimination against women. Certainly the new Combat Sports Authority will include female members. The age restrictions currently operating in the regulation of boxing and kickboxing will continue by use of policies applying to conditions of permit for combat sports contests.

I note the comments of the shadow Minister and others with regard to the current age restriction of 14 years. The shadow Minister is correct in saying that the medical profession is concerned about the potential impact of competitive boxing on participants younger than 14 years. I accept that in amateur boxing headgear is worn to provide some protection, but the medical profession has concerns about the developing brain of children under the age of 14 years. Even in Olympic boxing contests, where headgear is worn, the participants can still be knocked out as considerable force is applied in impacts to the brain area. That is why the New South Wales Government continues to accept the medical evidence on the issues raised by medical practitioners and will continue to ensure that the under 14 years age restriction continues to apply.

Other age restrictions will be considered on a case-by-case basis by each of the combat sports identified in the Act and the regulations. I appreciate the comments made by the shadow Minister as to the discipline required in boxing. We all agree that in order to achieve success in sport participants need to learn self-discipline. The shadow Minister particularly commented on team sports, where participants need to work in a team environment. Many very important personal skills are developed across all sports. That is why sport provides great lessons for life. Coaching is not just about the development of the individual skills required in the chosen sport of a young person; it is also about life skills and character building qualities such as discipline, self-motivation, teamwork, cooperation, dedication and commitment. Coaches need to focus on the broader development of a young person as much as they do on the individual skills required in the chosen sport.

Under the bill the registration of combatants and industry participants will be permanent, and a transition period will apply to sports that are captured within the regulatory system during which time there will be consultation regarding their incorporation into the system. Agreements will be established between the Combat Sports Authority, the Department of Arts, Sport and Recreation, and the New South Wales Police Force regarding the responsibilities of each party in enforcing the regulatory system. I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

CRIMES AMENDMENT (SEXUAL OFFENCES) BILL 2008**Agreement in Principle****Debate resumed from 2 December 2008.**

Mr GREG SMITH (Epping) [10.53 a.m.]: The Opposition does not oppose the Crimes Amendment (Sexual Offences) Bill 2008 but the Government has missed out on important opportunities to improve protection to children. The bill amends the Crimes Act 1900 and other criminal legislation. The objects of the bill are:

- (a) to provide for an aggravated offence of having sexual intercourse with a child under the age of 10 years, with a maximum penalty of imprisonment for life,
- (b) to make kidnapping (or deprivation of liberty) an additional circumstance in which sexual intercourse with a child aged between 10 and 16 years is treated as an aggravated offence,
- (c) to make breaking and entering, and kidnapping (or deprivation of liberty), additional circumstances in which sexual intercourse without a person's consent is treated as an aggravated offence,
- (d) to create a new offence of aggravated act of indecency, with a maximum penalty of 10 years imprisonment, where an act of indecency is committed with or towards a child under the age of 16 years and the offender knows that the act of indecency is being filmed for the purposes of the production of child pornography,
- (e) to increase the maximum penalty for the offence of indecent assault against a child aged between 10 and 16 years,
- (f) to create a new offence of meeting a child, or travelling to meet a child, following grooming that child for sexual purposes,
- (g) to increase the maximum penalty for the aggravated offence causing a person to enter into or remain in sexual servitude,
- (h) to create a specific statutory offence of inciting a person to commit a sexual offence (carrying the same maximum penalty as the offence incited),
- (i) to create the maximum penalty for the offence of receiving money or material benefit derived from child prostitution, where the offence involves a child under the age of 14 years,
- (j) to increase the maximum penalty for possession of child pornography and make other changes to child pornography offences,
- (k) to create new offences of voyeurism and filming a person's private parts and to transfer to the Crimes Act 1900 and extend the existing offence of filming a person engaged in a private act,
- (l) to make various changes with respect to the sentencing of sex offenders and young offenders,
- (m) to provide for other miscellaneous matters (including consequential and savings and transitional matters).

The bill seeks to implement many of the recommendations of the New South Wales Sentencing Council and it amends both the Crimes Act 1900 and the Crimes Sentencing Procedure Act 1999. The Sentencing Council, at the request of the Attorney General, conducted the review in September 2007. The eminent retired judge Justice James Wood conducted the review and a two-volume report was presented to the Government in August 2008. So far as I am aware the report became publicly available in late October 2008.

The terms of reference for the report sought to identify any gaps in the current framework for sexual offences and their penalties, to advise on whether statutory maximum and minimum penalties are set at appropriate levels, to consider alternative sentencing schemes, to consider responses to repeat offenders, to advise whether good character as a mitigating factor has an impact on sentencing length, and to advise on the appropriateness of special circumstances of sex offenders serving their sentence in protective custody and whether that should form the basis of reduced sentences, as it does in relation to other offences.

The report found that there were gaps in the existing criminal framework that deals with sexual offences. In section 91H, child pornography, it found the New South Wales maximum sentences were at the low end—five years—and there was no increased sentence for repeat offenders. In sections 61M, 61N and 61O, indecency offences against children, it found that it was anomalous that an offence which involved the physical interference with a child attracted a lesser penalty—six years compared with ten years—than the videotaping of those offences. In section 66C (3), sexual intercourse against a child between the age of 14 and 16 years, it found that the offence carries a penalty of 10 years, or 12 years if aggravated, and that penalty is less than the penalty for sexual intercourse without consent, which is 14 years and 20 years if aggravated.

Mr Justice Wood's report also makes note of the High Court's decision in *CTM v The Queen* 2008 HCA 25, which restored the *Proudman v Dayman* offence of honest and reasonable mistake as to age. No comment is made in the report other than to note the decision and its effect under section 66C (3). The Government has not made any legislative amendments to address the issues raised in the CTM case—a matter with which I will deal later. In my view the Government is neglecting the protection of young people under the age of 16 by hiding its head in the sand about that decision because of the embarrassment it causes. The New South Wales Sentencing Council examined the incest provision in section 78A and said that the eight-year penalty was sufficiently less than other maximum penalties and it did not believe it needed to be addressed.

The council examined provisions relating to the persistent sexual abuse of a child and course of conduct offences in section 66EA and said that there was a need to clarify that as a separate offence. It also examined the aggravated sexual assault provisions in section 61J (2) and noted that the police ministry had submitted a further aggravating element that the offence took place in the victim's residence. The New South Wales Sentencing Council examined the provisions in section 547C relating to voyeurism—that is, the offence of peeping or prying—which were found to be now outdated. The council saw the need to group offences as separate offences in the Crimes Act—their own piece of legislation—or as a summary offence in the Summary Offences Act.

The New South Wales Sentencing Council also examined the provision in section 66EB relating to grooming and suggested an additional offence of meeting with a child following grooming and communicating indecent proposals to a child. Sadly, that type of offence is becoming much more common with the use of the Internet and the various services available on it that are attractive to children and young people. Although the New South Wales Sentencing Council highlighted several gaps in the legislation the Government has failed to implement a number of Mr Justice Wood's recommendations. These include:

Recommendation 1: Increase the statutory maximum penalty for indecency offences committed against children under ss 61M (aggravated indecent assault), 61N (act of indecency), and 61O (aggravated act of indecency). This Bill amends 61M(3) to include children under the age of 16 to address this recommendation and inserts 61O(2) to address it, but makes no amendment to 61N.

The Government has not acted upon recommendation 3, which reads as follows:

Recommendation 3: Amend s66C Crimes Act 1900 in the following terms:

- Any person who has sexual intercourse, attempts to have sexual intercourse or incites a third person to have sexual intercourse with another person who is of or above the age of 10 years but under the age of 16 years is liable to imprisonment for 14 years. **(The current offence carries with it a maximum penalty of 10 years.)**

The second part of recommendation 3 on which the Government has not acted includes:

- Any person who has sexual intercourse, attempts to have sexual intercourse or incites a third person to have sexual intercourse with a person under the age of 16 years in circumstances of aggravation is liable to imprisonment for a period of 25 years.

The Government did not implement recommendations 4 and 5, which are as follows:

Recommendation 4: Providing a note to or amending s66E to make clear that it is a separate offence.

Recommendation 5: Include s66EA in the Table of Standard Non-Parole Period matters.

That table was to be included in the Crimes (Sentencing Procedures) Act. The Government did not implement recommendation 12, which is as follows:

Recommendation 12: Introducing a definition of "act of indecency".

The bill also fails to amend section 73 to increase penalties to 14 years when the victim is aged under 18. With respect to maximum sentences, the report notes that the maximum penalty in New South Wales for many crimes is significantly lower than the maximum penalty for offences under Commonwealth legislation. The report also notes that the median sentence received by persons found guilty of such charges is around one-third of the maximum sentence. Offenders charged under section 91G (1) (a) using a child under 14 years for pornographic purposes receive the lowest median sentence of 2.5 years, or 17.9 per cent of the maximum sentence, while offenders charged under section 66M (1), aggravated indecent assault, receive 42.9 per cent of the maximum sentence of seven years.

The council found significant problems with the standard non-parole periods that were being applied by the court, which included, first, consistency in ratios between standard non-parole periods and maximum sentencing across offences; second, the standard non-parole period being so high that the sentencing judge will not call for them to be used, or will not look at them or apply them; and, third, that standard non-parole periods being above 50 per cent of the maximum often mean that repeat offenders do not get the sentence that they deserve. In relation to juvenile offenders, the Department of Juvenile Justice submitted that such persons should not be subject to a standard non-parole period because of their developmental stage, which was supported by the council.

In this legislation the Government has not addressed any of the council's concerns about the operation of standard non-parole periods. The bill also does not address Mr Justice Wood's recommendations with respect to the role of good character in sentencing, and subsequent amendments he offered to section 21A of the Crimes (Sentencing Procedures) Act 1999. However, there is some reference to good character in this bill, and there is a reference to it in the second reading speech of the Minister in the other place. The recommendations made by the council with respect to the controversial issue of child pornography have generally been implemented in this bill, including the deletion of artistic purposes as an offence under section 91H, and increasing the maximum penalty to 10 years for offences under section 91H (2). I said earlier that I would deal later with the principle discussed in *CTM v The Queen*. Paragraph 2.24 of former Justice Wood's report states:

An additional matter requiring consideration arises from the decision of the High Court in *CTM v the Queen* (2008) HCA 25. The effect of this case has been to preserve the *Proudman v Dayman* defence of honest and reasonable mistake as to the age of the child in relation to a charge brought under s66(3) of the Crimes Act (NSW). Contrary to the conclusion of the Court of Criminal Appeal the High Court held that the repeal of s77(2) has not shown a legislative intent to preclude this defence. The Sentencing Council is not aware whether it was in fact the legislative intent to achieve that result and makes no comment other than to draw the decision to attention.

I do not wish to criticise the Sentencing Council but when one examines the legislation and the debate, particularly the second reading speech of then Attorney General Mr Debus, it is clear that the repeal of section 77 (2) would create a regime where the offence of carnal knowledge was absolute; no defence of honest and reasonable belief applied. If the Government were really concerned about protecting underage children from sexual exploitation it would have moved on this anomaly. The High Court decision in June left child victims under 16 years of age open to predators raising the defence of honest and reasonable belief. The Crown is required to rebut that defence beyond reasonable doubt even if the child is younger than 14 years. Since the High Court decision a number of accused persons have raised this defence in the New South Wales District Court in relation to children aged 12 and 13 years, saying that they believed the children were over 16 years of age. Unfortunately, the Crown must rebut that defence. Often when these children give their evidence a few years after the offence occurred they look older, which then creates the background for the defence of honest and reasonable belief to be available.

Previously under section 77 (2) of the Crimes Act, which existed until 2003, the accused had to prove a number of things on the balance of probabilities but, effectively, that he believed the child was 16 years of age. That defence was available even if the child was aged between 14 and 16 years. That two-year gap was an extra protection, especially for younger children. The High Court decision in June in *CTM v The Queen* removed that protection and restored the common law defence of honest and reasonable belief in cases of sex with a minor. Predators and others who have sex with underage children now have available to them the defence of honest and reasonable belief that the child was 16 years of age or older. In the six months since the High Court's decision the Government has done nothing to remedy the situation.

The provision resulted from the State Government's amendments to the Crimes Act in 2003 to equalise the age of consent. The legislation was supposed to be retrospective but because of internal pressure in the Labor Party that retrospectivity was withdrawn—I refer, for example, to the speech by the member for Blacktown. The Government came under attack at that time because the offence existed in legislation only for females under 16 years of age. The law said there could not be sexual intercourse with boys under 18 years of age and that no specific defence applied. On 7 May 2003 Attorney General Bob Debus told Parliament in his second reading speech that by removing the express statutory defence under section 77 (2) (c):

... it will no longer be possible to argue that a uniform age of consent ... creates an effective age of consent of 14 years.

According to the High Court, he was hoist with his own petard. In the majority judgement of Gleeson, Gummow, Crennan and Kiefel J. J., the court said:

The ... speech [by Mr Debus] ... reveals a concern about an argument that, in the case of homosexual intercourse, to reduce the age ... from 18 years to 16 years was, in practice, to reduce it to 14 years. The problem, however, was more complex than that.

The High Court referred to comments in the leading judgement of the Court of Criminal Appeal, which stated:

[It was remarkable] that a section—

meaning section 77 (2)—

that had existed from time immemorial should be repealed without a clear and uncompromising statement being made, either by the draftsman or by the Minister responsible for the repeal, as to its intended effect.

That was the leading majority judgement of Justice Howie, who ultimately ruled that the Parliament had removed any defence and that the offence of underage sex was absolute. The High Court explained:

It was a defence that, in its terms, differentiated between homosexual and heterosexual activity ...

At least it had to be changed if there were to be the desired equalisation. The High Court decision means that the previous onus, which was on the accused to prove a reasonable belief, now shifts to the prosecution and no age limit of 14 years applies. In the wake of the Bill Henson scandal, this Government has claimed that it is tightening child pornography laws. The Government says it has removed the defence of artistic or other public benefit purpose and has doubled the maximum penalty. In light of *CTM v The Queen*, is there a defence of honest and reasonable belief for those who produce child pornography and say, "I thought she was over 16"?

The South Australian case of Clarke was refused special leave by the High Court. The South Australian Court of Appeal ruled that the New South Wales Court of Criminal Appeal decision in *CTM v The Queen* was interpreted properly, and the defence of honest and reasonable belief regarding child pornography did not apply as South Australian legislation did not specify it. It seems that the High Court refused special leave on different grounds. New South Wales legislation will enable a regular defence by pornographers and persons who take filthy photographs to say, "I thought she was 16", and therefore it is all right. Amongst the sea of criminal activity, when often fragile children feel the pressure of giving evidence, hardened criminals and pornographers will get away with sexual offences because the defence of honest and reasonable belief will remain in law.

This Government claims it is doing wonderful things to protect our children by increasing penalties and adding new offences. It has done nothing to restore protection for young children against the High Court decision, about which the Government must have known since June. I am sure that the Government followed the history closely through the Court of Criminal Appeal judgement and the arguments used in the High Court special leave proceedings. The Government would have known that special leave was granted to the applicant and would have read the transcript of evidence and submissions in the High Court. Indeed, the Government probably had access to the written submissions. The New South Wales Criminal Law Review Division is a very able and bright group; I am sure it would have monitored progress. Where is the Government's response? Where is the real protection for underage children in this State?

Adding to penalties does not do anything if a person is not convicted. The Government has allowed this age gap to remain, in the full knowledge that this defence is being raised in District Court trials and that it was recognised by the High Court. Why has the Government not changed section 77 to create an absolute defence of carnal knowledge? The other changes provided in the bill are important. It is important to punish predators and it is important to deter people from committing offences, but convictions must be obtained. By leaving a loophole the Government is just adding to the problem. Another area in which the Government should be taking action is in the area of special child sexual assault courts. That was recommended by its own much-vaunted sexual offenders task force, which received representations from all the relevant groups—or stakeholders, as the Government calls them.

One of the recommendations—and I suggest it is the principal recommendation—is that there should be special courts to deal with cases in which children are the victims and children are witnesses. In special courts, judges and prosecutors who are especially suited and other support staff, such as witness assistants and other important people, are specially trained for the task so that criminal trial trauma, which is greater for children than for anyone else, may be avoided by children as much as possible. Special courts are intended to give children the chance to give their evidence as they see it, without being distracted by the appearance of a court with its oak benches, barristers in fancy outfits, judges, and juries looking solemnly across at them. I am not suggesting that there would not be juries involved.

Where is the special court to deal with child sexual assaults? There is no sign of it. We have had all sorts of excuses and all types of minor changes that have been much vaunted by the Government, such as changing the law of consent. In my view that has made matters more confusing by adding an objective standard

to the already existing subjective standards, thereby making a summing up more confusing. That does not improve matters for young people or for adult victims of sexual assault. There has been a series of opportunities that the Government could have followed up, but did not.

On the matter of character, there is no doubt that under current sentencing laws and arrangements the previous good character of an accused person can be taken into account by the sentencing judge as a matter of weight. The leading case is the case of Father Vince Ryan, a parish priest, who was not given any credit for his otherwise unblemished character and service to the community by the sentencing judge. The Court of Criminal Appeal, which was presided over by the former Chief Justice of the High Court who was then the Chief Judge of the New South Wales Supreme Court, did not change the determination, but the High Court ruled that some consideration had to be given to his good works in balancing the well-deserved and severe sentence that he received for his disgusting conduct over a period of years. Ultimately the matter was remitted to the Court of Criminal Appeal. Justice Mason, who was the president of the court, gave the leading judgement and reduced by one year the total sentence and non-parole period of 18 years. Mr Justice Mason stated:

The adjustment is relatively small having regard to the whole term. It retains the condign stringency of the original sentence imposed by Judge Nield and thereby reflects the seriousness of the criminality appropriately condemned in the remarks of Judge Nield and this Court as earlier constituted.

As the High Court pointed out, the nature and extent of the offences mean that the appellant's "otherwise good character" can only be a small factor to be weighed in his favour. The nature and extent of that good character attracts some leniency, but not significant leniency.

That is the extent of the case law stated in the case of Ryan. Justice McHugh in the High Court said in relation to sentencing and character generally:

... the weight that must be given to the offender's good character will depend on all the circumstances of the case.

He went on to state:

... the nature and circumstances of the offence will be factors of utmost importance.

Former Justice Wood commented:

While the assessment of the weight to be given to evidence of good character involves a subjective evaluation of often competing considerations, in the exercise of sentencing discretion, several aspects may be noted.

Mr Justice Wood dealt with those aspects from pages 130 to 134 of his report. They include absence of prior convictions, duration of offending, the use of position—particularly if someone is in a position of trust and that has been abused—the moral worth of the offender, double counting, and the quantification of any "discount" for good character. I believe doubling the penalty for possession of child pornography, which this bill is intended to achieve, is well warranted. It must be remembered that in producing child pornography, particularly pornography that involves penetration offences, the child is subjected to enormous pain. Child victims often are in undeveloped countries where they are basically sold by their parents or handed over to procurers for whatever benefit, but particularly for money. Those kids are filmed and degraded. But it does not matter where they come from. Sometimes they are children of Australian families; it happens here. That activity of sexually abusing children and filming it cheapens the dignity of all human beings, particularly that of innocent children—dignity to which all people are entitled. This State must give maximum protection to innocent and vulnerable children. It is so important that we do so.

In conclusion, I reiterate that, although the Opposition will not oppose the legislation, we plead with the Government to introduce quickly the amendments that are needed to counteract the CTM decision. The Government made the decision that there should not be such a defence. I am not saying that the former Attorney General, Mr Debus, acted with malice; I think he acted sincerely, but he was legally wrong. That has been pointed out by the highest court in the land, and it should be corrected. Unless that is done, innocent children in this State—children aged under 16—will continue to be at greater risk.

Mr FRANK TERENCEZINI (Maitland) [11.27 a.m.]: I support the Crimes Amendment (Sexual Offences) Bill 2008. Before I address some specific concerns that have been mentioned during debate in this House and in the other place, I must point out my recollection that the sexual assault task force put an enormous effort into making recommendations for the reform of sexual assault law in New South Wales. The task force

made dozens of recommendations over a long period that caused the Government to introduce five different Acts of Parliament. Those Acts revolutionised and greatly reformed the law applying to sexual assault in New South Wales. As I recall it, the Opposition did not support the legislation in 2006.

It strikes me as somewhat hypocritical when I hear comments at this stage from an Opposition that was not in the favour of that very important legislation when it came before the Parliament. Most of the bills were introduced before I was elected to Parliament. The reforms have brought sexual assault law forward considerably from its former position. I have spoken during debate on some of the bills that have progressed sexual assault law reform. I state from personal experience as a former prosecutor that I had to deal with the laws before they were reformed, and I know that New South Wales laws as they stand in relation to sexual assault have come a long way, particularly with regard to victims.

Having said that, I will now address some specific matters, the first of which is the matter of indecency. In the report of the New South Wales Sentencing Council it was recommended that penalties for indecency offences against children be increased to 10 years. Currently the penalty for general acts of indecency against a child between the years of 10 and 16 is two years imprisonment. The penalty for an act of indecency committed against a person over the age of 16 years is 18 months imprisonment. In addressing the Sentencing Council's recommendations, it was clear that its intent was not to increase the penalty for this offence from two years to 10 years. To clarify, advice was sought from Justice Wood as to the reasoning behind this recommendation. I refer to a letter dated 24 November 2008, which was tabled in the upper House on 2 December, in response to that request for advice. In the letter Justice Wood quotes a reference by the council on the report. The quote states:

... it would appear to be anomalous that an offence which requires an act of assault committed on in the presence of a child or an act of indecency with or towards a child should attract lower maximum penalties than those applying to offences involving the filming or videotaping of these activities or the publishing, possessing or dealing with the images produced thereby, which would constitute sexual offences falling within the ambit of the Commonwealth child pornography offences.

Justice Wood went on to say:

The thrust of the recommendation was the concern that persons who committed indecent assaults and acts of indecency for the purposes of producing child pornography faced a lower statutory maximum penalty than the person who filmed, possessed or disseminated the images of that assault occurring. It was not the intent behind the Council's recommendation that all acts of indecency attract a maximum penalty of 10 years.

This was confirmation that it was not the Sentencing Council's intent to increase the penalty for all acts of indecency to 10 years but, rather, to address the specific concern. Therefore, the Government has implemented this recommendation by creating an additional circumstance by which the offence of aggravated act of indecency is committed under section 61O of the Crimes Act. Now when a person commits an act of indecency with or towards a child under the age of 16 years for the purpose of the production of child pornography they will face a maximum penalty of 10 years jail—the highest penalty for any of the forms of aggravated acts of indecency. That responds to the concern raised by the shadow Attorney General, the member for Epping. The Sentencing Council made two recommendations relating to section 66C. The first recommendation states:

Any person who has sexual intercourse, attempts to have sexual intercourse or incites a third person to have sexual intercourse with another person who is of or above the age of 10 years but under the age of 16 years is liable to imprisonment for 14 years.

Currently the maximum penalty is 10 years. The second recommendation states:

Any person who has sexual intercourse, attempts to have sexual intercourse or incites a third person to have sexual intercourse with a person under the age of 16 years in circumstances of aggravation is liable to imprisonment for a period of 25 years.

The Government has referred the Sentencing Council's recommendations, which I have just set out, relating to the offence under section 66C to the Sexual Assault Working Party. The Government is aware that further issues have been raised by the Office of the Director of Public Prosecutions in relation to this section that fall outside the general scope of a sentencing review. Thus the Government has decided to refer this section in its totality to the Sexual Assault Working Party, which is conducting a general review of the sexual offences in the Crimes Act 1900. This working party is to be chaired by Justice Elizabeth Fullerton and will consist of members of the Office of the Director of Public Prosecutions, police, legal aid, the Attorney General's Department and the Public Defenders.

I will respond to a further matter raised in this House and in the other place—that is, the non-parole periods applying to juvenile offenders as recommended by the Sentencing Council. This bill makes it clear that

the standard non-parole period does not apply to persons who were under the age of 18 when they committed the offence as per the recommendation of the Sentencing Council. It makes amendments to the Children (Criminal Proceedings) Act 1987 and the Crimes (Sentencing Procedure) Act 1999 to make it abundantly clear that the table of standard non-parole periods does not apply to the sentencing of an offender in respect of an offence if the offender was under the age of 18 years at the time the offence was committed.

Concern was raised in the upper House about good character, which is one matter that is always considered in any sentencing exercise as a mitigating factor. From memory, good character is specifically included in section 21 of the Crimes (Sentencing Procedure) Act. Concern has been raised about the role of good character in the sentencing amendments to section 21. The Opposition is incorrect on this issue. Item [2.4] of schedule 2 clearly states that section 21A of the Crimes (Sentencing Procedure) Act 1999 is to be amended to create special rules for the sentencing of child sexual offenders. It specifies that in determining the appropriate sentence for a child sexual offence the good character, or lack of previous convictions, of an offender is not to be taken into account as a mitigating factor if the court is satisfied that the factor concerned was of assistance to the offender in the commission of the offence.

Furthermore, the section states that this has effect, despite any act or rule of law to the contrary. The Opposition should have looked at this a little more closely. The bill will ensure that good character does not apply. There is case law for the proposition that good character should not be taken into account. I recall the case of *Levi v Queen* back in the late 1990s. From time to time I handed that judgement to the judge to try to negate good character as a mitigating factor. Section 21A then came into effect, and we went back to square one. The Opposition has raised a further concern about section 66E. The Government has looked at this and has taken the Opposition to mean the recommendation under section 66EA. Section 66E relates to alternative verdicts. Section 66EA relates to persistent sexual abuse of a child.

This recommendation has been referred to the Sexual Offences Working Party. Prior to the Sentencing Council handing down its report, the police and the Office of the Director of Public Prosecutions raised the possibility that this section of the Crimes Act was not being utilised as often as it could be, and that the way in which it is currently drafted creates some practical problems. It was considered preferable that section 66EA be reviewed in totality as part of a general review of the sexual offences in the Crimes Act 1900. Furthermore, the Sexual Offences Working Party will comprise senior representatives from the Director of Public Prosecutions and police so that all the issues, both practical and legislative, can be addressed.

This offence has not been included in the table of standard non-parole periods because the section of the Act will be further considered by the working party. Any decisions in relation to standard non-parole periods will be considered in light of these recommendations. As for the definition of "act of indecency", in making this recommendation the Sentencing Council recommended that such a definition be considered as part of a substantial review of the Crimes Act. That is exactly what has been done. I note that concern about that was also raised in the upper House. In response to that, it is the reason the recommendation has not been taken up. We have established a high-level working party to examine this issue as part of the wholesale review of the sexual offences in the Crimes Act. The working party will report back, and the report is due within 12 months.

This bill is another significant step forward in addressing the concerns about sexual assault law in New South Wales. It forms a further bill that reforms and moves forward the system of sexual assault laws while at the same time referring those recommendations or concerns raised by Justice Wood to the Sexual Assault Working Party for further reforms. That will ensure reforms brought to this House are fully considered and ventilated, and are fully informed, productive reforms that will keep us moving ahead with sexual assault laws in New South Wales. I commend the bill to the House.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [11.38 a.m.], in reply: I thank the member for Epping and the member for Maitland for their contributions to debate on the Crimes Amendment (Sexual Offences) Bill 2008. The introduction of this bill is timely as we are currently within the internationally recognised 16 days of activism to stop violence against women, which runs every year from 25 November to 10 December. Each year 25 November is the International Day of Elimination of Violence Against Women—also known as White Ribbon Day. Sadly, sexual violence towards women and children is a worldwide problem. White Ribbon Day is a campaign to raise awareness of violence against women and to encourage individuals in the community to take action and help to make the lives of women safer.

The bill before the House reflects the Government's commitment to ensure that anyone who commits sexual violence against women and children or who perpetuates such violence and exploitation feels the full

force of the law. The bill ensures that penalties are tough for people who commit child sexual assault, adult sexual assault and child pornography offences, and demonstrates the seriousness with which the community and the Government regard those crimes. These amendments to the Crimes Act arise out of the Sentencing Council Review of Sexual Offences 2008. The Sentencing Council conducted a review of relevant legislation, both State and Federal, and with the assistance of the Judicial Commission of New South Wales prepared a statistical analysis of sentencing outcomes for the relevant offences. The report states:

- 1.10 Where appropriate, the Council reviewed a significant body of individual decisions on sentence, although this has mainly concerned decisions delivered in the Supreme Court or the Court of Criminal Appeal, since many of the first instance decisions in the District Court and Local Court are not readily available on line ...

It is important to note that:

- 1.11 Meetings and consultations were held with the Office of the Director of Public Prosecutions, the Public Defender's Office, the Department of Corrective Services, representatives of the NSW Parole Authority, the Attorney General's Department Aboriginal Programs Unit, and representatives of the Legal Aid Commission, among others ...
- 1.13 This review is undertaken against the background that prior to 1981 there were 11 indictable offences for which provision was made in the *Crimes Act 1900*—

they are set out in that chapter—

- 1.14 The *Crimes Act* now creates 69 separate indictable sexual offences. In part this increase has been due to the creation of new offences concerned for example, with grooming, internet pornography, sexual servitude and sex tourism, which have become areas of concern either for the State or the Commonwealth. The principal reason for the increase, however, has been due to the division of existing offences to create separate offences, dependent upon the presence of aggravating circumstances such as the age of the victim, the infliction of actual bodily harm in conjunction with the sexual act or the commission of the offence in company.
- 1.15 The result is a complex mosaic of offences and sentences, the complexity of which is increased by the provisions for the existence of standard non-parole periods for some of the offences.

The member for Epping referred to the implementation of certain recommendations. I am advised that the Hon. John Ajaka raised them in the upper House last evening and, with respect to my learned friend, I refer him to the Attorney General's answers in the upper House. It is important to recognise too that the Sentencing Council report noted the decision in *CTM v The Queen* [208 HCA 25] and made no recommendation to change the law in that area. The Government accepts that position and will continue to monitor the law in that regard. The High Court decision in *CTM* ruled that a genuine and reasonable mistake as to age defence does exist in New South Wales. However, it must be remembered that it comes into play only in consensual sexual relations and does not apply to non-consensual sexual relations. New South Wales has the toughest sexual assault laws and *CTM* does not detract from that.

In relation to child pornography, the case of *CTM* makes it clear the defence applies only to consensual sexual activity. For someone to be convicted of child pornography offences the child involved has to be or appear to be under 16 years of age. There is no defence available for the production of child pornography where the perpetrator thought the child was over 16 years of age. *CTM* has no effect on the defences with respect to the production, possession or dissemination of child pornography. Courts for child sexual assault were not specifically recommended by the Sexual Assault Task Force, rather special listing in case management procedures for sexual assault cases were called for and the Government has implemented these, including a special sexual assault practice note setting six months time limits on sexual assault matters.

In relation to character, the Government implemented the recommendations of the report in respect to character of the accused person. The member for Epping also raised the defence of artistic merit. In order to prove an offence against section 91H of the Crimes Act the prosecution must establish that the material depicts a child, first, engaged in sexual activity, second, in a sexual context or, third, as the victim of torture, cruelty or physical abuse and that the material would, in all the circumstances, cause offence to reasonable persons. The onus in any prosecution under this section is on the accused to make out a defence. It is considered unlikely that any child "engaged in sexual activity" or "as the victim of torture" could ever be defensible on the grounds of "artistic purpose". These are both serious criminal offences and, therefore, it is not considered feasible that the situation would arise where such depictions could be defensible for any purpose, artistic or otherwise.

However, concerns have been raised in the media and elsewhere that the removal of the artistic merit defence completely from this section may mean that photographs such as the Pulitzer Prize winning photo taken in 1972 by Nick Ut of a naked Vietnamese girl running from a Napalm attack on her village in Trang Bang

would possibly be deemed to be child pornography. She was a victim of torture and therefore meets the definition in section 91 H (1) (c). If the defence were removed from that section there would be no defence available for someone who produced or possessed such a photograph.

The Sentencing Council recommended that the artistic purpose defence be removed. However, the council did not have the time or resources to consult widely on the issue. The community response in relation to the issue is indicative of the complexity of this controversial area. Therefore, the Government has determined that the issue should be referred to the Child Pornography Working Group for further in-depth consideration and consultation and ensure that all of the issues have been thoroughly canvassed and considered before the defence is removed. In relation to child pornography it is important to note the recommendations in the Sentencing Council Report on Sexual Offences 2008 which states:

- 4.1 There has been increasing community concern in relation to the sexualisation of children generally, and in relation to the availability of child pornography in its various forms, including that capable of being accessed, downloaded and transmitted via the internet. That there is a market for this kind of material, and that there is a body of offenders who are interested in the production, dissemination and collection of child pornography is now unarguable.
- 4.2 According to the NSW Judicial Commission, between January 2005 and September 2007 seventy-four people were sentenced in the Local Court for the offence of possessing child pornography. Eight people were sentenced for the offence of disseminating and producing child pornography in the same period. The Victorian Sentencing Advisory Council recently reported that between 2004-05 and 2006-07, 197 people were sentenced in the Magistrates Court for knowingly possessing child pornography. The Commonwealth Department of Public Prosecutions has advised that 32 import / export child pornography offences (under the *Customs Act*) were committed between July 2003 and June 2008.
- 4.3 There is some evidence that:
 - these practices are addictive and obsessional;
 - that those involved constitute a heterogeneous group including a former Crown Prosecutor and Police Officers; and
 - that the children involved are at risk of being exposed to a variety of forms of sexual invasion (ranging from being required to pose in a sexual context, to participating in acts of indecency, to becoming the subject of indecent assault as well as penetrative sexual assaults, and to being involved in acts of sado-masochistic kind and of bestiality.
 - there is also some evidence that the age of the children depicted is reducing.
- 4.4 The long-term effects for the children who are abused and exploited by those involved in these activities are, at this stage, undetermined. They almost certainly involve varying degrees of shame, trauma and loss of self-confidence. Psychological harm is certainly possible, arising from the actual abuse and it's recording in circumstances that emphasise their powerlessness and degradation.

The report further stated:

Harm may also arise as a result of the knowledge that as they grow older such material may remain in circulation and be available to a wide variety of observers to be used for their sexual gratification on a long-term basis. The existence of such knowledge can also serve to heighten the shame and distress of being exploited when they were young and vulnerable.

- 4.5 A serious vice arising as a result of the proliferation of this material and its access by a substantial body of offenders, is that it tends to provide encouragement to those who produce such material, entrenching their involvement and encouraging the production of even more gross forms of pornography to satisfy the market. It can even have an effect of normalising the conduct of those who have an interest in it. This is exacerbated by the fact that there is a commercial market for this material, as well as an informal private market for trading between individual collectors, in circumstances where they can hide under a cloak of anonymity. The readiness of collectors to swap images, and the sophistication of those who systematically organise their collections into directories and folders are only likely to fuel demand for this kind of material.
- 4.6 The technologies that are now available readily permit users or collectors to become producers, via usenet newsgroups, bulletin board systems, internet relay chat groups, the worldwide web and mobile phone technology.
- 4.7 Responding to this form of criminality is a challenge for law enforcement by reason of the secrecy with which those who produce, disseminate and collect child pornography can operate, and as a result of the increasing array of technologies for its production and recovery through the use of the internet and otherwise. This includes the capacity to morph or juxtapose or pixilate images so as to make it more difficult to identify the children involved and to trace those responsible. There is also a well-advanced capacity to conceal collected material, through the use of password encryption and other techniques, such as retaining it on a hard drive after deletion but with available technology to recover it at any time.

- 4.8 While a great deal of the concern in this context relates to the use of the internet, the production, distribution and possession of child pornography is not confined to the use of that vehicle. Similar forms of such pornography are available through traditional methods of photography and print, although they may become less used as the internet evolves and becomes the principal source for offenders who collect material of this kind.
- 4.9 Of concern is the use to which material is put, and the extent to which it encourages offenders, who find the material normalising, to move on to direct abuse of children themselves. Also of concern in this respect has been the experience seen with groups such as the Orchid Group to use internet chat room technology for real-time sexual interactions with children. To what extent offenders generally are encouraged by their possessing and viewing of child pornography to move on to contact offences, involving the indecent or sexual assault of children, is probably unascertainable in any reliable way, but at least anecdotally it is not unknown for offenders of the latter kind to be found in possession of child pornography.
- 4.10 Further, there are several associations which actively promote sexual involvement with children, on the wholly erroneous assertion that it is for the good of those children to be educated by persons who claim to be sensitive to their "needs", who are also involved in the exchange of child pornography among their membership. The availability of such material can be a means for the formation of these associations and for the widening of their circle, as well as for grooming and establishing person-to-person contacts.
- 4.11 The incidence and potential seriousness of offences of this kind involving children is indicated by the number of cases prosecuted in the courts compared to the number of persons of interest recorded by police. This almost certainly represents a very small proportion of the total number of offenders, most of whom will remain undetected.
- 4.12 A further indication of the prevalence and seriousness of these offences is provided by the series of recent cases tried in the Local court and the District court, and by the number of people who have now been charged as a result of Operation Centurion. It is relevant in this respect that currently a number of offenders with convictions for child pornography offences are on the Register of Sexual Offenders, or are registrable persons and disqualified from working with children, or the subject of child protection prohibition orders.
- 4.13 There are difficulties, in addition to those related to the challenge of detecting offenders whose interest in child pornography is played out in secrecy, in ascertaining the extent of the problem by reference to sentencing databases since they are dependant upon identifying the principal charge that led to the sentence. As a result where child pornography offences are incidental to the principal charge, or are dealt with on a Form One,—

that means that they were taken into account in sentencing on the principal charge—

their existence may not become apparent from a review of the statistics. This is so even though, in such cases, child pornography may be used by offenders for a number of purposes, such as their own gratification, to arouse the sexual interest of a child, to induce a child to accept sexual contact as normal, or as a trophy of their own abuse of the child depicted.

The report contains statistics in relation to prosecutions and sentences imposed. I refer members to volume 2 of the report. The report clearly deals with child pornography as a separate topic, by reason of the fact that matters of concern overlap the terms of reference and that it is a topic of current interest for a society that generally abhors child sexual abuse and child pornography. I have quoted extensively from the report of the Sentencing Council, which underpins the bill. I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

CRIMES (DOMESTIC AND PERSONAL VIOLENCE) AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 27 November 2008.

Ms PRU GOWARD (Goulburn) [11.56 a.m.]: The Opposition does not oppose the Crimes (Domestic and Personal Violence) Amendment Bill 2008 and proposes no amendments to it. The Opposition welcomes the work of the working group and that the group has recognised the need to monitor the legislation and identify areas in which the original legislation, the Crimes (Domestic and Personal Violence) Act 2007, which

commenced on 10 March this year, can be helpfully amended. The Opposition notes that the amendments come at a time when New South Wales has suffered a record number of deaths and homicides from domestic violence and there can be no doubt that when the number of deaths increases that is not a result of improved awareness of domestic violence, nor is it the result of greater publicity or public information about domestic violence—it is indicative of the increased incidence of domestic violence. As statisticians will argue, where there is an increase in mortality rates there is also an increase in morbidity rates; in this case the incidence of domestic violence.

It is particularly disturbing that the number of domestic violence related homicides is rising while homicides from other causes overall are going down. We are now seeing a movement in the murder model that is towards domestic murder. It is absolutely imperative that there be a domestic violence homicide review. The Act has been with us for only a few months, and there has been an increase in the number of deaths. Therefore, there has been an increase in the incidence of domestic violence, and now is an ideal time to begin a domestic violence homicide review. It is of great disappointment to the Opposition, indeed to the sector, that the Government has not yet decided to support a domestic violence homicide review. In any case, whether the Government proceeds to a domestic violence homicide review, and even if the Government sees that as a semi-permanent fixture for government, it is obviously important also that the Government commit to reviewing the outcomes of this law.

The Crimes (Domestic and Personal Violence) Act of 2007 was supported by all sides of Parliament. It has widespread social and political support, as well as support from key agencies. In these circumstances, given the novel nature of the Act, it is very important that we review its outcomes in 12 months, 24 months and 36 months. There are two reasons for that. It is useful to ask questions in an annual review of the outcomes of the Act about what it is doing to incident rates, homicide rates and workload rates. The review informs the work of the informal committee and also informs the work of the Parliament when it comes to making further amendments to the Act. I remind the House that this is a most unusual Act and one that we all supported, and none more than myself. The Opposition recognised it was a very important piece of legislation. However, it cannot be denied that to have a stand-alone Act for domestic violence and associated personal violence is a new step in lawmaking.

These Acts are not to be found everywhere in the world. That makes the case law in some senses a blue-sky proposition. It also means that we are learning on the job as we develop and modify the legislation. In other words, some Acts of Parliament are well established and based on longstanding models from other jurisdictions. There can be a high level of comfort in the capacity of those Acts to do the job. In the case of this Act, because this is a very big step for a legislature and because it is not so common, it is much more important that we commit to regular reviews of the outcomes of the Act, such as incident rates and other aspects, to assure ourselves and the public of New South Wales that the Act is doing its job.

I encourage the Government to commit to a review of the Crimes (Domestic and Personal Violence) Act. We all acknowledge that there is an informal committee that does this and that has come up with these very sensible amendments we are discussing today. In addition to that, there should be a proper formal review with some performance indicators and analysis of the drafting issues and management issues. When we have an Act as complicated as this one, particularly with respect to the new amendments and how they will apply to apprehended violence orders, for example, and police operating procedures are changing—not that that has anything to do with this Act but it is part of the changing picture of how New South Wales is dealing with domestic violence—it is all the more important that we review this critically.

I turn now to the proposed amendments, which the Opposition is happy not to oppose. I compliment the Apprehended Violence and Legal Issues Coordinating Committee on its work. I note that it has a number of government and non-government members, including the Domestic Violence Advocacy Service and the Women's Domestic Violence Court Assistance Scheme. The first significant amendment in this bill is to include the offence of stalking or intimidating a person as a personal violence offence for the purposes of the Act. Stalking and intimidation are extremely difficult for people to deal with. I think that is well recognised. I welcome the move to include this offence in this bill because it particularly recognises the difficulties of protecting people who are not in a domestic relationship but are nonetheless in an intimate one. A young boy and a young girl may be living in quite different domestic circumstances but the moment intimate relationships are involved there is immediately the capacity for a power imbalance, which is of course what stalking and intimidation arise from. I welcome the inclusion of the offence of stalking and intimidation, as does the Opposition, because there is strong recognition that in the case of relationships that are not domestic it has been hitherto difficult to protect people from this sort of conduct.

The second significant amendment is to require a provisional order to be served where practical on the person for whose protection it was issued. This is an extremely important amendment as the Minister said in her agreement in principle speech, and I heartily endorse that. Up until now orders have been served on the perpetrator of the violence and often the victim of the violence is both unaware that the order has been served and is not confronted with the police officer or whoever it is who will read the order to her—it is mostly a her, but not always. So it is very easy for a woman in these circumstances to not take in the full import of the apprehended violence order and then at some later stage inadvertently breach the order herself when her partner comes calling and he is no longer drunk and abusive. It is easy for her to feel sorry for him and allow him back into the domestic situation. Then the order is breached and a very frustrated police officer turns up a few hours or a day later when the violence has recommenced. I agree with the Government and of course with the committee in concluding that by serving the order on the victim as well as the perpetrator there is a certain amount of education and awareness raising of the victim.

Often the victim does not see herself as the victim of domestic violence. Often the victim believes that she deserved it and that he could not help it; it was merely that he had had too much to drink and that she had distressed him in some way. If women believe that they should not be the subject of domestic violence and that they have the right to live in safety in their own homes we will have a much clearer strategy for dealing with the problem. Part of the problem with domestic violence is that so often the woman has already been intimidated and intellectually and mentally browbeaten into believing she deserves it. For this reason she often inadvertently breaches the order because she does not have full confidence in or an appreciation of the importance of keeping the perpetrator away from her, particularly when there are children involved.

A further amendment will enable an authorised officer to make an interim apprehended domestic violence order that protects not just the person for whom the order was sought but also other persons with whom he or she has a domestic relationship. Again, this is a very welcome recognition by the committee and the Government that it is often the case that people other than the victim can also be threatened by a perpetrator in these circumstances. The RSPCA tells horrific stories of victims of domestic violence whose pets have been strangled or beaten by the perpetrator as part of punishing a woman. While we are not protecting pets in this bill I make the point that domestic violence and the perpetrator's view of the woman extend far beyond her person to people close to her—her mother, sisters, and of course any subsequent boyfriend should the relationship have moved on.

Enabling an authorised officer to protect other people is absolutely essential in protecting the victim because she has a commitment and a sense of responsibility to them. Should they be endangered by the perpetrator we could be fairly confident that a large percentage of victims would feel some responsibility for that and would seek to confront the perpetrator in some way and protect their relatives or whoever it is that has been threatened. With this change the apprehended violence order automatically includes them. Flowing on from that, the best person to recognise who else might be threatened by the perpetrator is often the victim herself.

Another sensible amendment in this bill will enable the victim to seek protection orders for other people. The victim is aware, in her domestic circumstances or relationships, of those people who are known to the perpetrator—those people that the perpetrator is the most likely to attack or at which he is likely to take offence. It is often the mother of the victim but sometimes it can be a strong sibling who has the effrontery to stand up to the perpetrator at some point and the victim can be confident that that person will also be on the perpetrator's hit list. It is important to give the victim the capacity to seek apprehended violence orders on behalf of those people as circumstances might arise in which a police officer or a party external to the family might not have that awareness, might not suggest it, or might not seek the consent of the victim. It is important for victims to feel empowered enough to seek the protection of those who are close and dear to them. A most interesting amendment—this provision is in the original Act but it is more comprehensively spelled out in the amendment—is as follows:

- (c) to require an authorised officer, when making an interim apprehended domestic violence order, to include as protected persons under the order any children with whom the person for whom the order was sought has a domestic relationship unless there are good reasons for not doing so ...

That provision is in the original Act but these amendments will include it in a special clause. The reason for requiring an authorised officer to include protected persons under the order—unless there are good reasons for not doing so—is that at times a victim might vexatiously seek to have children placed under an apprehended violence order to separate them from a perpetrator, if that perpetrator is the other parent, and in particular

circumstances that might be unfair. Children are also victims when they witness domestic violence. Occasionally they can be direct victims of domestic violence but they are also victims merely because they witnessed the violence and have to live with the trauma that they experienced.

The Access Economic study concluded that domestic violence was costing Australia \$8 billion a year. That study recognised the cost of managing, protecting and healing children who have witnessed domestic violence, in particular but not always between their parents. Children who witness domestic violence are vulnerable and have to live with and bear the consequences of it for the rest of their lives. When necessary, they ought to be included in protection orders. Apprehended violence orders might occasionally impose unfair restrictions on a perpetrator. For example, the order might reflect the age of the children and the perpetrator's relationship with them. That capacity is recognised in the amending bill.

The bill also amends the Firearms Act 1996 and the Weapons Prohibition Act 1998 to provide that a licence or permit issued under those Acts is suspended automatically on the making of a provisional order against the licence or permit holder by an authorised officer, which obviously is a sensible amendment. I am sure that all members regret that similar provisions were not introduced last year.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [12.14 p.m.]: I am pleased to speak in debate on the Crimes (Domestic and Personal Violence) Amendment Bill 2008, which makes important and sensible amendments to the Crimes (Domestic and Personal Violence) Act 2007. I will refer to a number of the amendments. I refer first to the inclusion of stalking and intimidating a person as a personal violence offence for the purpose of the Act. This is a welcome amendment as there is often confusion between personal apprehended violence orders [APOs] and apprehended domestic violence orders [ADVOs]. I welcome that clarification and inclusion of stalking and intimidation relating to personal violence offences.

Community members often think of domestic violence as physical violence, when stalking and intimidation are just as violent in their own way and create as much fear and apprehension for women, children and men as physical violence or injury do. The bill requires a provisional order to be served, where practical, on the person that it was issued to protect, which is a sensible amendment. Sometimes a provisional order is served on an alleged perpetrator and subsequently he or she becomes a defendant. However, the person that the order was issued to protect must have that order in his or her possession, in particular if he or she is in another local area police command and needs to produce it quickly. That sensible amendment requires the order to be served on the person it was issued to protect, otherwise known as the person in need of protection [PINOP]. Another sensible amendment will clarify who can apply for an ancillary property recovery order. The explanatory notes to the bill state:

Schedule 1 [6] amends section 37 of the Principal Act to provide that an ancillary property recovery order may be made by a court or an authorised officer when making an apprehended violence order or an interim apprehended domestic violence order or on the application of a police officer, the protected person or the defendant.

Often the excuse that is used by the alleged perpetrator for going back to the premises where the woman and the children are residing is that he needs to get his property. Sometimes a woman leaves her home or residence in a hurry to attend the police station and she needs clothes for her kids and her personal belongings. When alleged perpetrators hang onto those things the woman is tempted to go back to get them. She might need clothes and food for the kids, or she might need her credit card and her mobile phone. This sensible amendment will help to reduce the trauma involved in quick or rapid separations that occur sometimes after years of domestic violence. A decision is made on the spur of the moment and when that occurs the woman realises that she can no longer put up with the abuse. One of the objects of the bill is as follows:

- (d) to enable an authorised officer to make an interim apprehended violence order that protects not just the person for whom the order was sought but also other persons with whom he or she has a domestic relationship ...

That provision will now apply to an applicant for an apprehended domestic violence order relating to him or to her, and the order will also apply to those people with whom he or she has a domestic relationship, which is a significant reform. A woman who has left a relationship might wish to commence a new relationship, but a perpetrator might become jealous and manipulative and try to exact his revenge by scaring off potential new partners, intimidating or threatening the woman's parents or grandparents, or threatening violence to a family member. An applicant or a police officer can now add to the interim apprehended violence order those persons with whom the person in need of protection has a domestic relationship.

The clarification in relation to children is most significant and is a welcome amendment to the Act. An authorised officer, when making an interim apprehended domestic violence order, will be required to include as

protected persons the children of the person for whom the order was sought, unless there are good reasons for not doing so. Domestic violence victims often are women with children, usually quite young children. It is important that those children are included on the order from the beginning. Quite often at the time of instigation of an apprehended violence order the victim attending the police station has no Family Court orders as proceedings have not been instituted, which means that no arrangements are in place regarding the care, custody and residence of children. This important amendment particularly protects children in the interim period between making an application for an apprehended violence order and the institution of Family Court proceedings.

It is well recognised that children are significantly affected directly and indirectly by the effects of domestic violence. Legislative amendments last year expanded the objectives to recognise the particularly vulnerable position of children exposed to domestic violence as victims or as witnesses, and the impact such exposure can have on their current and future physical, psychological and emotional wellbeing. These reforms require that when deciding whether to make an apprehended violence order courts must consider the safety and protection of the person in need of protection and any child directly or indirectly affected by domestic or personal violence. In making a determination the court will consider the effects of the consequences on the safety of the person for whom the order is made and any children living or ordinarily living at the residence if an order restricting access by the defendant to the residence is not made.

Often police apply on behalf of the person needing protection. In making a final determination on whether the child or children are to be included on an apprehended domestic violence order the court will have regard to any existing Family Court orders. When no such orders are in place and an apprehended domestic violence order is sought it is important that the authorised officer making any interim order includes children, particularly vulnerable and young children. These are valuable reforms and amendments to the legislation. I commend the bill to the House.

Mr FRANK TERENCEZINI (Maitland) [12.22 p.m.]: I support the Crimes (Domestic and Personal Violence) Amendment Bill 2008 and its intended provisions. I commend the Government on its consultation process on this draft bill with key stakeholders: the Legal Aid Commission, the New South Wales Police Force, the New South Wales Ministry of Police and the Office for Women. The Apprehended Violence Legal Issues Coordinating Committee also was consulted. This committee was established in 1997 and is an interagency group comprising non-government and government membership. The Attorney General's Department, New South Wales Police, Ministry of Police, Office for Women, Local Courts, Legal Aid Commission, Judicial Commission, Office of the Director of Public Prosecutions, and key services such as the Domestic Violence Advocacy Service and the Women's Domestic Violence Court Assistance Scheme all have contributed to these reforms.

This bill is a further amendment in relation to how domestic violence should be treated. One continuing attribute under the Domestic Violence Act is the change in the way police and the Director of Public Prosecutions [DPP] treat domestic violence matters. When I prosecuted domestic violence matters in my previous role it was common to read in statements or hear in consultation with the police that proceeding with an application for an order depended on the victim. No longer is that the case: amendments were made to the legislation about two years ago resulting in a change in police instructions regarding domestic violence incidents. Offenders no longer will be able to hide behind their victims because those victims choose not to proceed with charges or an application for an apprehended domestic violence order. Offenders knew that if police attended a domestic violence incident the decision to proceed further with the matter was left to the victim. This no longer is the case.

Obviously, police will take into account the views of the victim, but the decision to proceed with an apprehended violence order application will depend on the discretion of the police and not solely the victim. In my experience offenders know that the matter would not proceed if the victim did not want to take it further. On many occasions I had conferences with victims of domestic violence who would not or did not want to proceed for various reasons. That created a disincentive for other victims to come forward and was not in the public interest. It also was a denial of justice. The reasons victims gave for not proceeding were obvious: women had no place to go and they would suffer further reprisals. The police and the Director of Public Prosecutions took all of that into account.

Offenders should know that if police attend the scene of a domestic violence incident it is in the public interest to proceed to make an application for an apprehended domestic violence order regardless of the victim's views. On most occasions victims mask their reasons for not taking the matter further. That is not in the public

interest or that of the victims. The new procedure will be a deterrent because offenders will know that, should they perpetrate these cowardly crimes of domestic violence and the police attend the scene, an application for an order would proceed to finality in the courts. Offenders would know that they could not hide behind their victims to prevent an apprehended violence order application or charges being laid. That is a welcome reform and I commend it.

I commend also the new police procedures to better protect victims of domestic violence: the pro-arrest policy, victims information cards, better protection for children at the crime scene and improved management of Aboriginal family violence issues. These police initiatives will make sure victims are better protected. I commend those initiatives. It is important to note that in future when offenders' criminal histories are presented in courts the offence of domestic violence will be identified. In my court experience, a criminal history would refer to domestic violence as assault or common assault, or an offence that did not reveal it as a domestic violence matter. There is a difference between an assault outside a pub and a domestic violence incident. We would have to get that information by having the police trawl through their records in the computerised operational policing system [COPS] to pull out the facts sheet. Many times that information was not available.

Domestic violence offences are a particular category of conduct that should be known to the courts. These reforms will ensure that. When someone is charged or an apprehended domestic violence application goes through the system the matter will receive its own law part number. The police will attach that specially dedicated law part number to the case and it will appear on the charge sheets. The law part number will ensure that the offender's criminal history attributes the words "domestic violence" or "domestic violence related matter" to the record. The courts will then see an offender's history of domestic violence instead of normal assault.

That is a very welcome reform. In my view, which is based on experience, it will facilitate improvements in delivering justice in our local and district courts in relation to these offences. I also applaud and commend the 10-year firearms suspension for people who have a history of domestic violence or who have been involved in domestic violence to some extent. We must always remember the need to control strictly and firmly the availability of firearms to people who have a history of domestic violence or who have been convicted of domestic violence offences. We all remember the horrible events of Hoddle Street, Queen Street, Strathfield and Port Arthur that started with domestic issues or matters of domestic concern between people. In my experience, people involved in extreme violence invariably know each other or have relationships with one another. It very often concerns a relationship between a husband and wife, and involves families and children as well as Family Court proceedings.

It is very important to make sure that anyone who is the subject of an application or has an interim or permanent order against them has had this issue addressed. It is also important that anyone who in the past 10 years has been involved in domestic violence is the subject of appropriate action to restrict their access to firearms. That is also a welcome amendment. This legislation represents another step forward in protecting victims from cowardly conduct by perpetrators, usually males, in the home environment—out of sight and out of mind, away from public view. We should be sure to label this conduct domestic violence and treat the offence under a whole new regime, which is what will happen under this legislation. For all those reasons I commend the bill to the House.

Ms KATRINA HODGKINSON (Burrinjuck) [12.31 p.m.]: In joining in debate on the Crimes (Domestic and Personal Violence) Amendment Bill 2008, I congratulate the shadow Minister for Women on her excellent contribution to the discussion. The bill takes several important steps towards assisting women who face what many would describe as the ultimate challenge in any personal relationship, whether the relationship is existing or is a former relationship. Of course, domestic violence also involves people from broken relationships. In so many different ways the ultimate challenge is how a victim responds and how the victim sets themselves on the path to recovery. There is an added challenge for people who have children of ensuring that their children grow up feeling stable, loved and accepted. They are huge challenges for any woman who experiences domestic violence.

Anyone who has experienced domestic violence will confirm that attending a police station to make a report, or having police turn up at their home to take stock of the situation—which may involve removing the perpetrator from the premises in front of children—has an immense impact. Victims have to try to get through making a statement at the police station and then find accommodation in the middle of the night or early in the evening. As domestic violence often seems to occur at night, a victim may have to find accommodation if she cannot remain in the family home. That is when women's refuges come into their own.

I have visited many women's refuges on my travels throughout the State, and I cannot say how impressed I am by the quality of care they provide to victims, particularly to mothers. I acknowledge that single women also experience domestic violence and must search for accommodation. The love and care that women receive from women's refuges is second to none. I highlight the women's refuges in Coffs Harbour, Port Macquarie and Young. The manager of the women's refuge in Young is Kim Bruce, who is an absolutely amazing woman. She works for practically nothing, she is tough, she is kind, and she knows what women need when they arrive at the refuge. She gives those women support to enable them to get through the situation they are facing. Kim Bruce provides emergency accommodation not just in Young but in 17 surrounding towns and villages. I had an uphill battle with the former Minister for Community Services in obtaining additional funding for Young. Last year the town raised the funds to enable the women's refuge to obtain more suitable premises.

I note that the legislation provides what could be described as a two-way apprehended violence order system. If the perpetrator of the violence has an apprehended violence order imposed upon them, the person initiating the apprehended violence order will not be allowed to contact the offender. That is an important step forward. In my dealings with constituents I have received complaints that perpetrators are being approached by victims at a time when things seem to be getting back to normal. The original attraction may have been reignited and the victim takes the step to contact the perpetrator, thinking that everything will be okay, that she can settle this, and that her children need a father. The reasons for doing so include, "I really love this man and he loves me." Of course, that can be the worst thing that could possibly happen because the old actions again come into play. I believe this is a good amendment—and I have dealt with a lot of domestic violence matters involving constituents over many years.

It is also important that the offence of stalking or intimidating a person is regarded as a personal violence offence for the purposes of legislation. We know that many people feel they are being stalked but are not quite sure what to do. They do not know whether they can take action. They ask themselves whether an act of physical violence has actually been perpetrated against them, and the answer is no. They ask themselves whether they are being stalked, and the answer is no. They also ask themselves whether their lives could be threatened as a result, and they suspect that that may be the case. There must be a way for people who face that situation to take some action. At the end of the day, if they do not take action soon they may not get the chance later because it will be too late.

Last week I read onto the parliamentary record information obtained from excellent interviews in articles written for the *Sydney Morning Herald* by Ruth Pollard. I commend Ruth for her writing because she analysed the cases of many victims. Last week we observed White Ribbon Day, which is the day on which we acknowledge the existence of domestic violence. I know that many members of Parliament wore white ribbons, which was really encouraging. Several parliamentary debates focused on the need to recognise domestic violence and to take some positive steps to improve the lot of people who are confronted with that type of violence on a regular basis or who, having been confronted with it once in their lives, do not know what to do about it. In some cases people are concerned that if they take an allegation to the police, they will be ridiculed.

Hopefully this legislation will alleviate much of the concern related to taking action to report domestic violence and hopefully it will go some way towards making victims feel that the steps they have taken to report the offence will improve their lives. There are so many women in this State who play the role of the victim very well. They are subjected to ridicule, to acts of violence, to acts of mental abuse, and to all sorts of different assaults on their person. I say to those women that it is time for them to stand up and take positive steps to improve their situation.

Once you have been a victim of domestic violence you cannot sink much lower than that. That is it; that is the bottom. That is the pits. It is all up from there. You can take a positive step with your life through counselling and through the help of friends. If you have family—obviously, external from the perpetrator—contact them. Take some positive action in your life. It is important that women hear that message. I have made it clear that I do not oppose this legislation. I believe it will be positive in many ways. However, it is important that the Government funds women's refuges across the State and ensures that there are adequate beds for women who face the real problem of having to sleep in their cars because they have no alternative accommodation or nowhere to go.

New South Wales is a big place; if there is an act of domestic violence in one town it is not necessarily feasible for somebody to travel 60 miles to the nearest women's refuge. We need more emergency accommodation for women in this State. Obviously, alcohol plays a significant role in domestic violence. I strongly believe that the Federal Government should be embarking on an active advertising campaign to curb

alcohol addiction and acts of aggression following the excessive consumption of alcohol. I think the Federal Government has breached one of its responsibilities because we are seeing an increase in the number of acts of domestic violence being perpetrated against people when alcohol has been a significant trigger. The Opposition does not oppose this legislation.

Mrs JUDY HOPWOOD (Hornsby) [12.41 p.m.]: I shall make a brief contribution to debate on the Crimes (Domestic and Personal Violence) Amendment Bill 2008, which amends the Crimes (Domestic and Personal Violence) Act 2007 with respect to applications for, and the issuing of, orders under that Act. It would be remiss of me not to make a contribution to this debate given my membership of the Hornsby Ku-ring-gai Domestic Violence Network. I am proud to be a member of that group and to work side by side with its members, who come from a vast array of organisations and interest groups in my electorate. The overview of the bill states that the object is:

... to amend the *Crimes (Domestic and Personal Violence) Act 2007* ...

- (a) to include the offence of stalking or intimidating a person as a *personal violence offence* ...
- (b) to require a provisional order to be served (where practical) on the person for whose protection it was issued, and
- (c) to clarify who may apply for an ancillary property recovery order, and
- (d) to enable an authorised officer to make an interim apprehended domestic violence order that protects not just the person for whom the order was sought but also other persons with whom he or she has a domestic relationship, and
- (e) to require an authorised officer when making an interim apprehended domestic violence order to include as protected persons under the order any children with whom the person for whom the order was sought has a domestic relationship unless there are good reasons for not doing so, and
- (f) to clarify that an applicant to a court for an apprehended domestic violence order in relation to himself or herself may also apply for the order to be made in relation to another person with whom the applicant has a domestic relationship, and
- (g) to enact further savings and transitional provisions ...

I make this contribution in light of the 16 days of activism, which included White Ribbon Day last week. During the past week I commented on the issue of domestic violence. I pay tribute to the members of the Hornsby Ku-ring-gai Domestic Violence Network. I note that the lower North Shore group is holding an awareness evening tonight; the movie *Unfinished Sky* will be shown and there will be additional speeches and messages on domestic violence. Tomorrow night the Hornsby Ku-ring-gai Domestic Violence Network is holding a movie night; it is showing the movie *Australia* and there will be essential messages relating to domestic violence.

A lot of work is done in my area. For example, soroptimists put together a little pack for women who are victims of domestic violence. That has been an ongoing action by that group for a number of years. Josie Gregory—I have mentioned her in this House previously—does tremendous work as a court assistance person to women who are victims of domestic violence. In conclusion, the Opposition is not opposing this legislation. Indeed, it will enhance existing legislation. I look forward to reporting the enactment of this legislation to the various domestic violence groups with whom I have contact.

Ms VERITY FIRTH (Balmain—Minister for Education and Training, and Minister for Women) [12.45 p.m.], in reply: I thank members for their contributions to this debate. I thank the shadow Minister for Women and member for Goulburn for the Opposition's bipartisan support for the Crimes (Domestic and Personal Violence) Amendment Bill 2008. The issues surrounding domestic violence and violence against women are clearly not partisan issues. No one party can say that it is the soul custodian of domestic violence issues. I greatly appreciate the Opposition's support today for these amendments. I also thank the member for Miranda, the member for Maitland, the member for Burrinjuck and the member for Hornsby for their contributions to the debate. I commend the bill to the House.

I will address some of the issues raised in the debate. The shadow Minister raised the issue of a domestic violence homicide review. Like everyone in the community, and definitely everyone in the House, I am shocked and saddened by any domestic and family violence related murders. It is deeply disturbing to read in today's *Sydney Morning Herald* that new figures from the Australian Institute of Criminology have highlighted that 10 per cent of all domestic violence homicide victims were children under the age of 15. No-one in this place could fail to be moved by the tragic deaths of women and children at the hands of their

partner or father. Our Government is clearly aware that there have been calls from the Ombudsman and from members of the Domestic Violence Committee Coalition, in particular, to establish a domestic homicide review process.

This is a complex issue that demands careful consideration. We all recognise the tragedy of domestic violence related fatalities. Shortly the Government will release a community discussion paper on a new whole-of-government strategic framework that will provide a blueprint for our responses to domestic and family violence. As part of this process, the Premier and I will be considering all options to help prevent deaths associated with domestic and family violence, including the establishment of a domestic homicide review process. This framework will be developed following a period of widespread community consultation. The consultation process will provide a valuable way for the Government to be informed of best-practice policies and programs that protect women and children, including from the tragedies of domestic violence homicides.

Members might be interested to know that my Commonwealth counterparts are also closely examining the issue of domestic violence related homicides. The Commonwealth Government is investing in research focused on domestic violence related homicides through the National Homicide Monitoring Program to inform interventions that will protect women and their children from violence. The Commonwealth has boosted Australian Institute of Criminology funding to enhance the National Homicide Monitoring Program. I understand that work is progressing to identify individual and situational risk factors associated with domestic violence related homicides and to identify early intervention and prevention strategies for high-risk individuals and communities, including Aboriginal communities. I look forward to the outcomes of this research and anticipate that it will help provide important information for the New South Wales Government's domestic and family violence strategic framework.

The member for Goulburn asked how we will review the outcomes of the bill. The Government is keeping the operation of the Crimes (Domestic and Personal Violence) Act 2007 under constant monitoring through, among other means, the Apprehended Violence Legal Issues Coordination Committee, which is a formal body. But there is also a requirement in section 104 of the Act for a three-year formal review of the legislation, which the Government will undertake. The member for Burrinjuck commented about the need for more support for women escaping violence. I know she will be pleased to know of a fantastic new initiative called the Staying Home Leaving Violence project that explicitly helps women and their children in such circumstances. That project, which is part of this Government's rollout of new domestic violence initiatives across the State, will be of particular support to women in rural areas where a refuge may be some distance from their home, as pointed out by the member for Burrinjuck.

The Government is currently rolling out this service to 18 sites across the State. It will make an enormous difference to women and children escaping a violent partner or father. Under the Staying Home Leaving Violence project it is the perpetrator who leaves the family home. The victim and her children are able to remain there. This project is incredibly important because the real-world factors that precipitate a victim returning to the perpetrator—such as "Will the children go to school?" and "Do I have enough money to feed, clothe and house them?"—are removed if the victim and her family stay in the home. This program is part of the Government's \$40 million package aimed at better supporting victims of domestic violence.

The issue of domestic violence is extremely important. As the member for Hornsby pointed out, the introduction of this bill is timely. We are currently in the period known as 16 Days of Activism to Stop Violence Against Women. Last week was the International Day for the Elimination of Violence against Women, also known as White Ribbon Day. White Ribbon Day is part of the 16 Days of Activism to Stop Violence Against Women, which runs every year from 25 November to 10 December. It is a campaign to raise awareness of violence against women and encourage individuals and communities to take action to help make the lives of women safer. I am pleased that this bill has bipartisan support. 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.

STATE REVENUE AND OTHER LEGISLATION AMENDMENT (BUDGET MEASURES) BILL 2008**Agreement in Principle**

Debate resumed from 27 November 2008.

Mr MIKE BAIRD (Manly) [12.52 p.m.]: I lead for the Opposition in debate on the State Revenue and Other Legislation Amendment (Budget Measures) Bill 2008. What is loosely termed a "mini-budget" is in many respects a case study of all that is wrong with this State. The Opposition opposes the bill because that will give members opposite the opportunity to admit it is time they were held to account for their actions. It is time their actions were open to public scrutiny, and it is certainly time that the people had a voice on issues such as school travel. Today we give Labor members that opportunity, and I plead with them to listen to their communities and to respond through their vote on this legislation.

In the lead-up to its announcement the Government said that the mini-budget was going to be tough and bleak but would turn around the fortunes of this State. I think Kevin O'Farrell would be upset with the outcome because the mini-budget does nothing more than pull out the biggest packet of bandaids this world has ever seen. The Government is trying to hold together a creaking fiscal framework but lacks the budget discipline and strategic vision. The Government claimed that the mini-budget was a response to the global economic slowdown—which is the greatest myth ever perpetuated. Indeed, any member who has sat around the Cabinet table for almost 14 years and paid any attention whatsoever to finance issues knows that this problem has been coming for a very long time. It is unreasonable and baseless to claim that the mini-budget was handed down because the Government had to make some tough decisions in light of the global economic crisis.

The global economic crisis is here but, as we debate this bill, we see clear evidence that the financial crisis in New South Wales has been approaching for a long time. Under the naked glare of economic slowdown, the truth is there for all to see. So how do we reach the point strategically where a government must bring down a mini-budget? What do we do when there is a global slowdown? Every other government globally and Labor members' friends in Canberra are providing funding and introducing measures to stimulate the economy. The Federal Government has provided bonus packages, which come into effect this week, to stimulate the economy. In this mini-budget the Premier and Eric Roozendaal are swiping the money through charges even before it hits the bank.

Let us consider what the Government is doing. Through the mini-budget the Government has introduced 16 new taxes and charges worth more than \$3.3 billion and implemented a raft of funding cuts in a last-ditch attempt to shore up the management practice that has been instilled in it. Labor has a culture of no discipline and no accountability. So we now find ourselves in this position at the worst possible time. The Government is not putting simply a handbrake on the economy; it has both feet on the brake pedal. It is slamming the New South Wales economy when it needs every last breath. We must resuscitate our economy and prepare for what is to come. Forget the next 12 months; I believe the next 24 months will be some of the toughest we have seen. I started my career in the finance sector in the late 1980s at the beginning of the recession that Paul Keating said we had to have. I remember clearly that they were tough times for businesses and for families, but that was nothing compared with what we will see in the next 24 months.

Over the past 13 years we have seen windfall taxpayer revenue of \$17.5 billion. That is an important point. Every Labor member would be unbelievably excited if the new Premier came into the party room and said "We've had a whole range of windfall revenues totalling \$17.5 billion that we have put aside to deal with any economic crisis that comes along." If that had happened we would not have seen cuts to infrastructure projects in this mini-budget. The north-west metro project, for example, would not have been cancelled. If it had basic management discipline the Government would be able to deliver for this State. Upon his appointment, the Premier said he had "no explanations of how State finances had rapidly deteriorated since June." He continued:

I don't have the time nor the inclination to examine why we have got those estimates wrong. The simple fact of the matter is we've got them wrong.

That is understandable during the whirlwind of assuming office as a result of a few backroom deals. We understand that the Premier would need time to consider all financial impacts. But he sat at the Cabinet table for almost two years. Every Cabinet Minister should have asked about the State's finances and whether Ministers were being held to account for the expenditure in their portfolios. That basic discipline is lacking. The state of the economy should certainly not have come as a surprise to the Premier, or to anyone in the Cabinet room. Surely alarms bells should ring and lights should flash when a backbencher or a Minister hears grand

announcements and sees advertisements and brochures heralding a new piece of infrastructure. Surely some Government members should have started to question the process when every project announced was cancelled a couple of years later—or in record time in the case of the north-west metro.

The New South Wales Auditor-General, Peter Achterstraat, said that lessons learned from this experience could be applied in the future. He said, "If you are going to put forward a budget, it has to be rigorous." They are very true words. I will address some responses to the mini-budget and I will raise key strategic points. I will conclude with the Opposition's views on what the State should do to move forward. Policy and visions have been much criticised. The Leader of the Opposition and the Leader of The Nationals have a clear plan for taking the New South Wales economy forward, and I will conclude on that point. Once I have addressed the provisions in the bill I will outline some hope and vision. I remember reading articles by Ross Gittins when studying for the Higher School Certificate some 20-odd years ago; he was essential reading then and remains so today. He is a well-respected economic commentator. He wrote:

This mini-budget will impress no one and win the Rees Government no friends.

It will do nothing to ease the severe downturn in the NSW economy. Indeed it will make things a little worse.

...

Sensible treasurers don't cut spending and run down staff levels as the economy teeters on the edge of recession.

Similarly, they don't jack up taxes in the middle of a downturn.

Nor do they throw out capital works projects at a time when the state's construction industry is most likely to be short of private sector work ...

It is hard to disagree with Ross Gittins's synopsis of what many astute observers and commentators are saying about this bill. Citibank, a global financial institution, commented on the mini-budget and it also provided some good insight. Just after the release of the mini-budget, a statement from Citibank said:

The NSW mini-Budget detailed a significant worsening of the 2008/09 State budget position ... The obvious concern here is that the higher tax rates will not raise increased revenue, but simply place more downward pressure on these sectors of the NSW economy—

That is, the sectors that most need it—

It seems highly unlikely, therefore, on current assumptions that the projected return to surplus in 2009/10 will materialize.

It is highly unlikely. A raft of forward estimates was announced in the mini-budget, but they come and go with the wind, particularly in relation to a surplus. My favourite was when the Government rolled out the land tax bill at Sydney Airport. The State was in deficit by \$370-odd million, so it introduced a \$400 million land tax bill, which took it into surplus. There is a high degree of concern about the forward surpluses. I was in the Chamber when the Treasurer said, very confidently, that in 12 months we could be heading back towards a surplus. I do not know where he gets his advice from, I do not know to whom he is talking, but I know that this process has a long way to go. Anyone who attempts to kid us that we will be in a comfortable financial position in 12 months, as the Treasurer says, is being highly optimistic, is not very well informed, and is certainly not taking into account what global commentators are saying. The Citibank statement further said:

The govt has also sharply revised down its economic forecasts ... we see the revised NSW govts economic forecasts as being too optimistic.

I think economic growth is at 1.25 per cent. In the last quarter, the New South Wales economy was in negative growth. We need a stunning turnaround in our growing economy to achieve that figure. I am sure that Treasury has done the modelling, but the clear question to be asked is: Having gone through the rigour of a mini-budget process, has the Government levelled with the people of New South Wales on what they are facing? Are the numbers put forward just numbers, or do they reflect the true position? The Coalition and others are concerned about the growth forecasts as articulated by Citibank. The statement continued:

Net debt of the total State sector is now f/c at \$A27.8bn, 7.4% of GSP, as at 30 June 2009. By 30 June 2012 net debt is now f/c at \$A40.6bn, 9.3% of GSP.

Citibank's point is that after all the effort that went into drawing up the mini-budget, the net debt profile for New South Wales in the forward estimates period will barely change. That is not a position that the Coalition would necessarily argue against: the mini-budget has had very little impact on debt profile. The rating agencies have

articulated that the net financial liabilities are of concern, and the Government has not done much to alleviate their concerns. Why are we at this point? We are at this point because the ratings agencies put us on credit watch because they were concerned about the forward debt profile and the track record. I will address the ratings agencies in my conclusion. Citibank also said:

State-govt/CGS spreads, especially for NSW, have re-widened in recent weeks.

Unfortunately, due to the ongoing concerns in global financial markets and factors specific to NSW, we doubt that this widening process is complete.

The market is very clear: the spreads on New South Wales bonds are a reflection of management competence. A share price in equity markets reflects a whole range of things, including, obviously, future growth forecasts, debt levels and, most importantly, management competence. The market has concerns with the management of New South Wales, and that is what is seen in the spreads; Citibank sees that as increasing. There are concerns that the forward debt profile, which I will address later, shows the cost of funding New South Wales is rising astronomically relative to the past. It is true that the global financial crisis has hit that point, but, as Citibank has articulated well, there are specific concerns about New South Wales.

The object of the bill is to give effect to certain budget measures announced by the Treasurer on 11 November 2008. They include amending the Duties Act 1997, amending the First Home Owner Grant Act 2000, and amending the land tax legislation to allow the increase of land tax from 1.6 per cent to 2 per cent for property valued at more than \$1.8 million—I will address that further. Additional budget measures include amending the Children and Young Persons Act to enable licensing fees to be charged to childcare operators, amending the civil Procedure Regulation 2005 to increase the daily fees payable for hearings of civil proceedings, and amending the Human Tissue Act 1983 to enable the Government to charge for the supply of blood.

Further budget measures include amending the Management of Waters and Waterside Lands Regulations to increase the annual fees for mooring licences, amending the Mining Regulation 2003 to increase the base rate of royalty payable for coal, amending the Parking Space Levy Act 1992 to increase the parking space levy, amending the Growth Centres (Development Corporations) Act 1974, amending the Private Hospitals Regulation 1996, amending the Real Property Regulations 2008, amending the Victims Support and Rehabilitation Act 1996 to double the compensation levies payable by convicted offenders, and amending the Protection of the Environment Operations (Waste) Regulations 2005 to increase the waste contributions paid by occupiers of licensed waste facilities.

What does that mean? How is that translated into tangibles? I will address some of the measures that will flow from amending the legislation and regulations. The Coalition has put the global financial crisis in context. We understand the management performance of the State Government. We understand also the history of specific actions and the impacts of intervention on the economy. When Morris Iemma became Premier he said that he would abolish vendor tax because it put the brakes on economic activity. Morris is no longer with us in this Chamber, but he is still with us in the community. I wonder about his reflection on his experience of being Premier, and what he would think of this mini-budget. Others could ask him that. I am sure he would regret it very much, having seen the effect of the vendor tax on the economy. What would he think about some of these taxes and cuts set out in the mini-budget?

Revenue items include deferring the abolition of certain duties to 2012, which will raise \$400 million. I understand that New South Wales has to seek the approval of the Commonwealth Government to do that, but when we took the GST we took it on the understanding that we would abolish duties. Every other State government has done it. New South Wales has deferred its obligations, or is seeking to do so, in its dash for cash. Everyone was happy to sign up to the GST reform. We have heard a lot of triumphalism about the new federalism and what cooperation will bring to New South Wales. The GST agreement is a wonderful opportunity to secure the funds we have been looking for for so long. While the Government has been tardy in abolishing some duties the broader picture remains of a fiscal imbalance, which we urge the Government to address as a priority and deliver on it.

The premium rate of land tax on properties valued at in excess of \$2.25 million will bring in \$170 million a year. This strikes at the heart. Why was that level picked? Cabinet members thought that in instituting this tax no-one would feel the pressure. They thought only a group of wealthy people would own these sorts of properties. They did not understand the unintended consequences of the knock-on effect on the many small businesses that operate in the properties held by landowners in this land tax bracket. Who do

members think will have to pay for this land tax impost? Obviously the small businesses will have to pay. The landowner passes on the cost to the small businesses and they pass it on to the consumers. It has a double impact because it hurts businesses and it raises prices for the people of New South Wales. It acts as a natural deterrent by limiting shopping and stimulatory activity. It is the result of a blatant attempt to hit a few people in the hope that no-one will notice.

The Government must think through those impacts when it is putting together an economic framework and a clear strategy to take the State forward through the mini-budget process. The Government must think through every single consequence of its actions. It very clearly missed that when it increased land tax, and any distortion will come home to roost. You cannot attack just one part of the property market: the flow-on effect hits every part of it. The flow-on effect impacts on rents, on property values and on tenants, and so the story goes on. Again, this is anything but a stimulatory event for the New South Wales economy. In fact, it is the absolute opposite at every level.

The Children and Young Persons Act is to be amended so that families will now have to pay increased childcare fees, which will raise \$7.2 million a year. The shadow Minister has raised a number of concerns about the funding scheme for emergency services. We are looking for \$30 million for improvements for the State emergency services. Is that to be paid for by cuts in the services? Only the Minister and the Premier can answer that. We have spoken about the proposal to charge for the supply of blood, which has received a lot of attention for a small item, but it is very symbolic when one thinks of the number of people who voluntarily donate their blood. Blood supplies are critical day in and day out to maintaining and saving lives, yet their supply is viewed very callously as a revenue-raising opportunity by a government in crisis.

Mineral royalties are another example of where we think that strategically the Government has got things very wrong. The Cabinet or the budget team—I am not sure who was in charge of the team; a whole cook's cabinet put the mini-budget together—realised there was a commodity boom, which meant an increase in the coal price in particular. Rather than see those profits go back to the coal companies the Government saw a chance to grab some of them. "Good idea", said the hollowmen who were involved. I ask members to think about the impact of the coal industry on the economy: it provides a huge number of jobs and a high level of revenue through royalties. We have been going through a commodities boom over the past seven or eight years, but everyone can see that an economic slowdown is coming. At present commodity prices are under pressure and falling, so just at a time when companies are starting to feel the pinch and are adjusting their businesses accordingly, the Government has decided to whack them by grabbing some more revenue.

The more important point—this is the point I stress—is that a government that is serious about developing an economy should not pick up bits of revenue here and there. How can the Government create a sustainable revenue stream that drives economic growth in the future? It does not slug the entire mining sector, particularly the coal industry, with a levy; it asks how the industry can be further developed. I will tell the Government how it can start: it can start with the Newcastle terminal. The Greiner report brought together every single operator and provided a road map on how to finally remove the capacity constraints in that port. If the capacity constraints are removed a lot more volume will end up going through the port. That means an increase in revenue to the companies involved, which, importantly, will flow back to the State. Billions of dollars of revenue are available through royalties if the Government can fix the capacity problem at that port once and for all. Would that not be a better strategy than having a very small swipe at an industry that has certainly enjoyed some good times but is very likely to go through some very poor times in the next 12 months? We strongly urge the Government to fix that constraint problem for good.

The mini-budget imposes a parking service levy, which will raise another \$58 million. The Government is cutting back on public transport and, in forcing people back onto the roads, it will tax them wherever they go. Again, no thought has been put into this. Where is the investment in public transport in this mini-budget? The experience of Manly residents is that there is nothing by way of investment, only cuts. Ferry fares have been increased and the JetCat service has been cut. However, I am pleased to see that the service is to be opened for public tender. The Independent Pricing and Regulatory Tribunal [IPART] has commented on ferry fare increases and given the Government an opportunity to address some of the problems. Sydney Ferries has been plagued by, and saddled with, a cost problem for the past five or six years. IPART has referred to that; it is not just the Opposition. If the Government addressed some of the cost problems it could reduce the subsidy provided to public transport and reduce congestion on the roads, and the whole system would start to work.

The cost of green slips will rise again, which is a slug for working families across the State. I am sure many members will refer to the co-payment for the school student transport scheme, so I will not go into detail

on that. I believe the public has spoken on that. My colleagues will certainly speak about it at length. When we look at the position the State is in, we should remember that the notion of fiscal targets was introduced by Bob Carr and Michael Egan, overseen by Morris Iemma who started to change it, and dismissed as a nonsense by Eric Roozendaal. Why did Michael Egan adopt a strategy of reducing debt? Everyone would agree that we reduced debt by too much. Certainly investment should have been made in a whole range of infrastructure well over a decade ago. If we look at Melbourne and Sydney and compare the road and transport initiatives, we see that Melbourne is far more productive, much easier to get around and more liveable. In fact, on the world index, unfortunately for us, Melbourne has surpassed us as a more liveable city. It invested in infrastructure and we did not. The important thing is how much debt was paid back. There was some sense to what the Government did in paying back debt. It related to fiscal targets. The Government's stated reason for the fiscal targets was:

... to strengthen the State's balance sheet by reducing General Government Sector net debt and other financial liabilities to sustainable levels. Once this is achieved, in the event of a recession or a major cyclical downturn in revenue, the Government could meet the revenue shortfall by borrowing, thereby allowing the balance sheet to temporarily absorb the impact rather than having to reduce service delivery.

The 2007-08 budget strategy stated:

The objective of the Government's medium-term fiscal strategy is to maintain service delivery notwithstanding economic and fiscal shocks.

We can blame Costa and Iemma or the Cabinet—no-one wants to take responsibility—but the truth is if we had maintained the fiscal targets established by the Government we would quite clearly be in a position to absorb the economic downturn into which we are falling. That means that we would be able to cope with falling revenues and we could borrow on a short-term basis to provide stimulatory packages to the economy. That could include committing to infrastructure along with other measures such as port capacity. The Government has not included those measures in its mini-budget, which is why this State is in a financial crisis.

The Government is proposing to sell off a number of assets, for example, electricity—an issue to which I will refer in a moment—New South Wales Lotteries, WSN Environmental Solutions, the personalised number plate business of the Roads and Traffic Authority [RTA], and the Pillar Administration. Apart from the proposed sale of the Pillar Administration and the RTA's personalised number plate business, that was the Opposition's policy before the last election. Is the Government considering any asset sales under current market conditions? At the moment it would not be able to raise any form of revenue from asset sales as equity prices have been materially diluted. I call on the Government to give us a reasonable time frame for the sale of those assets, to be transparent in its valuations and the impact they will have, and to inform us of the use to which it will put those funds.

We have spent much time debating the sale of electricity in New South Wales and I will again refer to that issue. At the time of the debate the Opposition rejected the Government's proposed sale for three reasons. The first related to trust. The current administration proved over a long period that it could not be trusted to deliver long-term projects or to oversee a transaction of that magnitude and complexity. There are sound reasons why that proposed transaction made no sense. We are no closer to an emissions trading scheme today than we were a few months ago when we debated this issue. The private sector, industry and bidders have told us it is impossible to place a valuation on those assets. One bidder to whom I spoke revealed that he had 32 different scenarios relating to the proposed emissions trading scheme.

How much would bidders pay for the assets at which they are looking? No-one can place a value on those assets until the emissions trading scheme has been defined and compensation payments to generators have been articulated. If that happens—it might not be until the middle or the end of next year as we are awaiting the Federal Government's determination on this issue—we will reconsider this issue. The Opposition did not rule out private sector involvement. It said it was open to private sector involvement but, at the same time, it was concerned about these issues. Market conditions have not improved; in fact they have materially deteriorated. If the Government implemented its strategy at this point in time people in New South Wales would be diabolically concerned.

It should be remembered that until we received the report of the Auditor-General no reserve price had been placed on any of those assets. No-one knows what those assets would have been sold for; I am sure they would have gone for a song. The Opposition is committed to holding off on the sale of assets at this point in time. I refer, next, to the proposed electricity plan of the Minister for Finance. It appears as though that project is

his baby. John Pierce has been lost in this mini-budget process. It is right for the Government to nominate John Pierce because of the role he played in overseeing this State's finances for governments of all political persuasions. Clearly, John Pierce, Morris Iemma, Michael Costa and the private sector rejected this proposal.

The Minister asked a number of companies whether they would be interested in bidding on some of the assets and they gave the proposal a tick because they believed that that was the best they would get. If they start to bid that is better than nothing. During estimates committee hearings John Pierce said that the Government's proposal was the second best option. We are settling for an option that is less than acceptable to the State. Why are we rushing into proposals such as these? Throughout debate on electricity privatisation we referred to three important issues. We wanted to confirm that new baseload generating capacity would be provided outside the domain of this State budget.

Will the Minister guarantee that new baseload generating capacity will be available under this plan? I am sure that the Minister's answer will be that he cannot make such a guarantee, which must send shivers down the spines of everyone in this State. If the Minister cannot give such a guarantee we will have to resolve a huge problem. The Minister referred in debate to risks. Obviously, the price of electricity and energy input are some of the key risks involved in the sale of State assets. Under the gentailer option those risks remain. This Government can document those many risks, but once all those risks are removed it will not know what bids it might get from the private sector.

The Government might arrive at a contract price but, because of its very nature, the electricity price risk will remain. If there is a cut in electricity supply the Government will pay penalties because of market conditions. There are also ongoing capital requirements. How will we escape from investing in our generators? It is pretty simple. All the capital requirements are included in the Minister's proposed gentailer model. The State Government will be responsible for maintaining all those generators for the next 10 or 15 years. In the forward estimate period we saw the opposite—\$800 million or \$900 million was cut from the Government's proposed investment to upgrade those generators—a disastrous course of action. The population in New South Wales has grown by about 800,000 people, or an increase of 11 per cent.

In the time that this Government has been in office it has not invested in any new generators, and that cycle is continuing. The Opposition is concerned about many issues and it looks forward to debating those issues. Unfunded superannuation is another matter that has been raised by the Opposition over a considerable period. The Government has manipulated assumptions in its previous budget and it has used actuarial rates that are almost laughable in the current climate. Investment rate return assumptions increased from 7 per cent to 7.7 per cent. The discount rate increased from 7 per cent to 7.3 per cent, but that rate has started to move back. At that time the Opposition said that the rate was well above the rate in every other State in this country.

The Government then depressed unfunded superannuation and increased pensioner mortality rates. This is having an impact on populations throughout Australia, but not on the population of New South Wales. The Government manipulates the numbers, forgets about the long term and focuses on short-term results. The Government is creating problems that it wants other people to deal with. It will be in office for the next two to three years, so it does not have to worry about them. That sort of management practice will come back to haunt the Government in this current economic crisis.

The mini-budget revealed that unfunded superannuation, even by old accounting standards, had blown out by another \$7 billion. Nothing in the mini-budget addressed increasing contributions to unfunded superannuation. The mini-budget has had a twofold effect. The Government has to deal with the problems of today but it also has a responsibility to deal with the problems of tomorrow. This Government specialises in ignoring tomorrow for the benefit of today, which has resulted in our current financial crisis.

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

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

DISTINGUISHED VISITORS

The SPEAKER: I acknowledge the presence of Reverend the Hon. Sebastian Bakare, Anglican Bishop of Harare, Zimbabwe, a guest of the Minister for Citizenship and Reverend the Hon. Fred Nile, MLC.

ASSENT TO BILLS

Assent to the following bills reported:

Dangerous Goods (Road and Rail Transport) Bill 2008
Racing Administration Amendment Bill 2008
Rail Safety Bill 2008
Transport Administration Amendment (Rail and Ferry Transport Authorities) Bill 2008
Gaming Machines Amendment Bill 2008
Graffiti Control Bill 2008
Liquor Legislation Amendment Bill 2008
Liquor Amendment (Special Licence Conditions) Bill 2008

DOMESTIC VIOLENCE STRATEGIC FRAMEWORK

Ministerial Statement

Ms VERITY FIRTH (Balmain—Minister for Education and Training, and Minister for Women) [2.17 p.m.]: As members are aware, last Tuesday, 25 November, was White Ribbon Day, the International Day of the Elimination of Violence Against Women. White Ribbon Day is an international campaign aimed at raising awareness around the world about the unacceptability of violence against women. As we reflect on the message of White Ribbon Day we need to be reminded that violence against women does not happen on one day only; it occurs 365 days a year. We need to ensure that the focus on ending violence against women remains long after 25 November. The Government knows that we must be constantly vigilant to make sure that we deliver the best possible services for women and children who suffer violence in their homes. We must continue to ensure that victims receive justice through our courts.

Today I am pleased to release a discussion paper on the New South Wales Strategic Framework of Domestic and Family Violence. This discussion paper is the first step in the process of developing a whole-of-government strategy to improve our responses to domestic and family violence. While the Government has made significant inroads to date in tackling domestic and family violence, more needs to be done. This discussion paper is one of the tools that will assist the Government to improve its responses across the spectrum of areas that make an effective domestic and family violence system—prevention, early intervention, and crisis and support responses. The spirit of this paper is one of collaboration. Responses are more effective when government agencies work together, but equally important are the collaborative efforts of government, the non-government sector and the community.

This discussion paper asks the non-government sector and the community to tell us how we can best respond to domestic and family violence, what works and what does not, where are the gaps, where is the greatest need, what are we doing well and what can be built upon. The discussion paper invites public submissions by 27 March 2009. We are serious about hearing the views of the non-government sector and the community, and from February 2009 we will begin an extensive series of consultation. I am delighted that the Premier's Council on Preventing Violence Against Women will be actively involved in facilitating these consultations. I urge all members of Parliament to encourage concerned members of their communities to participate and share their views.

Ms PRU GOWARD (Goulburn) [2.20 p.m.]: On behalf of the Opposition I respond to the ministerial statement of the Minister for Women. Of course, we welcome the opportunity for widespread public consultation. A strategic framework is a necessary way to approach domestic violence given the importance not only of cooperation between agencies but also of a consistent message to perpetrators and victims. We welcome particularly that consultations will be held in regional New South Wales, where solutions often can be found in a combination of domestic and local arrangements. Obviously, some wonderful resources and community groups can be found in regional New South Wales and they will welcome this opportunity to work with the police, criminal justice agencies and others who seek to eradicate this terrible crime. We have a 10-year high in the number of homicide-related deaths through domestic violence. It is extremely important that we move on to this next chapter and seek a properly coordinated response across government agencies and society.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (for Bills) given.

QUESTION TIME

NORTH COAST HEALTH SERVICES

Mr BARRY O'FARRELL: I direct my question to the Premier. Given that his Minister for Health has used every excuse from the weather, to a lack of hospital equipment and even has tried to blame doctors, and given that the Premier claimed that there was a shortage of beds, is the real reason that critically injured Georgie Batterson had to wait five hours after a Pacific Highway crash because the North Coast health services are at breaking point, even before he imposes his 400 job cuts? When will he finally reverse that life-threatening decision?

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

Mr NATHAN REES: In simple terms, I remind the House of Commissioner Garling's response last week. One of his recommendations was that the Opposition should stop chasing ambulances.

The SPEAKER: Order! Members will cease interjecting. The Premier has the call. The Leader of the Opposition will cease interjecting. I call the member for Wakehurst to order.

Mr NATHAN REES: First, I take this opportunity to say that experiencing a serious car accident and witnessing a loved one suffering broken bones and respiratory problems is extremely distressing for any family, and we hope that recovery is swift. I have been advised that last Saturday at approximately 7.00 p.m. two people were brought by ambulance to the Kempsey District Hospital's emergency department following a two-car accident. Both drivers sustained significant injuries. One patient was transported to the Port Macquarie Base Hospital. A second patient, who suffered multiple fractures, was stabilised at the Kempsey District Hospital. As has been reported in newspapers today, the patient's husband is full of praise for the care and attention provided by the staff at the Kempsey District Hospital. I quote:

As far as nurses and emergency staff at Kempsey ... they were perfect ... absolutely 150 per cent.

I am advised that the Kempsey District Hospital staff commenced treatment for the woman, including pain management, and that the career medical officer described the decision to transfer this seriously injured patient to an intensive care bed at the Gold Coast Hospital as "a simple operational one". John Hunter Hospital in Newcastle had no intensive care beds available, nor did Royal North Shore Hospital. Intensive care beds were known to be available in other hospitals in Sydney, including the St George, Nepean and Royal Prince Alfred hospitals, as well as some smaller metropolitan hospitals. However, two factors prevented the retrieval helicopter crew from choosing Sydney as a destination: first, a flight to Sydney required refuelling in Newcastle whereas a flight to the Gold Coast was direct and, second, there was a major storm to the south.

Mr Thomas George: They probably could not have even got into Coffs Harbour.

Mr NATHAN REES: Members opposite would not want to be talking too much about Coffs Harbour! The crew made the operational decision to transport the woman to the Gold Coast Hospital. I understand that at approximately 11.00 p.m. the Lismore helicopter retrieval service arrived to transfer the patient to the Gold Coast Hospital and was in the air a little after 11.00 p.m.

ALCOHOL-RELATED VIOLENCE

Mr PAUL PEARCE: My question is addressed to the Premier. What is the latest information on the Government's efforts to tackle alcohol-related violence in our community? Are there alternative views?

Mr NATHAN REES: I thank the member for Coogee for his question and longstanding interest in this matter. Alcohol-related assaults make up a large proportion of violent crimes in New South Wales. While non-alcohol-related assaults have been declining, incidents in which alcohol is a factor have been increasing by 4.7 per cent a year for the past two years.

The SPEAKER: Order! Members will listen to the Premier's answer in silence.

Mr NATHAN REES: The community, if not the Opposition, is fed up with alcohol-related violence. They have had enough of the bashings, the attacks, and particularly the glassings. People are entitled to enjoy a cold beer or a glass of wine with their friends and family without feeling threatened. I am determined to do whatever is necessary to restore our pubs and clubs to be places of safety. In doing so, I am not afraid of ruffling a few feathers or upsetting some powerful interests. It is a shame that the community cannot expect the same response from the Leader of the Opposition, who fits comfortably into the pockets of the powerful pubs and clubs lobby.

Mr Barry O'Farrell: No.

Mr NATHAN REES: His Liberal mate is now heading those organisations. How many discussions have you had with your Liberal mate from the Australian Hotels Association [AHA] on this matter?

The SPEAKER: Order! Members will cease interjecting. The Premier will address his remarks through the Chair. The Leader of the Opposition will cease interjecting. I call the Leader of the Opposition to order.

Mr NATHAN REES: The Leader of the Opposition is completely out of touch with community expectations on this very important policy issue. The community has demanded action on alcohol-related violence. My Government has taken action.

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

Mr NATHAN REES: We have delivered important and sensible reforms to curb alcohol-related violence because that is what the community expects us to do. Our reforms have been backed by prominent health professionals, such as Gordian Fulde, who is the head of the emergency department at St Vincent's Hospital, and the Commissioner of Police, both of whom are experts in the field of alcohol-related violence. Our reforms are designed to prevent violence and binge drinking in and around high-risk venues. The reforms include mandatory 2.00 a.m. lockouts, prohibitions on the use of glass after midnight, restrictions on the number of drinks that can be sold to the same person at any one time, prohibitions on the sale of shots after midnight, provisions for 10-minute alcohol sale timeouts every hour to slow down alcohol consumption late at night, and requirements to cease liquor sales 30 minutes before closing time.

We are also placing a freeze on new 24-hour licences and we have given police tough new powers in alcohol-free zones. Last night when the Leader of the Opposition was provided with the opportunity to support these important reforms—reforms the community he purports to represent demanded—he chose not to listen. Instead, he acted against the best interests of the community and in the interests of a few vested interests. He is so out of touch with the families in this State that he did the exact opposite of what they expected him to do.

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

Mr NATHAN REES: I draw the attention of members to some of the highlights of the Opposition's contributions to the debate about this important legislation—legislation it opposed. The shadow Attorney General stood up for his mates in the hotel and club lobby, saying:

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.

The member for Epping is more concerned about his mates than he is about curbing alcohol-related violence in the community.

The SPEAKER: Order! Members will cease interjecting, including the member for Epping.

Mr NATHAN REES: The shadow Minister for Gaming and Racing, who had cause to reflect on some of his own behaviour, did the honourable thing and came in and apologised for it. That is in stark contrast to some of the behaviour shown by members opposite. Last night he said:

Ordinary citizens in the State have rights ... this legislation ... is designed to deny citizens that right.

What rights are we denying? The right to be harassed in a beer garden? The right to be glassed? Is that what we are denying?

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

Mr NATHAN REES: Is that the democratic right we are denying? The Leader of the Opposition is a joke. He cannot spell "policy". He is in the pockets of his mates in the clubs and the pub lobby.

Mr Greg Smith: Point of order: Under Standing Order 129, the Premier is not answering the question. He is using this opportunity to berate the Opposition by using selective quotations, which is not in keeping with the standing orders.

The SPEAKER: Order! I have listened carefully to the Premier's contribution. At this stage he is in order.

Mr Andrew Stoner: Point of order—

The SPEAKER: Order! Does the Leader of The Nationals take a different point of order?

Mr Andrew Stoner: Yes, it is a different point of order. The Premier is clearly embarking on a series of personal attacks on Opposition members. If he wants to do that he must do so by way of substantive motion so that we have an opportunity to debate the matter.

The SPEAKER: Order! There is no point of order. The Leader of The Nationals will resume his seat. I have just ruled that the Premier is in order. However, I ask him to direct his comments through the Chair.

Mr NATHAN REES: It is absolutely crystal clear. Given an opportunity to support legislation aimed at—

Mr Barry O'Farrell: Abolishing people's legal rights.

The SPEAKER: Order! The Leader of the Opposition has talked about parliamentary standards. I ask him to take his own advice. I call the member for Upper Hunter to order for the second time.

Mr NATHAN REES: As I was saying, it is absolutely crystal clear. Given the opportunity to support legislation aimed at diminishing alcohol-related violence, the Leader of the Opposition rejected it.

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

Mr NATHAN REES: We are in a hot fire; we melt down all concealment. The Leader of the Opposition rejected it. He squibbed it. He is in the pockets of his pubs and clubs mates. I made a commitment.

The SPEAKER: Order! Members will cease interjecting. The Leader of the Opposition is doing himself no service with his unparliamentary conduct today.

Mr NATHAN REES: Nor the body politic. I made a commitment to impose a set of special new licence conditions on 48 known alcohol-violence hot spots to address the community's concerns and to drive down alcohol-related violence. On Monday of this week those tough new conditions came into effect. We delivered the changes we undertook to deliver to the community. My Government acts decisively, in step with community expectations. The Opposition does not. The Leader of the Opposition has failed to show leadership on this matter, just as he failed to show leadership last night in not immediately sacking the member for Coffs Harbour.

Violence of any kind is not acceptable in our community. These reforms are about addressing a drinking culture that has got completely out of control on too many occasions. However, to ensure the effectiveness of the scheme over the summer months, yesterday we brought forward urgent legislation to enshrine these tough new conditions in law. Despite being opposed by the Liberals and The Nationals in Parliament late last night, I am pleased to say that the legislation got through. Frankly, I was appalled that the Leader of the Opposition chose to oppose the legislation.

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

Mr NATHAN REES: The community has sent a clear message that it wants us, their elected representatives, to get serious about addressing this growing problem. My Government has heard that message loud and clear. I would have thought the Leader of the Opposition had heard it as well. The community expected the Leader of the Opposition to rise above party politics and support the legislation. I thought he would put special interests, vested interests, to one side and join me in putting the safety of the community first. I anticipated that he would take the opportunity to show some leadership. I was wrong. He showed that the Opposition is still dominated by special interest groups and is not prepared to put the community first. He revealed that he will always put the interests of hoteliers above those of ordinary people who want to enjoy a drink in safety and security. With absolutely no shame, he laid bare—

Mr Andrew Stoner: Point of order: Standing Order 73 states:

Imputations or improper motives and personal reflections on Members of either House are disorderly other than by substantive motion.

If the Premier wants to debate this, let him put forward a motion and we will debate it.

The SPEAKER: Order! I am well aware of Standing Order 73. That is not a point of order at this time.

Mr NATHAN REES: Frankly, if the Leader of The Nationals cannot cope with this he is in the wrong job. At the first test the Opposition buckled under the pressure of a powerful industry lobby in opposing legislation that will make our community safer. My Government is determined to act on alcohol-related violence. I know that the community is behind us. Last night, despite the best efforts of the Opposition, we got significant reforms through that will make our community safer.

PACIFIC HIGHWAY UPGRADES

Mr ANDREW STONER: My question is directed to the Premier. How does the Premier explain to Georgie Batterson, who was nearly killed this week at Clybucca—the scene of the State's worst ever road accident in 1989—why this stretch of the Pacific Highway has still not been fixed? Why has he cut \$330 million of Pacific Highway upgrade funding?

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

Mr NATHAN REES: We have committed more than \$1 billion to upgrade the Pacific Highway. This Government, together with the Federal Government, is in the process of upgrading the Pacific Highway in the largest infrastructure project that this country has ever seen. In 2008-09 we have allocated more than \$600 million to improve the Pacific Highway. About \$558 million has been allocated this year to continue construction and planning work on the highway upgrades, and a further \$47 million will be spent on maintenance work for the highway. That is \$250 million to continue work on the Coopernook to Herons Creek upgrade—the longest project to be carried out since the upgrade started. Work is also starting on the Bulahdelah bypass, with \$25 million committed and \$5 million allocated to improving road safety on sections of the highway that have yet to be upgraded. The completed Pacific Highway upgrade will see 664 kilometres of continuous dual carriageway from the F3 freeway near Hexham.

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

Mr NATHAN REES: By 2009 the New South Wales Government will have spent nearly \$2.5 billion and the Australian Government \$1.44 billion towards the highway upgrade. Under the upgrade program, 50 projects have now been opened to traffic, 77 kilometres of the highway are currently under construction, and the remaining kilometres are either approved or have had a preferred route identified. We will continue to work cooperatively with the Federal Government to complete the upgrade of the Pacific Highway as quickly as possible.

FREE CENTRAL BUSINESS DISTRICT SHUTTLE BUS

Mr PAUL McLEAY: My question is addressed to the Premier. What is the latest information on bus services around the Sydney central business district?

Mr NATHAN REES: Improving public transport, making it easier for people to get around town and to and from work is a top priority for my Government and has been a top priority since week one and we will deliver the improvements that the community expects.

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

Mr NATHAN REES: Already this week, on Monday, I announced \$1 fares for children under 16 years accompanied by adults to 360 CountryLink locations across New South Wales for the months of summer—\$1 to go anywhere in the State if you are under 16 years of age accompanied by mum, dad or a guardian. Yesterday, at Parramatta, with the member for Parramatta and the Minister for Transport, I announced an expression of interest package to get the private sector involved in delivering a commuter ferry service between Parramatta and the central business district to help people get from Parramatta to work in the central business district.

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

Mr NATHAN REES: Today we delivered a free central business district shuttle bus—high frequency, easy to access and simple to use.

[Interruption]

A free bus service and the members opposite are rejecting it.

The SPEAKER: Order! The member for Willoughby will cease interjecting. The Premier will direct his remarks through the Chair.

Mr NATHAN REES: She is the writer of the transport policy that does not have a single rail carriage or a single extra bus in it and now she is bagging free buses. Go and explain that one to the people of New South Wales.

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

Mr NATHAN REES: She should try to explain to the people of Sydney that a free bus is a bad thing!

The SPEAKER: Order! I call the member for Willoughby to order for the third time. Members will not defy the Chair.

Mr NATHAN REES: Indeed. This is a high frequency free shuttle service that will take people across the city from Central Station in the south all the way to Circular Quay in the north. From Eddie Avenue it will go along George Street to Circular Quay and back along Phillip and Elizabeth streets. It passes David Jones and Hyde Park, down to Central railway station, passes the legal precincts, back alongside the Queen Victoria building and down to Circular Quay—all the highlights of Sydney. The service is a loop service running at approximately 10-minute intervals up and down the city. It started at midday today. Delivery! So you can walk out onto Elizabeth Street right now and not have to wait long to see the distinctive lime green route 555 free shuttle bus heading your way. We have delivered six of these buses to run on a continuous loop around the central business district in both directions. Half the buses have new paint jobs—bright green—but they all have 555 on them. I do not like to mess around with these things, and I wanted the buses out on the road, and that is why only some of the buses are painted.

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

Mr NATHAN REES: People who work in the central business district, shoppers and tourists can get around the city more easily on our new free service. It will act as a connector service getting people to and from other buses, ferries and trains. The service will operate between 9.30 a.m. and 3.30 p.m. Monday to Friday, and will be extended to finish at 9.00 p.m. on Thursday evenings and on Saturdays and Sundays it will run between 9.30 a.m. to 6.00 p.m. This is another example of my Government not planning, not flagging, not suggesting but delivering. This free bus comes into effect in Sydney's central business district today just in time for the busy Christmas period. I expect it will be very popular among our Christmas shoppers as well as tourists who flock to Sydney over our summer months.

This service will improve the capacity for people to get around in the city and it is aimed at getting more cars off the roads and drawing new customers onto our bus network. Our buses provide a clean and comfortable form of transport through the city and I look forward to seeing people take advantage of the free

service. It is good for business, it is good for moving people around and it is another reason to leave the car at home. The Sydney Chamber of Commerce agrees. In a statement today the executive director of the chamber said:

A free bus shuttle service around the city is a great Christmas gift for commuters in the CBD.

This announcement is evidence of Premier Rees' commitment to implement short term and achievable projects that have an instant benefit for the residents and business operators of Sydney.

Those opposite are still grumbling about a free bus!

The SPEAKER: Order! I call the Minister for Finance to order for the second time.

Mr NATHAN REES: Still grumbling about the free bus! The free central business district shuttle makes travel around the central business district simple. You do not need a ticket, you can just hop on and off at any regular bus stop along the route. If you are not already a regular bus passenger, then using this wheelchair accessible and air-conditioned service is the best way to give it a go. This is the definition of delivery—getting buses on the road right now delivering better transport services. Today we also announced a free shuttle bus service at the Wollongong central business district. That service will come into effect early next year and will connect the central business district, foreshore precinct, University of Wollongong, TAFE and the Innovation Campus.

The SPEAKER: Order! Members will cease interjecting.

Mr NATHAN REES: It is a great win for the people of Wollongong who will benefit from the service. While those opposite are incapable of making a decision—let alone a right one, on anything, including who should be on their front bench—my Government is getting on with the job.

Mr Barry O'Farrell: When is Robbo coming down?

Mr Joseph Tripodi: When is Andrew coming in?

The SPEAKER: Order! The House will come to order. Members will cease interjecting.

Mr NATHAN REES: When is Andrew taking your spot, more accurately? When will the Leader of the Opposition promote all the talent at the other end of the bench?

The SPEAKER: Order! I ask the Premier to direct his comments through the Chair. The Leader of the Opposition will cease interjecting. I call the member for Wyong to order. I call the member for Epping to order.

Mr NATHAN REES: I have watched in silence when I have read articles about deadwood. I have refrained from comment, but who has not refrained from comment? Your talent is all sitting at the other end of the benches. I have been all over town talking about the deadwood on your side. My Government is delivering real transport improvement that the people of New South Wales can actually see and use from today.

The SPEAKER: Order! Government members will remain silent.

SCHOOL STUDENT TRANSPORT SCHEME

Ms GLADYS BEREJIKLIAN: My question is addressed to the Minister for Transport. Following the mini-budget decision to tax school student travel, why is his office instructing Labor members of Parliament to send families misleading and false information, as shown in this leaked email about charges? For instance, that current bus passes are available until 4.30 p.m. when, in fact, they are available until 6.30 p.m.?

The SPEAKER: Order! Government members will remain silent.

Mr DAVID CAMPBELL: Here we go again! Here we go again! We just heard her complaining when the Premier advised the House of a new transport initiative. She was whinging, whining and complaining about a new initiative. Now she has waved another scrap of paper—no-one knows where it came from but that is a tactic that they consistently use in this Chamber. But it has been well debated in this House, the media and the

community that the Government has made some hard decisions around the mini-budget. It has been well debated and discussed that one of those difficult decisions—the type of difficult decision that members of the Opposition are incapable of making—is important to secure the State's finances.

The SPEAKER: Order! Members will cease interjecting.

Mr DAVID CAMPBELL: One is to change the arrangements for the School Student Transport Scheme, for which I make no apology. I make no apology that the Government has risen to the challenge of securing the State's finances in the future. I make no apology that in introducing a co-payment under that scheme the Government has also changed and extended its arrangements, for example, so that children of people who have joint custody can now travel to two different addresses under the revised arrangements. I make no apology for the fact that using route services children can now go to after school activities, to care, to sport, to sports training, to music or to cultural practice.

The Government is making the hard decisions, recognising the opportunity to expand the operation of that system for greater flexibility. The Government will continue to make the necessary hard decisions and will continue to make decisions such as those that led to the announcement of the central business district shuttle to which the Premier referred today, and, indeed, the calling of expressions of interest for a ferry commuter service to Parramatta. Further, as I discussed this morning with my very good friend the member for Manly and others, the Government will continue to make decisions about the imminent release of an expression of interest for the private sector to run a high-speed service to Manly. And the list of the Government's positive initiatives for transport continues. The Government, as always, will make timely decisions, but, as well documented, will make the necessary hard decision to secure the finances of the State's future.

NATIONAL PARKS PUBLIC ACCESS

Mr MATT BROWN: My question is addressed to the Minister for Climate Change and the Environment. What action is the Government taking to improve public access to national parks?

Ms CARMEL TEBBUTT: I thank the member for Kiama for his question, as I know he has a particular and passionate interest in this subject. More than 8 per cent of our State is covered by national parks and reserves.

The SPEAKER: Order! Members will come to order.

Ms CARMEL TEBBUTT: New South Wales Labor has a conservation record that is second to none when it comes to establishing and expanding new national parks and reserves. New South Wales national parks protect some of the most amazing places in Australia and attract 22 million visitors per annum.

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

Ms CARMEL TEBBUTT: We know about the enormous potential for promoting the importance of conservation and tapping into the global demand for nature-based tourism through our national parks. We can do so much more to promote our national parks and make them more accessible. We can do so much more to increase the number of people who will experience the natural beauty of our parks.

The SPEAKER: Order! Members will cease interjecting. I call the member for Murray-Darling to order for the second time. I will not hesitate to place members who have already been called to order on their final warning.

Ms CARMEL TEBBUTT: Earlier this year the Government established a task force to provide us with advice on how to increase visitation to our national parks and increase sustainable nature-based tourism. Chaired by Brian Gilligan, the task force included 10 members comprised of conservation, tourism and government representatives. The Minister for Tourism and I have received the final report from the task force. It is indeed a landmark report and will guide our efforts to increase the appeal of our national parks. The report contains some 20 recommendations to further develop the nature tourism industry in this State to make it more competitive with other destinations in Australia and globally.

I make it clear that conservation will always be the primary aim of our national parks and reserves. We can increase the number of people who visit our parks, those who connect with our parks, and if we do that we

will increase the constituency for conservation and ecological values. We want New South Wales to have its own version of New Zealand's Milford track or Tasmania's Freycinet National Park—iconic places that people travel to from across the world, to experience their natural beauty. The Government accepts the recommendations of the report and will work with key stakeholders on implementing them.

The task force reported the need to provide more and improved iconic walks, innovative low-impact accommodation, more interesting tours and experiences and cutting edge visitor facilities such as boardwalks and lookouts. Key recommendations of the report included a focus on iconic experiences in key areas close to Sydney but within three hours drive of major airports, clarifying national parks legislation to make sustainable tourism a clear outcome, a review of accommodation and leasing policies, increased marketing and promotion of parks to attract visitors, and changes to increase sustainable nature-based tourism outside parks to encourage visitors into neighbouring areas.

The Opposition appears to be not very interested in this issue today. It is true that we do not hear much from the Opposition generally on conservation matters; it is very quiet on this issue. And I know why. The Opposition has certainly sniffed the political wind and recognise that green is in. The Opposition hopes it can slip under the radar and that people will forget the appalling comments by members of the Opposition in the past regarding conservation. But, it is not so. The comments are on the record, in print, and people have not forgotten. For example, the people have not forgotten that the shadow Minister of the day, the member for Castle Hill, whom some might say is still the shadow Minister because of the number of questions he asks, called national parks in New South Wales a liability to the State. The Government is declaring new national parks; the Opposition is calling them a liability to the State. We also have not forgotten the Opposition's commitment to abolishing—

The SPEAKER: Order! Members will cease interjecting. Members will cease engaging in private conversations.

Mr Michael Richardson: Point of order: The Minister needs to source that alleged comment.

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

Mr Michael Richardson: That is my point of order. The Minister should source it.

The SPEAKER: Order! I ask the member to repeat his point of order.

Mr Michael Richardson: The Minister needs to source the comment that she attributed to me.

The SPEAKER: Order! That is not a point of order.

Ms CARMEL Tebbutt: The Government declared 21 new national parks in 2006, and the member for Castle Hill said that they were a liability to the State. We have not forgotten that the Leader of The Nationals committed to abolishing national parks.

Mr Adrian Piccoli: Point of order: There are precedents from previous Speakers in which if a Minister is going to quote a member of Parliament, whether from *Hansard* or a news clipping, that that must be sourced and the date given—and the Minister has been asked to do so by the member—otherwise members can invent anything they like.

The SPEAKER: Order! The House will come to order. If a member quotes from a document it is appropriate for the member to source that document. However, the Minister has not said that she is quoting from a particular document. I suggest that all members would be restricted in their speeches if they wanted that point of order to be upheld.

Ms CARMEL Tebbutt: The Opposition can try to slide away, and I would try to slide away as well, but the fact is that on many occasions those opposite have not supported the creation of new national parks and have called for new national parks to be abolished, for example in the Brigalow and Nandewar regions.

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

Ms CARMEL TEBBUTT: The Opposition has called for the scrapping of native vegetation laws. Those commitments by the Opposition are in writing. If the Opposition had had its way, we would not be talking today about increasing visitation to national parks, because the Opposition would decimate our national parks estate. Unlike those opposite, members on this side are very conscious of the biodiversity and cultural values of our national parks. We understand the importance of protecting those biodiversity and cultural values.

Mr John Williams: Point of order: The Minister is misleading that House.

The SPEAKER: Order! That is not a point of order. I ask the member for Murray-Darling to resume his seat. I call the member for Murray-Darling to order for the third time. I will not tolerate members taking frivolous points of order to disrupt the flow of debate.

Ms CARMEL TEBBUTT: They are very sensitive on this issue. The way our parks are presented and promoted must remain relevant to the needs of current and future visitors if we are going to be able to continue to attract visitors and build ongoing support for conservation. The task force report provides a unique opportunity to strategically reposition how we promote our national parks.

The SPEAKER: Order! I place the member for Terrigal on three calls to order.

Ms CARMEL TEBBUTT: And how we grow nature-based visitation, and ultimately showcase New South Wales as a world-class tourist destination. Milford Sound in New Zealand, Cradle Mountain in Tasmania, Yosemite National Park and the Grand Canyon in the United States are all parks that resonate with nature lovers and tourists alike. They are rugged and beautiful but they are accessible. We can do much more in New South Wales similarly to make our wonderful national parks more accessible and to promote visitation and make sure that we work with the community to improve the appreciation of our national parks.

DISABILITY SERVICES STAFF FIRST-AID QUALIFICATIONS

Mr ANDREW CONSTANCE: My question is directed to the Minister for Disability Services. In the light of another New South Wales Ombudsman report revealing 98 deaths of people with disabilities in care, how does the Minister explain his Government's refusal, in the face of four previous Ombudsman's reports, to implement recommendations requiring staff who work in disability accommodation to have first aid qualifications, particularly given the Ombudsman's claim that some of these deaths could have been prevented?

Mr PAUL LYNCH: Firstly, I would like to express my condolences to the families of our supported accommodation clients who have passed away in the last year. The Department of Ageing, Disability and Home Care [DADHC] provides accommodation to vulnerable people who have medical needs that are made more complex by their disability. This report reflects the reality. As with last year's report, responses to the recommendations will be made in line with the Ombudsman's requested time frames with initial response by the end of February 2009. The New South Wales Government is committed to ensuring the best possible care is provided to those most vulnerable in our community.

I am pleased to note that the New South Wales Ombudsman has highlighted a number of advances that this Government has made this year, including increased funding for therapy places, including occupational therapy, speech pathology and physiotherapy, with 1,800 therapy places allocated over the first two years of Stronger Together; increased funding to prevent young people entering aged care facilities; the appointment of a chair in disability mental health at the University of New South Wales to enhance—

Mr Andrew Constance: Point of order: It relates to relevance. My question was in relation to the recommendations specific to first aid and those deaths that have been identified as part of the New South Wales Ombudsman's report. I am asking for the Government's response to those recommendations, given that four annual reviews have had that recommendation.

The SPEAKER: Order! I will listen further to the Minister.

Mr PAUL LYNCH: The appointment of a chair in disability mental health at the University of New South Wales to enhance workforce capacity in the provision of mental health services to people with an intellectual disability; funding for nine advanced psychiatric fellowships in disability mental health over three years through the New South Wales Institute of Psychiatry. The Government takes the deaths of people with

disabilities in care very seriously. We will continue to work with the Ombudsman to address the issues he has identified and, I repeat, as indicated with last year's report, responses to the recommendations will be made in line with the Ombudsman's requested time frames with initial response by the end of February 2009.

DISABILITY SERVICES: STRONGER TOGETHER

Ms LYLEA McMAHON: My question is addressed to the Minister for Disability Services. What is the latest information on how the Government's Stronger Together package is improving services for people with a disability?

Mr PAUL LYNCH: I thank the member for her question and for her longstanding and committed interest in this policy area. One of the key challenges for a civilised society is to ensure that it is genuinely inclusive; that is, to ensure that each member of our society is treated as an individual human being and that their human rights and human individuality are recognised and accepted. That is particularly so today, when we celebrate International Day of People with a Disability. This is an annual celebration mandated by the United Nations to mark the contribution made to our societies by people with a disability. In New South Wales the Government promotes the day through the Don't DIS my Ability campaign, which I officially launched earlier today. As part of the campaign, more than 150 events are being held across New South Wales over two months. The campaign also features 21 ambassadors from the worlds of sport, arts, education and business. These are people with a disability who have been spreading the word throughout the State that people with a disability live active and exciting lives.

In 2006 the former Premier launched Stronger Together. This historic 10-year plan will boost disability services, with \$1.3 billion in new growth funding being spent in its first five years. The recent mini-budget has confirmed continued full funding for the plan. We have achieved a great deal so far. To date the Government has invested an additional \$350 million. This has created 10,000 more disability services places and has assisted more than 3,000 people through the Family Assistance Fund. In the first two years commitments have been exceeded in many areas: 1,000 new therapy places and 2,800 new respite places have been created along with 2,000 new places for family and children's services. There are a series of other achievements.

The improvements flowing from this new investment and from the introduction of flexible new services are already evident. There is now the lowest number in 20 years of respite beds temporarily blocked by clients needing emergency accommodation. More than half of the young school leavers with a disability who have participated in the first Transition to Work program have entered the workforce or gone on to further studies. Of course, one cannot do this without the cooperation of the staff. I would particularly like to thank the staff of the Department of Ageing, Disability and Home Care for their contribution. The results that I have referred to are a tribute both to DADHC workers and to other workers in the field.

That is why it is particularly disappointing that the Opposition has recently seen fit to launch a thoroughly unjustified attack on DADHC and its staff. It is not just that the Opposition has unfairly attacked DADHC, they in fact fabricated a story—they made it up as they went along. The Opposition claims that DADHC was funding Tai Chi lessons for departmental staff. The Opposition presented this as a scurrilous misdirection of resources from service delivery. The problem is the Opposition invented the story. They simply made it up. In fact, staff at the Penrith office initiated Tai Chi in their lunch hour once a week. A staff member has volunteered to lead the class.

The SPEAKER: Order! I place the member for Bega on three calls to order.

Mr PAUL LYNCH: Government employees have pursued private interests in their lunch hour, without any funding from DADHC, but that seems to be a matter of criticism for the Opposition. If nothing else, it gives us an interesting view of the brave new world of industrial relations under the Opposition. One can imagine the member for Bega in a trench coat and a balaclava behind a hedge with a pair of binoculars desperately trying to see DADHC staff as they engage in Tai Chi. There needs to be at least a skerrick of quality control in the things said and done by the Opposition relating to the disability sector. At the moment there is no quality control at all. It is bad enough to see a complete absence of policy development and a total reliance on glib one-liners as an excuse for policy. Now they are involving themselves in fantasies about public servants at lunchtime.

The SPEAKER: Order! Members will come to order.

Mr PAUL LYNCH: It is perhaps an indication of the contempt that people on the other side of this House—

The SPEAKER: Order! Every member who has been called to order is now deemed to be on three calls to order.

Mr PAUL LYNCH: It is an indication of the contempt the Opposition has for members of the staff of DADHC and other government agencies that they treat these matters with such flippancy and are prepared to make such thoroughly unjustified allegations against hardworking public servants who work a damn sight harder and do a damn site more proper research than the member for Bega.

TAMWORTH HOSPITAL REDEVELOPMENT

Mr PETER DRAPER: I direct my question to the Premier. Will the Premier advise the House whether the Tamworth Hospital redevelopment will commence during this term of the Parliament in line with previous State Government commitments?

Mr NATHAN REES: I can assure the member for Tamworth that the Tamworth Hospital redevelopment remains a priority and that the refurbishment of the hospital will commence within this term of government as previously committed. The exact timing will be dependent on negotiations with the Commonwealth on a number of projects. If the Commonwealth chooses to fund some important health infrastructure in one part of the State, it may free up some capital for New South Wales to bring forward projects in other regions. The area's clinical services plan is close to finalisation and I look forward to talking to the member for Tamworth about it in the new year.

I have to say that the member for Tamworth takes a very different approach to the one we see from the Opposition. Rather than bagging the clinical workforce, he supports his local hospital and backs the skilled doctors and nurses and their efforts to provide quality medical services to their community. He backs skilled doctors and nurses in their efforts to provide quality medical services to their community. The recent Council of Australian Governments meeting concentrated largely on recurrent funding rather than the capital program, although it committed investment of \$175 million over four years in capital infrastructure to expand teaching and training, especially at major regional hospitals, to improve clinical training in rural Australia. Members would be aware that New South Wales is negotiating with the Rudd Government to access Commonwealth infrastructure funding.

Our capital works program maintains the biggest infrastructure investment in health in Australia. The \$1 billion Royal North Shore Hospital, the \$750 million Liverpool hospital expansion, the Newcastle Mater, Auburn health services, Orange hospital and the Lismore Cancer Centre are all among the department's capital works programs. The global downturn has affected the time frames for some of these projects and that has been canvassed at length as part of the mini-budget process. Some have been deferred and others have been brought forward, but every project in the forward capital program will remain in the program.

HOLIDAY SEASON DRINK-DRIVING

Ms CHERIE BURTON: My question is addressed to the Minister for Roads. What action is the Government taking to curb drink-driving this holiday season and related matters?

Mr MICHAEL DALEY: Yesterday I spoke in the House about this Government's road safety messages over the Christmas season. I know that I spoke for everyone in this place when I said that in 2009 I wanted all families and all motorists to return safely home. Yesterday I spoke about speed. Speed and fatigue are two of the biggest killers on our roads. The third biggest killer is alcohol. Alcohol and driving can be killers. The statistics are deeply disturbing. Accident statistics show that driving with a 0.05 blood alcohol level doubles the chance of being involved in an accident.

By the time a person's blood alcohol level is at 0.15 he or she becomes 25 times more likely to be involved in a crash. That is why this year we are asking people to stop and think before they even get to a Christmas celebration. They must make some smart decisions before they start to have a few drinks. A good tip for us all is to stop and think before we act. Last night that would have been good advice for the member for Coffs Harbour and for the Leader of the Opposition. Last night the Leader of the Opposition should have sacked the member for Coffs Harbour. He did not. He did not even ask—

Mr Wayne Merton: Point of order: In view of previous points of order that I have raised about "related matters" I now draw your attention to the fact that the Minister has departed from a specific question about drink-driving and is now dealing with issues that are completely unrelated to drink-driving.

The SPEAKER: Order! The member for Baulkham Hills has raised a good point. I will listen further to the Minister.

Mr MICHAEL DALEY: I was talking about people thinking before they act. Last night the Leader of the Opposition should have sacked the member for Coffs Harbour, but he did not. In fact, he did not even ask for his resignation.

Mr Wayne Merton: Point of order: I repeat my earlier point of order.

The SPEAKER: Order! I assure the member for Baulkham Hills that I am listening very carefully to the Minister's answer. I remind the Minister of the question before the House.

Mr MICHAEL DALEY: The Leader of the Opposition simply waited around for the member for Coffs Harbour to tender his resignation, which is another failed test of leadership—no spine or backbone. Last night the Leader of the Opposition again failed on the leadership stakes when his Coalition—

Mr Wayne Merton: Point of order—

The SPEAKER: Order! With the indulgence of the House, I will pre-empt points of order and direct the Minister to confine his remarks to the leave of the question.

Mr MICHAEL DALEY: I think all members would agree that the number of drink-driving related casualties on our roads is far too high. Drink-driving is a leading cause of major road trauma. Around 20 per cent of fatal crashes on our roads are alcohol related. The Government has invested \$485,000 statewide on campaigning against drink-driving. In the lead-up to the festive season the Government is sending a strong message that drink-driving is totally unacceptable. Some people might think that they will get away with it, but there is an excellent chance that they will be caught. This year I remind families and young people who think they can drink and drive and get away with it that every police car is a mobile random breath test unit and they can be breath tested anywhere and at any time.

Question time concluded.

LIQUOR LICENSING LAWS

Personal Explanation

Mr BARRY O'FARRELL, by leave: In spite of standing orders, during question time today the Premier made allegations about my motives for opposing the Liquor Amendment (Special Licence Conditions) Bill. I simply make it clear that whether it be this bill or any other bill I will not stand by and allow this Government to legislate to waive the legal rights of individuals simply to make up for its continuing incompetence.

SCHOOL SECURITY FENCING

Personal Explanation

Mr MATT BROWN, by leave: I wish to make personal explanation regarding comments that the member for South Coast made in this Chamber about a notice of motion in which she alleged I had made an election commitment to have security fences around a school. Those comments were never made. The member for South Coast has misled the House.

Mr Adrian Piccoli: Point of order: That is not a personal explanation. If the member wants to refer to that issue he needs to do so by way of substantive motion.

The SPEAKER: Order! I am having difficulty hearing the member for Kiama. I remind him to stay within the leave of a personal explanation.

Mr MATT BROWN: I was referring to the inappropriate and misleading comments that were made by the member for South Coast regarding an election commitment. Those comments were never uttered. She is causing concern in the community. The Government will meet all its election commitments.

The SPEAKER: Order! A personal explanation has to relate directly to how a member has been impugned.

NATIONAL PARKS PUBLIC ACCESS

Personal Explanation

Mr MICHAEL RICHARDSON, by leave: Earlier in question time the Deputy-Premier and Minister for the Environment claimed without sourcing the comment that I described the magnificent suite of national parks in New South Wales as a liability. I inform the House that, according to my staffer who has done a search, *Hansard* has no record of my calling national parks a liability, and he can find no media stories referring to that issue. I place on the record that I do not regard national parks as being a liability. National parks are a great asset to this State.

The SPEAKER: Order! The member is now debating the point. He has corrected the record. The member for Castle Hill will resume his seat.

LIQUOR LICENSING LAWS

Personal Explanation

Mr GREG SMITH, by leave: The Premier, in his response to debate on the Liquor Amendment (Special Licence Conditions) Bill, attributed to me a wish in my speech to help my mates. I was concerned that rights were being taken away and I was also concerned that the system of penalising establishments is flawed.

The SPEAKER: Order! The purpose of personal explanations is very specific. Today all personal explanations have bordered on being out of order. If members attempt to use personal explanations to conduct business outside the leave of personal explanations I will no longer hear them.

Mr GREG SMITH: In response to that—

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

COMMISSION FOR CHILDREN AND YOUNG PEOPLE

The Speaker, in accordance with the Commission for Children and Young People Act 1988, announced the receipt of the report of an errata, dated 4 November 2008, to the report of the Child Death Review Team entitled "Trends in Child Deaths in New South Wales 1996-2005, Volume One", received on 28 November 2008.

PETITIONS

Sydney Olympic Park V8 Supercar Track

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

Public Library Funding

Petition requesting increased funding for public libraries, received from **Mr Adrian Piccoli.**

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**.

Hornsby Palliative Care Beds

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

Ambulance Rescue Function

Petition opposing the recommendation of the Head Report to disband the rescue function within the Ambulance Service of New South Wales, received from **Mr Daryl Maguire**.

Tumut Renal Dialysis Service

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

Queen Victoria Hospital

Petition opposing further bed closures at Queen Victoria Hospital and requesting the public release of the audit report of State-run aged care facilities, received from **Mrs Jillian Skinner**.

School Student Transport Scheme

Petition opposing any changes to the School Student Transport Scheme, received from **Mr Greg Aplin**.

Bus Services 272 and 273

Petition requesting that the Government reinstate bus services 272 and 273 to ensure reliable services in both peak and off-peak times, received from **Ms Gladys Berejiklian**.

Pensioner Excursion Bus Tickets

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

South Coast Rail Services

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

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**.

Edgecliff Interchange Upgrade

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

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**.

Shoalhaven River Water Extraction

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

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**.

Albury Policing

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

Shoalhaven Local Area Command

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

Culburra Policing

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

Wagga Wagga Police Communications Centre

Petition requesting the retention of the Police Communications Centre in Wagga Wagga, received from **Mr Daryl Maguire**.

Shoalhaven Mental Health Services

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

Iron Cove Bridge Project

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

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

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [3.19 p.m.]: I move:

That General Business Order of the Day (for Bills) No. 4 [Paediatric Patient Oversight (Vanessa's Law) Bill] have precedence on Thursday 4 December 2008.

This bill is of the utmost importance to the family of Vanessa Anderson, who this year face the third anniversary of her death. The Andersons have been on a long crusade to get something done about our hospital system to prevent further deaths. That is the intention of the bill. The Anderson family has written to me—and to all members of this House, particularly Labor members—pleading for a bipartisan approach to debate this bill so

that it can become law for Christmas. Every Christmas Day the Andersons light a candle and place it on the table where Vanessa would have sat. I believe it would be appropriate for this Parliament to pass the law in honour of Vanessa and as a tribute to the tremendous amount of work her parents, Warren and Michelle, have undertaken to try to improve the system. Warren Anderson's email is most heartbreaking and heartfelt. I believe he sent this email also to Labor members of Parliament. He said:

I am pleading with you to give favourable consideration in regards to supporting Vanessa's Law. To just once become bi-partisan in achieving a solution that will save the tragic events that we have endured. For once I ask you to make a decision with the public as priority.

The concept is simplistic but will allow protection of our children ... in the short term to avoid tragedies like Vanessa's over Christmas ...

It is so important for our family to have this legislation passed before Christmas. This time of the year is very difficult for our family and it would mean a lot if Vanessa's Law was adopted by the Government ... we still have had no formal apology from the Government for what has occurred and the way we were treated. This would be the best gesture a Government could make to our family to associate Vanessa's life with such a potential to save lives in the future.

I urge that this legislation is passed and the 2 parties give it the support required to protect our children over Christmas.

Regards Warren Anderson (Vanessa's Dad)

I also have a copy of an email sent by Vanessa's uncle Trevor, who said, amongst other things:

... the Government at the very least should be united in acknowledging its commitment to the family and most importantly the community of this State and that it is serious about addressing the shortfalls in our health system.

... The proposed reform will, I am sure help us regain confidences and assure Warren Michelle and their family that the compassion shown by all of us is publicly acknowledged.

Warren has always maintained that Vanessa's death was avoidable—

Indeed, the finding of the Coroner was that Vanessa died after a series of tragic events, and that her death was avoidable. Trevor continued:

It has been over three years since we lost Vanessa and we face yet another Christmas without satisfactory undertakings by the Government. In a couple of weeks our kids will go on holidays and it will be a busy time for our hospitals.

It is imperative therefore that action is taken immediately. We have waited long enough and the family deserve to know that the Government has moved positively in not only addressing the issues raised in the recently completed inquiry, but re-establish confidence in the troubled healthcare system within our State.

Each Christmas day we light a candle in memory of Vanessa and place it on the table in front of an empty chair. We owe it to Warren, Michelle, Amanda and Nathan to make it a little brighter this year.

Warren Anderson was present in the public gallery when I introduced the bill. I do not mind confessing to the House that he and I shed a tear when we met in the foyer afterwards. I am extremely grateful to the Government members and my colleagues who have expressed support for this bill. I ask that we all vote to give it priority and then vote to pass the bill tomorrow.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.24 p.m.]: As the member for North Shore has indicated, many Government members and many Opposition members have been extremely moved by this matter, and their sympathy and concern goes out to the Anderson family. I know that some Government members also are very close to the Anderson family and this matter. The issues the member for North Shore has raised in the bill are matters of consequence and importance. I assure the Opposition and, indeed, everyone that the Government wishes to seriously consider those matters. I simply make the point that the Government has not had the opportunity to consider the details of the proposal of the member for North Shore and be able to make a decision on these matters. It is not that we are unsympathetic.

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

Mr JOHN AQUILINA: It is not that the Government intends to oppose the proposals of the member for North Shore. I simply make the point that the Government at this stage has not formulated an opinion on this matter and as such the matter cannot be debated at this stage.

Question—That the motion be agreed to—put.

The House divided.**Ayes, 40**

Mr Aplin
Mr Baird
Mr Baumann
Ms Berejikian
Mr Besseling
Mr Cansdell
Mr Constance
Mr Debnam
Mr Dominello
Mr Draper
Mrs Fardell
Mr Fraser
Ms Goward
Mrs Hancock

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

Mr Roberts
Mrs Skinner
Mr Smith
Mr Souris
Mr Stokes
Mr Stoner
Mr J. H. Turner
Mr R. W. Turner
Mr J. D. Williams
Mr R. C. Williams

Tellers,
Mr George
Mr Maguire

Noes, 48

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

Ms Gadiel
Mr Gibson
Mr Greene
Mr Harris
Ms Hay
Mr Hickey
Ms Hornery
Ms Judge
Ms Keneally
Mr Khoshaba
Mr Lalich
Mr Lynch
Mr McBride
Dr McDonald
Ms McKay
Mr McLeay
Ms McMahon

Ms Megarrity
Mr Morris
Mrs Paluzzano
Mr Pearce
Mrs Perry
Mr Shearan
Mr Stewart
Ms Tebbutt
Mr Terenzini
Mr Tripodi
Mr West
Mr Whan

Tellers,
Mr Ashton
Mr Martin

Question resolved in the negative.

Motion negatived.

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Routine of Business**

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.33 p.m.]: I move:

That standing and sessional orders be suspended:

- (1) To 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) private members' statements to be taken immediately after the conclusion of the matter of public importance;
 - (c) at the conclusion of private members' statements, consideration of Government business;
 - (d) at 6.30 p.m., the Speaker to leave the Chair;
 - (e) at 7.30 p.m., the Speaker to resume the Chair; and
 - (f) the House to adjourn on motion.

- (2) On Thursday 4 December 2008 to permit:
- (a) Government business to take precedence of general business;
 - (b) private members' statements to be taken immediately after the conclusion of the motion accorded priority;
 - (c) consideration of Government business after the conclusion of private members' statements; and
 - (d) the House to adjourn on motion.

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [3.34 p.m.]: I am astonished that the Leader of the House would try to avoid debate on a bill that will establish Vanessa's law. By moving the motion the Leader of the House is denying the Opposition the right to have the House pass a private member's bill. I cannot believe that he could be so heartless. I know that some of his colleagues are very distressed about this, and I feel very sorry for them. I hope he has noticed that one Government member did not vote with the Government on the motion that was lost on the division. This motion is a betrayal of everything that good, decent people think is right. The fact that we are going to sit around, having had a lot of time to discuss Government business, and be denied the right to have private members' matters dealt with tomorrow is simply scandalous and an abuse of the processes of this Parliament.

All members of Parliament should have a right to raise matters that they think important, not only for their constituents but for the broader community. I know that the crossbenchers join me in that view. There is such limited time in the House for members to introduce legislation, move motions or raise issues of public concern. Members are restricted by the program and are further restricted by the suspension of standing orders. It is simply scandalous and makes a mockery of our whole system of parliamentary democracy. Each year at this stage we go through the nonsense of suspending standing orders when we could have been sitting for weeks longer. We could sit next week. We would all love to come here next week. We are supposed to be sitting next week.

Mr Alan Ashton: It is a reserve week.

Mrs JILLIAN SKINNER: A reserve week! Government members will pretend, holier than thou, that Parliament is sitting long days when it suits the Government to attract media attention. The member for East Hills knows that we will not be sitting next week. The Government is abusing hard-won parliamentary processes that are intended to afford all members an opportunity to bring matters of importance before the House. The legislation I wish to debate concerning Vanessa's law should have the support of every member of the House. In effect, the Leader of the House has moved a motion to prevent it from being debated early. Let the Opposition have a private members' day tomorrow so that the legislation can be dealt with as part of the usual program. At least in that way members will be able to consider it. I will arrange for more people to phone Government members for support, if that is what the Government wishes. Members should have the chance to think seriously about this very important bill. My remarks relate not only to my private member's bill but also to other matters on the agenda that should be dealt with. I do not know the number of days the Government has allowed Parliament to sit this year.

Ms Pru Goward: Fifty-eight.

Mrs JILLIAN SKINNER: That is what the Government claims. I hope it has not counted Friday sittings, the Clayton sitting days, when there are no divisions, no quorums, no question time and when no matters of substance are dealt with. This Parliament is a joke. The Parliamentary Secretary is making it an even bigger joke by sitting idly, shaking his head and carrying on the way he does. I will ensure that all Labor constituents are made aware that the Government has refused to afford the Opposition time to bring forward matters that are of fundamental importance. I personally feel extremely passionate about the legislation that is in my name on the business paper. For years I have worked with Vanessa's parents, Warren and Michelle Anderson, as has my colleague the member for Hornsby, Judy Hopwood. Together we sat through court hearings, the Coroner's findings and all the tragic anniversaries of Vanessa's death.

Vanessa's family was told that there was hope the Government would support the legislation. In fact, I was given the message that the Government would support this legislation. This motion is an absolute betrayal. It betrays the many Government members who wanted to vote with the Opposition to support the bill. If we cannot have debate on Vanessa's law tomorrow it means that it will be held over until next year and the Anderson family will have to go through another year with a candle at the table where Vanessa would have sat—another year of thinking, "I wish we could have got that legislation passed."

Warren Anderson has been in this Parliament more times than any other member of the public. He has been watching Parliament perform and the disgraceful performance of Government members who, frankly, have shown they could not care less about the pain and suffering he has to endure. Regrettably, all Opposition members will circulate a message to their constituents that the Government did not give us an opportunity to bring forward matters that we feel are important. That is a betrayal of democratic process.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.39 p.m.], in reply: I listened intently to the Deputy Leader of the Opposition. The bill she referred to was introduced in the Parliament last week. I note that it has been on notice for some time, but it was introduced only last week. It is not correct for the member to say that the Government is opposed to the bill. As I indicated earlier—and I do so again—the Government has not had the opportunity to consider the detail of the bill, and at this stage the bill is being deferred. It is not being defeated or thrown out; it is being deferred. That is not to say that it will not be considered. I make the point that the bill will be considered not at this time but when the Government has had the opportunity to assess it in detail. In relation to Government business, the mini-budget and a number of other matters will be debated. Members want ample time to do that. Many Opposition members have placed their names on the list to speak in the debate on the mini-budget, and we want to ensure that they have the opportunity and the time to do so.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 48

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 Shearan
Ms Burney	Ms Hornery	Mr Stewart
Ms Burton	Ms Judge	Ms Tebbutt
Mr Campbell	Ms Keneally	Mr Terenzini
Mr Collier	Mr Khoshaba	Mr Tripodi
Mr Coombs	Mr Lalich	Mr West
Mr Corrigan	Mr Lynch	Mr Whan
Mr Costa	Mr McBride	
Mr Daley	Dr McDonald	
Ms D'Amore	Ms McKay	<i>Tellers,</i>
Ms Firth	Mr McLeay	Mr Ashton
Mr Furolo	Ms McMahan	Mr Martin

Noes, 39

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

Question resolved in the affirmative.

Motion agreed to.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Public Education

Mrs KARYN PALUZZANO (Penrith—Parliamentary Secretary) [3.48 p.m.]: My motion should be accorded priority because of the historic education agreement that was reached in the Council of Australian Governments meeting last weekend. It should be accorded priority because New South Wales teachers do a terrific job delivering educational experiences to all students in New South Wales schools. It should be accorded priority because the teachers in our State schools do an excellent job. This is exemplified by Steve Etheridge of the Penrith Lakes Environmental Education Centre, who offers environmental education programs to preschools, K-12, universities and TAFEs. It should be accorded priority because the teachers at Blaxland East Public School promote programs to increase the literacy of their students.

They particularly promote the Premier's Reading Challenge. This year more than 200 students have received gold awards. That means they have participated in the Premier's Reading Challenge for four years or more. My motion should be accorded priority because teachers at Emu Heights Public School and Nepean High School also promote the Premier's Reading Challenge, as was demonstrated when students from those schools attended the annual challenge celebration and revealed the good work that is done through the Premier's Reading Challenge. Tessa from Emu Heights school read *The Magic Pudding* in front of the Premier, and she did an excellent job. My motion should also be accorded priority because the Rees Government supports education.

ACTING-SPEAKER (Ms Diane Beamer): Order! There is far too much audible conversation in the Chamber. If members wish to conduct private conversations they will do so outside the Chamber.

Mrs KARYN PALUZZANO: In securing the economic future of New South Wales through the mini-budget the Rees Government also announced extra funding for school maintenance programs, particularly fences, roofs and sewerage. That announcement was made at Jamisontown Public School, which will get a school fence as a result of the Government's innovative maintenance budget. My motion should be accorded priority because the Rees Government also supports skills improvements in schools, particularly through the trade schools that are being rolled out across New South Wales. The Jamison trade school is almost completed, and the students will start at that facility on day one of term one next year.

This motion should be accorded priority because the Rees Government supports upgrading teaching and learning spaces in New South Wales. Teaching spaces at the Penrith Conservatorium of Music and the Joan Sutherland Performing Arts Centre were upgraded using part of the \$6 million allocation. The upgrades provided learning spaces for those enrolled in voice and instrument classes at the Penrith Conservatorium of Music. This motion should be accorded priority because of the partnerships between the Rees and Rudd governments. It should be accorded priority because \$1.1 million in new money is on the table. I remind members that the Howard Government did not support local schools. They would remember also that the Howard Government had no partnership with the New South Wales Government, as revealed by the Commonwealth's atrocious policy making on the run with regard to the Australian technical colleges. The policy was announced but it had no direction and there was no way to deliver on the commitments. The Howard Government raised community expectations but delivered only a number of Australian technical colleges, two of which were subsequently taken over by TAFE New South Wales.

This motion should be accorded priority because of the Howard Government's lack of support for not only primary and secondary education but also tertiary education. My motion is urgent because members know what happened to tertiary funding under the Howard Government. For instance, the University of Western Sydney was underfunded by many millions of dollars. The former Federal member for Lindsey received no support for the local tertiary sector. In effect, she said that no-one in her electorate should aspire to tertiary education. The member for Lindsey behaved appallingly. She said that she would cut the vice-chancellor off at the knees and she gave the local university no support. My motion should be accorded priority because when the Coalition was last in government it cut the number of schools and teachers, and offered no support to New South Wales teachers.

Child Reviewable Deaths

Ms KATRINA HODGKINSON (Burrinjuck) [3.53 p.m.]: My motion deserves priority because since the NSW Ombudsman has been investigating the deaths of children known to the Department of Community

Services [DOCS], those whose siblings have been known to DOCS, or those who otherwise died in reviewable circumstances, 642 children have died in New South Wales. This motion deserves priority because of those 642 reviewable deaths. Between December 2002 and December 2006 the NSW Ombudsman found that 115 children had died as a result of abuse, neglect or in suspicious circumstances after they had been reported to the Department of Community Services. That data does not include the 156 children who died last year. The number of deaths is so great that the Ombudsman has had to delay handing down his annual report on reviewable deaths in custody. It is usually published at about this time of year, but now it appears it will be released next year instead.

This motion deserves priority because in the course of the special commission of inquiry public hearings—many of which I attended—Justice Wood met with a broad spectrum of people from the child protection community. He gained a valuable insight into the workings of the Department of Community Services [DOCS] and other government departments. This motion deserves priority because of the picture that Justice Wood paints in his final report—the 111 recommendations for reform are not pretty. The Opposition congratulates Justice Wood on the thoroughness of his inquiry. Taken together, his recommendations paint a picture of a department in crisis, lacking leadership and direction. It is a bit like a rudderless ship at the mercy of the elements, being tossed from one crisis to the next.

This motion deserves priority because in his report Justice Wood found that only 13 per cent of calls to the DOCS Helpline that were assessed as needing more follow-up actually resulted in a home visit; 21 per cent of calls to the helpline that were assessed as needing more follow-up received no further action; and 33 per cent of all calls to the helpline assessed as needing more follow-up action received some further attention but not a home visit. This motion deserves priority because for the past four years the NSW Ombudsman has noted that reports to the helpline are not being followed through properly because of competing priorities. His warnings have gone unheeded by DOCS, and now Justice Wood has arrived at the same findings. This motion deserves priority because Justice Wood found that DOCS information management technology is not suited to the assessment of risk to children, and that the existing system is a source of continuing frustration and delay to staff.

This motion deserves priority because Justice Wood found that DOCS has inconsistent implementation of policies and procedures, leading to varying quality of outcomes in differing regions. This motion deserves priority because Justice Wood found that recruiting is an issue for DOCS and that there are insufficient prevention, early intervention and targeted services provided by State agencies and non-government organisations for children and young people at risk and their families. This motion deserves priority because Justice Wood found that Aboriginal communities remain overrepresented in the child protection system and that culturally appropriate interventions for Aboriginal children, young people and their families are not widespread. This motion deserves priority because Justice Wood found that DOCS does not always present its evidence to the Children's Court in a fair and balanced manner, and that legal practitioners who appear in the care jurisdiction are not subject to uniform standards or accreditation.

This motion deserves priority because Justice Wood found that there is poor interdepartmental communication and feedback from DOCS regarding mandatory child protection reports, leading to poor relations between departments. I note that on several occasions in the past four years the NSW Ombudsman has also had reason to comment about the lack of interdepartmental communication. Again DOCS has failed to heed the Ombudsman's recommendations, and again Justice Wood has made the same findings. This motion deserves priority because Justice Wood found that children in out-of-home care are not receiving adequate medical, dental and allied health treatment. These are not new issues; they are not surprises.

All of Justice Wood's findings have been aired before by whistleblowers, welfare groups, the Auditor-General, the NSW Ombudsman and by me through representations to various Ministers for Community Services—the portfolio has a revolving door. It is a crime that the New South Wales Labor Government has ignored them for the past 13 years. This motion deserves priority because we have endured years of disasters. I remember Minister Faye Lo Po' being forced to announce a \$1.2 billion five-year reform package, which has just concluded. Despite that, 642 children have died in New South Wales, 115 of who were already known to the Department of Community Services. This motion deserves to be accorded priority.

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

The House divided.

Ayes, 48

Mr Amery	Mr Gibson	Ms Megarrity
Ms Andrews	Mr Greene	Mr Morris
Mr Aquilina	Mr Harris	Mrs Paluzzano
Mr Borger	Ms Hay	Mr Pearce
Mr Brown	Mr Hickey	Mrs Perry
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	
Ms Firth	Ms McKay	<i>Tellers,</i>
Mr Furolo	Mr McLeay	Mr Ashton
Ms Gadiel	Ms McMahon	Mr Martin

Noes, 39

Mr Aplin	Mr Hartcher	Mrs Skinner
Mr Baird	Ms Hodgkinson	Mr Smith
Mr Baumann	Mrs Hopwood	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

Question resolved in the affirmative.

PUBLIC EDUCATION**Motion Accorded Priority**

Mrs KARYN PALUZZANO (Penrith—Parliamentary Secretary) [4.06 p.m.]: I move:

That this House:

- (1) notes the historic education agreement struck at the Council of Australian Governments [COAG] over the weekend;
- (2) notes the great work of our teachers and the support given to them by the New South Wales Government; and
- (3) congratulates the New South Wales Government and the Federal government on working in partnership to deliver better education outcomes for students in New South Wales after a decade of neglect by the former Federal Government.

We welcome the Rudd Government's support of our public education system, which is refreshing after a decade of Liberal-Nationals neglect. The former Federal Government refused to invest in the future of our nation's public school students. Make no mistake: This is a significant investment in public education by the Rudd Federal Government. A total of \$1.1 billion in new money for New South Wales public schools will make a great difference to the education of our State's school students. It is an investment in improving teacher quality, an investment in providing greater support for our most disadvantaged schools and students, and an investment in providing additional literacy and numeracy programs.

For the first time in a decade we have a real increase in Federal Government funding for State schools. Under the Howard Government, 10 straight Federal budgets contained no real increases for government schooling beyond indexation from 1996 to 2006. More than two-thirds of New South Wales children attend public schools, yet the Howard Government saw no reason to invest in their future. Members opposite do not like hearing this, but for 11 long years the State Opposition did nothing while John Howard ignored our nation's State school students. I congratulate the Prime Minister, Kevin Rudd, and the Deputy Prime Minister, Julie Gillard, and I commend the Federal Government for looking to build our nation's public education system for the first time in a decade.

We are starting from a good place in New South Wales, with the Rees Government spending \$10.7 billion on our school system this financial year. That additional Commonwealth Government money will create even greater opportunities to give our State's children the best education possible. An additional \$1.1 billion for our State's most disadvantaged schools provides an extra \$435 million to fund early intervention, additional teaching hours, and reading recovery programs; \$139 million over four years will assist us to develop further our State's literacy and numeracy programs; \$164 million over four years will be focused on training, mentoring and professional development for our State's teachers; and \$189 million will cover on-costs for rolling out the digital education revolution, which is a commitment by the Federal Government to provide an individual computer to every public school student from year 9 to year 12. This is in addition to the Connected Classroom commitment of the Rees Government to install interactive whiteboards in all schools in New South Wales. I note that the Connected Classroom was trialled in Penrith and the western Sydney schools. It is a great initiative. It will connect every school in the State.

The Rudd Government has recognised the importance of delivering literacy and numeracy skills, which are the framework of a child's education. A child who struggles with literacy and numeracy skills will struggle throughout their school life. New South Wales is proud of what is being achieved with our literacy and numeracy programs. The results are outstanding with students performing well above the national average in every subject in every level tested in the national literacy and numeracy tests. Teachers in our State's classrooms now allocate more than half of their classroom time to literacy and numeracy activities. Our Government is spending more than \$600 million over four years on literacy and numeracy programs, such as Best Start in which we assess kindergarten students in their first days of school to allow teachers to tailor lessons and address problems right from the beginning of a student's school life. The Reading Recovery program provides intensive one-on-one support for individual students struggling with basic literacy skills. On a recent visit to Jamisontown Public School I participated in a Reading Recovery lesson. It is intensive one-on-one support and all those Reading Recovery teachers should be commended.

Also, in the middle years, literacy is being investigated by a cluster of schools joined together to respond to the literacy needs of their teenage students. I note that Cranebrook High School in the electorate of Penrith has its cluster of feeder primary schools and it looks at the literacy results and tailors programs in a transition program. Transition to Schools is a program that was piloted in a number of schools in 2008. I note that Blaxland High School with its feeder primary schools, Blaxland East, Glenbrook, Lapstone, Blaxland, Warrimoo and Mt Riverview, had a Transition to School program in which the students investigated a crime. They had a crime scene investigation and clues and they had to take the science from those clues back to the Blaxland High School science labs. Year 6 students were dealing with real-life examples in a science lab to explore that transition to school. I am happy to announce that the Premier was at Blaxland High School to announce the expansion of this program in 2009.

The Rudd Government will assist us with \$139 million over four years to develop further these literacy and numeracy programs and provide the opportunity for intensive support for students struggling with these foundations of their education. It is well known that teacher quality is the single biggest influence on a student's ability to learn. We need to nurture the leadership and excellence of our teachers. Our Government is injecting \$276 million over four years into improving teacher performance and acknowledging quality teachers. In 2004 the Government introduced the New South Wales Institute of Teachers legislation and the amending bill is currently in the other place in relation to its review. We recently introduced an Australian first to identify outstanding teachers and teacher leaders. The Federal Government shares New South Wales' commitment to improving the quality of our nation's teachers and is investing \$164 million over four years, focusing on teaching, mentoring and professional development for our State's teachers. I welcome the Federal Government's cooperation.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [4.13 p.m.]: We have before us today a so-called motion to be accorded priority, which is in reality simply more Labor spin. This is another

self-congratulatory motion aimed at flypapering over the cracks of Labor's appalling neglect of public education in New South Wales. We have just had another prepared speech read word for word by the member for Penrith, prompting calls from this side of the House of "Author, author!" I do not know what happened to the old standing order dealing with members referring to copious notes, but it is obvious that it does not apply any more in this place. Let us take the motion step by step. Firstly, it talks about a historic education agreement struck at the Council of Australian Governments meeting over the weekend. In reality, this is a bailout package by the Rudd Labor Government for the Rees Labor Government in New South Wales. Kevin Rudd has rightly identified that the Rees Labor Government is his weak link and the biggest threat to his being re-elected at the next Federal election.

In fact, only weeks ago Kevin Rudd said that the New South Wales Government had to radically lift its game. There is fat chance of that occurring because we have heard more of the same from this Government for the last nearly 14 years. The Government says, "More to do but we're heading in the right direction." I do not think so! Things are not getting better in New South Wales by any measure. Knowing that things were not going to turn around here any time soon, Mr Rudd was more than prepared to spend the hard-earned surplus achieved by the former Federal Liberal-Nationals Coalition Government to get himself across the line at the next Federal election. That is what the so-called historic education agreement struck at COAG is all about—saving "Kevin 747" further embarrassment at the hands of the Rees Labor Government. The embarrassment would come about because this Government actually rejected computers for high school students offered by the Federal Labor Government because they were in no position to accommodate them or power them up.

We have a computer package that is based on laptops because schools are so run down they simply cannot store them, accommodate them or power them up properly. This opens up a whole can of worms. What is going to happen to these laptop computers when we give them to high school students, young kids? Ask any mother or father about how good they are with looking after their school uniforms, lunch boxes, textbooks, bags or shoes. They are lost, damaged or stolen all the time. That is exactly what will happen to these laptops. They will be dropped, left on trains or stolen. The principal of Bossley Park High School, one of the largest high schools in the State, spoke out about this. In today's *Daily Telegraph* he is quoted as dismissing the Commonwealth-funded laptop scheme as "crazy" and "ill-conceived". The report goes on:

"I see risks to the students carrying them and even more in their durability when kids throw them around," he said, challenging Education Minister Verity Firth to canvass public schools to find out whether they really want the laptops.

He said Bossley Park High, which already has a sophisticated student computer system, wanted flexibility to spend the funds. He also claimed significant numbers of principals and teachers rejected the laptop handout. The Government is slapping itself on the back but it has not even bothered to talk to principals and school communities about what ought to happen with the money. The next question is: When the students who have laptops leave school and take the laptops with them, what will happen to the next generation of kids? It is highly doubtful that this Labor Government, let alone the Federal Labor Government, will have the money next time around to find another big computer package.

The second part of the motion notes the great work of our teachers and the support given to them by the Rees Government. Both sides of politics support our teachers very much, but what about the support given by the Rees Government? It has offered a 2.5 per cent pay rise when the consumer price index is running at 5 per cent. If teachers want any more than 2.5 per cent they have to trade away conditions such as sick leave. What about dismantling the teacher transfer system, which will leave schools in difficult to staff areas without quality teachers? What about the unprecedented industrial action in recent times, including teachers' strikes planned for the first two school days of next year? What about selling off 140 of the 160 hectares of Hurlstone Agricultural High School?

What about axing the free school transport system and turning schools into tax collectors? What about axing the back to school allowance, in stark contrast to Victoria, which has just announced it will provide a \$300 back to school incentive? Last week the Premier traipsed around with Joel Klein from the United States, who proposes a radical league table scheme for schools, which Nathan Rees seems to support. He stopped just short of saying he would use that information to close schools in New South Wales as they do in New York. What about the TAFE teachers who have been hammered by a restructure and the doing away with jobs in the access and equity areas of TAFE, by the downgrading of teacher qualifications to certificate IV level, and a 9 per cent fee increase for TAFE students? This Government wants to talk about support for teachers, but actions speak louder than words. I have alluded to the actions of this Labor Government, so it is no wonder that teachers in New South Wales are as mad as hell.

The third paragraph in the motion accorded priority relates to working in partnership with the Rees and Rudd Labor governments. The Federal Government has been forced to intervene. Public education in New South Wales is so run down that we have an \$80 million maintenance backlog and an education system that cannot accommodate Federal Government computers. At one stage the Minister knocked them back. This State Government trashed the State budget and this financial year it has a \$1 billion deficit. New South Wales is Kevin Rudd's greatest embarrassment. This so-called partnership package is all about Kevin Rudd buying himself back into power in 2009 or 2010, using that lovely Coalition-built surplus. The motion goes on to criticise the Howard-Vaile Federal Government. The Labor Government abolished the Investing in Our Schools Program. This motion, which is all spin and nonsense, was presumably prepared by the Minister's office.

Ms CHERIE BURTON (Kogarah) [4.20 p.m.]: What an extraordinary contribution by the Leader of The Nationals! He suggested to all members that it was okay for the former Federal Government to take money from the New South Wales budget, thus preventing this Government from spending taxpayers' dollars on much-needed infrastructure. For 11 years the Leader of The Nationals watched the Howard Government rip the guts out of the New South Wales budget, which prevented taxpayers in this State from receiving what they rightly deserved, and he did nothing. Now that we have cooperation between the Federal and State governments, kids in disadvantaged schools who would never have had access to the Internet will be supplied with laptop computers. I inform Mr Jurassic Park that we are living in the twenty-first century. Anyone who does not know how to use a computer is disadvantaged. All those kids in year 9 to year 12 who do not have their own laptops are disadvantaged, which is a disgrace.

This Government, in cooperation with the Federal Government, will ensure that these kids get the best start in life by learning to use computers to do their assignments and research. That training will serve them well for the rest of their lives. Make no mistake about it: those who cannot use computers in the twenty-first century will be unemployable. It is extremely important to provide these kids with laptops. I bet that the Leader of The Nationals has not talked to anyone to establish their views about using a laptop to access information. Former Prime Minister John Howard was thrown out of office after 11 years because people got sick and tired of the blame game. They got sick and tired of the Federal Government not doing its share to support the taxpayers of New South Wales. Apart from implementing the horrific WorkChoices scheme, the former Federal Government did not give New South Wales its fair share. It did not do the right thing by properly and fairly funding schools and hospitals.

The Leader of The Nationals cannot accept that those days are over. I do not believe all the rubbish he espoused earlier. The Commonwealth dollars that are flowing into New South Wales will help even his constituents, so what he said today is ridiculous. If he made those statements outside this Chamber it could be said that he had lost the plot. It is time for him to move on and to do something else. He is a joke! I applaud the Government for funding primary schools. New South Wales has led the charge. The Federal Government will now provide the same funding for primary school children in New South Wales public schools as it provides for students in high schools. I commend the Council of Australian Governments agreement and I commend the Federal and State governments for working together.

Mrs SHELLEY HANCOCK (South Coast) [4.23 p.m.]: What an extraordinarily passionate contribution from the member for Kogarah! It was an extremely courageous move by the member for Penrith to move this motion, given the current industrial disputes throughout New South Wales. Of course, the Teachers Federation represents teachers throughout this State. It would take some guts for any member to come into this Chamber and say that the Rees Government supports teachers when they are striking throughout New South Wales. Teachers are striking because they do not have the support of the Rees Government. The first part of the member's motion notes the historic education agreement that was struck at the Council of Australian Governments. That agreement was historic because it is the first time that all but one State had a Labor government.

It was patently obvious that everyone attending the Council of Australian Governments meeting would be jovial and full of jubilation. No matter what agreement was reached they were always going to be a jolly little lot, agreeing to everything that happened, unlike the staged walkouts by all State Labor Premiers whenever John Howard wanted them to reach some form of agreement. They staged the walkouts and objected to anything that he tried to do. It is deceitful for Government members to suggest that John Howard tried to downgrade public education in New South Wales when for as long as I can remember that is what this Government has done. No-one forgets how this Government downgraded teachers in this State. I became a member of Parliament because of my disenchantment with this Government's treatment of teachers. Government members should not

come into this Chamber and say that the Rees Government supports teachers when they are striking throughout this State because of a lack of consultation on the statewide transfer system. No reasonable discussion about that issue is occurring on the Government benches.

Those Government members who know anything about education are aware that they made the wrong decisions. The Rees Government does not support teachers; it is doing everything it can to ignore the plight of teachers in this State. This Government is trying to erode their hard-fought-for conditions for sick leave as part of their wage negotiations, which is outrageous. I am sure that the member for Penrith, who has a background in education, is aware of all those issues. She knows that the Howard Government implemented the Investing in Our Schools Program for schools in this State and no doubt in her electorate. We are aware of what the Investing in Our Schools Program has done for schools in this State—something that this State Government refused to do. Once again Kevin Rudd is bailing out the Labor States, Nathan Rees and New South Wales because of this Government's abysmal failure.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [4.26 p.m.]: Opposition members should hang their heads in shame for failing to look after young Australians and their future. Whilst Howard was in office they failed to approach the Federal Government and ask for money that belonged to New South Wales taxpayers—money that that Government was stealing from New South Wales taxpayers. I welcome the Rudd Government's commitment to disadvantaged schools. On Saturday the Commonwealth provided New South Wales with substantial funding in this important area. Over the next five years \$435 million will be provided to New South Wales to support schools in disadvantaged areas. Socioeconomic disadvantage should not determine the quality of education that a child receives, but we know it has a major influence on how a child performs.

This additional funding gives us a real opportunity to try new things and to direct more resources into areas of greater need. I welcome the extra \$435 million that has been allocated to our State's most disadvantaged schools to fund early intervention programs, additional teaching hours and reading recovery programs. These schools could have had that money a lot earlier if Coalition members had stood up for the taxpayers of New South Wales and ensured that they got their fair share. These schools will be able to provide intensive support for students as well as introduce programs to keep students at school and engaged in learning. By giving our teachers and principals additional resources to help students who need it most we are investing in our future, in the future of Australians, and in the future of young people in this State. What have Opposition members done? They should hang their heads in shame, as they are an absolute disgrace.

This is good news for schools in our most remote communities. This is good news for schools with large numbers of Aboriginal students and it is good news for schools in some of our State's struggling suburbs and towns. The Rees Government is already spending \$100 million a year on our State's most disadvantaged schools, and additional Commonwealth funding will help us to do more. The New South Wales Government already provides more than \$80 million each year in targeted funding for schools in low socioeconomic areas through the Priority Schools Program. This program consists of two funding streams: the Priority Schools Funding Program and the Priority Action Schools Program. From term one next year 588 schools will receive \$21.5 million in direct grants and \$28 million to pay for extra teachers each year through the Primary Schools Funding Program. The 101 neediest of the priority schools will receive a further \$22.7 million each year under the Priority Action Schools Program. This is excellent news for New South Wales.

Mrs KARYN PALUZZANO (Penrith—Parliamentary Secretary) [4.29 p.m.], in reply: I thank members for their contributions to the debate, especially the member for Kogarah and the member for Shellharbour, who clearly articulated the priority of this motion. Opposition members should hang their heads in shame. The Leader of The Nationals did not want to bring forward a planning policy or initiative: no idea and no policy. He also misled the House. Not once did he support students or teachers in his electorate. In fact, he criticised students of middle years in his electorate when he said they would not be able to handle the computers in this package. All he did was carp and whinge. Not once did he support teachers, support staff or students.

As the member for Kogarah outlined, this package is not just about having the skills and knowledge to use computers; it is about having access to computers that will unlock the barriers to disadvantage. I commend the member for Kogarah for her contribution. Not once did the Opposition acknowledge the \$1.1 billion of new money for teaching and learning programs to enhance the literacy and numeracy of future generations of New South Wales schools. Not once did the Opposition say thank you. Not once did Opposition members acknowledge the \$1.1 billion for classrooms and schools in their electorates. They misled the House.

ACTING-SPEAKER (Ms Diane Beamer): Order! The member for Barwon will come to order.

Mrs KARYN PALUZZANO: These teenagers will receive laptops that are approximately three-quarters the size of an average laptop, so that they will fit into a school bag. They will be powerful enough to support the information technology [IT] needs of those students. The on-costs of our approach deliver one-on-one computers for around \$2,245 per student over four years. Opposition members should listen. The cost is around \$500 compared to the \$900 traditional laptop costs. Savings are being added into the package by providing an appropriate laptop. While some electrical work will be needed, the major electrical upgrade and huge recharging base can be provided because we are providing low-power wireless laptops. Along with software, additional hardware and wireless connection costs our plan provides for hundreds of IT support staff, teachers with professional training and a 10 per cent loss of damage in contingency. At 11.00 a.m. this morning the Department of Commerce issued the tender for these new laptops. I welcome the support of the Rudd Government. I ask that all members support this motion.

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

Motion agreed to.

LAND DEVELOPMENT LEVIES AND CHARGES

Matter of Public Importance

Mr ROB STOKES (Pittwater) [4.32 p.m.]: A matter of real public importance to the people of New South Wales is the provision of new housing and employment opportunities in new industrial, commercial and retail developments. This objective is being thwarted by exorbitant levies and charges for new development in New South Wales. Data evidence is clear that the property and construction sectors are enormously important to the economic health and wellbeing of New South Wales and its citizens. The 2006 Economic and Financial Statement made clear the importance of property, business services and construction to the New South Wales economy. For example, in 2004-05 property and business services accounted for more than 15 per cent of total industry income and 12.5 per cent of total employment. For the same period construction provided 7.1 per cent of total industry income and 8.8 per cent of total employment.

The sustained downturn in the New South Wales economy, which has been exacerbated recently by the international financial crisis, emphasises the vital need to jump-start the New South Wales economy. Given the importance of the property sector, it is incumbent on the Government to take urgent action to remove obstacles to releasing new employment and residential lands. If all of this was not important enough, we face a couple of clear demographic realities. Of course, the first is population growth. Today the *Sydney Morning Herald* talked about new figures showing that the national population had increased to more than 21.4 million, the result of a 1.7 per cent annual growth rate—the highest since 1989. According to the New South Wales Department of Planning, the State's population will rise to nine million people by 2036. So we have a massively increasing population.

I suppose as the sick man of Australasia, the population of New South Wales has been growing at a slower rate—in fact, almost as slow as Tasmania. The other demographic reality we face is declining household sizes as a result of new family arrangements and an ageing population. At the same time, we also have an amplified need for more houses because of the changing nature of our households. Yet the crushing weight of developer levies and charges prevents urgently needed houses from being constructed. This is a matter of public importance because the property and construction industry is in clear crisis. Figures illustrate that the value of New South Wales building work has been in freefall over the past few years. For example, in October 2008 the Housing Industry Association [HIA] indicated that house sales have dropped 14.7 per cent—the lowest level of sales since 2005. At the same time, BIS Shrapnel indicated that housing lots released to the market were the lowest since the 1950s. Just yesterday the HIA outlook asserted that the number of new houses next financial year would fall by about 7 per cent. These significant figures indicate a downturn.

What is Labor's response? It denies the value of the property sector and the crisis. The Government denies the value of the property sector by not mentioning it among key New South Wales industries on the Department State and Regional Development website. According to the Government's Economic and Financial Statement, "There are growing signs that the cyclical property slump is also bottoming out." Later in that statement the Government states, "Housing investment will continue to decline in 2005-06 before rebounding in 2006-07." My message to the Government is, "Well, get out of Governor Phillip Tower or wherever you are and have a look out there." The housing sector is in crisis caused in large part by the crushing weight of developer levies.

The reality is that Labor created this problem by distorting the property market in the late 1990s when it embarked on a policy to strangle land supply in a misguided effort to inhibit urban expansion. This was an attempt to forestall the need to spend more on infrastructure. That is the main problem the Government has with outward expansion: before new housing lots can be provided infrastructure is needed so that people can get to and from work. Outward growth is not the key indicator of urban sprawl per se; it is outward growth without the infrastructure needed to sustain that growth. The Government has created this distorted market.

At the same time the Government has taken away Landcom from its traditional role of coordinating the orderly release of residential land and has turned it into a statutory corporation that operates in competition with speculative private property developers. Effectively, the Government has frozen Landcom's land bank. Members will recall pictures of people queuing in a desperate attempt to compete for the meagre offering of blocks of land from Landcom when they were available. Having squeezed land supply during the property boom, thereby forcing up prices, the Government now seeks to overcorrect. Like a cyclist with the death wobbles, the Government is careening towards a real housing crisis.

Now the Government is talking the rhetoric of mythical massive land releases, such as 70,000 lots in the north-west and 110,000 lots in the south-west sector, but relies almost entirely on developer levies to finance the construction of infrastructure to accommodate the expansion. Unsurprisingly, the result has been a complete drought of new lots being brought to the market. In particular, the whole basis of the developer levies and the State Plan infrastructure levies that were introduced to fund this quixotic vision are set out in the State Infrastructure Plan. That plan has turned out to be a work of fiction because none of the infrastructure it proposes will become reality, or it has been pushed back to the never-never.

Now that the infrastructure that was promised by the State infrastructure strategy has been axed or put back to the never-never, how on earth can the Government press the imposition of levies? Why would people build when there is nothing to support the lots on which they build? This is clearly a matter of real public importance to the people of New South Wales. The Government should sponsor growth and help families to get their own homes instead of imposing taxes, which stymies economic growth.

Mr ROBERT COOMBS (Swansea) [4.39 p.m.]: This matter is about—

Mr Ray Williams: It will be good to hear this.

Mr ROBERT COOMBS: I am glad that the member is present in the Chamber and is listening to what I have to say about this matter. I listened intently to the contribution made by the member for Pittwater and would agree that the housing crisis is an issue for all members. A number of developments are taking place in my electorate, but all of them have met with a degree of opposition. Housing availability and affordability are also very important. The issues come down to a classic economic proposition: supply and demand. Supply has not kept up with levels of demand, with the result that over the past 10 years there has been a massive spike in property prices.

I have been attempting to explain that proposition to a number of constituents and especially to members of the Opposition who overreact to housing, land and development issues. I try to point out that a balanced approach must be taken to property development. If we simply provide for more building, more houses and more rental properties we will end up making housing affordability even more difficult for the next generation. The current generation is experiencing difficulties, but the next generation will be confronted with their own problems of affordability. The member for Pittwater is right to raise the issue of what we as a Parliament can do to best alleviate this very difficult problem. The issue is not new to me, although I have been a member of Parliament only since March 2007.

Mr Rob Stokes: Along with some others.

Mr ROBERT COOMBS: Like my colleague the member for Pittwater.

Mr Rob Stokes: And the member for Hawkesbury.

Mr Phillip Costa: We are all beginners.

Mr ROBERT COOMBS: And the member for Hawkesbury, who has only been here since 2007, as well as Costa the good. I thank my parliamentary colleagues for reminding me. One of the first problems

I encountered was associated with two very controversial developments. One proposal involved Catherine Hill Bay and the other involved Gwandalan. I assure members that those developments have aroused enormous interest and have defined both sides of the debate. On one side, many people point out to me consistently that those types of developments provide jobs. They provide more housing, more opportunities and ease the current rental accommodation crisis, but also create many jobs that are associated with project construction. On the other side, there are the equally important environmental and community concerns that are continually raised.

At times it has been very difficult to arrive at a political resolution or agreement concerning those issues, but I am hopeful—in fact, I am confident—that if people are prepared to strive for resolution that can be achieved. It is not as though the Government has not taken action through allocations in the mini-budget. There will be further comment on the mini-budget this afternoon, and I intend to speak later, but when we are discussing measures that stimulate the economy, expansion and increased construction to make housing more affordable for new homebuyers, the point must be made that the Government has played its part and has done something about it. The Government has provided an additional \$3,000 to new home buyers.

Mr Ray Williams: That \$3,000 will not help. You have to do more.

Mr ROBERT COOMBS: The member for Hawkesbury should not ridicule that. People hold dear the goal of home ownership. They scrimp, save and work very hard to ensure that they will have an adequate deposit for a home, and \$3,000 to them is a very important boost. Their efforts are rewarded, and they are very grateful. That increased bonus combined with the financial incentives of the Federal Government allows homebuyers to cobble together approximately \$24,000. In view of the funding announced by the Federal Government and the initiatives of the State Government, the community rightly acknowledges that we have not sat on our hands and we appreciate that this is a very important issue. People understand that we realise that if the issues are not addressed we are not discharging our responsibilities in accordance with expectations.

However, I am sure the Government is discharging its responsibilities according to expectations on the housing affordability issue. The Government's efforts should go a long way to producing the stimulus and boost that the housing construction industry needs to continue to develop. In addition to initiatives, the Government has provided for levies that are directed towards the purchase of infrastructure. Despite comments made earlier by the member for Pittwater, the State Government has instituted a number of initiatives to ensure that the housing construction industry continues to prosper and support our economy.

Mr RAY WILLIAMS (Hawkesbury) [4.46 p.m.]: There will never ever be a more important issue discussed in this Chamber than the imposition of infrastructure levies on the housing sector and new construction developments across New South Wales. The greatest impediment to the economic prosperity of this State is the severe downturn in the housing industry that we are experiencing. What the State needed from the mini-budget was stimulation of the housing industry, but instead our residents received a swift kick in the guts from the Government. It imposed further costs and charges and removed vital services such as rail links, free bus travel and the \$50 school allowance. The infrastructure levies that are imposed on blocks of land in the north-western areas of my electorate equate to approximately \$150,000 for each block of land.

The member for Swansea mentioned the Government's generosity in giving \$3,000 to new home owners as a form of remuneration, yet the Government could reduce the cost of new homes by anything up to \$80,000 or \$90,000. Compare the on-costs of developing a block of land in New South Wales with those in Tasmania, Victoria and Queensland. Currently it costs \$60,000 to develop a block in Tasmania and about \$50,000 to develop a block in Victoria and Queensland. Severe infrastructure levies in this State are crueing our housing industry. Sixty people a day are leaving New South Wales because of the State's lack of affordable housing. Figures just released by the Australian Bureau of Statistics show that 21,000 people left New South Wales in 2007-08, or about 60 people a day.

I have repeatedly raised this issue in Parliament because I believe the migration of those residents to places such as Queensland and Victoria is detrimental to this State and to the prosperity of our residents. Fewer people living in New South Wales means a lost opportunity for everyone. It has been confirmed that people are voting with their feet. They are deserting New South Wales in droves. Sixty people a day are moving to other States where there are affordable homes. New South Wales residents are among the highest taxed in the country. With front-line staff such as firefighters and police already facing a cut in real wages due to Labor's wage freeze, it is no wonder people are heading interstate. Nathan Rees and Morris Iemma have proven to be the best two Premiers that Queensland and Victoria ever had.

Mr ROB STOKES (Pittwater) [4.49 p.m.], in reply: We have clearly established that this is a matter of public importance and that the Government has done little to address the problem. Indeed, the Government needs to arrest the decline of the property market and the property and construction sectors. The way to do that is to ensure that the levies imposed on development provide infrastructure and are clearly related to the provision of services that will make people want to live in the places where lots are being released. Levies must be imposed in such a way that they add value to the proposed developments. They have to be real, credible and an incentive to development, not a disincentive to development, as is the case at present. A clear and direct consequence of the developer levies and charges imposed by the Government from August to September 2008 is that home building approvals fell by 26 per cent, compared with a 4 per cent fall in Victoria and a 3 per cent increase in Queensland.

We know why that is the case. The cost of State charges on land development in Sydney is equal to about 27 per cent of the cost of the land. That contrasts with figures of 20 per cent in Brisbane and 15 per cent in Melbourne. In round terms, a conservative estimate of developer costs is about \$70,000 to \$80,000 per block in Sydney, compared with \$30,000 in Brisbane and \$10,000 in Melbourne. There is a clear link between the imposition of these levies and the downturn in the property market, which is putting a dead weight on employment in New South Wales. The reason is the nature of these levies.

Like stamp duty, these State infrastructure levies rely on transactions to generate revenue. Yet by imposing excessive taxes and charges to build mythical infrastructure the Government is providing disincentives to development, and that costs us all. The record low housing production of fewer than 30,000 dwellings in New South Wales this year has cost the Government \$90 million a month in forgone stamp duty. So these levies are totally counterproductive; they are actually costing us money. The Government must get real about State infrastructure levies. It must ensure that the levies are clearly beneficial to development and not a dead weight on the economy, as they are at present.

Discussion concluded.

PRIVATE MEMBERS' STATEMENTS

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

KU-RING-GAI LOCAL ENVIRONMENTAL PLAN (TOWN CENTRES) 2008

Mr JONATHAN O'DEA (Davidson) [4.52 p.m.]: The Ku-ring-gai Planning Panel has resolved to exhibit and seek public comment on the draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008. This draft local environmental plan [LEP] is part of stage 2 planning for major density increases in and around the Gordon, St Ives, Turramurra, Pymble, Lindfield and Roseville centres. It proposes to rezone land to provide additional housing and facilitate additional retail-commercial development of up to 15 storeys. The draft LEP, together with supporting information, background reports and maps, is on exhibition until Friday 19 December 2008. I encourage residents to read the documentation and make a submission. The draft proposal is inappropriate in size and density. It will exacerbate problems associated with roads, public transport, essential service infrastructure and open space.

While I am pleased that some heritage conservation areas will be established under the draft LEP, they have been substantially reduced from those proposed by the National Trust. Unfortunately, many items of natural and built significance have already been compromised. Ku-ring-gai's unique character is under major threat. The Ku-ring-gai area is characterised by a tree canopy, including local blue gum high forest, the heritage value of which the Government refused to acknowledge in response to my motion in June. Ironically, the 15-storey building now proposed for the Pacific Highway ridge at Gordon, towering above the canopy, is dubbed "shopping in the trees". A further example of ridiculous terminology appears in the concept plan for the Pymble Town Centre, which states:

The dead-end model of house/suburbia can be transformed by considered urban architecture ... This proposal anticipates the life of a heterogeneous urbanity, with the concomitant broadening of the public domain, in an enriched landscape setting.

The member for Ku-ring-gai and I have repeatedly raised issues relating to inappropriate development and planning in Ku-ring-gai. The local community generally accepts that the area should take its agreed share of 10,000 new dwellings by 2031 under the New South Wales Metropolitan Strategy. However, proper analysis demonstrates that the current number will substantially exceed this. Having studied the numbers, I believe it is around 4,000 or 40 per cent over the agreed level, using conservative assumptions, such as only half of the

mixed-use buildings in each town centre actually being built. Next week I will meet with the planning panel chairperson with a view to ensuring that the 10,000 figure will apply, per previous panel and ministerial assurances. As discussed with the current Minister, this will require the currently exhibited plans to be scaled back.

I also note concerns about rezoning of private homes without owner consent and potential acquisition of private homes for creating open space. While I heard the planning panel chairperson clearly state at the 5 November public meeting that there would be no compulsory acquisitions, there should also be no rezonings of such land to open space in advance of purchases to address the concerns of people like Mr and Mrs Georgans of St Ives. While speaking of St Ives, I note that the level of overdevelopment there is particularly cruel, given the lack of transport infrastructure. I have previously spoken of community outrage at the State Government's ongoing mistreatment of our area, despite significant efforts of Ku-ring-gai council to comply with requirements for increased residential densities.

I have questioned the rationale for appointing a planning panel and acknowledged the efforts of community groups like Friends of Ku-ring-gai Environment Incorporated [FOKE]. I am pleased to note that the FOKE photographic project, the subject of a previous speech in this place, recently won a 2008 New South Wales Government Heritage Volunteers Award for its 400-page photographic record of sites and streetscapes in Ku-ring-gai impacted by residential development stage 1 planning. In recent years we have seen enormous government arrogance in planning and the dangers of planning imposed from above. In my inaugural speech in this place I emphasised how we must preserve and protect the best of our past as a legacy for future generations. We also need far more transparent and accountable planning processes.

The jury is still out on new planning Minister Keneally, who has at least indicated a willingness to consult with our local community. She should now ensure public release of the latest information on projected new dwelling numbers, as well as the viability analysis on the latest town centre plans. As part of recent lobbying efforts the local members of Parliament and other community leaders have also requested she intervene to achieve a more fair, balanced, democratic and discerning approach to planning in Ku-ring-gai. If this does not occur then I am sure the whole community will have no hesitation in criticising the new Minister. Such criticism contributed to the demise of former Minister Sartor. As radio broadcaster Alan Jones said, "People across Sydney realise that if it can happen in Ku-ring-gai it can happen where they live".

DEATH OF REUBEN LEON HAWKINS

Mr DAVID BORGER (Granville—Minister for Housing, and Minister for Western Sydney) [4.57 p.m.]: I advise the House of the passing of Reuben Leon Hawkins, or Len, as he was known to his friends, of which he had many, particularly in the Merrylands district. Len was the President of the Merrylands RSL Club. He passed away last Friday, on 28 November. Len was originally from Western Australia and moved to New South Wales to work with the Defence Force. In 1970 he joined the Merrylands RSL Club and for many years worked as the social secretary, booking entertainment for concerts and cabaret nights at the club. He was elected to the board of directors in 1976 and then in 1993 he was elected president. Len was granted life membership of the club in 1998. He was passionate about the Merrylands RSL Club: in fact he served 32 years on the board. He was also passionate about its members, often visiting sick members in hospitals and nursing homes and attending funerals.

Len was a gentleman. He believed in giving back to the community and was instrumental in the Merrylands RSL Club supporting a number of charities, sporting clubs and community groups including: Careflight, Millennium Foundation, Colon Cancer Research, Youth off the Streets and the Blind and Deaf Children's Association. Four years ago he was elected to the committee of the Western Metropolitan Region of Clubs New South Wales. He was an honourable and decent man who dedicated his life to serving others and supporting his community. Len always made me feel welcome when I attended functions at the club on Remembrance Day, and at dawn services and veterans luncheons. Like me, Len was tall. He had broad shoulders and a big square jaw. He always met me with a firm handshake and a generous smile.

From the day I was elected as the local member of Parliament for Granville he always made me welcome at the club. He extended that warmth and reassurance to old soldiers who gathered with camaraderie and mateship. I particularly remember the fiftieth anniversary celebrations and hearing Len and other members talk about the early days of the club and the importance of veterans helping each other to cope after their service to Australia. He spoke of the old shed in which the club started. I know Len's passing will be felt by everyone at the club and indeed the whole Merrylands community. Unlike some other clubs that have struggled in the local

sub-region around the Parramatta area, Merrylands RSL Club continues to be successful and very relevant and grounded in the community in which it is located. The club has a sponsoring arrangement with another club that is a long way away and, despite some challenges, I think it will continue and grow. Len's passing will be missed by many people who organise and help that local club.

I take this opportunity to acknowledge the good work of everyone who serves on the club board and sub-branch boards including Bob Freshfield, Syd Thode, John Murphy, Ron Hand, Steve Cunningham, Robert Shorrock, Peter Harding, George Salisbury, David Williams—an Aboriginal veteran who, I think, spent a long time in the Australian Navy and lives in the local area—Eric Michelmore and also Bryn Miller, the chief executive officer of the club, and all the staff at Merrylands RSL. It will be difficult in the days, weeks and months ahead both for Len's surviving family and for the community in Merrylands. School principals and captains all remember that very recently Len attended their functions adding his warmth and charm and sharing his generous attitude. Whilst he was of a generation growing up in Merrylands that is very different to the diverse multicultural community today, Len bore no ill-will to newcomers and migrants that make that area thrive. In fact, quite the opposite; he actually welcomed newcomers into the area and wanted to help them and see families and people do well in the local district. Len's beloved wife passed away 10 years ago and his family should be comforted knowing that they are now together again. He is survived by his brother Ray, his son Allen and his grandchildren. Len will be sorely missed.

TENNIS NEW SOUTH WALES

Mr GREG APLIN (Albury) [5.02 p.m.]: The Capital Assistance Program offered each year by the Department of Sport and Recreation attracts many applicants from across the Albury electorate. Many councils, sports clubs and recreational groups submit applications for grants to develop local sport and community facilities. The Government can fund up to 50 per cent of net project costs, with the applicants raising the balance. Past recipients of grants have included the Walbundrie Recreation Ground for netball courts upgrade, Coreen Recreation Ground for a synthetic surface on tennis and netball courts and Bungowannah Tennis Club.

Last year the successful applicants were Howlong Netball Club and Corowa and District Netball Association. This year there has again been a range of applicants from across the electorate seeking assistance to complete projects to provide improved facilities for their members and the wider community. Some clubs write to me asking for a letter of support to accompany the application and I am pleased to assist, as I am usually familiar with the current facility and the plans for improvement. It was with some surprise, therefore, that I received a letter from the President of Henty Park Tennis Club last month, which read as follows:

Dear Mr Aplin

Re: Tennis NSW Affiliation and CAP facility funding applications.

We were delighted to receive your recent letter of support regarding our application for funding through the Department of Sport and Recreation, Capital Assistance Program (CAP).

I am writing however in response to the attached letter we received from Tennis NSW, which directly affects our recent application.

I am deeply concerned at what I perceive to be nothing short of blackmail.

As per the attached letter you will see that Tennis NSW is now on the panel that assesses applications for the CAP. As stated they will not support any application by any club that is not affiliated with them. This in my opinion is totally discriminatory.

The Henty Park Tennis Club has discussed affiliation with Tennis NSW, however we agreed not to join them based purely on the financial implications it would have on the tennis club. We have in excess of 120 members, which represents an extraordinary figure of 10% of Henty's population. It is stated that affiliation is free, however it is mandatory that all members of the tennis club need to be registered. As a result, based on our membership list, it would cost us in excess of \$1100 to be affiliated with Tennis NSW.

We are a small country town in the grips of the worst drought in history. We truly don't have those types of funds at our disposal. We already charge a membership fee which covers affiliation in our local competition; repairs and maintenance of courts, public liability (ours is cheaper than what we could get through Tennis NSW), and improvements to our facility. We are a not-for profit organisation and just want people to be able to play tennis without it being a financial burden. Our whole club's philosophy is to get as many people as possible on the courts, get a racquet in their hands and play tennis. I would have thought Tennis NSW and the Department of Sport and Recreation would have had this same philosophy of encouraging participation.

I can assure you that if we do become affiliated with Tennis NSW, we will lose membership. We have families with up to five children. It would cost them an additional \$91 on top of our current family membership of \$70. This just isn't feasible.

We are a financially sound club. We are just after assistance to continue to promote the game of tennis and provide a better facility for our ever-increasing membership.

My major concern is that I would have thought that the assessing panel for applications for the CAP grants would need to be completely independent. It is evident that this is clearly not the case and as such, grant applications will not be assessed on their merits. This truly concerns me and I am sure it could have legal ramifications.

We truly believe it to be a form of blackmail and certainly not in the best interests of tennis in small country towns such as ours.

Just a few days later I received another letter along the same lines, this time from the Secretary of Corowa Lawn Tennis Club. Reference was again made to the letter from Tennis New South Wales so let me quote from that letter. It is headed, "Tennis New South Wales Affiliation and CAP funding applications" and is signed by the General Manager. The letter states:

I write to inform you that the NSW Department of Sport and Recreation has invited Tennis New South Wales to be part of the panel which assesses applications for the Department's Capital Assistance Program ...

The letter continues:

I write to formally advise you that Tennis NSW **will not** support applications received from clubs who are not affiliated with Tennis NSW and do not support mandatory Player Registration ...

The letter goes on to mention the benefits of affiliation and concludes with this reminder:

I would welcome the opportunity to discuss affiliation and player registration with you at your convenience. I trust you appreciate Tennis NSW's decision to only support clubs and facilities which support the long term sustainability of the Sport throughout NSW.

It is unacceptable that the Government would allow applications to be considered not on their merit but on the basis of affiliations and membership of a particular body. I call on the Minister to reconsider immediately the composition of the assessment panel and to reassure country tennis clubs that their applications will be considered on merit alone.

HOLSWORTHY PUBLIC SCHOOL PARLIAMENT

Ms ALISON MEGARRITY (Menai) [5.07 p.m.]: Today I inform this Parliament about the operation of another Parliament: the Holsworthy Public School Parliament. It operates for the full school year and has become an integral part of virtually every aspect of school life since 1995. In recent years I have been honoured to attend a number of the Holsworthy Parliament's opening and closing ceremonies. The 2008 Holsworthy Parliament closed last week on Thursday 27 November 2008. This year's Prime Ministers were Matthew Mortimer and Rachel Hembrow. Principal Wayne Roberts's comment that Matthew and Rachel had been outstanding Prime Ministers did not surprise me in the least. I had been fortunate to meet them on a number of occasions and was very impressed by the statements they made at the ceremony about their experiences in those roles.

The various 2008 parliamentary Ministers also made eloquent and informative statements at the closing ceremony. The Ministers for the Environment were Nicholas Quirk and Tayla Gillespie, Ministers for Events were Grant Heath and Cassandra Giuliano, Ministers for Health and Safety were Lucas Wilmering and Sophie Swinton, Ministers for Sport were Bradley Oud and Remi Garment-Larkins, and Ministers for Technology were Sean Yeoh and Courtney Flynn. The committed and talented teacher in charge of the Parliament, David Springhall, later told me that each Minister had prepared his or her own statement. Together we reflected upon how much the presentation skills and general confidence of each Minister had grown since the opening ceremony at the start of the year. Mr Springhall explained also that in the earlier sessions of the parliamentary year class representatives would tend to direct their questions to the principal or another member of staff. However, in no time at all, questions were directed to the relevant Ministers who responded competently to the issues.

The class representatives in the first and second semesters were acknowledged at the closing ceremony. I regret that time today does not permit me to name all 52 students who served their school community in this way. However, I take this opportunity to record the names of the parliamentary officials across the two semesters. Tere Kidwell, Jordan Forbes, Alicia Chopping and Patrick Kane served as Clerks of the Parliament. I am reliably informed that Andrew Miller, Timothy Sun, Travis Ornelas and Lauren Peachey were very effective Serjeants-at-Arms. It is appropriate at this point to mention that a golden and bejewelled mace was

appropriately and prominently displayed at the event. This years Whips were Matthew Wicks, Viet Le, Jessica Sanchez and Jacobb Gotch. The critical role of Speaker of the House was performed by Chandana Narayan and Adam Konya. Finally, the vital and taxing role of recording debates and maintaining the Hansard record was performed by Sheree Lu and Victoria Sheng. I suggest that the Hansard role would have been taxing based on my observations of our Parliament.

As the local member of Parliament, I am very proud of the contribution of each student to the success of the 2008 Holsworthy Public School Parliament. At the closing ceremony I could not help but feel a little emotional when it occurred to me that I had known the families of some of those year 6 students since before they were born, and now they are to head off to high school. Of course, the entire Holsworthy Public School community deserves to be acknowledged for its dedicated efforts to nurture and educate those fine young people. On behalf of all members of this House I say well done to everyone involved. I send our best wishes to the incoming 2009 Parliament as they keep this strong tradition alive and well at Holsworthy Public School.

Mr PHILLIP COSTA (Wollondilly—Minister for Water, Minister for Rural Affairs, and Minister for Regional Development) [5.12 p.m.]: I compliment the member for Menai on her comments. School parliaments do outstanding work. I congratulate Mr Roberts, the principal of Holsworthy Public School, for maintaining that leadership program. We must not underestimate the power of the language that we use when we teach young people about democracy. Words such as "Parliament", "Whip", "Minister", "Speaker" and "Hansard" are now embedded in the minds of those young people. The language used is the best part of what we teach them; it is not just about the democratic process. I thank the member for Menai for advising the House of this parliament, and I congratulate the Holsworthy community.

ORANGE ELECTORATE CRIME

Mr RUSSELL TURNER (Orange) [5.13 p.m.]: I inform the House of a spate of break-ins that are occurring in Orange. The editorial in today's edition of the *Central Western Daily* states:

There is nothing more invasive than the thought of a stranger entering our inner sanctum, our home, and stealing from us.

New figures which show that children as young as 10 years old are breaking into homes will come as a shock to many of us.

Not only are the majority of the break and enters in Orange committed by people aged between 10 and 17 but the incidents are tending to occur mid week between 6am and midday.

While the majority of the city's 10 year olds are safely tucked up in their beds or at school, there seems to be a band of young thieves roaming our streets and looking at opportunities to steal from us.

...

Thursday morning also proved a popular time for break and enters with 8 per cent of all the break and enter incidents occurring during this time.

Not surprisingly crime figures increase during the warmer months as opportunistic criminals access buildings by open windows and doors.

The real question here is why parents aren't keeping a closer eye on their children's activities.

We must be living in very strange times if local parents think that it's acceptable for children to commit serious crimes without at least some of the blame for this falling on their shoulders.

Children need their parents' guidance when it comes to knowing right from wrong.

In many ways parents need to step up to the plate and accept responsibility for these invasive crimes.

An article in the same newspaper states:

Residents of the leafy Warrendine area are living in fear after a string of break and enters in the area during the past fortnight.

Detectives yesterday spent the morning scouring the neighbourhood interviewing homeowners and gathering evidence after nearly a dozen homes in the Cecil Road area alone were broken into in the past two weeks.

Several other homes in Gardiner and Franklin roads have also fallen victim to the brazen daylight break and enters, many of which have occurred when the occupants were at home.

One resident who declined to be named entered his Cecil Road home last week to find a person ransacking drawers and cupboards.

"I came in, he heard me and burst out the front screen and broke it in the process," the man said.

"It has all of us on edge now and that's no way to live what should be a nice and peaceful life. It's that bad and people that worried that when we go out during the day we've had to tell our neighbours to keep an eye on our homes while we are out."

...

Orange police say they are continuing to investigate the reported break-ins but have no leads in the case.

I do not know about there being "no leads"; the police know that the majority of offenders appear to be 10- and 17-year-olds, and one suspects that they are a rather brazen, organised group. A couple of weeks ago I spoke to another lady from that area who went home unexpectedly during the day. She arrived home at 2.30 p.m. and found four young people in her home. They had absolutely ransacked her home, ruining most of the furniture and carpets. They had then prepared a meal and were sitting brazenly at the kitchen table eating their lunch. The offenders abused the lady before they left. She called the police, who attended reasonably quickly—I will not go into the details today.

Eventually—about three or four days later—the fingerprint team arrived. The resident was then informed by police that it could be 12 months before the fingerprints would be sent to Sydney for analysis and compared with fingerprints of people with previous convictions. That is totally unacceptable. For a number of years there has been a shortage of fingerprint experts throughout the central west. We have been told that there is one team between Lithgow and the far west. People are asked not to go through their doorway or not to use their car until the fingerprint team attends the scene. That is totally unacceptable.

There is reasonable evidence in the cases I have cited to suggest that if the fingerprints were checked they would be matched and an arrest would be made. The young kids involved would be taken off the street before they committed another break and enter. The next incident could result in injury and panic. A resident may take action into his or her own hands. I would hate a reasonably trivial but potentially serious accident to lead to a death. The Government must do something about this problem.

FATHER DOUGLAS BEDE RHEINBERGER GOLDEN JUBILEE

Ms NOREEN HAY (Wollongong) [5.18 p.m.]: Today I bring to the attention of the House an outstanding milestone and achievement that will occur in Wollongong on 20 December 2008. Father Douglas Rheinberger, a Catholic priest of the Diocese of Wollongong, will celebrate his golden jubilee: 50 years of ordination to the priesthood. A mass to be celebrated by Bishop Peter Ingham will take place to mark the occasion, which is on the very day of Father Doug's ordination 50 years earlier. Father Doug has been my parish priest at St John the Evangelist Church in Dapto for more than 13 years. During this time he married my youngest son, Daniel, to his wife, Heather, and was due conduct the marriage ceremony of my daughter Leah but was sick on the day. He has baptised all five of my grandchildren, Elle Hay, Ronan Dumbrell, Cameron Lavett, Nora Hay and Seamus Hay, and has long been a source of strength and support to my family. This was particularly so in recent times when my resolve was being tested. Father Doug was there with a smile and a word of encouragement. That is the kind of person Father Doug Rheinberger is.

Father Doug was born in Sydney in 1934 and undertook his primary and secondary schooling at Lewisham. After preliminary studies for the priesthood at St Columba's College in Springwood he continued his studies in Rome, where on 20 December 1958 he was ordained at the Propaganda Fide College. Father Rheinberger returned to Wollongong in 1959, serving as assistant priest in the parishes of Wollongong, Nowra, Corrimal and Thirroul. Appointments as parish priest followed at Moruya, Picton and Thirroul. In 1988 he left the diocese to serve in Kiribati, in the central Pacific, and after returning to the diocese was appointed parish priest of Dapto in 1995.

I congratulate Father Doug on this outstanding milestone. Fifty years in any profession is truly an achievement and to have served a higher purpose for so many years should be acknowledged, recognised and congratulated. On behalf of the community of Dapto I want to say that Father Doug Rheinberger always goes that extra mile. He is absolutely determined to help the young people in our community to achieve their best. It is not common today to stand in Parliament, or anywhere else for that matter, and sing the praises of a Catholic priest. However, on the fiftieth jubilee of Father Doug Rheinberger's ordination it is a privilege and an honour for me to acknowledge the work this man has done. He works for everybody. When things are tough in the communities with lower socioeconomic status in and around Dapto—and some of the things he sees are heartbreaking—he still greets people with a smile, a warm handshake and an encouraging word. We need more of that today—encouragement and support to help people get through the hard times and keep going forward.

I know Peter Bishop Ingham very well, and I know that the Catholic Church in the Illawarra region is well aware of Father Doug Rheinberger and holds him in high esteem. I certainly hold him in high esteem. The fiftieth jubilee invitation, which I have brought into the Chamber, has photos of his ordination and of the original invitation, which stated, "By the grace of God, I shall be ordained priest on December 20th 1958." Well done, Father Rheinberger, for 50 years of work. On behalf of our community and my family, I extend to you my warmest gratitude.

Mr PHILLIP COSTA (Wollondilly—Minister for Water, Minister for Rural Affairs, and Minister for Regional Development) [5.23 p.m.]: I also extend congratulations to Father Doug on the fiftieth jubilee of his ordination. He was based at Picton some time ago. It is a wonderful tribute to the man that he has been able to sustain his commitment to the people of New South Wales through his moral and religious guidance. I am sure that all members will join in congratulating such a great person on his jubilee. We owe so much to those who lead us in this capacity, and for the way in which they keep us on the straight and narrow. Father Doug has done that. He is always very focused, kind and fair. We wish him all the very best. May he have a great day on 20 December. On behalf of the Government, I extend congratulations to him.

NORTH COAST AREA HEALTH SERVICE JOB CUTS

Mr THOMAS GEORGE (Lismore) [5.24 p.m.]: I also wish to offer the congratulations of members on this side of the House to Father Doug Rheinberger on 50 years of service and dedication to the priesthood. His support for the community has been well and truly documented, and I am sure all members join in passing on our congratulations. Today I bring to the attention of the House the concerns of the Lismore electorate about the 400 jobs to be axed from the North Coast Area Health Service. On the Ray Hadley program on 13 November the Premier said, "The health budget was quarantined, and there haven't been cuts." In his media release on 11 November, Remembrance Day, he said, "This mini-Budget protects frontline services for the families of NSW ... the Government is tightening its belt from the top, but we're quarantining frontline services." That is not what we are being told.

It was highlighted to us last Saturday at meetings held simultaneously at Tweed Heads, Grafton, Maclean, Casino and Coffs Harbour to bring these matters to the community's attention and to give people the opportunity to express their concerns about the cutbacks. The Lismore rally was attended by Mayor Jenny Dowell, Mayor Phil Silver and Mayor Ross Brown, Marshall Fitler from the Regional Community Watch Group, Therese Croller from the Health Services Union and Don Page and I, together with David Hughes from the New South Wales Nurses Association and representatives of a cross-section of the community. They highlighted their concerns and their disappointment at the announcement during the budget discussions that stage 3 of Lismore Base Hospital has been taken off the development program. I place on record the community's appreciation that stage 2—the cancer unit and catheterisation unit—has been signed off. We are very pleased that that has happened.

I also acknowledge the efforts of our hardworking front-line nurses, doctors and allied workers, including the ambulance staff, who do a tremendous job in the electorate providing services at all hours of the day and night. The community is gravely concerned about this lack of services. Last week I wrote to the Minister on behalf of the member for Port Macquarie, the member for Oxley, the member for Coffs Harbour, the member for Clarence, the member for Ballina, the member for Tweed—who is 100 per cent for the Tweed—and me seeking an urgent meeting. We are still waiting for the Minister to give us an opportunity to hold that urgent meeting so that we can express concern about cuts to funding for the North Coast Area Health Service.

Twelve months ago I attended a meeting at Liston, which is located at the top of my electorate, where I was told about a gentleman who had died from a heart attack because the ambulance took 1½ hours to arrive, in the main because of triple-0 cross-border problems. I have since made representations and I thought that the problem had been resolved. On 18 November an accident involving one person occurred in Liston. Four ambulances, five fire trucks, two State Emergency Service members, four police vehicles, an associated police recovery vehicle and a helicopter arrived at the scene. Those are the sorts of things that are happening when cross-border emergencies occur. Those problems must be resolved.

SCHOOLS SPECTACULAR 2008

Mr PAUL GIBSON (Blacktown) [5.29 p.m.]: I refer to a great event that took place last week—the Schools Spectacular celebrated its twenty-fifth anniversary. The Schools Spectacular provides the best entertainment anywhere in the world. I have attended 21 of these events, which seem to get better every year.

I have attended shows at the West End—on occasions the Assistant-Speaker and member for The Entrance has attended them with me—and I have attended shows staged on Broadway, in Copenhagen, Sweden and Portugal, but there is no better show than the Schools Spectacular. Three and a half thousand children perform at the same time and each year thousands of teachers give up their free time. People often wonder what level of education students are receiving in our State schools. I can inform them that we have a healthy education system.

Tonight I pay tribute to Mary Lopez—the voice and image of the Schools Spectacular. Twenty-five years ago Mary Lopez was the artistic director for the first Schools Spectacular. I am sure no-one would begrudge me saying that for the past 25 years she has been the Schools Spectacular. Mary is a great director and a dear friend who has been good to me over the years. She has done a wonderful job. First and foremost, Mary is a parent and a teacher who studied at Newcastle, taught music in the coalmining town of Lithgow and later worked at Balgowlah Boys High School and Epping Boys High School. In 1984 the education department asked Mary to work with the young talent in our State. Mary took up the challenge and each year we have the greatest show on earth.

Mary's great love for Australia has always shone through and is epitomised in every production—whether it is the outback, indigenous people, or those who fought for this country and did us proud. In 1991 Mary was the co-founder of the Talent Development Project. On Australia Day Mary was appointed a member of the Order of Australia. In 2007 Mary received the Variety Humanitarian Award and she was referred to in an article in the *Sydney Morning Herald* as one of the most influential people in this nation. Over the past 25 years more than 1,000 teachers and 50,000 students have participated in the Schools Spectacular and more than 500,000 guests have attended that event. As an artistic director and educator, Mary has given us a wonderful legacy. She is someone about whom we should all be proud.

Some of today's leading entertainers in this nation participated in the recent Schools Spectacular—Nathan Foley from Toukley Public High School and Newtown High School; the McClymonts from Grafton High School; Emma Pask from Kirrawee High School; and Shannon Brown from Wollongong High School. Lorenzo Rositano from Jamison High School is so good that he will probably end up being one of the greatest opera singers in world. Human Nature from Hurlstone Agricultural High School performed on the night, as did Paulini from Bankstown Girls High School, Travis Collins from James Meehan High School, Macquarie, Darren Coggan from Wagga Wagga, and Roshani Priddis from Tamworth High School, who performed on *Young Talent Time* and, more recently, on *Australian Idol*. Another person who performed on the night was Robert McDougall from Oxley High School in Tamworth. All the young stars, the dancers, the musicians and everybody else who participated in the recent Schools Spectacular will be big names in the future. I thank Mary Lopez for the wonderful job that she has done in giving young kids an opportunity to showcase their talents to the world. It gives their parents great joy. She has also given great joy to everyone who has had the pleasure of attending the Schools Spectacular over the past 25 years.

Mr PHILLIP COSTA (Wollondilly—Minister for Water, Minister for Rural Affairs, and Minister for Regional Development) [5.34 p.m.]: I congratulate the member for Blacktown on referring tonight to the great Schools Spectacular. I have had a long association with the event and I congratulate Mary Lopez on the great work that she has done. Over the years I have attended quite a few events. I congratulate Diane Dunne who has worked with the Schools Spectacular for many years. I had the privilege of teaching Travis Collins. As I said earlier, I have had a long association with the Schools Spectacular. I worked with the high school band, which for many years played in the foyer and entertained those who attended the event. I applaud schools from across the State for the wonderful work that they do. This program showcases our talent and our outstanding teachers bring out the best in our children. As the member for Blacktown said, the event has been running for 25 years, and I am sure it will run for another 25 years. I thank the member for Blacktown for bringing this matter to the attention of the House.

JACARANDA COTTAGE, PITTWATER ELECTORATE HERITAGE

Mr ROB STOKES (Pittwater) [5.36 p.m.]: Winston Churchill once famously quipped he did not become the King's First Minister to preside over the liquidation of the British Empire. To adopt Churchill's comment, I did not seek election as the member for Pittwater to stand idly by as what is left of Pittwater's character and heritage is destroyed on this Government's watch. Members would be aware that Currawong Beach on the western foreshores of Pittwater is under imminent threat of dismemberment and despoliation as Unions NSW and developers seek to push through a residential subdivision of this beautiful place.

Members might not realise that another unique heritage site facing Currawong, on the eastern foreshores of Pittwater, is also under direct, but perhaps more insidious, threat of destruction. This places under

threat the former Wentworth Estate that comprises almost one hectare of natural bushland and cultural landscapes, including original cottages and the remains of a jetty that is well over 100 years old. As recorded in the nomination of the Wentworth Estate on the register of the National Estate, the location is:

... remarkable for its extent and diversity ... the extent and visual contiguity of this surviving attribute of the estate is rare in Sydney.

Jacaranda Cottage is a particularly special piece of the estate. It is among the oldest surviving structures on the eastern foreshores of Pittwater and served as a holiday house for children under the care of the Royal Far West Society. It is listed as a heritage item in the 1993 Pittwater local environmental plan [LEP]. The cottage is a wonderful reminder of the days when Pittwater was a sleepy backwater with just a few weatherboard homes nestled amongst the spotted gums. However, being an item of local heritage significance listed on the schedule of a local environmental plan does not confer on it the same level of protection afforded to items on the State Heritage Register. Under the Pittwater LEP, formed under the authority of the Environmental Planning and Assessment Act 1979, it is illegal to demolish, deface, damage or alter a heritage item without consent. But there are no minimum standards of maintenance or powers to enforce those local government standards.

Conversely, section 120 (1) of the Heritage Act 1977, covering items of State heritage significance, stipulates that, if the Heritage Council is satisfied that an item is not being maintained to minimum standards, including protection from the weather, the council may impose an order for that property to be restored and kept in a state of good repair. In short, items of State significance are protected from neglect whereas heritage items of local significance are not. Sadly, neglect is precisely what Jacaranda Cottage may fall victim to if it remains vulnerable in this way. When I last visited the site I was saddened to see a gaping hole in the roof, unprotected by a tarpaulin that was dangling uselessly to the side. A section of the wall had been torn away, leaving the structural timbers and the interior of the house exposed to the wind and rain.

Left like this, Jacaranda Cottage will simply rot and disappear. Pittwater has very few items of built heritage, so it is vital to save what little remains. Jacaranda Cottage is symbolic of a failure not only of the property owner to maintain such a beautiful site but also of our existing heritage laws to fully protect those items we consider valuable enough to pass on to future generations. It makes no sense to have two levels of heritage protection with different strengths of protection. If an item is deemed to be valuable enough to preserve, regardless of whether it is protected on a council's local environment plan [LEP] or on the State heritage register, then it should be afforded equal statutory protection. The Environmental Planning and Assessment Act should include a provision that allows local councils to enforce the maintenance of heritage items on the schedules of their LEPs to a set of standards like those set out in the Heritage Act.

Without such a provision, local councils can be uncertain about their capacities to protect from neglect, dereliction and what is referred to as demolition by neglect those items they consider important to the historical and cultural vitality of the local area. While heritage protection should incorporate the rights of private property owners, which we must respect, this should not be at the expense of meaningfully preserving those items we consider important to pass on to future generations. The things we save are touchstones through which members of the community, regardless of their background, can connect with the past and present values, aesthetics and common causes of their community. The importance of heritage lies not only in reminding us that we share a common past but also, more importantly, in preserving a common past in which we can all share so that we can not look at dusty old books but touch, enjoy and appreciate how far we have come as a society.

ELECTRONIC GIFTED AND TALENTED STUDENTS PROGRAM

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [5.41 p.m.]: My Northern Tablelands electorate includes the largest number of small and remote schools in the State. While this can confer many benefits on staff and students, as I frequently find in my visits to these schools, it also imposes some hardships. This particularly applies to gifted and talented students who find it difficult to access the extra learning stimuli they need within their local areas. Today I bring to the attention of the House an e-program generated from Drummond Memorial School in Armidale, which engages 35 of these gifted and talented primary school students from 11 schools in the region. The program is called eGATS—electronic gifted and talented students—and involves Armidale City, Newling, Tamworth South, Wyaliba, Walcha Central, Nowendoc, Attunga, Murrumbidgee, Burren Junction, Uralla Central and Drummond schools.

The program was devised in-house at Drummond Memorial School following the success of an earlier interactive e-program, Partners in Learning. This linked 70 Aboriginal and isolated rural students from three other primary schools—Niangila, Yarrawich and Rocky River—to Drummond students. The program was a

joint initiative between Microsoft and the Department of Education and Training. Michael Wilson, who teaches at Drummond, used the school's Microsoft SharePoint 2.0 to deliver the program and has adjusted it for eGATS. The school is fortunate to have his services, which were recognised when he took out this year's Excellence in the Integration of ICT Award and the Microsoft Scholarship for 2009.

The initiative to reach out to the region through telecommunications came from the school's principal, Phil Roberts, and assistant principal, Jennifer Andrews. They see Drummond as a leader in e-learning. Through their innovative programs they have developed both the skills and the technology to break down geographical barriers to include any number of students or special groups within schools. Gifted and talented students can have a tough time at school. They seek challenges, they want to move ahead quickly, they want to acquire skills and knowledge, and they have the capacity to work beyond the set curriculum. If they are bored or lack self-esteem because of peer pressure they can become very difficult for schools and parents to deal with.

Reports from students, teachers and parents involved in the eGATS program are all positive. Some students find it so absorbing they ask for more work. Students enter the program after an assessment by their schools and are usually from the highest IQ percentile. In May this year participants met each other and their teachers and mentors in maths, English and science for the first time at Drummond Memorial School. They learned to negotiate Microsoft SharePoint 2.0 and got to know each other—an essential part of the program. Back in their schools they are set a weekly assignment by their mentors and complete it at school, at home or a combination of both, which is most common. All participants have access to each other's work and they interact through video, audio, podcasting, blogs, voice thread or email. They also work together on some projects.

The projects are specifically designed to challenge and stimulate the children's thinking while providing a forum for like-minded peers. It is estimated that the work takes around five hours a week. Teachers and mentors stress that the emphasis of the program is to develop critical thinking and analytic skills rather than accelerating the students too far beyond their year's curriculum. Recently the students met again with their mentors at a three-day camp near Armidale. It was clear that they have developed strong friendships as well as academic collaboration. Those involved in the eGATS project believe it could be offered across the New South Wales education system from which it originally evolved. Initial discussions took place with the region's School Education Director, Jim White, local high schools and key regional personnel and mentors.

The mentors are high school teachers including Andrew Beaton, Armidale High School; Howard Grant, Armidale district office; Sandra Cotton, Duval High School; and Joseph Bell. They received training as part of the program with the State Regional e-GATS manager, Angela Chessman, consultant Julie Rees and University of New England staff. e-GATS is jointly resourced by Drummond Memorial School, Armidale High School and the local Department of Education and Training office. I invite the Minister for Education and Training to visit Armidale to see this program in operation and speak to the excellent staff who devised it and have made such a profound difference to the learning outcomes for some of the State's most gifted students.

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [5.46 p.m.]: I thank the member for Northern Tablelands for bringing this important initiative from small schools in his region to the attention of the House. As well as undertaking his onerous duties as Speaker, he is still an excellent representative of his community. Like the member for Northern Tablelands, I too represent a number of small schools. It was interesting to hear about this e-learning initiative, something I am sure has potential and is well worth the Minister looking at. I was pleased also to learn recently that the Government has extended selective programs to many rural schools, including some in the Northern Tablelands electorate, and has provided the interesting initiative of enabling people to undertake selective classes via distance education. This is an important initiative for gifted and talented students around New South Wales. It is important that distance does not prevent students from being challenged in their schoolwork. I agree with the comments of the member for the Northern Tablelands that it is important to keep gifted students challenged, interested and excited at school so that they reach their full potential.

BRISBANE WATER OYSTER FESTIVAL

Ms MARIE ANDREWS (Gosford) [5.48 p.m.]: In November I attended the Brisbane Water Oyster Festival and the Queen of the Festival Ball, which raised money for the New South Wales Cancer Council's Breast Cancer Challenge. Brisbane Water Oyster Festival, held on the Ettalong waterfront, was established on the Woy Woy Peninsula in 2000 and has grown in strength ever since. Attracting more than 20,000 people each year, the festival provides an opportunity to showcase the Woy Woy Peninsula and local oyster farming. Recently I was pleased to join the Minister for Tourism, Jodi McKay, in presenting the festival organisers with a cheque for \$3,000 from the State Government to go towards the cost of banners and signage for the event.

Oyster farming is one of the Central Coast's primary industries and the Brisbane Water Oyster Festival gives oyster farmers across the region an opportunity to show off their wares. Included in the program for the festival held on Sunday 9 November was the inaugural Brisbane Water best oyster competition as well as the "How many oysters can you eat in 30 seconds" competition. The winner consumed 23 oysters in just 30 seconds to win the oyster trophy. More than 4,000 dozen oysters were consumed at the festival, with the Brisbane Water-Hawkesbury oyster farmers having a great day.

For those in the community who were not oyster lovers, there was a range of entertainment on the day, including car displays, rides, clowns and face painting for the children, the Umina Beach surf club and a Te Ila Nui, which translates to "big fish", outrigger club challenge, a sand modelling competition and a wood chopping competition. There was the blessing of the waters, which was officiated by Reverend Penny Jones from the Anglican Parish of Woy Woy and Reverend Narelle Penman from the Broken Bay Parish of the Uniting Church. They were joined by Reverend Penny's husband, the Reverend Dr Jonathan Inkipin, who is general secretary of the New South Wales Ecumenical Council.

The Oyster Queen Ball, held at the Ettalong Beach War Memorial Club on Friday 7 November, was a great success, raising money for the New South Wales Cancer Council's Breast Cancer Challenge. In the past three years the ball has raised more than \$127,000 for breast cancer research. This year was just as successful, with more than \$40,000 being raised. There were 10 entrants in the Queen of the Festival competition, each being sponsored by a local business or organisation. The young ladies who took part this year and their sponsors were: Sarah Halloran, sponsored by Priceline pharmacy; Rebecca Cartwright, sponsored by the *Central Coast Express Advocate*; Tyler Matterson, sponsored by Subway Umina; Mandy Coolen, sponsored by radio Star FM; Julieanne Holmes, sponsored by Peninsula Village; Karen Austin, sponsored by Gosford City Council; Jillian Lynch, sponsored by Woy Woy Hotel; Dianne Henneberry, sponsored by Passion Hair and Beauty, Woy Woy; Kristie Williamson, sponsored by Subway Woy Woy; and Tegan Drake, sponsored by T. and H. Drake and Associates.

The night of the festival ball featured the crowning of the Queen of the Festival and Miss Charity Queen. Miss Tyler Matterson was crowned the Queen of the Oyster 2008 and Miss Karen Austin was anointed Miss Charity Queen. Both ladies raised more than \$8,000 each for the New South Wales Cancer Council. The contribution made by the festival queen entrants towards raising funds for a very worthwhile cause—the New South Wales Cancer Council—is outstanding. Today in the House I acknowledge their efforts. I mention the special guests who were present on the night of the ball, including the guest speaker Dr Andrew Penman, who is the chief executive officer of the New South Wales Cancer Council; Lee Cooper, the regional manager of the New South Wales Cancer Council; and Lesley Chart, central coast manager of the New South Wales Cancer Council. The Gosford City Council was represented by Councillor Jim Macfadyen, a former mayor, and Mr Rod Williams, the director of water and sewerage, who represented the naming sponsor, Gosford-Wyong Water Authority.

The Brisbane Water Oyster Festival is an important event for tourism on the Central Coast and I congratulate the festival organisers. In particular, I recognise the hard work of Mrs Debra Wales, the chairperson of the Brisbane Water Oyster Festival, and all those who assist her. Debra works hard all year round to ensure that the oyster festival gets bigger and better each year. Debra was successful in securing additional funding for this year's festival from the then mayor of Gosford City Council, Councillor Jim Macfadyen. Consequently, Gosford City Council contributed \$10,000 to the event—double the amount it provided in previous years. Debra, together with the major sponsor, the Peninsula Chamber of Commerce, whose president is Matthew Wales, are congratulated on a most successful 2008 Brisbane Water Oyster Festival. I am sure that the festival will be a resounding success again next year.

ROADS AND TRAFFIC AUTHORITY DUBBO ELECTORATE FARM TRUCK INSPECTIONS

Mrs DAWN FARDELL (Dubbo) [5.53 p.m.]: I draw to the attention of the House a recent Roads and Traffic Authority [RTA] blitz on farmers and their trucks in my electorate. Each year at harvest time, the same thing occurs. This year the Roads and Traffic Authority commenced at Moree and headed south because Moree has higher temperatures and the crops are harvested earlier than is the case in other parts of the State. I have received many complaints from inside and outside my electorate, and I wish to mention just a view. The complaints followed my television interview in which I expressed concern about trucks being targeted by the Roads and Traffic Authority. That prompted people to write to me:

This has prompted me to tell you of our experiences at Quambone, where our three boys are farming. Our contractor was pulled up on the Quambone/Warren road (a very quiet road) where they went right through his header but did not book him for the only offence and that was not having flags on his header. He was told they were having a two week blitz on headers. I feel this is wrong considering the hardship farmers and header contractors have been through in the last seven years.

We also had a roadtrain of wheat made [to] unload half a ton of wheat before it would be accepted at the Coonamble silo. Also a B double had to remove his spare tyre before unloading, because of overweight by that amount.

I hope this information helps you when you next speak about our problems ...

The people concerned asked me to bring this matter to the attention of the House. Bev McAneney from Fifield also wrote to me:

I have just had a phonecall from a very frustrated farmer via his mobile asking could I contact you to see if he could do anything to get the RTA to back off, he has been pulled up 3 times in 4 days in the same truck and has had enough. They are stripping out at Girilambone and carting to Nyngan. The man in question is Max Plummer from ... Tottenham. He and his son have the block at Girilambone leased, are camping out there trying to get the first decent crop in years off before the rain comes in next week—

which it did—

only to have the RTA harass them, and they are not the only ones. Would be nice if you could please make a noise in the appropriate direction.

The Green family from Gunningbland also wrote to me:

I'm writing on behalf of my husband & son. Bill was stopped by the RTA and was weighed with the result he was overweight. Unfortunately for Bill he has strived at every load to make sure he doesn't overload but does that "BOTHER the RTA"? No. So long as they get their revenue it doesn't matter that the farmers are not only struggling with the elements, the low prices of grain they have to contend with rotten roads to travel on as well as the RTA starting earlier than usual so they get their catch for the day.

I feel and many others also that instead of lying in wait on back roads etc. they would be much better thought of if they spent their time fixing roads, putting "WATCH FOR SCHOOL CHILDREN" signs along the Newell Highway and trying to save lives instead of causing added stress to the FARMER. All he is trying to do is make an honest income, he doesn't believe in DAYLIGHT ROBBERY.

Yes I do believe the RTA is slugging hardworking farmers. I hope you can be of assistance.

John Richardson of Trangie also wrote to me:

I would like to bring to your attention the blitz being performed on farmers and their contractors by the R. T. A. We have endured years of drought and presently we have a crop which is depreciating by the day due to the world ECO crisis.

We do not need to be victimised by employees of our own taxes for all sorts of insignificant reasons. One driver pleaded with inspectors to book him so he could get on with his job, which they duly did.

A light on an insecure mudflap was the reason he was booked. Mr Richardson goes on to state:

(daily occurrences on these rough roads that we have to travel.)

I realise I am not in your Electorate but I do have to work in it.

He also notified his local member of Parliament, the member for Barwon. He went on to state:

P S Nathan Rees would do well to get a licence and come try to make a living on these roads.

I was also contacted by Malcolm Kater from near Warren and I received a separate representation from John Richardson of Trangie for the same reasons. Many of the farmers were simply pulled up so that the inspectors could inspect their trucks. Some fines were issued, but some drivers were just pulled up and no defects were found. They are pulled up day after day, and some of them are pulled up more than once a day. One driver was pulled up twice in the same truck on the same day by the same inspectors, who did not find any defects. That held up the driver for anything up to an hour while the inspectors went over his truck in search of minor defects. After inspection, the inspectors either let them go or impose minor fines. The drivers were trying to race against time. The rain came through as expected, but the crops have not yielded the anticipated quantities.

Of more concern to me is that someone associated with the Roads and Traffic Authority, whom I know well, implied that I was protecting my interests in raising these matters because I have family members who are in the heavy vehicle industry. I must say that is a disgraceful allegation, and it was made by an officer of the Roads and Traffic Authority. I was contacted by farmers who are known to me to take up this issue, and only farmers. They have confidence that I will raise the matter in Parliament. I feel that the Roads and Traffic Authority should carry out some public relations training for staff. The Roads and Traffic Authority should also

stop this blitz, which seems to be a manifestation of small-mindedness. I call on the Minister to address the heavy-handed approach adopted by the Roads and Traffic Authority. I have also requested farmers to approach my electorate office if they feel they have been unfairly fined and they wish to appeal. I would be more than happy to help them approach the Minister in that regard.

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

Private members' statements noted.

HOMEBUSH MOTOR RACING (SYDNEY 400) BILL 2008

Bill received from the Legislative Council and introduced.

Agreement in Principle

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [5.58 p.m.], on behalf of Ms Verity Firth:
I move:

That this bill be now agreed to in principle.

The Homebush Motor Racing (Sydney 400) Bill was introduced in the other place on 27 November 2008 and is in the same form. The second reading speech appears at pages 71 to 76 in the *Hansard* galley for that day. I commend the bill to the House.

Debate adjourned on motion by Mr Adrian Piccoli and set down as an order of the day for a later hour.

HOMEBUSH MOTOR RACING (SYDNEY 400) BILL 2008

Agreement in Principle

Debate resumed from an earlier hour.

Mr ADRIAN PICCOLI (Murrumbidgee—Deputy Leader of The Nationals) [5.59 p.m.]: Having now had ample opportunity to consider the contents of the Homebush Motor Racing (Sydney 400) Bill and having read the Minister's second reading speech in another place, I have pleasure in leading for the Opposition on the bill. I say at the outset that the Opposition will not be supporting the bill in its current form for several reasons. The New South Wales Liberals and The Nationals support V8 supercar events. They are terrific events for motor racing enthusiasts. They have a significant crowd following, including a number of members of the Liberal Party and The Nationals. The two main events in Australia, the Clipsal 500 V8 Supercar round in Adelaide and the Gold Coast Indy, attract more than 500,000 visitors each year. The economic modelling released by the Government on Friday indicates that such an event in New South Wales will generate \$100 million in income over the next five years.

That brings me to the reasons the Opposition will not be supporting the legislation. The V8 Supercar race being held at Homebush was announced not long after the member for Toongabbie became the Premier. We were heading towards a mini-budget, and one of the Premier's first pronouncements was that no spending measures were to be ruled in or ruled out of the mini-budget. Only a couple of weeks later the Premier announced that \$30 million of taxpayers money would be allocated to a V8 Supercar race at Homebush. The concept of a V8 Supercar street race around Homebush had been suggested for several years. I believe the proponents had previously approached the Government about hosting such an event at the Homebush precinct but had been unsuccessful in convincing the Government to give the event the green light.

So it was with some interest that the New South Wales Government announced that it would provide funding—I believe it is \$25.5 million—over five years for the event. Given the history of lobbying for the event, and particularly given that the Premier had said that nothing would be ruled in or ruled out of the mini-budget, suddenly the New South Wales Government found \$30 million to fund this event for five years. I think \$13 million has been allocated for the initial works, to readjust road surfaces and make some realignments, and the remaining \$12.5 million will be spent over five years in support of the event. That is one reason the Coalition will not be supporting the bill.

So far—unless the situation has changed recently—the Government has failed to commit to capping the funding commitment of \$25.5 million. The Opposition's concern about that was heightened last week by the revelations in the Auditor-General's report that the Government's funding commitment to World Youth Day had blown out from a promised \$20 million to more than \$100 million. So an amount five or six times more than the original figure had to be spent in support of World Youth Day. I am not denigrating World Youth Day. It was a terrific few days. It was a great atmosphere in New South Wales, and indeed across Australia. However, taxpayers have a right to know what their contribution will be to these major events. It is one thing to commit funding based on modelling that says there will be a certain return to the New South Wales economy and, ultimately, to taxpayers, but it is a fair request for taxpayers to know the limit of that spending.

If it is to be \$25.5 million over five years, it is appropriate that the Government give that commitment. So far, whether in press conferences, in press releases or in the estimates hearings, the Minister and the Premier have failed to give that commitment. That is another reason the Opposition will not be supporting the legislation. Yet another reason is that the Government and the Minister, in particular, refused to release the economic modelling that, according to the Government, showed that there would be substantial economic benefits from holding this event and for committing \$25.5 million of taxpayers money. As I said, that modelling was eventually released last week, or at least it was given to me last Friday. We appreciate that.

Another reason the Opposition does not support the bill is that the Sydney Olympic Park Authority, Events New South Wales, and Ryde and Strathfield councils do not support the event being held at Homebush. The Government's announcement was made just prior to the Ryde by-election, following the resignation of the former Deputy Premier. One consequence of the by-election was that a lot of attention was given to the residents of the Ryde electorate. They had an opportunity to vote on whether they supported the holding of this event, which was one of the major issues at the by-election. I am sure the member for Ryde will touch on this. Many residents in the Ryde electorate—and certainly residents in the Ryde and Strathfield council areas—had doubts about whether this event was a good idea and about how it would affect them personally. Feedback from that by-election showed that there was substantial opposition to the event.

One issue raised by the Opposition in the estimate hearings and in other places was the relationship between the Minister for State Development and the proponents of the V8 Supercar event. One proponent, Greg Jones, is a friend and former colleague of the Minister for State Development. That matter was canvassed substantially in the estimates hearings and through the media, so I do not intend to go through it again. Some provisions in the bill have raised questions for the Opposition and for other interested groups. In particular, part 4 of the bill essentially allows the Homebush Motor Racing Authority, which will be set up under this bill, to breach several Acts of Parliament without consequence, including the Environmental Planning and Assessment Act, the Nationals Parks and Wildlife Act, the Local Government Act, the Sydney Olympic Park Authority Act and the Protection of the Environment Operations Act.

We are always concerned when legislation seeks to override existing legislation or gives authorities certain indemnities. We do not know how significant that will be until the event is held. We hope that the Homebush Motor Racing Authority does not breach any of those Acts, but we will not know until the event occurs and changes are made to the roads, such as alignments and the like. I understand also that some trees will be removed. We are concerned that the current legislation provides exemptions, and that the bill provides for circumstances where compensation is not payable by either the State or the promoter in relation to the race and related matters.

Clause 34 protects the Minister and the authority from challenge or review before a court of law or administrative review body, or from being restrained, removed or otherwise affected by these proceedings. The Homebush Motor Racing Authority has certain protections in this bill that certainly raise the eyebrows of not just members of the Opposition but other concerned parties. This was raised in the upper House. The Coalition is not very happy with a number of aspects of the bill and will not support it. Opposition members have stated their reasons. The event should not be held at Homebush but at existing motor racing facilities at Eastern Creek. The Coalition will not be supporting the bill.

Mr ROB STOKES (Pittwater) [6.10 p.m.]: I oppose the Homebush Motor Racing (Sydney 400) Bill 2008 for the reasons outlined by the member for Murrumbidgee. I will focus on a few of the procedural aspects of the bill to which I take particular objection and seek clarification on. The first relates to the appointment of the Homebush Motor Racing Authority under part 2 of the bill. I want to know whether State moneys will be used to pay the advisory board and the chief executive officer of the authority and, if so, whether that is a

sensible use of public moneys in relation specifically to some of the indemnities given to the operators of this motor racing event. We should remember that, while there is a purported benefit to businesses in the State, the promoters of this bill are involved in a private concern. I am concerned about public moneys being used to subsidise a private operation and to assist private promoters of an event. It is particularly of concern when ordinary laws that apply to every other business in New South Wales are suspended to favour the operators of a particular event. I draw the attention of the House to a couple of provisions under part 3, clause 23, reinstatement of land, which states:

- (1) The race promoter must, within a reasonable time after the Homebush motor racing period:
 - (a) repair any damage to land ...
 - (b) remove any rubbish from land ...
 - (c) reinstate any land ...

unless the race promoter and the Authority have otherwise agreed.

That contains a couple of fairly substantial loopholes. First is what on earth is a "reasonable time" after the race and, second, is "unless the race promoter and the Authority have otherwise agreed". It is fairly reasonably conceivable, one might say, that a motor race might cause all sorts of damages to the fabric of a roadway, to all sorts of landscaping and other issues yet we do not have any guarantee as to how long it will take to fix up such damage. The bill also does not have a firm statement that the damage will be fixed up. The Opposition's concern is that the bill contains a clear statement that the race promoter and the authority can agree otherwise to the reinstatement of land.

My main concerns arise in relation to part 4, dealing with application of other laws. It strikes me as odd that this bill seeks to remove the authority from the ambit of planning laws, the Environmental Planning and Assessment Act that applies to every other home owner, developer or any other business in the State. Why are the promoters of this particular activity so special that they are exempted from complying with the laws of the land with which everyone else has to comply? What sort of statement are we sending to all the other businesses and citizens of the State when we say, "It is all right if this lot do not comply with the laws. We will give them an exemption but everyone else has to follow the laws of the land"? To me that strikes a blow against justice and the idea that everyone should be equal under the laws of the State. I also note that clause 28 (3) states:

A person does not breach the terms or conditions of an approval relating to:

- (a) the management of waste ...
- (b) the hours during which an activity may take place, or
- (c) the means of access to land or premises, or
- (d) the emission of noise, including permissible noise levels, or
- (e) the effect of an activity on the amenity of the locality,

by the doing of anything that is reasonably necessary to be done by or under, or as a consequence of the operation of, this Act.

Motor racing by definition is noisy, smelly and likely to have significant impacts on the amenity of the locality, particularly as this is a residential area with some businesses operating in it. It is absolutely mind boggling and striking that the Government is seeking to remove those requirements from the ambit of the Act. I note matters of real concern in clauses 31 relating to liability in negligence or in other torts, most relevantly nuisance. The title of clause 31 is "no liability in nuisance" which is certainly very repugnant. Clause 31 states:

Anything done or omitted to be done by any person:

- (a) in the exercise of functions under this Act ...
- (b) pursuant to any of the provisions of this Act ...
- (c) in accordance with any authorisation given under this Act ...

does not constitute a nuisance.

The right to bring a suit in nuisance is one of the fundamental rights of any citizen under the common law of New South Wales. Why on earth should the operators of this particular business be shielded from a suit in nuisance, which should be reasonably available to anyone whose quiet enjoyment of their property is adversely affected? Why on earth should the rights of people to bring a suit in nuisance be taken away from them? That is absolutely repugnant and a breach of civil liberties and the right to take one's concerns to a court of law and have them heard. The fact that a person loses his or her common law rights as a result of this legislation is

repugnant to the rule of law in this country, and that is a real failing of this legislation. I also note that clause 32 seeks to exclude the State Government from any liability for compensation for any negligence or malfeasance by the operators of the Homebush motor race. Clause 32 states:

- (1) Compensation is not payable by or on behalf of:
 - (a) the State or an authority of the State, or
 - (b) the Authority, or
 - (c) a local council, or
 - (d) an officer [of the above] ...

Straight away this legislation is trying to exclude liability of the State, the operator, the authority or a local council. When everyone else has to pay compensation for negligence why should compensation not be payable in respect of Homebush motor race related matters? Clause 33 deals with compensation not payable by a race promoter in certain circumstances. Even the liability of the promoter of the race is restricted. It is significant that this special legislation not only seeks to override all existing planning laws by which this race would ordinarily be an activity under the provisions of the Environmental Planning and Assessment Act; it goes much further by seeking to take away from citizens their rights to seek compensation, to bring actions in negligence or their rights specifically to bring actions in nuisance. That is particularly significant given that these are precisely the issues that will concern the residents of Homebush Bay. The event, by definition, will constitute a nuisance to them.

The race will interfere with their quiet enjoyment of their land. Houses in the Newington and Homebush Bay precincts do not sell cheaply. People bought them on the understanding that, of course, it was a sports precinct, but for Olympic types of sports, not motor sports. That was never in the contemplation of people when they bought their homes or established their businesses in the precinct. To me it is totally odious that the Government would be so arrogant that it would introduce special legislation overriding existing legal processes, specifically and particularly overriding people's common law rights. Those elements of the bill are of real concern. They attack established notions of justice in the State of New South Wales.

Mr JOHN WILLIAMS (Murray-Darling) [6.20 p.m.]: I oppose the Homebush Motor Racing (Sydney 400) Bill 2008. The first job of the new Premier of New South Wales was to chase the black panther. That did not amount to anything, so he announced that motor racing would be conducted at Homebush. Prior to that announcement Premier Rees met with southern Riverina irrigators who were seeking relief from fixed water charges. The Premier told the irrigators that there was insufficient money to compensate them for the non-supply of water, albeit that was the third year that irrigators had paid for water that was not available. The money sought by the irrigators was equivalent to the cost of conducting the motor race, but the Premier decided that the motor race was more important.

The State is crying poor, but it has decided to spend money to support a motor race. People who conduct motor races conduct them as a business, they do not let people attend or compete without charge. Ultimately, it would be a reasonably profitable organisation. In my electorate there is a user-pays rule. If roadwork is to be carried out to gain access to a property off a highway, or if alterations to the roadway are needed, the farmers or the transport companies pay the costs. The bill provides for a profitable organisation, the race promoter, to get a handout from the State Government. If the race promoter wants to conduct a motor race in Sydney it should pay for it. It is not the responsibility of the State Government to provide the capital works required to conduct the race.

There is no doubt that to get the Sydney 400 race up and running all the rules have been broken with regard to any legislation to generally protect homeowners, developers and others involved in impacting changes on people and their environment. There will be environmental degradation, noise, major road works and a structure that is not consistent with the environment. Transportable buildings and support mechanisms will be needed to stage the race. All the rules have been broken. A surety deposit is needed so that if those involved with the race have a better offer from Melbourne, Perth or elsewhere and up sticks the funds are there for the clean-up. Provision has not been made for that eventuality. The proposed annual motor race is a commercial operation, and those involved should be treated in the same manner as the Government treats all commercial operations that are deemed to have an impact on the environment.

The bill does not provide for a deposit to be lodged that would ensure that any damage to the environment is rectified. That leads me to another aspect. This bill is pretty much an open door. Recently the Government held a worldwide event that it said would cost a certain amount. But the costs mounted beyond expectations. The Government is prepared to deal with rising costs. The people who are negotiating with the

Government to conduct the motor race obviously are aware that if the money allocated to support it is not sufficient the Government will provide more money. The State Government will be at the beck and call of the organisers of the motor race, and if there is a shortfall the Government will meet their demands. There is no limit on the funds allocated, and the organisers will be able to do pretty much as they wish. They will run a commercial operation and will make good money out of it. The day may come when they want to up sticks and go elsewhere. When they do, who will be responsible for the clean-up? We will see.

Mr VICTOR DOMINELLO (Ryde) [6.26 p.m.]: The Homebush Motor Racing (Sydney 400) Bill 2008 is wrong, and it is wrong for a number of reasons. I start with the environmental reasons. I need go no further than the comments of Ms Lee Rhiannon in another place. She cited six environmental reasons why the bill is wrong. First, 700 trees are to be cut down to accommodate the track. The Government constantly spruiks about how it protects and preserves the environment, yet it will allow 700 trees to be cut down for an event that already has a home at Eastern Creek. Secondly, approximately seven kilometres of concrete blocks and steel-capped fencing will be transported, assembled and dismantled each time the event is held, as well as up to four kilometres of spectator fencing—again, unnecessary. The track at Eastern Creek is perfectly suited to this proposed motor race. Why the waste?

Thirdly, some 1,200 movements of 25-tonne semitrailers will be required each time the event is staged, to assemble and dismantle the track. Again, why is that needed when there is a perfectly functional facility at Eastern Creek? Fourthly, there will be a loss of amenity for patrons of Sydney Olympic Park due to the closure and disruption of the park for up to 10 weeks each year for track works. Again, why? Fifthly, there will be excessive noise pollution impacts on the residents of Homebush Bay and Newington during construction and dismantling of the track, and during the event, as well as other pollution including exhaust and oil spills. Sixthly, there will be an adverse environmental impact on local fauna species, particularly birds. I have set out environmental reasons for opposing the motor race, and I could go on and on about them. Then there are the economic reasons. I quote Tom Bohan, the president of the Save the Olympic Park No V8 Race committee. He said:

This organisation believes it is a damning indictment of the new Premier, Nathan Rees, with the State of New South Wales in financial crisis that his first major project approval is one which is such a financial gamble.

He then goes on to say:

In 1999 a similar V8 racing event was held in Canberra which led to a net loss of \$11 million.

He then asks rhetorically:

When will the public gain access to the Government's costings of this event, which we believe has been grossly underestimated?

The third and most compelling reason is the political reason. We are all here to represent the community and to listen to and act upon the wishes of the people of New South Wales. The most recent test of what the people of New South Wales want was on 18 October. There was a massive swing of 23 per cent against the Government. Believe it or not, this issue came up. When I was doorknocking around Ryde people asked me, "What is the Government doing? What are they thinking when they want to move this event from Eastern Creek to Homebush?"

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

[The Assistant-Speaker (Ms Alison Megarrity) left the chair at 6.30 p.m. The House resumed at 7.30 p.m.]

Homebush Motor Racing (Sydney 400) Bill 2008

Agreement in Principle

Debate resumed from an earlier hour.

Mr VICTOR DOMINELLO (Ryde) [7.30 p.m.]: The Homebush Motor Racing (Sydney 400) Bill 2008 is wrong for three reasons. Earlier I referred to the third reason, that is, the political reason. Everyone who has a proximate interest in Sydney Olympic Park opposes locating the V8 Supercars at Homebush. Those who have a proximate interest include: the Sydney Olympic Park Authority, Auburn council, Parramatta council and Ryde council, which all oppose this proposal.

I will walk members through the chronology in a moment. Council and the Ryde electorate have had an opportunity to voice their position on this and other issues, such as the management and competence—or the lack thereof—of this Labor Government. On 26 August 2008, following a notice of motion moved by Councillor Nicole Campbell and Councillor Michael Butterworth, Ryde council unanimously resolved:

That Ryde Council immediately writes to NSW Premier to express its strong opposition to the proposed V8 Supercar Race at Sydney Olympic Park; and that Ryde Council notes the significant environmental legacies established at Sydney Olympic Park and commits to support the ongoing efforts of the Total Environment Centre to encourage the NSW Government to overturn this decision and stage the V8 Supercar Race at Eastern Creek instead.

It should be noted that Councillor Campbell and Councillor Butterworth are Labor Party councillors. It is extraordinary that, prior to the eve of a by-election, Labor Party councillors in Ryde council were saying to this Government, "Do not go ahead with your decision to move the race to Homebush." Let me now walk members through the chronology. The by-election for the State seat of Ryde was announced in early September. During the course of campaigning Ryde residents were asking me, "Why is this Government spending resources to move this race from Eastern Creek, a purpose-built facility, to Homebush? Why does it not spend the money on transport, which is sadly lacking in our area? Why does it not spend the money on Ryde hospital?"

These issues relate not just to the V8 Supercar race; they relate also to general incompetence and to management issues. People across the board in Ryde were whingeing about this, and they had every right to complain. When I visited people in Meadowbank, Melrose Park and West Ryde, I established that they were angry about the incompetence of this decision and about the noise and the air pollution that would be caused by the V8 Supercars. People further afield in Ryde—in places as far away as Marsfield—were angry because this is another example of this Government's mismanagement and incompetence, and its failure to listen to the people.

Residents could not understand why this Government would spend so much of their money. It should be remembered that this is not the Government's money. This Government is holding residents' money—the money of the people of New South Wales—something that it fails to understand. It does not have the money to spend on itself; it holds that money on trust to spend for the people. On 18 October the people of Ryde voted on this Labor Government's fiscal responsibility and management track record. On 5 September 2008, Simon Benson wrote in the *Daily Telegraph*:

The residents of Ryde are waiting with baseball bats in hand, and Labor Party Officials know it.

We all know what happened on 18 October 2008: the residents of Ryde recorded an historic 23.1 per cent swing against this Government. This Government could not get a more recent and accurate poll of the wishes of the people. I cannot understand why, in light of the election results of 18 October 2008, this Government is still thumbing its nose at people and saying, "We will ignore your wishes. We will ignore the wishes of Auburn council. We will ignore the wishes of Parramatta council. We will ignore the wishes of Ryde council. We will ignore the wishes of the Sydney Olympic Park Authority. We will ignore the wishes of the people of Ryde. We will ignore the wishes of Labor Party councillors on Ryde council." How extraordinary is that!

The Government has done so at its peril—it has suffered an historic 23.1 per cent swing against it. Within weeks of that unbelievable result this Government is still pressing ahead with this disgraceful piece of legislation that, quite frankly, is an affront to the community. Community members are saying that the Government should spend the money on more worthwhile projects. It should put the money into hospitals and infrastructure projects. That is not what this Government has done. A number of ships have been wrecked under this Labor Government's command. The T-card is a \$100 million battleship that has been sunk. The North West Metro is another major ship that has been wrecked—it hit an iceberg. Unfortunately, the Government's decision to move the V8 Supercar event to Homebush is the latest in its flotilla of wrecked ships to be recorded in history. I urge this Government to reconsider what it is doing. Quite frankly, it is wrong. This bill is wrong for the three reasons I articulated—environmental, political and economic.

Mr WAYNE MERTON (Baulkham Hills) [7.38 p.m.]: I oppose the Homebush Motor Racing (Sydney 400) Bill 2008, as do my colleagues in the Coalition parties. V8 Supercar racing is a popular sport that is watched by most Australians. Many Australians attend V8 Supercar race meetings and many more watch it on television in the comfort of their living rooms. V8 Supercar racing is the eternal challenge of Holden versus Ford, or Ford versus Holden. Over the years the results have changed from time to time but the two brands of car that reflect the Australian concept of motor racing continue to bring enjoyment to many Australians.

This bill is proposing something quite unique—the establishment of V8 Supercar racing in Homebush. Under this legislation the first race will be held in 2009 and thereafter it will be an annual event. The cost of the

proposal to convert the existing road to make a suitable track within the Homebush centre is in the vicinity of \$25 million to \$30 million. Queensland formerly held the Indy car race and also V8 supercar races on the Gold Coast. If my recollections are correct, Canberra also uses a public road for V8 supercars.

Mr Steve Whan: It is gone now.

Mr WAYNE MERTON: That may be an omen of what could happen. I am glad the Parliamentary Secretary reminded me of that. Frankly, to spend \$25 million or \$30 million, whoever you believe, on creating a new venue in what is essentially a residential area seems to be a somewhat ludicrous proposal when on our doorstep we have a magnificent venue at Eastern Creek. The local council opposes the proposal; indeed, councils throughout western Sydney oppose it. Eastern Creek operates for 52 weeks of the year and is heavily patronised, from information I have received. Although we have not reached the end of 2008, for next year only 30 days remain without an activity booking at Eastern Creek.

The Eastern Creek facility can be improved and those of us who have been around for a while will note that some improvements have been carried out. In fact, I spent a few hours at Eastern Creek on Saturday. I disclose an interest. I paid my entry money, of course. I saw the improvements that are being carried out by the present lessee of that facility. Motor racing enthusiasts in New South Wales are concerned that apart from Bathurst, which is used once a year, and Wakefield Park, which is somewhat different but, nevertheless, is an essential part of our motoring sport, and with Oran Park about to close and Amaroo Park already closed some years ago, and the Warwick Farm venue being discontinued for many years, Eastern Creek basically is the only substantial motor racing track within New South Wales available for permanent use. I do not disregard the important activities held at Wakefield Park, which I understand essentially is a club racing track, although not entirely.

Nevertheless, Eastern Creek is in the middle of western Sydney. I find it interesting that the Premier, who hails from western Sydney, as indeed I do, thinks it more acceptable to spend \$30 million on creating a circuit at Homebush rather than putting \$30 million into the Eastern Creek facility, which can be used permanently for these types of events. The difference is that this \$30 million will be applied to a racetrack that will be used only once a year. Other members have spoken about the environmental damage resulting from making this race circuit. Residents moved into the area thinking they were moving into an Olympic Park concept with parklands, gardens, peace and serenity, not on the outskirts of a motor racing facility, albeit to hold an annual event. Residents did not contemplate this concept, nor were they told about it. The local council objected, but the Government overruled it. Parramatta City Council and the Labor-controlled Blacktown City Council also objected to this proposal proceeding, but were overruled.

Why spend \$30 million on creating a circuit that will be used once a year? The Gold Coast formerly held the Indy car race, although I believe the contract has concluded and another organisation will race cars at that venue. I am not aware of the Gold Coast financial situation, but I do not believe it is a raging success. As the Parliamentary Secretary indicated, Canberra no longer holds V8 supercar races. I wonder why. I do not know whether any kind of feasibility study has been undertaken on the outcome of a V8 supercar race event at Homebush. I know one thing for certain: Eastern Creek is available. It is an ongoing facility that can be used 365 days a year and the operators pay rent to the Government. If money is to be spent on the preparations for this event, why not use it to upgrade Eastern Creek as the present lessee proposes?

The lessee of Eastern Creek will have a feasibility study carried out on its proposed additions. The new Chifley Hotel is complete and already operates at Eastern Creek. Eastern Creek has created its own world. Blacktown City Council supports motor sport. The Premier who is based in western Sydney has forgotten the west, which has a great facility that could be improved, thus providing more employment. Instead, the Government will pay \$30 million or whatever amount to alter the Homebush precinct for a race that will be held only once a year, because the Premier believes it is viable. For whom is it viable? What evidence of its viability do we have? Eastern Creek has a track record—pardon the pun. The present lessee has received proposals from FIA GT France, which promotes and organises races for Aston Martins, Lamborghinis, Ferraris, Nissans, BMWs and all those kinds of exotic cars to race at Le Mans, to conduct a race at Eastern Creek.

If our existing permanent facility can receive such an outstanding offer without improvements, there is no question that we will receive similar offers. Eastern Creek already has one offer in hand and will get more offers that certainly will make it a better facility as far as amenities are concerned because more money will come into the area. This in turn will provide more employment in western Sydney. These opportunities will be sacrificed for an event to be held once a year. I admit that I am persuaded by the arguments of concerned people

on the effect on the environment, both flora and fauna, and on the lifestyle of local residents. None of these are issues at Eastern Creek. It is an existing facility. Why walk away from that and put money into an unknown quantity? I do not know what happened in Queensland but the Indy cars do not race there anymore. I do not know the financial viability of that venue. I have not seen, nor has any member of the Opposition seen, any feasibility study or results of a study published or promulgated by the Government in relation to the prospects of Homebush races.

Mr Steve Whan: Three weeks ago.

Mr WAYNE MERTON: The Parliamentary Secretary says that happened three weeks ago. I do not know who has seen that. I only know that I have not seen it, and I believe that the Opposition has not seen it. I seek an extension of time.

Question—That the member's time be extended—put.

The House divided.

Ayes, 37

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

Noes, 45

Mr Amery	Mr Greene	Mr Morris
Ms Andrews	Mr Harris	Mrs Paluzzano
Mr Aquilina	Ms Hay	Mr Pearce
Mr Borger	Mr Hickey	Mrs Perry
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 West
Mr Costa	Mr McBride	Mr Whan
Mr Daley	Dr McDonald	
Ms D'Amore	Ms McKay	
Ms Firth	Mr McLeay	<i>Tellers,</i>
Ms Gadiel	Ms McMahan	Mr Ashton
Mr Gibson	Ms Megarritty	Mr Martin

Pairs

Mr Fraser	Mr Furolo
Mr Hazzard	Mr Sartor

Question resolved in the negative.

Extension of time not granted.

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [7.57 p.m.], in reply: I thank the members who participated in the debate—the member for Murrumbidgee, the member for Murray-Darling, the member for Pittwater, the member for Ryde, and the member for Baulkham Hills. By listening to some members' contributions to the debate, one might have thought that members opposite are diametrically opposed to V8 races at Homebush. That makes me wonder why, when I looked on the Internet, the first thing I found was, "Vote Liberal in New South Wales in 2007 to get a Homebush V8 Supercar race".

Mr Gerard Martin: Well, I'll be!

Mr STEVE WHAN: Yes. At the last State election, the Opposition was promising a V8 Supercar race at Homebush Bay. What a lot of absolute hypocrites! I can state with confidence that Sydney Olympic Park will be the venue of an exciting road race. The bill draws on provisions in legislation relating to similar motor racing events in other States, such as South Australia and Queensland. It also draws on our experience in New South Wales of special purpose legislation that has been adopted for other events. It is worth reiterating some of the important highlights of the bill to reassure the people of New South Wales. The Homebush Motor Racing Authority will become the designated regulator of the event. The authority will provide transparent and centralised planning and will oversight functions for the event. It will achieve that by streamlining approvals for pre-race preparations by V8 Supercars Australia.

ACTING-SPEAKER (Ms Diane Beamer): Order! There is far too much audible conversation in the House.

Mr Wayne Merton: Point of order: My point of order is simply that the Minister is reading from a prepared script. It goes far beyond copious notes.

ACTING-SPEAKER (Ms Diane Beamer): Order! The member for Monaro has been referring to notes and has also been talking off the cuff. I remind members that while they should not read their speeches they may refer to copious notes.

Mr STEVE WHAN: I thank the member for Baulkham Hills for the promotion. It is satisfying.

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

Mr STEVE WHAN: The member for Baulkham Hills gave us the benefit of his wisdom. He said that it was terrible that the track would be used only once a year. Members will be interested to know that the track in Monaco, which is an impressive street circuit that is home to one of the most famous road races in the world, is used only once a year. The member for Pittwater asked several questions, including whether the members of the board and the chief executive officer of the new authority will be paid. I can advise that the chief executive officer will be a public service position. The bill also provides that advisory board members could be remunerated, which reflects similar legislative arrangements applying to the World Masters Games organising committee.

Mr Wayne Merton: Point of order: A moment ago I suggested that the member for Monaro was reading from a prepared script. I repeat: He is reading from a prepared script. That is notwithstanding your good warning.

ACTING-SPEAKER (Ms Diane Beamer): Order! The member for Baulkham Hills has made his point of order and will resume his seat. I have been watching the member for Monaro carefully. While he has been referring to his copious notes, he has also been speaking without them. Once again, I remind members that they are allowed to refer to copious notes, but they should not read their speeches.

Mr STEVE WHAN: The way the department was so smart that it prepared a speech about things the member for Baulkham Hills had not yet said was absolutely amazing. That is impressive on the part of our department. It shows the Government's wisdom and the way it goes through things. The lack of understanding of sarcasm by members opposite is also impressive. The authority will be able to approve that the promoter undertake preparatory works for the event and impose conditions on the promoter's conduct of the race. This means that there is no confusing overlap of the regulatory functions. The authority cannot allow the promoter to commence any preparatory work without first being satisfied that it has taken adequate steps

to minimise and prevent harm to the environment. The authority must also be satisfied that the promoter has complied with statutory requirements to undertake consultation with stakeholders affected by its works proposals. The authority will consult the Sydney Olympic Park Authority about any preparatory works. Members opposite should have been here for the Minister's agreement in principle speech; they would have enjoyed that.

ACTING-SPEAKER (Ms Diane Beamer): Order! There is too much audible conversation in the Chamber. I have already called one member to order. I will not hesitate to call other members to order. I am sure that members do not want to be removed from the Chamber this evening.

Mr STEVE WHAN: If members opposite had any experience on the Government benches they would know that the job of a parliamentary secretary is to respond to points raised in debate. I would hate to insult members opposite by not responding to their points tonight. The member for Ryde expressed concern about environmental protection issues. I can advise that if the promoter breaches a condition relating to environmental protection, public safety or the requirement to hold insurance they may be prosecuted. This offence carries a heavy penalty that is comparable to environmental offences in other New South Wales laws. The authority also has additional power to direct the promoter to provide information or do anything or refrain from doing anything in connection with a matter of environmental protection or public safety.

There is an obligation on the promoter to clean up and reinstate the race area after the race period. Earlier I said that there used to be a street race in Canberra. Now if one visits the area to see the circuit around Lake Burley Griffin one would never know there had been a V8 car race there—except that the road condition is a lot better than that in other areas because the roads are of a high standard for the area. The bill provides for the reinstatement of conditions in a reasonable time as well. Some members expressed concern about the scope of legal protections for the State and the promoter contained in the bill. While every reasonable effort will be made to minimise disruption to business, tenants and other users, it needs to be remembered that Sydney Olympic Park is a major events precinct.

In relation to nuisance, I am advised that the Bathurst 1000—the premier V8 race in New South Wales, which is in the Bathurst electorate in country New South Wales—as well as V8 events in other States all receive legislative protection from nuisance claims. The bill is entirely consistent with those existing arrangements. The State's protection is similar to the protection from liability in relation to World Youth Day. Despite concerns raised by some members, Sydney Olympic Park was built to host large events, with all the noise and people movement that is inherent in large gatherings of fans of any description. As members would be aware, the park exists to hold major events. V8 Supercars Australia will hold regular meetings with the community and distribute information updates. This provides a great opportunity for the promotion of a major event in Sydney. In the past the Opposition has supported major events coming to Sydney. However, every time the Government acts to do that it gets negativity. Unbelievably, the Coalition went to the last State election with the promise of an event. That shows the hypocrisy of what we have heard in this debate.

Mr Wayne Merton: Point of order: My point of order is that this is not a reply to the debate. This is virtually an agreement in principle speech. It is a shame that in this agreement in principle speech the member for Monaro has not told the Parliament that the Confederation of Australian Motor Sport absolutely opposed this proposal.

ACTING-SPEAKER (Ms Diane Beamer): Order! There is no point of order.

Mr STEVE WHAN: V8 Supercars Australia is a successful motoring promotion organisation in Australia. It will be hosting the event and bringing people to town. As I was about to say before I was so rudely interrupted, 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 Greene	Mr Morris
Ms Andrews	Mr Harris	Mrs Paluzzano
Mr Aquilina	Ms Hay	Mr Pearce
Ms Beamer	Mr Hickey	Mrs Perry
Mr Borger	Ms Hornery	Mr 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 West
Mr Corrigan	Mr McBride	Mr Whan
Mr Costa	Dr McDonald	
Mr Daley	Ms McKay	
Ms Firth	Mr McLeay	<i>Tellers,</i>
Ms Gadiel	Ms McMahon	Mr Ashton
Mr Gibson	Ms Megarrity	Mr Martin

Noes, 35

Mr Aplin	Ms Hodgkinson	Mr Roberts
Mr Baird	Mrs Hopwood	Mrs Skinner
Mr Baumann	Mr Humphries	Mr Smith
Ms Berejikian	Mr Kerr	Mr Souris
Mr Besseling	Mr Merton	Mr Stokes
Mr Cansdell	Mr O'Dea	Mr J. H. Turner
Mr Constance	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>
Mrs Hancock	Mr Provest	Mr George
Mr Hartcher	Mr Richardson	Mr Maguire

Pairs

Mr Furolo	Mr Fraser
Mr Sartor	Mr Hazzard

Question resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

Bill declared passed and returned to the Legislative Council without amendment.

STATE REVENUE AND OTHER LEGISLATION AMENDMENT (BUDGET MEASURES) BILL 2008**Agreement in Principle**

Debate resumed from an earlier hour.

Mr MIKE BAIRD (Manly) [8.14 p.m.]: This debate was interrupted quite a while ago, but good things are meant to last and I have plenty to talk about. Anyone who has considered the problems with the State budget and listened to the economic commentators would have been alerted to the fact that New South Wales does not have a revenue problem. I agree that revenue is softening and that it is affected by the global economic downturn, but the main problem is that expenses have been running out of control for almost 14 years. We have

spoken in this House about the Vertigan and Stokes audit, which was commissioned by Morris Iemma to examine the State's finances. The audit found that since 2000-01 the average growth in expenses has exceeded the growth in revenues by one percentage point. In other words, over the past five years total expenses have risen faster than the growth in the economy and we have been going backwards by almost \$400 million a year in real terms. This has led to marginal—if any—surpluses.

At present we have a significant deficit that has been driven by a lack of expenses, which ironically even the Premier has acknowledged. Let us calculate the projected expenses growth after all the cuts in the mini-budget have been made. Before the mini-budget the figure was 4.5 per cent and after the cuts it is 4.9 per cent. Revenue has crept marginally ahead of expenses in that context, but expenses rose following the budget that was delivered just a few months ago. We cannot argue that there is a systemic problem. Robert Carling summarised that point when he referred to:

... the fundamental and long-running problem of too much spending for too little public benefit. This budget crunch has been festering for years. The facts challenge the conventional wisdom that the Carr government was tight-fisted, let alone its successors. A pattern of high spending goes back to the 1990s. The reputation for restraint that survives from that era is a myth ...

The long and short of it is that this problem has been coming for a long time. The Government was aware of it as a result of the Vertigan and Stokes report. My big disappointment is that in this mini-budget the Government has failed to address the fundamental reason that we are in so much trouble in relation to expenses. The point about surplus land involves a range of issues. Clearly we do not want to be in the position of selling long-term assets to solve our short-term deficit problems—that is, using capital to fund recurrent expenditure. If we reach that position we will all be in trouble. On the subject of selling surplus land—notwithstanding the Opposition's clear agitation in relation to the sale of land at Hurlstone Agricultural College and Seaforth TAFE in my electorate—how did the Government determine the land values?

During the estimates hearings I was amazed to hear that the State Property Authority, which is our articulate expert in this area, did not have any input in determining the valuation of property. The critical amount of more than \$800 million is attributed to these asset sales but we have absolutely no verification of that figure and the Government's property experts have had no involvement in the process. I ask the Government: Who arrived at those valuations? Can they be trusted? What does the State Property Authority do if we do not entrust it with assessing the critical elements of assets going forward?

As we have been caught in the financial crisis, it is remiss not to highlight again our concerns about the way the Government has dealt with councils. Treasury took a position in relation to the collateralised debt obligation risk, but did not pass that on to the councils. In November the Auditor-General said, "TCorp has not invested in Collateralised Debt Obligations and has not suffered any loss from direct exposure". In October, the head of the New South Wales Treasury, John Pierce, admitted that the New South Wales Government decided "very early in the piece" to stay away from risky investments linked to the sub-prime mortgage crisis.

The Cole report started to address those concerns but did not go far enough. It revealed that councils had suffered market-to-market losses of approximately \$320 million. Why did New South Wales Treasury, the architect of the investment guidelines for councils, not pass on the information to councils? That is a huge unwritten scandal because every council in this State has suffered millions of dollars in losses. The people who wrote their investment code forgot to give councils critical advice: the collateralised debt obligations were considered to be too risky. They had the expertise to make that decision and they employed it, but they did not pass on the information. It is an unwritten scandal.

Before I conclude by outlining the Opposition's alternative vision and what an O'Farrell-Stoner government will do, my final point is about Standard and Poor's. Standard and Poor's reviewed the bill, and its concerns have been well encapsulated. It warned that the mini-budget might not be enough to lift the State from negative watch immediately, despite the Government having leeway to borrow more without risking its triple-A credit rating. It wrote, "We would want to see the government having the political willingness ... to execute what are seen to be unpopular positions". Standard and Poor's has checked the management of this State and said that it does not necessarily trust the Government to deliver.

Standard and Poor's has been watching the State for a considerable period and has been in dialogue with the Government for some time, but it is yet to reach a comfortable position. We are in a similar position: we share the ratings agency's concerns about the management of the State. As previously stated, the measures in the mini-budget do not do enough to stimulate the economy—in fact, they are doing the absolute opposite at

exactly the wrong time. Standard and Poor's did not refer to funding, but I am sure that it will become an important issue. I implore Cabinet to consider that the Government's debt profile has been reduced by only a nominal amount. It is pretty much the same. Over the next few years the Government will want to borrow about \$20 billion.

In that context, the Commonwealth Parliament is about to legislate a guarantee for basically every financial institution in the country. That means that financial institutions will rank ahead of State governments, or semi-governments. The financial institutions will then take liquidity out of the market and will significantly raise the cost of funds to this State. If I were sitting on the Government benches I would tell the Premier and the Treasurer that we need to start talking to the Commonwealth about the impact on State finances, because I think it will be significant. I think also that this is the real story. We could certainly reach the point where we cannot fund our debt profile because the financial institutions have taken the liquidity. Perhaps we should get a guarantee from the Commonwealth to bring us back into line with the financial institutions, which will give us some liquidity.

I turn now to the future—I will be brief because a number of Opposition members want to talk about the mini-budget. One of the biggest shortcomings in the mini-budget is that it puts band-aids on problems. It makes small cuts in various areas but it is piecemeal and it is mediocre. In a holistic sense, the mini-budget does not grab hold of the State's finances and take them in a certain direction. That is what an O'Farrell-Stoner government would do. The Opposition's "Planning for Prosperity" document contains four goals. Interestingly, the Treasurer suddenly produced four goals—notwithstanding that we had released our document 10 days earlier—three of which were fairly closely aligned to our goals. But that is another point, which I will not dwell on now. The important question is: Where do we want to go?

Unless the Government has a long-term strategic target it will not be in a position to attract investors to New South Wales. Those seeking employment or seeking to build on employment opportunities in this State will not get the signals they need. The Leader of the Opposition and the Leader of The Nationals have sent very clear signals with our four goals. The first is that it is about time New South Wales led Australia in sustainable economic growth. The two measures I have spoken about in that regard are gross State product and unemployment levels. For too long New South Wales has lagged behind on both those measures. Our goal is to drive those measures towards the average. We certainly should not be ashamed of that goal; we should take pride in it. We recognise that this State's economic growth is important and strongly driven.

The Opposition does not accept that we have the highest or the second-highest unemployment rate in the country. The Opposition does not accept that we have the lowest rate of economic growth in Australia. In the last quarter New South Wales was the only State to record negative growth. We can pursue a range of policy directions. We want New South Wales to be Australia's twenty-first century State. In simple terms, that means it is not acceptable to sit back, look at our harbour and say, "Isn't it wonderful? Let every business come to us—but it's a shame that we don't have the geography that exists in areas with a commodities boom". Will we let that happen? No. We will start looking globally and head out into the world to find the industries, the developments and the opportunities, and bring them to New South Wales.

We must start that drive; it is not too hard. In China the emerging middle class will drive tourism. It will be unlike any opportunity this country has had before. The Japanese tourist influx was significant, but the Chinese influx will be even more so. But what are we doing to facilitate it? New South Wales has coal seam methane reserves that are potentially greater than those in Queensland. What are we doing to facilitate that industry? How are we helping with planning processes? How are we developing, proving up and delivering coal seam methane? And guess what? The industry creates jobs. It drives export markets and brings in royalties.

In the United States of America, Barack Obama spoke about five million green jobs. What green jobs are available to develop and foster in New South Wales? A Barry O'Farrell-Andrew Stoner government will facilitate those opportunities and will incentivise those industries to come to this State so that we will start to lead the country again. Another goal is to make New South Wales Australia's first place to do business. That is a pretty simple proposition, and a big commitment. We no longer want to lead the country in taxation levels; we will move towards the average. Some 75 per cent of all new jobs last year were created outside the boundaries of this State. That is unacceptable.

Mr Robert Coombs: There's a mining boom.

Mr MIKE BAIRD: We have had a mining boom, but that is not the sole reason. We cannot sit on our hands; we need to drive the mining boom. The Opposition has said that taxation levels for business will be

reduced to the average, if not lower. Any business that is interested in coming to New South Wales should be aware that taxation rates will fall under an O'Farrell-Stoner government. We will also remove regulation—there will be an attack on regulation. Small businesses are suffering, day in and day out, but we will attack overregulation.

Our final goal is for regional New South Wales to be a place of opportunity. For too long there has been a divide. As the member for Swansea said, there has been a resources boom but the country has lower employment levels and lower incomes. It is time we closed the gap. We will incentivise businesses and government. We will look for opportunities to reinvigorate regional New South Wales and bring it back to the level it should be at. The final commitments, which are closely aligned to those of the Treasurer, are our fiscal commitments. I will speak to them in no particular order. The first is maintaining the triple-A credit rating. We have articulated that commitment, and reinforced the Government's position in that regard. Interestingly, the credit agencies have not reaffirmed it. We are committed to it. The Government did not do that in the mini-budget.

Mr Robert Coombs: They did it for 18 months.

Mr MIKE BAIRD: They did not reaffirm that commitment. In this current environment a triple-A credit rating is paramount. Any dilution of credit quality when there is a flight to quality has huge knock-on consequences and the State cannot afford it. The little asterisk that says this State is on credit watch is a concern for the people of New South Wales. We could pay for it both in terms of increased borrowing costs and in a loss of investors in this State. At this time and in this economic climate, the triple-A rating is imperative.

The second point in our fiscal commitments is to ensure expense growth must be less than or equal to revenue growth. We have just gone through those details and we do not need to harp about it. However, when the State is going backwards by \$400 million or \$500 million a year, the surplus today, if revenue and expenses were matched, would be \$6 billion on an annual recurrent basis. It is a huge figure and it is the sort of opportunity cost we are seeing in this State because we have not been disciplined enough. The third point is to restore and enhance the level of front-line services. That is a commitment. Sydney Ferries, buses and transport in general are a good example. When you are driven by understanding what your customers want you start to see increased patronage. The same thing applies to the provision of State Government services. It is not about cutting here and there, it is about supporting the front-line workers. They have been ignored for too long. We are not even paying our front-line workers higher wages in line with the consumer price index. Their real wages are going backwards because of years of mismanagement by this Government.

The last point—I will finish on this and let my colleagues speak—is that we will ensure all Cabinet Ministers are accountable for fiscal direction and infrastructure delivery. This is such an important point. Every Minister who sits around the Cabinet table under an O'Farrell-Stoner government will be linked arm-in-arm with a commitment so that when a promise is made every person around the table will put themselves on the line and say, "Yes, it will be delivered." The public is completely cynical about announcements that are made and not delivered. What does that mean in detail? It means that Cabinet gets a monthly progress report on major infrastructures. You want to know early on if there are problems emerging. You want to know when you are constructing a tunnel if you have hit rock rather than sandstone. You want to know what that means, what the remediation is, what the costs are and what the implications are for the long-term nature of the project and whether it is going to be delayed. That was employed very successfully in Victoria and it is something that we are committed to 100 per cent.

It is beyond belief that when I asked the Minister for Energy in the estimates hearing about the \$3.9 billion of hedging losses last year in generation assets—it is a good example of complete over-to-you finance; it has nothing to do with the approach of the current Ministers—the response was basically, "Don't ask me, that is a finance thing." That was the thrust of it. When asked specifically what was Cabinet's view of the \$3.9 billion loss and what was said around the table, the answer was that nothing went around the table because it was not discussed. That was the response: \$3.9 billion of hedging losses were not discussed at the Cabinet table. That would end under an O'Farrell-Stoner government. Every single Minister would be responsible for the fiscal commitment and direction and for infrastructure delivery. That is part of the vision for a fiscal framework that would take New South Wales from being the laughing stock of this country to the leading State.

Mr ROBERT COOMBS (Swansea) [8.33 p.m.]: It will come as no shock to members that I support the State Revenue and Other Legislation Amendment (Budget Measures) Bill 2008 and all that it says. I think it is a good statement. It is an economic statement that was required to give the New South Wales economy the

stimulus it needed. It was made during a time of one of the worst economic crashes—a crash in equities on Wall Street—we have ever seen. Some members of the Opposition would have us believe that we do not live in a world of international capital and that these sorts of crashes have no impact on the New South Wales economy. They think we can just go about spending money willy-nilly like a drunken sailor, putting at risk things like the triple-A rating and our economic position, and basically being very greedy by spending money and expecting the generations who come after us to clean up the mess and the debt we have created.

In fact, the required action has taken place in all other States of Australia. They are not calling it a mini-budget but the other States are putting out economic statements outlining reductions in expenditure and making a whole host of changes as a result of what has occurred in international financial markets over the last 12 months. One of the things we are determined to do is keep the triple-A rating. We have had it for a very long time and Governments from both sides of politics have tried to protect that very important rating. There is a simple reason: we do not want to see our revenue just disappear through higher interest rates because we do not have the guts, foresight or vision in this place to put in place proper and prudent financial policies and procedures.

I have been surprised by the hysteria of the Coalition and some sections of the press. Traditionally in Australia both the press and the opposition forces—again, I am talking about parties from both sides of politics—have called for some economic prudence when these situations arise. They have called for checks and balances to be put in place to ensure we do not end up with a similar situation to that which exists in some African and South American countries. In such countries inflation is running rampant, unemployment is up by between 20 and 50 per cent, and it is impossible to supply some of the services and infrastructure that contribute to a decent standard of living.

Great play has been made about the \$3.6 billion tax slug on families. What members opposite do not say is that it is spread over four years. They do not say that the majority of that extra \$3.6 billion that the Government will collect comes from three areas: coal royalties; an increase in land tax, and one has to have investment property worth \$2.25 million for the higher tax to apply; and deferring some arrangements or agreements made with the Federal Government, which are called intergovernmental taxes. I think of the people I represent in Swansea and ask myself, "How many people own a coalmine?" Not too many, so I do not think the increases on coal royalties are going to affect too many families living in the Swansea electorate. I would say there are none.

The next area that will provide increased revenue for the Government is land taxes. As I said, one has to have investment property worth over \$2.25 million to be caught by this increased tax. I do not know too many people in the Swansea electorate who have investments in land or investment properties, call it what you like, of more than \$2.25 million. I just do not know too many of those people. In relation to the deferment of taxes and the deferment of savings that might have accrued, at least one could say it is not going to cost the taxpayer or the general community much more. Some of the projects that were promised in the June budget will remain and over the next four years the payroll tax cuts will remain. This Government is committed to the largest and most expensive infrastructure project in this country, which is pretty good.

New South Wales will have the largest infrastructure project. Opposition members can laugh all they like, but we will have the largest infrastructure project of any State in this country. I remind those Opposition members who have tried to portray New South Wales as being an economic basket case that in 2008-09 spending in the priority area of service delivery increased significantly. Spending on community and disability services increased by 29 per cent—the best in the country. Spending on public transport and roads increased by 25 per cent. Spending on health—the shadow health Minister is in the Chamber and she will not like to hear this—increased by 25 per cent on the figures for the previous four years. Spending on police and justice increased by 18 per cent. Spending on education and training increased by 17 per cent. Spending on environment and natural resources increased by 53 per cent, which is pretty good.

Mr Jonathan O'Dea: Lots of bureaucrats.

Mr ROBERT COOMBS: I do not know about lots of bureaucrats. I hazard a guess that that money has been spent on practical measures. The Leader of the Opposition's reply to the mini-budget was 34 minutes of wind and fluff. I have talked to people who have been around this place for a lot longer than I have, and they said that it was one of the worst attempts to outline an alternative program. The conservatives in this State had an opportunity to outline in detail an alternative plan for the people of New South Wales, but we did not hear much. Opposition members cannot make the tough decisions but they incorrectly criticise this Government for

doing so. I refer, next, to electricity privatisation. The truth is that I was going to vote against the legislation. The only reason Opposition members voted against that proposal was to make Government members look stupid. They are philosophically attached to a privatisation program.

The DEPUTY-SPEAKER: Order! The member for Davidson and the Deputy Leader of the Opposition will come to order.

Mr ROBERT COOMBS: Opposition members are philosophically attached to a privatisation program, which is why they occupy the conservative benches in this State. As I said, Opposition members voted against electricity privatisation to make Government members look stupid. I am not about to say that I was going to vote in any other way. In fact, I was of the view that electricity privatisation should not have taken place for practical reasons. I think it is better off owned by the State. However, I spoke to many people in my community about it. I said to them, "If we do not privatise, or we end up not selling electricity, we will pay for it in another way. A lot of costs simply do not bear up to our current revenue base." They were quite happy to say, "If we have to pay for it, we have to pay for it." It is ironic that Opposition members said, "We will not support the sale of electricity" and then they get stuck into us because we had to re-jig the economic program to pay for a number of responsibilities and obligations we have to the public of New South Wales.

Mr Thomas George: You said that had nothing to do with your budget.

Mr ROBERT COOMBS: That was never my view at all. The member for Lismore will get an opportunity later to contribute to debate on this matter. The Hunter region will be the beneficiary of a number of things. I received an outstanding response to the provision of four new schoolteachers to schools in the area. They will assist with teaching disabled children. Because of all the hysteria and the myth that attaches to these sorts of programs the Government has not had an opportunity to inform the public that every four-year-old child in this State will be able to have a free eyesight test. When I inform people they say, "That is pretty good."—in fact, that is bloody good!

One issue that is referred to regularly relates to changes to the bus transport system. The New South Wales public is pretty intelligent. I told them that, on average, it costs taxpayers \$700 for each student to get to and from school. I also told them that the original intention of this program, which commenced in the 1960s, was to get country kids to and from school free of charge, but that at the moment the kids from some of the most privileged families in this State were travelling miles to get to private schools and New South Wales taxpayers were paying for it. I told them that it was costing this Government \$470 million a year and it was costing the Queensland and Victorian governments about \$100 million or \$130 million a year. My constituents said, "We must have a pretty generous sort of program in place." They are right.

I have told my constituents not to listen to the nonsense that comes from the other side of politics. When I told them that this Government was not disbanding the school transport system and that it was its intention to provide a generous subsidy, common sense and intelligence took over and they said, "We have been conned by the nonsense and whatever else goes on in these public debates." A couple of tradesmen in my electorate are very worried about the downturn in the economy. For the first time tradesmen and the like are starting to come to the Swansea electorate and they are concerned about job security. Some of them were relieved at the recent announcement that Goninan's in Newcastle will commence a \$370 million project for train carriages in New South Wales.

Mr Thomas George: They will be put together in Newcastle.

Mr ROBERT COOMBS: They will. My constituents are relieved about proposals such as that. I recently met the Hunter Liberals. There was a bit of drama about the establishment of the Hunter Liberals, as one gang did not tell its partner about that establishment. Through this contribution they might be aware that this Government intends to invest \$279 million in roads. We have not walked away from a number of big ports and waterway projects, for example, a new multipurpose berth, and two new coal loaders will provide employment opportunities for people in Swansea. The Government also has proposals for housing initiatives and it will build a new dam to counteract dreadful water restrictions. In the next 20 years or so this Government will move thousands of people into this area. I will not seek an extension of time. I commend the mini-budget to the House.

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [8.48 p.m.]: The speech of the member for Swansea was based on an untruth—that is, the assertion that this mini-budget was necessary

purely and simply because of the international economic crisis. In reality this mini-budget was necessary because the Labor Party has wasted money for the 13 years that it has been in office. I have asked one question more frequently than any other question in this House: Where has all the money gone? We are talking about \$17.5 billion in unexpected revenue raised by this State Government that has been thrown down the drain. That is why the former Treasurer, when he departed this place, indicated to the world in that well-publicised press conference exactly how perilous the financial state of New South Wales was. It had nothing to do with the international situation; it was that we have wasted this unexpected revenue over 13 years. Nothing was put away for a rainy day; no fat was there to fall back on when times got tougher.

The contribution of the member for Swansea to this debate and, I am afraid, the whole mini-budget was based on an untruth. That is why many Labor members are complaining about the numerous measures introduced by this mini-budget. It is also part of the reason the Coalition will vote against it. Government members who have protested in their local areas about how objectionable they find some of the provisions in this bill should be given the opportunity to put their money where their mouths are, come into this place and say, "I will vote against it." They are very big at making themselves heroes through spin doctoring via their local newspapers, but they turn to water in this place. The Opposition will vote against this bill and it invites Government members to join us. I am sure they have heard, as we have, the plea from just about every member of the public that a State election be held. We want an election now. Defeating this legislation will give the people that opportunity.

I shall talk briefly about some things identified by the Coalition in our response to the mini-budget. Our major economic goals are for New South Wales to lead Australia in sustainable economic growth. We want New South Wales to be a twenty-first century State—that is, looking ahead and not always being stuck in the past. How many opportunities is this State losing because this Government has no vision or sense of the future? No longer are we the premier State; we are the State that drags along behind. We want New South Wales to be the first place that people choose to do business. We believe that regional New South Wales also deserves a much better piece of the economy. Our fiscal commitments, so ably outlined by the Leader of the Opposition, and the member for Manly only a moment ago, talk about maintaining the triple-A credit rating by ensuring that we do not spend more than we earn. In other words, our expenses growth should be less than or equal to our revenue growth. That is the crux behind the Government's being forced to introduce this mini-budget. We want to restore and enhance front-line services and ensure that all Cabinet Ministers in an O'Farrell-Stoner government are accountable.

I now refer to the big lie: the Government's claims about the Health budget. According to the Premier and the Minister for Health, the Health budget has not been cut. That is simply not true. I will be interested to hear the comments of the Parliamentary Secretary Assisting the Minister for Health because I am sure he also has read pages A6 and A7 of the mini-budget. The items contained on those two pages, some of which I will refer to in more detail later, amount to just under \$1 billion cut from the Health budget in over four years. I remind members that on 11 November Treasurer Eric Roozendaal said, "I can advise the Parliament that the New South Wales Health budget of \$13.2 billion has been maintained in the mini-budget." That is an extraordinary statement. "Local savings strategies in Area Health Services, including reprioritisation of various initiatives" totalling \$205 million over four years is but one of the Health line items in the mini-budget. That is a blatant lie; an untruth. There is no other word for it. I gasped when I heard the Premier make the same assertions through the television media because it is not true.

I shall refer now to some of these initiatives. The first line item is "Update private practice infrastructure fees for specialists to better reflect existing medical practice, current equipment and support costs." This cost will be passed on to patients. I worry that this means patients no longer will choose to be treated as private patients in our public hospitals and will become an even greater burden on our public system. We already know about the expected influx of patient demand on public hospitals because of changes to Medicare by the Federal Government. The next line item states, "Streamline and share corporate services and clinical networks across the Children's Hospital Westmead and Sydney West Area Health Service" and then merge the Sydney South West and Greater Western area health services. The implications of this proposed merger are absolutely enormous. These hospitals are struggling to cope with budget overruns and bills not being paid; now they will compete with each other after the creation of these huge regions.

Returning to the Children's Hospital, Roger Corbett, former chair of that hospital board, indicated just a few months ago that the hospital was \$30 million in the red. It now will have to compete with Mount Druitt, Nepean, Springwood, Hawkesbury, Westmead, Blue Mountains, Blacktown and Auburn hospitals. I do not know which member of Parliament will fight for his or her hospital as they struggle to compete for funds—but it

will happen. In the Sydney South West and Greater Western area health services the following hospitals will be merged: Bankstown, Bowral, Canterbury, Concord, Fairfield, Liverpool, Camden, Campbelltown, Royal Prince Alfred, Bathurst, Bourke, Broken Hill, Condobolin, Cowra, Dubbo, Forbes, Mudgee, Orange and Parkes. From Camden to Broken Hill this newly combined area health service will service almost half the State. It is an extraordinary step to take when every clinician to whom I have spoken has said, "Get rid of these huge area health services. Give us a say again in how we run our hospitals." Local communities are begging for an opportunity to be involved. Clearly, this proposal goes in the opposite direction.

The next line item relates to nurses, and I believe it is of serious concern. It states, "Update nursing staff mix in small hospitals by adjusting the number of assistants in nursing and enrolled nurses against the number of registered nurses to better align with patients' care needs." Every doctor, every allied health professional and every nurse to whom I have spoken says that a mix is needed, but experienced nurses are needed in our hospitals. The Government has made changes to the training of enrolled nurses. Instead of joining the workforce as an enrolled nurse, being paid more or less an apprentice salary while working in hospital wards and then taking time off to do block study at TAFE, those TAFE courses have been abolished. Next year there are no enrolled nurse TAFE courses. Members can check that fact by looking at all TAFE college courses on the Internet.

Instead, people wishing to undertake nursing training will have to undergo vocational study first, costing anywhere from \$10,000 to \$16,000 at a private college. After completing that training they will then join the workforce on a minimal wage. The inevitable result is that they just will not enter the workforce. At the moment there are approximately 17,000 enrolled nurses. The next line item is about transferring State-owned nursing homes to the non-government sector and selling surplus land. I highlight, in particular, the Queen Victoria Memorial Hospital at Wollondilly. The local community has campaigned for a long time for an honest answer from the Government about its plans for the hospital. The community is absolutely disgusted at the huge land sale expected for that site. As recently as today I received a petition containing 6,000 signatures in relation to that matter.

I turn now to area health service savings that have been identified in the mini-budget. They amount to \$205 million over the next four years. We have seen the first of the efforts to achieve those savings on the North Coast, where 400 jobs will remain vacant. Some time ago I heard the rumour that there would be a staff freeze throughout the health system, and that is just beginning. I am hearing rumours elsewhere in the system that as nurses, cleaners and other front-line workers retire or resign they will not be replaced. We now know that North Coast hospitals are really struggling to meet the needs of their local patients. Cutting nurses and cleaners is what I describe as cutting front-line services. The Minister for Health and the Premier telling such a bald-faced lie and expecting the community to think that cutting the jobs of critical health employees is not cutting front-line service positions is an example of the Premier again being loose with the truth.

The next item I highlight is the cut in funding for non-government organisations. Before I was elected to Parliament I worked as a director of the Office of Youth Affairs. We conducted programs using non-government organisations to provide services. I have enormous respect for non-government organisations. They usually run on the smell of an oily rag. They provide services for the most disadvantaged and vulnerable people in our society. Their programs include mental health programs, Aboriginal health programs, programs for refugee women who have been horrifically treated in another country, and sexual assault services. Those programs cannot afford to lose \$11 million that has been taken away from them by the mini-budget.

The next matter to which I wish to refer is the charge for blood. It is absolutely outrageous that the Government will charge patients of private hospitals for blood that they may well have personally donated free of charge. I mention for the benefit of members who have not yet read their emails that the Australian Private Hospitals Association has sent an email to every member of Parliament advising of the perilous outcome of such a policy. Tomorrow the Australian Private Hospitals Association will take out full-page advertisements in the *Australian*, the *Daily Telegraph*, the *Illawarra Mercury*, the *Newcastle Herald* and the *Coffs Harbour Advocate* because the association feels so strongly about this matter. Besides sending a letter to all members of Parliament today, the association has organised a petition to be distributed through all member hospitals throughout New South Wales. I have already tabled some of them. In the first two hours of the petition being distributed today 1,000 signatures were collected.

The association is sending press releases and has embarked upon a poster campaign in all hospitals. The chief executive officer of the Australian Public Hospitals Association has written to the Federal Minister for Health and Ageing requesting that the issue be placed on the agenda for the next health Ministers conference.

I have received many emails from people who have said they will not donate blood any more if they will be charged for something they have freely given. This is a scandalous proposal. The final point I make is that a whole host of projects that have been identified on the Government's State Infrastructure Plan are not being funded. The Government claims they await Commonwealth funding. I refer to Dubbo, Bega, Tamworth, and the northern beaches hospitals. Shame on this Government! I urge members to vote against the bill.

Mr DONALD PAGE (Ballina) [9.03 p.m.]: As indicated by the shadow Minister for Finance, the Coalition will oppose the bill, and for a number of reasons I support the Coalition's position. Firstly, as the shadow Minister for Finance indicated, this budget offers no vision. He not only articulated the problems manifested by the mini-budget offering no vision but also pointed out what is proposed in the Coalition's policy document, "Planning for Prosperity", the goals we have set, and the disciplines under which we will operate as a government. I commend his contribution to the debate: I thought it was one of the more articulate speeches on public policy that I have heard in quite some time.

I oppose the mini-budget because it is the wrong strategy to be implemented in New South Wales, and is contrary to the strategy that generally is being implemented across the nation by the Federal Government. The Federal Government takes the view that in the current economic circumstances we should be pursuing an expansionist strategy, which essentially means that governments should encourage business and consumer spending and encourage investment in infrastructure. The mini-budget does exactly the opposite: it increases taxes and reduces services, and it reduces investment in infrastructure. I will deal with that matter in more detail later. The mini-budget implements the wrong strategy. It is totally contrary to the general understanding at both the Commonwealth and State level about what needs to be done in Australia under current financial circumstances to ensure that our nation does not slide into recession.

My third reason for opposing the mini-budget is that it is a direct attack on families. It will have a very negative impact by imposing what is virtually a tax on families who use school student transportation. It will increase tolls that apply to people who live in the northern suburbs of Sydney. It will increase transport fees. Believe it or not, as the shadow Minister for Health has mentioned, it will impose a tax on blood donations. We should bear in mind that many people donate their blood free of charge. This proposal is totally scandalous. The Government will also increase the cost of green slips. The mini-budget increases land tax, which will result in increased costs to business. That in turn will make it more difficult for businesses to survive in a very difficult economic climate.

My fourth reason for opposing the legislation is that it is time that Government members, who speak in their own electorates about the problems caused by the mini-budget, particularly in relation to the School Student Transport Subsidy Scheme, took the opportunity to state in the House that they do not agree with what their Government is doing. When the vote is taken on this bill and a division is called Government members will have the opportunity to cross the floor and register their protest against the mini-budget. People who are saying in their electorates that they do not agree with the Government's mini-budget will have the opportunity to vote against the Government. If that happens they will provide an opportunity for the people of New South Wales to vote in a general election, which is what they want. I notice the presence in the Chamber of the member for Lismore. I have spent a fair amount of time on the hustings with him in recent times. So many people have said to us that they wish they could get an election in New South Wales. If people are not saying anything else, they are saying that very frequently.

Mr Thomas George: They are also asking where the money has gone from the budget.

Mr DONALD PAGE: And they are asking us whether there is anything we can do to get an election so that we can get rid of the current Government. Government members who do not agree with the Government's mini-budget will have the opportunity to cross the floor and create something of a constitutional crisis so that the Governor can justifiably say to the people, "I believe that circumstances warrant a general election." Another reason I oppose the legislation is that it will have a very negative impact on my electorate in particular and on the Far North Coast in general. As I said earlier, the strategy for this budget is wrong. It imposes increased taxes at a time when we should be encouraging people, small business proprietors in particular, to persevere.

As the shadow Minister for Small Business I point to yesterday's figures on retail sales. They are very disappointing. They show that New South Wales is the only State that has recorded negative growth in retail sales for October, and October is the tenth month in a row when retail sales in New South Wales have been negative. We are the worst-performing State in Australia. New South Wales is supposed to be the engine room

of the Australian economy and it is the focus of approximately 40 per cent of Australia's economic activity, yet we have the second-slowest growth, the second-highest unemployment rate, and we are punching way below our weight. New South Wales needs a Government to produce a budget that will stimulate the economy, not drive it further down, which of course is what this mini-budget does.

The mini-budget is cutting at infrastructure as well. Probably the most immoral decision the Government has made in the mini-budget is to cut funding for the Pacific Highway by \$360 million. The Roads and Traffic Authority [RTA] was asked to find \$400 million. Guess what? It found 90 per cent of that in the allocation for the Pacific Highway. The figures show categorically that the Pacific Highway is the most dangerous road in Australia. Yet the Government decided to take \$360 million out of the State budget for the Pacific Highway. The effect of that, as identified in the mini-budget papers—no doubt there will be other flow-on effects—is a delay in the Ewingsdale to Tintenbar upgrade to dual carriageway and the upgrade to the Sexton Hill section at Banora Point in the Tweed by at least two years. These are important projects, one of them in my electorate and the other in the Tweed electorate.

Frankly, it is immoral for the Government to take 90 per cent of the RTA contribution to the reduction in infrastructure expenditure from the Pacific Highway when it is the most dangerous road in Australia. People are being killed on that road. Indeed, people in my electorate have been killed in recent weeks. It is difficult to explain to their families why the Government is doing what it is doing. I challenge the Government to reverse that decision and to recognise that only 40 per cent of the Pacific Highway is dual carriageway at the moment; 60 per cent is not dual carriageway. The section from Hexham through to the Queensland border must be made a dual carriageway as quickly as possible because we know that most accidents on the Pacific Highway are caused by head-on collisions in single-lane traffic. The figures show that a dual carriageway, double lanes, tends to reduce the number of head-on collisions by up to 95 per cent.

Many lives will be saved if the Pacific Highway is all dual carriageway instead of single lanes in each direction. As I said, too much of the Pacific Highway—almost 60 per cent—is still single lanes each way or two lanes in one direction and one lane in the opposite direction; it is not dual carriageway. In terms of where the Government is going with its strategy, it is important to point out that the cuts to infrastructure and services and the increases in taxes were avoidable. This Government has been in power for 14 years, and during that time it has had \$17.5 billion more in revenue than it budgeted for. That is a lot of extra revenue. The Government has turned those windfall gains into nothing. We do not have hospital and transport systems that work, and the upgrade of the Pacific Highway to dual carriageway has not happened as quickly as it should have. There are problems everywhere one looks, yet the Government had all this extra revenue during that time.

There are no excuses for the Government bringing down such a negative budget, because it had that income in the past. What has it done with that income? It has not been able to manage its expenses. Its expenses have continued to increase although revenues have gone up by \$17.5 billion more than it allocated in its budgetary processes. The Government has been unable to contain its expenses, which is one key thing a Coalition government would do. Another local impact of the mini-budget that concerns me is the closure of the Alstonville Tropical Research Station. There are short-sighted decisions and very short-sighted decisions. The decision to close the research station must be one of the most short-sighted decisions I have seen, apart from the reduction in the funding allocation for the Pacific Highway.

The Alstonville Tropical Research Station is a leading centre for plant research and horticulture research in particular. It is doing a lot of good work in terms of how we can farm in a more sustainable manner. For example, it is looking at insect pest control and how we can reduce the amount of nutrient runoff going into our waterways. I thought the Government was supposed to be interested in the environment—the research station is doing all that research, which is important particularly to the macadamia industry—yet we now have the prospect of the research station being closed. Important research into canopy management of trees is being undertaken. Canopy management is a big issue for the macadamia industry in terms of trees getting bigger than everyone anticipated and in terms of maximising the yield. That leads to issues relating to erosion control. There is research aimed at producing grasses—smother grass in particular—that are able to grow in the shade.

As trees get bigger, there is little light on the ground. When there is no light on the ground grass does not grow normally, and consequently rainfall events cause erosion. That sort of research is important. The centre is also conducting research into soil health and a range of other areas, some in conjunction with the CSIRO. The macadamia industry alone is putting \$400,000 into research, with matching funds from the Commonwealth. It has nothing to do with the State Government. Although \$800,000 worth of research is being done at that institution, the State Government is so short sighted that it is talking about closing the station.

It is disgraceful. The mini-budget papers identify a reduction of \$205 million in health. That translates to a cut of at least 400 jobs in the North Coast Area Health Service, which is totally unacceptable. The North Coast Area Health Service is underfunded by \$70 million, according to the Government's formula. That has been identified in the Garling report. Yet the Government is so short sighted that it is prepared to sack 400 people, and it is trying to tell us that that will not impact on front-line services. There is no way the removal of 400 people from the North Coast Area Health Service will not have an impact on front-line services. But the Government has a solution. On the weekend the Federal Government agreed to provide \$5 billion in extra funding. The Government should put some of that money into ensuring that the North Coast Area Health Service gets what it is entitled to under the State Government's formula. I call on the Government to use some of that Federal Government money immediately to remedy the shortfall in North Coast Area Health Service funding.

The abolition of the 8.35¢ a litre fuel subsidy for people on the Far North Coast so that they can have price parity with people in Queensland is a significant issue. Effectively, it puts up the price of petrol by 8.35¢ for people on the New South Wales side of the border, which not only has an immediate impact on motorists but also adds to the cost of transport, which in turn adds to the cost of production and of doing business. As I said, small business is doing it tough. And the Government is prepared to say, "We really don't care about the economic climate. We will just slug all the businesses on the Far North Coast with an extra 8.35¢ a litre in tax", and the flow-on effects that that will generate in terms of increased costs and reduced profit margins.

I have already mentioned the school student transport scheme. I simply point out that a family with three children will have to pay an extra \$135 that they do not pay at present, plus they will lose \$150—that is, three times the \$50 back-to-school allowance. So a family will be \$285 worse off at the beginning of the school term. If Government members think that the average struggling family can afford to pay \$285 extra they are not living in the real world. I strongly believe that people should have an opportunity to access education, regardless of their background. It does not matter whether people are in the lower socioeconomic group or what their religion is; people in Australia should have an opportunity to access education. This Government's decision takes away the guaranteed right that people will be able to travel by bus to access education. Unfortunately, we represent many electorates containing people from lower socioeconomic groups. Some people, particularly those in lower socioeconomic groups, may decide not to send their children to school because they cannot afford the \$285 at the beginning of the term. This Government should hang its head in shame for being so callous in the way it treats people who want to access education in this State.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [9.18 p.m.]: I oppose this terrible legislation—legislation that seeks to give effect to the Rees Labor Government's mini-budget. The mini-budget has been condemned from every corner of the community, from the secretary of the Federal Treasury to the Premier's own backbench. The mini-budget punishes families and taxpayers while letting the rorts and nepotism of the Australian Labor Party go unchecked. The mini-budget has perhaps achieved only one positive outcome: it has united the people of New South Wales, from Ballina to Broken Hill, with a shared desire to see the back of this Labor Government.

The Coalition's opposition to this legislation will provide disgruntled members of the Labor Party with a unique opportunity as effectively they now represent the balance of power. They can put their communities ahead of their pre-selection—in other words, local people ahead of the Labor machine—and vote with the Opposition to deliver an overwhelming vote of no-confidence in the leadership of this State Labor Government. Equally, if they choose to voice their criticisms in their electorates yet vote with the leadership of their party in the House they will have betrayed their constituents, the hardworking families, small business owners and taxpayers. It is no secret that the Premier lacks the experience that shapes the lives of ordinary Australians. His working life, with the exception of a very brief stint as a part-time garbage collector, has almost entirely been spent—

Mr Barry Collier: Point of order: My point of order is under Standing Order 76, which states that the member speaking shall be relevant to the subject matter of the debate. The past employment of the Premier is not relevant to the subject matter of this mini-budget bill.

The DEPUTY-SPEAKER: Order! I have not heard enough from the Leader of The Nationals to make a ruling at this stage. However, I remind the Leader of The Nationals of Standing Order 76.

Mr ANDREW STONER: The mini-budget is the first economic document produced by the Leader of this Government and his life experience is quite relevant to it, particularly given the accusations and

condemnation by the community that this is a government that is simply out of touch with the lives of working families. The Premier has spent almost his entire working life in the comfortable surroundings of the ministerial offices of the Carr and Iemma Labor Government. He has never struggled with red tape in running a small business. He has never juggled a tight family budget or worried about the need to meet a mortgage payment and buy the children new school shoes. That in itself does not exclude Nathan Rees from being a good Premier. Elected leaders are not expected to have first-hand experiences of all the issues and challenges faced by their constituents. However, as leaders, when we lack experience it is incumbent on us to find empathy.

The Labor Party's mini-budget is totally devoid of empathy with working families, particularly those with children, those in regional and rural New South Wales and other parts of the State who live in electorates not held by the Labor Party. The problems with the mini-budget are numerous. Firstly, it is a killer blow to an economy that is already on its knees. The economy of New South Wales is dragging the chain in terms of its national position. The mini-budget fails to explain how, after an unprecedented period of prosperity, things could have gone so badly wrong. The Government had \$17.5 billion in windfall revenue over and above budget estimates during the past 13 years. Where has that money gone? Why was the money from the good times not put away in preparation for the bad times, as the Federal Coalition Government built up a surplus and put it away? Mr Rudd is very happy that happened. It did not happen in New South Wales and now when financial times are tough there is nothing to prop up the economy.

On the contrary, instead of stimulating the economy with investment in infrastructure or in business by way of lower taxation, the mini-budget actually raises taxation by \$3.6 billion and cuts expenditure by \$3.3 billion, which is the worst possible scenario when the economy needs a shot in the arm. But the problem that stands above all others is that this mini-budget was conceived and delivered by an inexperienced leadership team that has shown no understanding of the people they represent. It is a political blueprint to try to pull a rabbit from a hat and win government in 2011. It is not policy, it is not public interest; it is sheer politics. The bill could not be more disconnected from the reality of the life of the people of New South Wales, from the service station owner in Tweed Heads—who is incidentally closing down his or her business, and that is not rhetoric it is reality—to the hardworking mums and dads in Deniliquin who are sitting at their dinner tables tonight wondering how this State could have fallen so far so quickly, only hastened by this mini-budget.

I cannot recall a single issue during my time in Parliament that has received such widespread condemnation as this mini-budget. The nation's most senior economists, academics and businesspeople looked on aghast while the Premier and Eric Roozendaal delivered shock therapy to an economy in desperate need of fiscal stimulus. The secretary of the Federal Treasury raised serious concerns that this Government's incompetence could frustrate the Federal Government's attempts to stimulate the economy. Heather Ridout, Chief Executive Officer of the Australian Industry Group, suggested that perhaps it was time for the administrators to be called in. She said:

I think Kevin Rudd needs to take NSW aside from the (Council of Australian Governments) process and work out what we need to do to fix this State, and what conditions need to be put on it.

A bit like an administrator going into a local council and saying, 'let's have a look at the books, let's have a really good look at what's going on here and fix it.

But the condemnation has not been limited to economists and captains of industry; since the mini-budget more than 5,000 people have signed the Liberal-Nationals online petition to save student travel. Equally large numbers of people have signed the petition of the *Daily Telegraph* to get rid of this Labor Government.

Mr Geoff Corrigan: You're in the pocket of the Telegraph.

Mr ANDREW STONER: I acknowledge the interjection of the member for Camden. Thousands of people have turned out to rallies in Jindabyne where the Premier's promise to close the Gaden Trout Hatchery has mobilised huge numbers of people. In Tweed Heads hardworking health professionals are wondering how they will cope with 400 fewer staff across the North Coast Area Health Service. What has been truly amazing about this mini-budget is the outright dissent it has caused among Labor ranks. Labor caucus, once known for its discipline, has degenerated into a rabble.

Mr Matt Brown: How do you know?

Mr ANDREW STONER: I will quote some of them. Are you in here, Geoff? I think I have a quote from you somewhere. Labor members across the State have broken ranks and turned on their Premier. The member for Miranda told the *St George and Sutherland Shire Leader*:

School communities are very angry. I've had one parent with two kids on a tight budget express her disgust at having to pay \$90 for the pass. She also sees this levy as encouraging more parents to drive their children to school, encouraging congestion in the streets and around bell times and hindering efforts to improve safety.

Good on the member for Miranda for speaking out. The member for Blacktown told the *Blacktown Advocate*:

This is the worst decision ever made. I will never stand for this. Bean counters are just looking at dollars and you can't knock off our traditional workers and supporters.

Mr Chris Hartcher: Is Paul Gibson the member for Blacktown?

Mr ANDREW STONER: It was Paul Gibson, the member for Blacktown, indeed who also said:

About 700,000 children benefit from the free bus transport and we can't do away with it. It will kill the family budget for struggling families.

I agree with the member for Blacktown on that score. The member for Londonderry made a bold and strong statement when he told the *Hawkesbury Gazette*:

I didn't like the decision, not at this time—

The member for Riverstone told the *Hawkesbury Gazette*:

It is huge political pain for small financial gain. The amount of revenue saved is minimal—\$33 million. It does put me in a difficult position. A substantial proportion of my electorate are real battlers. I am not a very happy pumpkin at the moment. I am not worried about my political career, I am worried what my local people have to put up with ... I understand people are hurting.

There is a man with empathy and compassion, unlike the Premier and the Treasurer.

Mr Matt Brown: That is not what Andrew Fraser said.

Mr ANDREW STONER: I will quote the member for Kiama shortly. All members opposite understand the pain that people are feeling. They are now presented with a unique opportunity; they effectively hold the balance of power in this House. It is time they found the courage of their convictions and joined the Liberal-Nationals in voting against this bill and protecting the people who elected them to this place.

Mr Geoff Corrigan: Don't hold your breath.

Mr ANDREW STONER: The member for Camden says, "Don't hold your breath."

Mr Chris Hartcher: He is the man who pretends that he stands up for Camden.

Mr ANDREW STONER: That is correct: He is the great pretender.

The DEPUTY-SPEAKER: Order! Members will cease interjecting.

Mr ANDREW STONER: Will members silently and slavishly toe the Labor Party line and once again see media manipulation prevail over good management? At its foundation this budget lacks any clear logic. Globally, governments are facing a financial crisis that rivals any of the great challenges that history has thrown at them. In Australia unprecedented falls on the stock market are costing people their hard-earned savings. As the mini-budget confirmed, the impact of the crisis will be felt well beyond the high-rises of Martin Place. It will extend into western Sydney—to Camden, for example—and down to the South Coast at Kiama, and to Miranda. New South Wales is preparing itself for slower economic growth and higher unemployment.

In the face of the global financial crisis, the almost unanimous international policy response from the most free market economies to the most regulated—from the United States to China—has been to inject a fiscal stimulus into the economy. Rarely has the world seen such consensus on the policy prescription for an economic challenge. That is happening everywhere except in New South Wales. The great irony is that at the same time Kevin Rudd injects \$10.4 billion into the Australian economy—targeted assistance to those most in need, including families, pensioners and young people trying to make a start—Premier Nathan Rees has delivered a killer blow to an economy already on its knees. And in doing so he has hurt those who are most in need: hardworking families.

Mr Matt Brown: Point of order: The Leader of The Nationals, the Deputy Leader of the Coalition, has spoken at length about his criticisms of the mini-budget. Not once has he referred to Barry O'Farrell or his reply to the mini-budget or any alternative policies that the Coalition is willing to put forward, other than attacking the Premier.

The DEPUTY-SPEAKER: Order! That is not a point of order. The member for Kiama will resume his seat.

Mr ANDREW STONER: That is a very good ruling, Madam Deputy-Speaker. The mini-budget does not explain why New South Wales has the highest level of unemployment of any Australian State with the exception of South Australia. It does not explain why New South Wales accounts for only one-fifth of Australia's infrastructure investment despite producing one-third of Australia's economic output. It does not explain why by 2010 New South Wales will constitute only 31 per cent of the national economy when in 2000 it constituted 35 per cent. The mini-budget hurts working families with children and is an embarrassingly bad document. That is why the Liberal-Nationals Coalition opposes the bill.

Mr CHRIS HARTCHER (Terrigal) [9.33 p.m.]: The mini-budget was conceived out of the failure of the State Government to achieve its program for electricity privatisation. As a result, the then Treasurer, Michael Costa, announced that the State would need to have a mini-budget. Until then Mr Costa had repeatedly advised the Labor caucus, the unions, the Labor conference, the people of New South Wales and Parliament that electricity privatisation was not necessary to address any problems with the State's finances. Only after the electricity privatisation attempt failed—when the Liberal-Nationals refused to support it—did Mr Costa have the honesty to acknowledge that the State was in a financial crisis to the tune of approximately \$1 billion and that a mini-budget would, according to him, be necessary to rectify the problem. Treasurer Costa announced that he would resign if his mini-budget was not supported. The then Premier, Mr Iemma, chastised Mr Costa for the comment and the Labor Party went into crisis. Mr Costa resigned, and was quickly followed by Mr Iemma.

That is the genesis of the State Revenue and Other Legislation (Budget Measures) Bill 2008. The mini-budget was delivered even before the bill was introduced into Parliament. There was a gap of two weeks between the delivery and promulgation of the mini-budget by the Treasurer, Mr Eric Roozendaal, and the presentation of the bill to the House. That shows once again that the Government was unprepared for the details of the mini-budget. It had no plan; it had only a vague idea that the State was in crisis. Accordingly, we have this hotchpotch of measures flung together and presented to the State as necessary financial policy.

Every financial commentator has said—Ross Gittins did so very ably in the *Sydney Morning Herald*—that the thrust of the mini-budget goes against the entire thrust of the Federal economic plan. That Federal economic plan, which is in line with the economic plans announced by the United States of America, Britain, the People's Republic of China and other major players on the world stage, is to stimulate the economy by priming it through the release of money. That is why the Federal Government has released more than \$10 billion into the economy. The State's mini-budget works against that plan—extraordinary as that may seem. It is working against priming the economy by contracting capital works and by increasing taxes and charges. On the macro scale—the Federal scale and the international scale—we have attempts to prime economies, to stimulate confidence and to stimulate business activity and spending, and on the micro scale in New South Wales, which is supposedly the largest economic unit in the Commonwealth, we are doing exactly the reverse.

Mr Geoff Corrigan: It is not "supposedly"; it is a fact.

Mr CHRIS HARTCHER: As the member for Camden says, it is a fact. The State Government is contracting the economy even though the macro economy is being expanded.

Mr Geoff Corrigan: No, I said New South Wales is the largest economic unit in Australia.

Mr CHRIS HARTCHER: I thank the member for Camden for his comment. The New South Wales Parliament is now being asked to sanction this extraordinary document, which goes against all economic planning and against the Federal Government's policy. Yet we are told that this is what New South Wales needs. It would be irresponsible in the extreme for the New South Wales Opposition to support such a proposal. Accordingly, the New South Wales Opposition will not support it. The so-called mini-budget contains a number of elements that work against ordinary working families in New South Wales, including in my electorate of Terrigal and on the Central Coast. First, the mini-budget imposes an electricity distributors levy, which will be recovered through consumers' electricity bills and will fund the New South Wales energy efficiency strategy. That will amount to \$37.7 million in extra charges in this financial year, and \$42 million in the next financial year. Every person with an electricity account in New South Wales will pay more.

Secondly, it imposes an administration fee on blood supplied through the blood bank, which has hitherto been without charge. The Government says that blood will continue to be supplied without charge and

yet consumers of blood products will now be required to pay an administration charge for the first time. This is simply making people pay for blood and it is counter to the whole principle under which the blood bank has operated in Australia, where blood is freely donated by members of the public who have a strong sense of moral and social obligation to the community. Now the State Government is going to make money out of their voluntary donation of blood and charge those who are least able to afford it—the very sick people who need the blood.

Further, the Government intends to restructure fees for the private use of vehicles, which will bring in \$3.7 million a year. It will extend the levy on green slips to cover at-fault drivers, which will bring in \$30 million in the first financial year and \$37.5 million in the next financial year. When Mr Carr first appointed Mr Della Bosca as Special Minister for State with responsibility for the Motor Accidents Authority, he charged him with bringing down the cost of green slips in New South Wales. For a considerable period enormous play was made of the fact that Mr Della Bosca had allegedly brought down the cost of green slips. In fact, he never did. He was able to hold them at a certain level but the cost of green slips was never brought down. Labor always pledged that it would bring down the cost of green slips or that it would keep the cost steady. Everybody who drives a registered motor vehicle in this State has to pay for a green slip. Now the cost of green slips is to increase officially. As I said, it will bring in \$30 million in the first year, and then \$37.5 million in succeeding years.

There is to be a further increase in the electricity distributors levy to fund clean coal. Once again, this will be passed on to consumers and will bring in \$25 million a year. So we have the levy that is imposed on every consumer's rates for climate change, which goes to the State Government, the new electricity distributors levy that I have just spoken about to fund the New South Wales energy efficiency strategies, and the increase in the electricity distributors levy to fund clean coal. I ask members to think about that. We are now paying additional amounts on our rates for a State Government program and we are paying two additional charges on our electricity bills, which will be added to the total cost of the bill and not shown separately. That means working families will be paying more by way of rates because of this Government's actions, and more for their electricity. This is taxation in disguise, using people's electricity bills and their council rates as a branch of the New South Wales tax office.

Harbour Bridge tolls are to be increased. This is a classic example of certain areas being discriminated against when other areas are not. The Federal Constitution makes a point of giving the Federal Parliament power to make laws in respect of taxation on the condition that such laws do not discriminate between States or parts of States. A Federal tax must apply evenly. The New South Wales Government has operated a policy through its toll roads, which are taxes on road users, in the most blatant and discriminatory manner. Many people who use the Sydney Harbour Bridge or the Sydney Harbour Tunnel come from the North Shore, but they also come from the Central Coast—the area I represent in this place.

It is not just the alleged "silvertails" of the North Shore, but the 300,000 people who live on the Central Coast—and three out of four Central Coast electorates are represented by members of the Australian Labor Party—who will be paying more as a result of this Harbour Bridge tax. However, people who live in western Sydney and south-western Sydney and who use the M4 and M5 will continue to benefit from Labor's cash back on tolls policy. There is clear discrimination in relation to toll roads in this State. There is one rule for a section of the population that the Government believes does not vote Labor and another rule for a section that the Government believes does vote Labor. Taxes and charges are based on where you live and how your area votes.

There is the absurdity of the so-called co-payment on school students' transport. That will return \$30 million a year. As the Leader of the Opposition, Mr O'Farrell, has demonstrated, that money could be saved through a number of measures, including locating the V8 car racing at Eastern Creek, where it should be, rather than at Homebush. The Government has just forced that legislation through the House. The co-payment would be quite unnecessary if the Government managed its economic affairs sensibly and prudently. Parents will now pay \$45 per primary school child and \$90 per secondary school child up to a maximum of \$180 per family. On the Central Coast, an area that does not have any government-owned transport other than a rail system—which has very limited usage by Central Coast residents—it will mean that tens of thousands of people will be paying for the privilege just of having their children transported to school. I again call upon the member for The Entrance, the member for Gosford and the member for Wyong to join me in standing up for the people of the Central Coast in opposing this outrageous and unfair conveyance charge.

What benefit is there for the people of the Central Coast in this mini-budget? They are allegedly to gain some additional car parks. They will lose an enormous amount of money in electricity charges and for green

slips and further tolls. They will lose enormous amounts on the conveyance charge for students' school transport, but they might gain an additional car park—or so the Premier assured us. The bottom line is that the people of the Central Coast have heard nothing in this mini-budget about the much-needed public radiotherapy unit at Gosford Hospital. The Minister for Health was unable to say in answers during estimates committee hearings when it would be supplied to the Central Coast.

Four days before the 2007 election Premier Iemma made a special visit to Gosford and promised local people that the West Gosford intersection would be upgraded and a flyover constructed within this parliamentary term. That promise has disappeared, just like the promise regarding fast rail that four Labor members made to the people of the Central Coast in 1999. The people of the Central Coast were promised further road projects at Terrigal, which—as the member for The Entrance pointed out in this House—I advertised in good faith in my electorate would be undertaken by the Government. Of course, they are no longer funded and have disappeared off the agenda. I know that the member for The Entrance shares my surprise and outrage at the way the residents of his electorate and mine are forced each day into traffic gridlock along The Entrance Road and Terrigal Drive. There is nothing in the budget for them; those projects have fallen off the agenda.

Furthermore, it is those who are sick and most in need on the Central Coast who will be disadvantaged by this budget because the Woy Woy rehabilitation hospital has been closed as part of the Government's cost-saving measures. Sick and elderly people who have suffered strokes are being forced to travel 35 kilometres from Woy Woy to Wyong for rehabilitation treatment. Even the member for Macquarie Fields would object to that. Even the member for Macquarie Fields believes that people who have suffered strokes and who are elderly and extremely sick should be treated near their homes. As a result of Woy Woy rehabilitation hospital being forcibly closed by the Minister for Health, and Minister for the Central Coast, people are forced to travel 35 kilometres to Wyong. What has the member for Gosford done for them? She has organised a bus. There has been no attempt to save the hospital, just a move to give them a bus. This mini-budget is a disgrace. It should be opposed, and it will be opposed.

Mr JOHN TURNER (Myall Lakes) [9.48 p.m.]: As the member for Terrigal said, the Opposition will oppose the State Revenue and Other Legislation Amendment (Budget Measures) Bill 2008. It is fair comment to state that we are opposing a money bill, but it has to be opposed. It is ill conceived and badly put together. So far as economic theory goes, people all over the world are spending their way out of the global downturn. But this Government is taxing its way out of the downturn. What underlying problems have caused the difficulties in New South Wales? Obviously it is the incompetence and arrogance of this Government—something that has continued for 13 years.

We are confronted with basic economics. Every year former Treasurer Michael Egan told us that the budget was in surplus. He was followed by the egotistical Michael Costa, who also told us that the budget was in surplus. But it was a papier-mâché surplus. The budget was written on a piece of paper, dunked into some water, the ink ran and four or five months down the track, when the accounts became real, we found that we were in deficit. Every time that happened the property boom in New South Wales dragged the Government out of its difficulties. Students of economics 101 could have forecast the end of the property boom. Instead of putting aside its \$17.5 billion property market windfall to address the deficit, the Government used it each year to prop up its collapsing budget.

When the property boom ended the papier-mâché budget fell apart. That is what we are seeing at the moment. Unfortunately, the Government does not have the wherewithal, the ability or the capital background to say, "Notwithstanding this deficit we have capital behind us for infrastructure development, which will create economic goodwill." Nothing is left apart from the shell of the papier-mâché budget. Governments in this country and throughout the world are spending their way out of the economic crisis by creating infrastructure jobs, but the New South Wales Government has no money to do that. This Government stands condemned for not forward planning in the 13 years that it has been in office.

I will refer to specific issues in the mini-budget. The term "mini-budget" is an innovation that the Government must explain. Either it is a budget or it is a financial adjustment. The Government has created the new term "mini-budget"—a matter with which I do not wish to deal at the moment. I condemn the tax on children to attend school. I do not understand how or why this Government—the Parliamentary Secretary who is a purported member of Country Labor is in the Chamber at the moment—decided to impose a tax on children in the country to go to school. That proposal is supposed to save the Government the princely sum of \$30 million. However, it will not do that as many parents will simply say, "We will not pay." It just will not happen.

On 1 February, or whenever the kids go back to school next year, it will be interesting to see how this tax imposition is managed. Will the kids be refused bus transport or education? We will have to wait to see what happens. This is a tax on the parents of schoolchildren. I do not think the Government has considered the full ramifications of its proposal. Will children be turned away or prevented from receiving an education? What will be the ramifications of this proposal at the ballot box? It is all the more reason for angry parents to hammer Labor members with their baseball bats for imposing a tax on their children.

The Government has cut funding for the Pacific Highway to the tune of \$350 million. When I was first elected to this place the Pacific Highway coursed through my electorate and included the Wootton Bends and O'Sullivan's Gap. Every morning I listened to the news reports with fear and trepidation. Every morning it was reported that at 6 o'clock another accident had occurred on the Wootton Bends and at O'Sullivan's Gap. I felt liable for those who had died. As brutal as it might sound, the Government's decision to cut \$350 million from the allocation for the upgrade of the Pacific Highway will result in many deaths. This Government will have to wear the results of its decision. When the Coalition parties were in government I wondered whether I had done enough to ensure that the Pacific Highway was upgraded.

Mr Steve Whan: And how much did you do?

Mr JOHN TURNER: The Parliamentary Secretary and member for Monaro just had the audacity to question what was done to prevent people's deaths on the Pacific Highway.

Mr Steve Whan: How much did you do?

Mr JOHN TURNER: The Parliamentary Secretary asks how much I did. I pushed day in and day out for the upgrading of the Pacific Highway in my electorate. The Parliamentary Secretary, who has not been successful in gaining a ministerial portfolio, has the audacity to challenge me about the lives that are being lost on the Pacific Highway because this Government has refused to upgrade that highway. He is playing silly games. One morning he will wake up to find that somebody has been killed in his electorate because of his incompetence and the decision to cut funds, as this Government has done to the tune of \$350 million from the Pacific Highway project.

Mr Steven Whan: How much did you spend before 1995?

Mr JOHN TURNER: I will not play games and I do not intend to toy with people's lives. This lightweight Parliamentary Secretary is putting the lives of people at risk. That amount of \$350 million will make a big difference to the Pacific Highway upgrade. The Parliamentary Secretary stands condemned for challenging my comment. In my capacity as shadow Minister for Lands, I found hidden away in the mini-budget a 100 per cent increase in the cost of real property transfers. The cost of real property transfers allocation has increased from \$92 to \$184. It does not sound like a lot, but that budgetary measure will recoup \$16 million every year—a \$16 million impost on new homeowners in this State.

On the one hand, Government members crow about increasing the first home owners grant, but on the other hand they increase funding for real property transfers and other filing fees. That \$16 million yearly increase is just one budgetary increase in real property transfers. The Minister for Lands is now embarking on the sale of Crown land to try to prop up the budget. The Government is selling off that land to developers at commercial rates—and it says it is looking after the environment! One of the biggest mini-budget cuts is in the minerals area. Recently the New South Wales Minerals Council made a statement about this State Government's decision to significantly increase royalties. On 11 November the Minerals Council said that the increase was short sighted and a knee-jerk reaction. It also said:

It provides the clearest possible signal that despite its claims about being "open for business", the door to investment in NSW is being slammed shut.

I commenced my speech tonight by stating that every community and every government in the world was opening investment, setting up infrastructure and getting on with the job, but this Government is saying to the minerals industry, "It is time to close the doors because we will tax you out of existence." The New South Wales minerals industry generates \$12.5 billion a year—something that should not have escaped the attention of the Government, but obviously it has. Again, the Minerals Council says that the State is crying out for a stimulus to drive investment and promote economic growth, but this has been met by a tax hike by the State Government. This is in contrast even for its own Labor Federal Government over the use of monetary and fiscal stimulus to jump start the economy.

The Federal Government has pumped \$10 billion into the economy. What does this Government do? It actually says to one of the biggest infrastructure and income-producing industries in this country, "No, we're going to tax you and we're going to take extra royalties away from you" to such an extent that the industry may have to consider whether it is viable to continue to produce in the manner it has to provide those royalties. This is short-sighted management in the extreme. I cannot understand how the Government could possibly have foreseen that proposal. The Minerals Council's statement on 11 November continued:

The NSW Government should be embracing opportunities to increase output and productivity which will lead to long-term economic growth. For example, for every 10 million tonnes in additional capacity at the Port of Newcastle, the people of NSW will receive a further \$110 million in royalties with no change to the current royalty scheme. With the industry ready and willing to pay for port expansion projects at in excess of \$2 billion, this is \$110 million which could come at no cost to the taxpayer.

It must be remembered that schoolchildren will be taxed \$180 to travel to school, providing a total \$30 million in supposed savings—which the Government is not going to get anywhere remotely near because parents simply will rebel and not pay it. However, the line item in the mini-budget says the Government will receive \$30 million from the school transport tax. Bearing in mind what I just said: The minerals industry is ready and willing to pay for port expansion projects valued in excess of \$2 billion and increase royalties to \$110 million at no cost to the taxpayer. The Minerals Council continued:

If the Port of Newcastle was allowed to reach its nominated capacity of 211 Mtpa by 2013, the additional royalties payable to the State would wipe out the current budget deficit in one year.

If the Minister for Ports and Waterways got off his tail, accepted the Greiner recommendations and fixed the Port of Newcastle, the current budget deficit would be wiped out in one year. The Minerals Council continued:

Instead, as we watch this revenue float away, along with an estimated \$300 million per year in demurrage fees, the Government's bewildering response is to raise royalties and impose yet another cost on doing business in this State.

That is just unacceptable and shows the naivety of this Government. It taxes schoolchildren to go to school instead of looking at simple things such as assisting the minerals industry to increase productivity and, therefore, increase throughput and royalties. As the Minerals Council rightly said, such an approach would wipe out the State budget in one year. The Government stands condemned for the economic management of this State.

Ms KATRINA HODGKINSON (Burrinjuck) [10.03 p.m.]: At the outset I reinforce the Coalition's opposition to the State Revenue and Other Legislation Amendment (Budget Measures) Bill 2008. The Opposition has many good reasons for opposing the legislation, a number of which have been outlined this evening. I will outline a few new reasons. The member for Myall Lakes talked about the abolition of the \$50 back-to-school allowance and the introduction of a tax on school students catching buses to school to the tune of up to \$180 per year. When I visited Yass High School a few weeks ago to present a nice bunch of flowers for its fiftieth anniversary I had the opportunity to speak with the principal, Paul Bills, who was unaware of the possible impact of the school transport tax on the school administration block. He was curious to know how the fees to catch the school bus would be administered. Would it fall to the high school reception to collect the money for the school bus transport or would parents have to pay that money directly to the bus companies? The procedure still seems unclear.

There is much detail about that new tax that is unclear. It cannot be denied that free school bus travel was introduced in 1968 to ensure that children attended school, particularly kids in country areas. It was a noble gesture at the time and has stood the test of time for 40 years, until now. We have to ask: Why was this fee introduced when it will produce such a small fraction of benefit to the Government, to the State's coffers? Why introduce this hardship for parents when they already are doing it tough as a result of the drought over the past seven years, particularly in my area and other areas of rural New South Wales? Why introduce a tax on parents when budgets already are tight? Parents have been looking forward to receiving that \$50 back-to-school allowance, only to learn that it will be slashed. It will cause a tightening of the purse strings—\$50 might not seem much to members in this place, but at the moment every cent counts to struggling families. That is one reason the Coalition opposes this bill.

What happened to the revenue collected from property taxes? I believe around \$17 billion was collected in brand-new property taxes. Where did that money go? As I travel throughout my electorate of Burrinjuck—whether it is to Cowra, Gundagai, Cootamundra, Young, Grenfell or Harden—people always ask: Where has all the money gone? How am I to respond? What has the Government to show for the amount of taxes it has collected? Why is there a need for a mini-budget? Why could the Government not get the budget right in the first place? It is a rhetorical question, but I have never heard a satisfactory answer from any

Government member. The money certainly has not gone into infrastructure in rural New South Wales because five more rural rail branch lines are to close. The Minister for Transport made that announcement the other day as part of the mini-budget and said that it would be of little or no consequence to rural areas. A petition against that proposal launched in the central west is gathering hundreds of signatures as we speak.

I received a phone call from the Mayor of Young Shire Council, Stuart Freudenstein, on the date of that announcement. He was extremely concerned about the extra pressure that will flow to rural roads that have not been maintained to a standard for heavy vehicles or B-double traffic. Of course, with the grain harvest this year additional heavy vehicles will travel along the Olympic Highway, in particular, which runs through the centre of Young. Heavy vehicles will travel along other rural roads out of necessity to get from their collection points to their destination points. Some roads desperately need upgrading, including the Burley Griffin Way and the Lachlan Valley Way, which remains one of the worst black spots of my electorate. The road from the intersection of the Hume Highway between Yass and Bowning through to Boorowa and up to Cowra is one of the most notorious black spots of any road in New South Wales. Many heavy vehicles travel that road with limited opportunities for vehicles to overtake.

It has been the scene of much road carnage and accidents. If the Government wanted to really show it was interested in rural infrastructure it would start repairing these roads and ensure these rural rail branch lines did not shut down. I cannot believe the Government announced the closure of those five rail branch lines. Not a single person in my electorate is at all impressed with that proposal. It is widely condemned. This mini-budget saw a \$5 million cut to police building works, which will affect the ability of police to work in country areas. The Cootamundra Local Area Command will have to find \$24,000 worth of savings this year. That is a huge amount of savings for one local area command to come up with in one year.

Registered nurses will be replaced by enrolled nurses in country hospitals. The Greater Western Area Health Service, which is one of the most cash-strapped of all health services, has crumbling infrastructure, very few specialists, insufficient nurses and general practitioners working on the system and an incredible problem with payments to small businesses—not forgetting the Southern Area Health Service's problems with payments that have been highlighted in this place on many occasions. The Greater Western Area Health Service was specifically mentioned in the mini-budget as having to accommodate \$21 million in cuts over the next four years. Rural New South Wales cannot afford cuts of that magnitude. As a result of the mini-budget, school residences will be sold, despite the fact that some of them are centred in school grounds. That has raised the ire and consternation of parents and citizens associations, teachers, principals and parents right across the board. As I have already mentioned, the School Transport Subsidy Scheme adjustments will result in families having to pay \$180 as a tax on school transport. That will impact heavily on the people of New South Wales.

The Government has known since 29 January this year, when Justice James Wood commenced his public hearings on the Special Commission of Inquiry into Child Protection Services, that it was highly probable recommendations would be forwarded to the Government after completion of the inquiry. When the Hon. Kevin Greene held the Community Services portfolio, the Government should have realised that the Wood enquiry would have implications for the budget. The Opposition expected some allowance to be made in the mini-budget so that recommendations made by the very capable Mr Justice James Wood could be implemented. But there was no provision for the implementation of those recommendations. There are a great number of recommendations that should have had funding allocated for their implementation.

The findings of the inquiry include that only 13 per cent of calls to the Helpline were assessed as needing follow-up resulting in a home visit; 21 per cent of calls to the Helpline were assessed as needing follow-up resulting in no action; inconsistent implementation of workplace practices; the need for a whole new computer system for the Helpline at an unknown cost; insufficient early intervention services, despite 300,000-odd calls this year going to the Helpline, according to the Minister; just 2,700 Brighter Futures places throughout the entire State, which is clearly insufficient; non-government and Aboriginal organisations not being sufficiently developed; Aboriginal communities being over-represented in child protection systems; the Department of Community Services not presenting fair and balanced evidence in courts; poor interdepartmental communications and feedback about individual cases, which will take an enormous amount of good will and energy to fix; and out-of-home care children not receiving adequate medical, dental and allied health treatment.

Despite all those defects—particularly the out-of-home care children not receiving adequate medical, dental and allied health treatment—the Government has engaged in slashing the Greater Western Area Health Service's allocations in the mini-budget. According to Justice James Wood, there is also a duplicative, unduly complex and administratively burdensome funding system within the Department of Community Services. The

Wood report is a damning indictment against the Department of Community Services and successive Ministers for Community Services. But we have heard it all before in reports by the New South Wales Ombudsman and from complaints of non-government organisations, such as out-of-home care providers, foster carer support organisations, preschools and Department of Community Services whistleblowers. I note also that the mini-budget does not provide an allocation for pre-schooling.

We have a big problem in this State. Today I received an email from Michael Roff of the Australian Private Hospitals Association about what he refers to as a blood tax. He is gravely concerned about proposals to impose a charge on private hospitals for the provision of blood and blood products as a result of the mini-budget. He writes that the decision to tax blood was taken without consulting private hospitals, and he does not believe any consultation occurred with either the National Blood Authority or the Australian Red Cross Blood Service. He believes that the proposed action by New South Wales is inconsistent with the stated role of the National Blood Authority and is contrary to the policy aims of the National Blood Agreement. He states:

As the operations of the NBA are jointly funded by the Commonwealth, State and Territory Governments under the terms of the National Blood Agreement, NSW is essentially discriminating against private hospital patients by asking them to pay twice for a service that is already funded through government taxes and charges.

Mr Roff states that the Australian Private Hospitals Association considers that the imposition of a charge on private hospital patients who were treated in New South Wales is inconsistent with current arrangements on funding national supply. He points out that private hospitals around Australia actively encourage staff and patients to donate blood on a regular basis. I know many people in rural areas who are very conscientious about donating blood—certainly that is true of people in my electorate—but they want to make sure that their blood is accessible to people who need it, not just available for certain people in certain institutions. Mr Roff stated that his office and individual private hospitals have received calls from regular donors who say that they will no longer donate blood as a result of New South Wales policy. He states:

Indeed, the ARCBS has advised us they are concerned that donations appear to be decreasing.

This is a very serious matter. Mr Roff also states:

If the supply of blood is threatened by this proposal, especially in the lead up to the holiday period where the incidence of road accidents is traditionally higher, the consequences do not bear thinking about.

Earlier we heard the member for Myall Lakes refer to the incidence of deaths on the Pacific Highway. I note that the Government has slashed more funding from roads in rural and regional areas. We all know that the Premier does not drive, but it is of critical importance to those of us who do that road maintenance and construction are properly funded in the interests of eliminating carnage. Mr Roff is extremely concerned that in the lead-up to the holiday period, when the incidence of road accidents is traditionally higher, the consequences of the supply of blood being threatened do not bear thinking about. I agree with him. I cannot support the legislation, partly because of that proposal. Mr Roff goes on to state:

... this proposal will add to the cost burden of private hospitals. These costs must be passed on to patients, either individually or through increased overall hospital charges which will ultimately lead to increased health insurance premiums.

If these measures are implemented, private hospitals will be advising every patient in NSW who is responsible for the cost increases they will face.

Patients using private hospital services not only take responsibility for the costs of their own health care, but in doing so they relieve the burden from the overstretched public system.

The overstretched public health system has had its funding slashed to the tune of many millions of dollars by the Government, despite the crisis that is occurring in the New South Wales public health system. In the mini-budget papers, stated in black and white for all to see, the Government has slashed the health system budget. The Government can try to add spin and cover that up as much as it likes—and we all know that it tries to do that—but in the real world, where patients have to use the public health system, people are really hurting. People turn to private hospitals for a guarantee of being attended to by professionals, being mended on time, and being able to return to the enjoyment of their daily lives. The Government's latest proposal to charge for blood is unconscionable. The Government stands condemned over it. I and other members of the Opposition support the Australian Private Hospitals Association's plea to the Government not to allow this to occur. This bill cannot be allowed to pass. The Opposition opposes the bill for the reasons I have stated.

Mr PETER DRAPER (Tamworth) [10.18 p.m.]: My contribution to debate on the State Revenue and Other Legislation Amendment (Budget Measures) Bill 2008 will be brief. I oppose the bill. Some concerns that

have been conveyed to me relate particularly to the school transport issue. The feedback I have received indicates that it is alienating many parents and students who are very concerned that, despite achieving a saving of \$33 million, it does not resolve any problems. They are suggesting that funding should be provided for children to travel to their local school, but if parents decide to take their children further, so be it. I point out that \$33 million in savings is nothing in the light of the bill passed today that will devote \$38 million to a V8 car race.

When we consider that the Government estimated that World Youth Day would cost \$20 million, but it ended up costing \$120 million, we get the picture of what will happen in relation to the V8 car races. People are also concerned about the \$50 back-to-school payment. Many families do not need the payment, but the Government should means test it and ensure that the families that need it get it or, alternatively, provide that funding to schools so that they can determine where it would be best spent.

As the member for Burrinjuck detailed, I too received an email from Michael Roff from the Australian Private Hospitals Association. I think the email went to every member of Parliament. Mr Roff is concerned about increases for private hospitals, which would result in increased health insurance. I have received dozens and dozens of phone calls from people who currently donate blood voluntarily. They have indicated to me that if the Government intends to make money out of blood donations they will stop donating. That is terrifying when we are approaching the holiday season and, sadly, there will be an enormous demand for blood products. Earlier today the Government talked about reduced road tolls, but there is still significant carnage on our roads and people require blood products. Sadly, if we alienate the people who provide the service, that will have a significant impact on our community.

Recently the Federal Government endeavoured to kick-start the economy by injecting \$10.4 billion. Yet New South Wales is standing there pouring a bucket of water on it. I appreciate that the Federal Government's distribution of the GST has been inadequate over the past 12 years or so. It has certainly favoured the resource-rich States, including Queensland and Western Australia, at the expense of New South Wales. However, the global situation is serious. When economies need to be started the last thing we need is a mini-budget that is having exactly the opposite effect. "Deficit" is not a dirty word. Triple-A ratings are not what they are made out to be. How many companies with triple-A ratings have gone under in the global crisis? I do not think that is the be all and end all.

We should be investing in infrastructure. Money is cheap at the moment. It is an opportunity for us to stick money into capital works. If there had been investment over the past 12 years, instead of an obsession with debt reduction, I think we would be in a much better position. The demand for mineral resources has fallen significantly because of slowing international economies, and it is a bad time for New South Wales to be increasing charges. As the member for Myall Lakes pointed out, infrastructure bottlenecks are a major challenge facing our State. If we resolved those it would make a big difference to the money coming into our economy.

The current situation reminds me of someone buying a house who puts all their income into paying off the debt. Pretty soon the amount they owe reduces significantly but the power gets cut off because they have not paid the bills, the roof is leaking and vandals have spray painted all their windows. But they feel good because their credit rating with the bank is excellent. They may not be able to feed their kids or put clothes on their back, but the bank manager loves them. He holds them up as an example for other homebuyers to follow. The paint might be flaking off and the lawn is overgrown because they cannot afford to put petrol in the mower, but the bank manager praises them and tells everybody he talks to that they are his triple-A rated customer. Sadly, our State is ending up that way.

Ms GLADYS BEREJIKLIAN (Willoughby) [10.22 p.m.]: The Opposition will be opposing the State Revenue and Other Legislation Amendment (Budget Measures) Bill 2008, which is a money bill. We do not take that step lightly. However, the people of New South Wales are calling for change. We want to create an opportunity, and ensure that members opposite have the opportunity, to oppose the provisions in the mini-budget, which so many of them have been vocal about publicly. This is a chance for Labor members to vote with us to demonstrate a lack of confidence in the State Government. This mini-budget is a sad indictment on the state of affairs of New South Wales. Both as the shadow Minister for Transport and the member for Willoughby, it pains me that the people of New South Wales must go through this level of angst and uncertainty because the Labor Party cannot manage the State's finances.

In relation to transport, the mini-budget was a huge blow to the residents of north-west Sydney. The \$12 billion North West Metro line was axed. Ten years ago the Labor Government promised a rail line to link

Sydney's north-west. Despite numerous reannouncements, not a single sod has been turned. The Government still has not explained why it abandoned the heavy rail project in favour of the metro rail project. Now the metro rail project, which was supposed to be the centrepiece of its infrastructure program, has also been axed in the mini-budget. As for the south-west rail link, after being promised in 2004, the project between Leppington to Edmonson Park at a cost of \$1.35 billion has also been scrapped.

Similarly for the residents of north-west Sydney, the \$432 million Richmond line duplication from Schofields to Vineyard has been scrapped. The entire duplication was promised in November 2006; now the line will be duplicated only between Quakers Hill and Schofields. This is an opportunity for the member for Riverstone and the member for Londonderry to oppose the mini-budget on the basis that they have been promising that infrastructure to their communities since 2004; this is their opportunity to vote with the Opposition in relation to that matter. The axing of projects in the Clearways program is of concern. These projects include the Carlingford project and the Sydenham to Erskineville duplication, which were first promised in 2004.

Ferry commuters will be sluggish with a 50¢ tax every time they catch a ferry. This is on top of the fact that they must put up with fewer and less reliable services, as was evidenced in the recent annual report. On a number of occasions the member for Manly has spoken eloquently about his community losing the Manly Jet Cat service because the State Government has not got its act together in terms of providing that important service for the community. If all members of Parliament are doing their job properly, they will know how much pain is being caused in the community because of the Government's so-called co-payment in relation to the school student transport scheme. Families will now be forced to pay for what was previously free student travel. This will be a huge imposition on families, it will be a huge safety concern, and it is the opposite of what we should be encouraging in terms of public transport.

It pains me also to have to go through a number of specific transport items in the mini-budget. The parking space levy for the central business district and Chatswood in my electorate will be increased. This is an additional imposition on many small businesses that already face difficult economic conditions. This will add pressure to their viability in a competitive market. The State Government has increased the car space levy without indicating specifically how it will use the revenue. The Government is supposed to reinvest that revenue in public transport, but this State budget has received a huge hit in relation to public transport. As mentioned by previous Coalition speakers, I am concerned that five country regional network services will be "suspended". We know what "suspended" means when it comes to this State Government. "Suspended" means cancelled.

While this item is listed under the Rail Infrastructure Corporation, we know from the documents that these five country regional network services will no longer exist. But there is no indication as to what savings the Government will achieve from that. We simply have a blank space under each item in the budget estimates moving forward. Again under public transport, in relation to RailCorp, Opposition members in the other place asked the Minister for Transport in the supplementary estimates hearing what the item relating to reducing bussing costs during planned maintenance by aligning services with need actually meant. It has been indicated that that item will provide savings of \$3 million in each year moving forward from 2009-10. I am concerned that the Government's response is to cut the bus services provided when there is track work on the rail network.

Now if there is track work on weekends the residents of New South Wales cannot be assured that there will be a bus service to replace a train service because the State Government is slashing \$3 million from that budget from 2009-10. The next line item relates to management of all non-operational property on a commercial basis within RailCorp. The Government has indicated that that will be a cost saving of \$17 million between 2009-10 and 2011-12. As there is a line item to manage all non-operational property on a commercial basis, we asked the ministry, the Minister and the Government: What has the Government been doing until this point, especially given that RailCorp was a State-owned corporation until recently? On what basis has the property been managed to date? How will these savings be made? Why were they not made previously?

The Government has indicated that the restructuring and cleaning of railway rolling stock and stations will somehow save all this money. I am concerned that in the next two years the cost to the Government will be \$3 million, from 2010-11 the saving will be \$2 million, but it suddenly jumps to \$20 million the year after. We all know that when we see budget estimates figures that have small quantities in the first three years and then a massive blow-out in the fourth year that it is always dubious whether it will ever be realised. The next line item relates to rail fare determinations, and the State Government's estimate on what it will save over the next four financial years is extremely telling. The State Government says one thing about rail fares in here and does

something else outside. When the Ministry of Transport was asked how these figures were arrived at we were told that it was based on the draft determination of rail fare increases by the Independent Pricing and Regulatory Tribunal [IPART].

Recently members of the Government tried to tell us that the full-fare increases put forward by IPART would not be passed on, but that is not what these budget papers show. According to the mini-budget and answers given by the Ministry of Transport and other bureaucrats at supplementary estimates hearings in relation to public transport these figures demonstrate that the State Government will be passing on every single little bit of what IPART proposed in relation to rail fares and that is unacceptable. The Opposition opposes those fare increases because residents, commuters and taxpayers should not pay more for services that are getting worse. It is simply unacceptable to ask commuters and taxpayers to pay for the increasing incompetence of RailCorp.

I now turn to address issues specific to the Willoughby electorate. I thank my many constituents who have expressed their concerns to me about items in the mini-budget. Many of them are frustrated and upset that the Government has chosen to increase the harbour bridge toll. Again they do not feel it is appropriate that they should have to pay for the Government's incompetence by an additional cost when there are no viable options. Residents in my electorate often say frustratingly that they want to catch public transport, be more environmentally considerate and leave their car at home but if the only viable option is to get in their car it is not fair to impose higher tolls on them.

The car space levy is having a huge impact on small businesses in the Willoughby electorate. The levy is a massive increase and applies to businesses in Chatswood, which is causing angst for many in the community. I thank members of the Chatswood Chamber of Commerce who have raised their concerns with me about this issue. As mentioned by many speakers, the cuts to the School Student Transport Scheme is a travesty of justice and the level of angst it has caused in the community is absolutely palpable. Why should families, working families, and students have to pay for the Government's incompetence? It is of great concern that the end of school term is approaching, yet the Government still has not determined where the collection points will be for this so-called payment. Who will collect the money? How will the system be administered? It is almost the second week of December and the Government cannot get its act together to implement a disastrous decision, which is unacceptable.

I call upon many members of the Government who say in their local papers that they are appalled by that tax to have the guts and do the right thing by their communities and vote with the Opposition. If they are not representatives who say one thing out there and do another thing in here they should have the guts today to vote with the Opposition and do the right thing by their community. The development of the Royal North Shore Hospital is causing much angst in my community, notwithstanding the hundreds of millions of dollars being spent on its upgrade, because the hydrotherapy pool will not be part of the new hospital development. There is no provision in the mini-budget to retain the hydrotherapy pool at that site. Recently I mentioned in the House that the hydrotherapy pool was initially funded by the community.

Members of the Pioneer Club and a previous resident of Castle Cove in my electorate headed a community drive to raise money for the pool. Some 30 or 40 years ago Sir Roden Cutler, a highly revered and respected Governor of this State, opened the pool and said that this important facility met the needs of the community. If nothing else, the need has only increased over time and yet the Government has chosen not to include the pool in the mini-budget. In the past decade members of the Opposition have seen the incompetence of this Government to provide additional services for communities, such as Willoughby, or in relation to public transport. Last Sunday was the tenth anniversary of the so-called release of the Action for Public Transport document, which former Premier Bob Carr announced. Since the release of that document up to 10 railway lines have been slashed and four out of five bus-only transit ways have not materialised. This is a Government that promises one thing and delivers nothing. This mini-budget is an absolute disgrace and reflects the inability of the Government to manage public transport projects, to offer relief to the hardworking taxpayers and commuters of this State and to provide any hope for the future.

Mr PETER BESSELING (Port Macquarie) [10.36 p.m.]: I will speak briefly on the State Revenue and Other Legislation Amendment (Budget Measures) Bill 2008 and raise the concerns of my constituents. On occasion I have spoken about the School Student Transport Scheme, which is the major concern of the people of my electorate who have to get their children to and from school. The School Student Transport Scheme annual co-payment is \$45 for primary and \$90 for high school students, with a cap of \$180 for families. Apart from the

Westport Park Foreshore area, the School Student Transport Scheme is probably the main concern for people in my electorate. I have received numerous emails, letters and telephone calls because families are quite rightly upset.

In my electorate the medium individual income is \$327 per week compared with the Australian average of \$466 per week, a difference of \$89 per week. The medium family income is \$947 per week compared with the Australian average of \$1,171 per week, a difference of \$224. The decision to have a co-payment in relation to the School Student Transport Scheme will not affect struggling families in the harshest conditions trying to get by but it will affect those below the medium level of income or the middle class who send their children to school. I understand that the mini-budget contains hardship provisions for people who are badly affected by lack of income. I am also concerned about the method of collection of the co-payment, which has also been referred to by a number of members in this House. It is predicted that \$33 million will be saved but I wonder how much it will cost to collect the money.

Will collection be carried out by school administrators on behalf of the Government? I have been assured that that is not the case, but that has not stopped the concern within the community that school administrations will have to pick up the extra tab of collecting those funds. I am advised also that school bus passes will be given to school students and that a bill will be sent to those students. If people rise up against the Government and decide not to pay that fee how much will it cost for that extra collection? What are the costs associated with chasing people for those moneys? How hard will they chase? Will it be a first notice, second notice, third notice?

Most schools in my electorate certainly suffer from the tyranny of distance. Along with people in many rural and regional communities, school children in my electorate have to travel long distances by bus. We suffer from a lack of transport options. If the school students do not take the bus they will be dropped off by their parents as there are no trains, trams or light rail services. School buses are an integral part of rural communities, and that is certainly the case in the Port Macquarie electorate. While I encourage as many school students as possible to walk or ride bikes to school, there is sadly a lack of infrastructure to allow children to do that safely. I certainly would like to see money allocated to added infrastructure from either councils or the State Government.

Buses are used for the town run as well. The money provided by the Government for school student transport subsidises some of the bus runs in the town, which are used by the elderly in the area. Although I welcome the Government's \$1.3 million commitment to the interim expansion of the Port Macquarie Base Hospital Accident and Emergency Department, the North Coast Area Health Service, and the services in Port Macquarie in particular, are still a long way behind. I acknowledge the clinicians and staff at the hospital, who do a fantastic job. In the report of the Special Commission of Inquiry into Acute Care Services in New South Wales Public Hospitals Commissioner Garling revealed the resource distribution formula for the funding of hospitals. The area health service certainly does not receive its fair share.

The resource distribution formula technical paper states that from 1989-90 through to 2007-08 the North Coast Area Health Service, as a combined service, has never received the resource distribution formula targeted share of funding. We would have liked to see something provided in the mini-budget for that. Whilst I am an advocate of out-of-hospital care, and we can use that as much as possible to drive some health outcomes, in that area Port Macquarie suffers from a lack of extra services, a lack of infrastructure. The Port Macquarie Base Hospital is crying out for cardiac catheter services, better intensive care services and expanded mental health services. A master plan has been approved for the hospital. It is the number one capital works project on the North Coast yet we still suffer from underfunding, even under the Government's own resource distribution formula.

We are not seeking extra funding; we are seeking our fair share. We are looking for equity in funding. It would be good if the Government could commit that extra funding for my area. According to the funding model, \$70 million would be provided to the North Coast Area Health Service if the resource distribution formula were properly applied. Also, there have been funding cuts to front-line staff. I am not sure what constitutes front-line staff, or support staff. I would have thought that all staff are needed to provide a level of health service that would be amongst the world's best, something we should all aim for.

I welcome the Government's continued commitment to the Oxley Highway upgrade and the Pacific Highway upgrade in the Port Macquarie electorate. However, I call on the State Government to commit to the entire highway upgrade as a matter of urgency. People within my electorate travel up and down that highway

and we are concerned about those cuts. I acknowledge that some great work has been carried out on the Pacific Highway in Port Macquarie, and we appreciate that. The sale of Country Energy has caused concerns in the area. Country Energy employs approximately 1,000 people in Port Macquarie, and I understand that about one-fifth, 200 people, would be affected as a result of its sale. It would be good to get some surety from the Government about those jobs, something more than the five-year guarantee. A statement of surety would appease the people of Port Macquarie and the Country Energy employees.

Concerns have been raised about the State Emergency Service levy. Whilst the services do a fantastic job in my area and are well supported, the funding instrument that has been applied has been questioned, especially considering that insurance levies already face a heavy burden with the fire service levy. That is not really distributed throughout the entire community, but it would have an impact upon insurance levies in particular. The green slip increase means that insurance is carrying an unfair burden. We do not want people not paying their insurance, causing the State Government, the State Emergency Service and the fire services to have to help out. In instances of uninsured houses being burnt down, communities have rallied behind the people affected. While it is fantastic that communities do rally together, I am sure that everyone would agree that people should be encouraged to insure their homes and their cars.

Lastly, in my electorate there are two councils, the Greater Taree City Council and the Port Macquarie-Hastings Council. The Taree area is restricted by rate pegging. The mayor told me that people are concerned about any rate increase and that there is concern about the waste and environment levy. I appreciate that the Port Macquarie electorate has some good news with the continued commitment to the upgrade of the Oxley Highway and the Pacific Highway and the expansion of the accident and emergency department at the Port Macquarie Base Hospital. We have some concerns about ongoing issues involving the resource distribution formula, and we certainly have concerns about the co-payment under the school student transport scheme.

Mr ANDREW CONSTANCE (Bega) [10.48 p.m.]: I indicate at the outset that the Opposition will oppose the State Revenue and Other Legislation (Budget Measures) Bill 2008. The bill provides a trigger for a general election, something that the wider community is very keen to have. The mini-budget is disappointing, particularly in the areas of disability services and ageing services in country New South Wales, given that I represent a country seat. The mini-budget was delivered at a time when the Government should be injecting stimulus into the economy. This budget delivers 16 new taxes worth about \$3.3 billion over four years. Many of those taxes are going to slug families. The Government is putting enormous pressure on a State economy that is declining relative to those of other States. If the nation goes into recession it will be as a result of the policies enacted by the New South Wales Government. Everyone who understands economics understands that the mini-budget was a shocker in terms of its timing, particularly in light of what the Federal Government was trying to do.

In relation to disability services, the mini-budget is scant on detail. It identifies the rationalisation and sale of various Department of Ageing, Disability and Home Care [DADHC] sites, but I point out that last year 1,771 people applied for supported accommodation in New South Wales, of whom only 64 were successful. I have very serious concerns about the way the department, working with the Department of Commerce, has been managing the assets of DADHC. Thirty-nine properties around the State are not being managed properly, both group homes and vacant properties. This comes at a time when about 1,700 people missed out on valuable supported accommodation. The Stronger Together program was protected in the mini-budget but there was very little indication as to where the Government is heading in relation to the second round of five-year funding. Disability service providers, non-government organisations, carers, families and people with a disability want to know the 10-year program is secure. In light of what has happened in the mini-budget and what we will potentially see next year in relation to the State economy, we need an assurance from the Government about what will be delivered in the second five-year funding arrangement for the Stronger Together program.

One of the key issues relating to the mini-budget that I thought was disappointing was that in the weeks leading up to it the New South Wales Liberals and Nationals were very keen for the Government to prepare a seniors impact statement to assess what the measures in the mini-budget would mean for those over the age of 65, particularly pensioners who are struggling, as we all know, to meet the daily costs of living. I remain concerned that there are measures in the mini-budget that will continue to impact significantly on household budgets for elderly citizens. I refer in particular to issues such as the pensioner booking tax and anomalies that exist in the State's rebate systems for utilities. We have also seen increases in green slips in the mini-budget and a number of other measures that will have an impact on seniors. Since 2001 New South Wales has been the

highest or the second-highest taxing State. In 2006-07 the State collected almost \$3,000 per person, which is almost \$500 more than the rate in Queensland. Is it any wonder we are seeing the exodus of people to other States? I highlight that we do not see much consideration given to those over the age of 65.

In relation to the local impact of the mini-budget, like all members I have been inundated with letters, emails and phone calls about the student transport scheme. It is a tax, not a co-payment. It is a tax on families. There have been meetings in my electorate of local bus operators who only recently signed contracts with the State Government. There is a lot of concern on their part about what this proposal means for their operations. It could have an effect on passenger services other than school services. There is also real concern about the capacity and ability of families, particularly those who live in regions such as the far South Coast, to meet their obligations under this scheme. The uncertainty about the administration of the scheme is also causing significant concern. Where does it leave schools in relation to the associated costs of administering such a scheme? Again, the Government has failed to communicate what that means. The reality is that families will continue to raise concerns, particularly those in country areas where the amount of money involved is very significant.

I am glad the member for Monaro is sitting opposite me this evening. He and I have been working fairly hard to get the State Government to commit to the new \$100 million hospital facility for the State's south-east to be located in the Bega Valley shire. The Labor Party committed to this in April 2006. We were told by the then Minister for Health, John Hatzistergos, that it would be completed within five years at a cost in the order of \$100 million. This project has been put back time and again. The concern at the moment is that at no point has Treasury signed off on the new facility. The area health service has done some planning and some community engagement but it has not had the green light from Treasury. As part of the mini-budget process there was an indication that the State infrastructure strategy was to be revised last month.

It is particularly interesting that on Monday morning John Della Bosca was interviewed on ABC South East radio and revealed that the hospital's funding was now dependent on the Commonwealth. This was news to the people of the State's south-east. Interestingly, the Federal member for Eden-Monaro, Mike Kelly, was very public today in his statements in relation to this. He says the responsibility for the setting of the timetable for building the proposed Bega Valley regional hospital lies with the State Government. As I indicated earlier, the New South Wales Minister for Health said the timing was dependent on funds from the Commonwealth. The Federal member has hit this straight back into the court of the State Government. It is now up to the member for Monaro and the State Minister for Health to reveal what the time frame is in relation to this facility. The member for Monaro has constituents who will be dependent upon it, as I do. If the Government continues to delay construction of the facility we will continue to see the pressures that are being brought to bear—

Mr Steve Whan: Just leave it to me. I will look after it.

Mr ANDREW CONSTANCE: The member for Monaro is now going to look after it. I hope that interjection has been noted by Hansard. The point is that because this facility is not in place Bega and Pambula hospitals are buckling under enormous pressure. Last weekend 2,500 people turned out on the streets of Merimbula to protest against the loss of services over the past 10 years at Pambula hospital. In more recent months the concern has related to paediatrics and maternity services. This angst has come about because the area health service does not have the funds that are needed to maintain services at both hospitals. That issue resides very much with the State Government. The mini-budget will see area health service budgets around the State cut by \$205 million. My concern is that in the Greater Southern Area Health Service area it will result in even more services being cut.

Having initiated the formation of a Hospital Action Group at Pambula I am hopeful that the health Minister, who indicated earlier this week that he would travel to the region, will agree to meet with that group. The group comprises councillors from Bega Valley Shire Council, members from the New South Wales Medical Staff Council, nurses and the wider community. I hope they will be consulted about ongoing service problems at that hospital. I also wish to make the point—

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [11.01 p.m.]: I move:

That the question be now put (S.O. 86).

The House divided.

Ayes, 45

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

Noes, 35

Mr Aplin	Mr Hartcher	Mr Richardson
Mr Baird	Ms Hodgkinson	Mr Roberts
Mr Baumann	Mrs Hopwood	Mrs Skinner
Ms Berejikian	Mr Humphries	Mr Smith
Mr Besseling	Mr Kerr	Mr Stokes
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
Mrs Fardell	Mr Piccoli	<i>Tellers,</i>
Ms Goward	Mr Piper	Mr George
Mrs Hancock	Mr Provest	Mr Maguire

Pairs

Mr Furolo	Mr Fraser
Mr Sartor	Mr Hazzard

Question resolved in the affirmative.

Mr JOSEPH TRIPODI (Fairfield—Minister for Finance, Minister for Infrastructure, Minister for Regulatory Reform, and Minister for Ports and Waterways) [11.07 p.m.], in reply: I thank members for their contribution to debate on the State Revenue and Other Legislation Amendment (Budget Measures) Bill 2008. The mini-budget announced by the Treasurer on 11 November was part of this Government's response to the current global financial crisis. The decisions that made up the mini-budget were tough but important measures to keep New South Wales strong and to protect our triple-A credit rating.

The DEPUTY-SPEAKER: Order! While I appreciate members' enthusiasm, I call the House to order.

Mr JOSEPH TRIPODI: Opposition members do not believe there is a global crisis at the moment. This legislation brings into effect some measures that are financially responsible, that cut waste, and that protect front-line services. I am disappointed that Opposition members were not willing to join the Government in supporting this legislation. Their opposition to the mini-budget shows that they are simply unfit to govern in New South Wales. The measures announced in the mini-budget were made to protect this State's economic future, which the Opposition is putting down because of its decision not to support this Government's electricity reform package. The projects that were dealt with are important to our future, and so is our triple-A credit rating. All that is being threatened, along with front-line services, as a result of the Opposition's decision not to support this budget.

Last month the Leader of the Opposition in the debate on the mini-budget told a tale of doom and gloom, but did not name one single policy that he would introduce to deal with the current financial situation. The Opposition has not explained how it will protect the State's triple-A credit rating or its financial future. Instead it has resorted once again, predictably, to cheap political grandstanding. The Opposition's decision to oppose this legislation poses a threat to our triple-A credit rating and, of course, to our front-line services. Many members opposite have called on the Government to increase spending. As I have stated already, the mini-budget was designed to ensure that the State maintains its capacity to deliver front-line services, which are being protected in the circumstances. The Government's ability to maintain these front-line services provides a significant stimulus to the economy. So does our massive commitment to \$56 billion worth of infrastructure spending over the next four years.

In the current economic climate, maintaining that strong balance sheet and matching expenses to revenue is more important than ever. Now is not the time to discuss financial responsibility and prudence and throw away with it the triple-A credit rating. That was the position stated by the Leader of The Nationals on radio programs, which, of course, the Leader of the Opposition had to correct later on the same radio program. The job of responsible governments now is to provide the community with stability and certainty in the areas it controls. For the Rees Government that means providing certainty and stability in front-line services and in our commitment to infrastructure. To throw out fiscal discipline can lead to only one result: not only losing the triple-A credit rating, but ultimately not being able to maintain front-line services. The mini-budget reinforces the State's balance sheet so that those front-line services can be maintained. We have taken the tough decisions now to avoid having to take even more drastic measures later.

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

Mr JOSEPH TRIPODI: In response to the member for Burrinjuck, the Government will respond to the Wood report into child protection after thoroughly considering its 111 recommendations and consulting closely with stakeholders. The Government takes seriously the safety and wellbeing of children and young people. The Government's response will be provided by March 2009. Further details should be requested of the Minister for Community Services at the appropriate time. The amendment to the Human Tissue Act 1983 seeks to bring to an end an area where the public health system has been subsidising the private sector for far too long. The amendment inserts section 37A into the Act in order to allow the Director General of Health to recover the costs incurred by the State in administering the scheme for supply of blood and blood products to the private sector.

I assure the House that this measure does not mean patients will be charged for blood. Under the National Blood Agreement the New South Wales Government meets 37 per cent of the costs associated with the supply of blood and blood products used in New South Wales irrespective of whether those products are used by the public or private sector. Private hospital operators pay nothing towards those costs. The costs involved in the collection, processing and distribution of blood and blood products are significant. The cost of making these products available to public hospitals is already borne by the public system. Four years ago the Government evolved payment of these costs in the public sector to the facilities using the blood. As a result, for the past four years New South Wales public hospitals have paid their portion of the overall bill. This proposal is designed to place private facility fees on the same footing. This has important implications.

The DEPUTY-SPEAKER: Order! The member for Epping will come to order.

Mr JOSEPH TRIPODI: Fees shall be charged on the same basis as those charged to the public sector. Patients will not be charged on the basis of being supplied with blood. All moneys recovered will be included in the State's contribution to the National Blood Authority, which funds the operation of the Australian Red Cross. It is estimated that the public health system currently pays more than \$8 million each year for the collection, processing and distribution of blood and blood products to private hospitals. This initiative will allow the public health system to recover an estimated \$2 million in the 2008-09 financial year and an estimated \$8 million in the 2009-10 financial year. Of course, blood products are a precious and limited resource. Over the past four years the public health system with the assistance of the Clinical Excellence Commission's Bloodwatch program, which aims to improve blood transfusion practices, has reduced its use of blood and blood products. This has been achieved at a time of growing activity levels in our public hospitals.

The DEPUTY-SPEAKER: Order! The member for Lismore will come to order. The member for Barwon will come to order.

Mr JOSEPH TRIPODI: It is important to recognise that this amendment will also encourage more efficient and effective use of blood and blood products by the private health sector. As set out in subsection (2) of the bill, this initiative will encourage private operators to take even greater care when it comes to using this precious resource. I commend the mini-budget and the bill to the House.

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

The House divided.

Ayes, 45

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

Noes, 36

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

Pairs

Mr Furolo	Mr Fraser
Mr Sartor	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.

COMBAT SPORTS BILL 2008

SUPERANNUATION ADMINISTRATION AMENDMENT (CHIEF EXECUTIVE) BILL 2008

Messages received from the Legislative Council returning the bills without amendment.

INSTITUTE OF TEACHERS AMENDMENT BILL 2008

Message received from the Legislative Council returning the bill with amendments.

Consideration of Legislative Council's amendments set down as an order of the day for a future day.

ADJOURNMENT

Motion by Mr John Aquilina agreed to:

That this House do now adjourn.

The House adjourned at 11.24 p.m. until Thursday 4 December 2008 at 10.00 a.m.
