

LEGISLATIVE ASSEMBLY

Wednesday 22 October 2008

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

The Speaker read the Prayer and acknowledgement of country.

AUDITOR-GENERAL'S REPORT

Report

The Speaker tabled, pursuant to section 38E of the Public Finance and Audit Act 1983, a performance audit report of the Auditor-General entitled "Improving Literacy and Numeracy in NSW Schools: Department of Education and Training", dated October 2008.

Ordered to be printed.

NSW OMBUDSMAN

Report

The Speaker tabled, pursuant to section 31AA of the Ombudsman Act 1974, the report of the Ombudsman for the year ended 30 June 2008.

Ordered to be printed.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

BIBLE SOCIETY NSW (CORPORATE CONVERSION) BILL 2008

Bill introduced on motion by Mr Barry Collier, on behalf of Mr David Campbell.

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.05 a.m.]: I move:

That this bill be now agreed to in principle.

The Bible Society NSW (Corporate Conversion) Bill 2008 will authorise the transfer of the Bible Society NSW from a statutory corporation to incorporation under the Commonwealth's Corporations Act 2001. It will change the official name of the society from "The New South Wales Auxiliary of The British and Foreign Bible Society" to the "Bible Society New South Wales" and amend the objects of the Society. The New South Wales Auxiliary of the British and Foreign Bible Society, trading as "Bible Society New South Wales" is a statutory corporation. As its name suggests, it was originally established under "The Bible Society's Act of 1878" as the New South Wales auxiliary of its parent in the United Kingdom, the British and Foreign Bible Society. This Act was replaced by the New South Wales Auxiliary of the British and Foreign Bible Society Incorporation Act 1927.

The major aim and function of the Bible Society NSW is the distribution and promotion of the Holy Scriptures in every language and dialect throughout the world. The Bible Society's present status as a body corporate under a New South Wales Act poses some significant governance deficiencies. For example, the objects and the procedures for convening meetings and for adopting new rules that are governed by the 1927 legislation are outdated, unduly onerous and difficult to amend. A statutory corporation established by a New

South Wales Act can apply to be registered as a company under the Corporations Act 2001 using the provisions of part 5B.1 of the Act, provided that the New South Wales law authorises the transfer of incorporation. This same process was agreed in this place for the corporate conversion of the Royal Blind Society and the Australian Gas Light Company.

The Bible Society NSW held two extraordinary general meetings of members and approved the transfer of incorporation and the change of name and objects. Members unanimously agreed to request the New South Wales Attorney General to promote enabling legislation and to amend the New South Wales Auxiliary of the British and Foreign Bible Society Incorporation Act 1927. The bill before the House authorises and facilitates the transfer of incorporation. Following the introduction of this bill, the Bible Society NSW will be able to apply to the Australian Securities and Investment Commission [ASIC] for registration as a Corporations Act company limited by guarantee. I commend the bill to the House.

Debated adjourned on motion by Mr Greg Smith and set down as an order of the day for a future day.

**FISHERIES MANAGEMENT AND PLANNING LEGISLATION AMENDMENT (SHARK MESHING)
BILL 2008**

Bill introduced on motion by Ms Lylea McMahon, on behalf of Ms Verity Firth.

Agreement in Principle

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [10.08 a.m.]: I move:

That this bill be now agreed to in principle.

The Fisheries Management and Planning Legislation Amendment (Shark Meshing) Bill 2008 will make practical and effective changes to the New South Wales Shark Meshing (Bather Protection) Program. This will be achieved by improving and streamlining the environmental management and assessment of the shark-meshing program. Shark meshing has been, and remains, one of the best ways to protect swimmers from shark attacks at our busy metropolitan surf beaches. Since shark meshing was introduced in 1937, there has been one human fatality on a meshed beach. In the 30 years prior to this, there was approximately one death per year from shark attacks. The New South Wales Government is committed to ongoing public safety on our beaches. It has clearly demonstrated that by maintaining meshed beaches for over 70 years. Fifty-one beaches between Newcastle and Wollongong are meshed as part of the shark-meshing program. This bill seeks to maintain shark meshing at those beaches. At the same time, it will establish processes to reduce unwanted impacts from shark meshing on protected and threatened marine life.

The shark-meshing program is subject to complex and costly environmental assessments. These assessments arise from requirements under the Environmental Planning and Assessment Act 1979 and the Fisheries Management Act 1994. In practical terms, this means that a fishery management strategy, an environmental impact statement and a species impact statement for the program must be completed by 31 December 2008. The Department of Primary Industries has estimated that these would take up to two years to complete and would cost \$1 million. Without these assessments, the shark-meshing program would not be able to continue. Agencies with responsibilities under relevant legislation have developed a more streamlined environmental and impact assessment process. The Department of Primary Industries, the Department of Planning and the Department of Environment and Climate Change have all worked cooperatively to enable this new process to be developed.

The proposed reforms will be achieved through a combination of minor amendments to the Fisheries Management Act 1994, the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. Instead of the existing costly assessment requirements, joint management agreements have been developed under existing provisions of the Fisheries Management Act 1994 and the Threatened Species Conservation Act 1995. The joint management agreements have been developed between the Department of Primary Industries and the Department of Environment and Climate Change. The objective of the agreements is to ensure that the shark-meshing program is managed in a manner that does not jeopardise the survival of threatened species, populations and ecological communities.

The joint management agreements have been developed in conjunction with an environmental assessment of the impacts of the program. To ensure transparency of process, the joint management agreements,

associated management plans and draft environmental assessments will be placed on public exhibition before being finalised. Transparency of the process will be ongoing under the proposal. The independent Threatened Species Scientific Committee and the Fisheries Scientific Committee will review the joint management agreements annually. These two independent committees will provide the Minister for Primary Industries and the Director General of the Department of Environment and Climate Change with an annual review. The committees will advise of any deficiencies in the implementation of the joint management agreements. The advice from the committees will be incorporated into each department's annual report to Parliament.

There are concerns about the impact of shark meshing on marine species such as whales, grey nurse sharks, turtles and dolphins. Shark meshing is designed to prevent dangerous sharks from establishing territories along our most popular beaches. It is unfortunate that shark meshing cannot discriminate between dangerous sharks that are a threat to human life and other marine species. However, measures are in place to minimise harm to non-target species. These include setting the nets on the seabed to reduce the risk to sea birds and fitting all nets with acoustic devices or "pingers" to deter whales and dolphins. Further, during the main whale migration season between May and August, shark meshing is removed. This ensures safe travelling for these much-admired creatures.

The meshing program is already reviewed constantly. Under the proposed changes, the environmental assessment and management of the program will be further improved. The impact on marine life could be resolved by discontinuing the shark-meshing program. However, this is not an option when public safety is at stake. This program must continue and it must find a balance between providing an important public safety measure and having a reduced impact on marine species. The reforms set out in this bill will go a long way to meeting both of these objectives. The bill will streamline the environmental assessment of the shark-meshing program and address the current overly complex assessment process. This will ensure that the program continues to operate and does so in a way that reduces the environmental risk to marine life. I commend the bill to the House.

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

ROAD TRANSPORT (DRIVER LICENSING) AMENDMENT (DEMERIT POINTS SYSTEM) BILL 2008

Agreement in Principle

Debate resumed from 24 September 2008.

Mr DARYL MAGUIRE (Wagga Wagga) [10.18 a.m.]: I speak on behalf of the Opposition. The shadow Minister, who would normally represent this portfolio, has been unavoidably detained. We were advised only recently that this bill was about to be debated. Having said that, the Opposition will not oppose the Road Transport (Driver Licensing) Amendment (Demerit Points System) Bill 2008. Like all members in this place, we are very concerned about road safety and young drivers. This bill will introduce a demerit point scheme for learner licence holders. It will align the legislation in New South Wales with that in other States and Territories that have already introduced demerit point schemes for learner drivers. We continually point out in this place that legislation in New South Wales is often out of step with legislation in other States. Legislation dealing with the road transport industry is a good example of that. This bill will help to resolve the problems identified within the demerit point system.

This bill represents significant changes to existing legislation. The Road Transport (Driver Licensing) Act 1998 enables the Roads and Traffic Authority to suspend or cancel a provisional licence if the licence holder incurs four or more demerit points, but it does not apply to learner drivers. Unlike provisional drivers, the Roads and Traffic Authority manages learner drivers under a discretionary enforcement scheme. Furthermore, regulations will be introduced to provide greater clarity in applying licence sanctions for drivers holding different demerit licence classes. Serious offences such as speeding, driving with one or more passengers and safety-related offences committed in school zones and during double demerit point periods will result in learner licence suspension because four or more demerit points will be imposed.

This bill brings the learner licence regulation in New South Wales into line with the legislation in other Australian States and Territories. Like provisional drivers, learner drivers will have the right to appeal if their licence is suspended or they are refused licence renewal for reaching the demerit point threshold. Learner

licences will be suspended for three months if a driver incurs four or more demerit points. This will allow the driver to retain their driving skills at the end of the suspension period and is consistent with the New South Wales provisional licence regulations. If learner or provisional drivers reach or exceed the demerit point threshold and no action has been taken to suspend their licence, the Roads and Traffic Authority can refuse to renew their licence.

This is because of widespread concern at the time lag between the date of the offence and the date when cancellation action is applied. Changes to the Road Transport (Driver Licensing) Act will ensure that drivers who are subject to pending suspension action will not be allowed the opportunity to obtain a learner licence. Therefore, licence suspension will apply when a driver exceeds the demerit point threshold, be it four points under a learner licence, seven points under a provisional licence or twelve points under a restricted licence. The Opposition has consulted with various organisations, including the NRMA, and has received some comments. The amendments will encourage learner drivers to be compliant with driver laws from the first stage of licensing. The State Government released a discussion paper, "Improving safety for young drivers", in November 2004, which recommended 11 road safety initiatives. I have to say that if the State Government were serious about driver safety and saving the lives of learner drivers, it should have introduced these laws a long time ago.

Members will be aware that we have in this place a Staysafe Committee, in which a number of members participate. Currently we are conducting inquiries into young driver behaviour on our roads. We have held inquiries in different parts of New South Wales, including recently in Port Macquarie. As a member of the committee I found it enlightening to meet the young people who are participating in road safety programs. We will be delivering a report in future to the Parliament about what we have learned and which will make some recommendations. Too often recommendations are made to this Parliament in the form of reports and those reports sit on the Minister's desk gathering dust and remain unactioned. Whether it is road safety, health or road transport—look at all the departments the Government is responsible for—this Parliament has commissioned and delivered report after report. Recently there was a report into ambulances. One has to question what will be done and what will be achieved. Will those recommendations be acted upon?

As I said, this action should have been taken long ago. It is my hope and wish that bringing us into line with other States will send a clear message to young drivers that driving is a privilege and having a licence is a privilege. People must understand that when they drive on our roads they endanger not only the lives of passengers travelling with them, and indeed their own life, but also the lives of others. They can be family members or some innocent pedestrian or road user, who unfortunately suffers the consequence of bad road manners or behaviour. The Opposition does not oppose this measure. We say that matters such as this, rather than sitting on the Minister's desk collecting dust, need to be implemented. Recommendations should be taken up and acted upon; that is the purpose of Parliaments and bipartisan committees such as Staysafe. I encourage the Minister to take a more active interest in the reports.

Mrs KARYN PALUZZANO (Penrith—Parliamentary Secretary) [10.23 a.m.]: I support the Road Transport (Driver Licensing) Amendment (Demerit Points System) Bill 2008. The purpose of this bill is to amend the road transport legislation to introduce a demerit points scheme for learner licence holders. The background to this bill is interesting in itself. A young driver discussion paper was released in November 2004 and among a number of initiatives was one to introduce a demerit points scheme for learner drivers. During the time after the young driver discussion paper was released I held a Penrith students' forum, which was an initiative of my office. In that time representatives from local high schools attended the forum annually. We had representatives from Nepean High School, Jamison High School, Cranbrook High School, Kingswood High School and Penrith High School. Those representatives went back to their schools with the discussion paper, surveyed their students aged 16 to 18 and put forward some initiatives of their own.

When they had undertaken their consultation they brought the results back to my office and we prepared a response for the Minister. That was hand delivered by representatives of Jamison and Penrith high schools to the Minister here at Parliament one evening. Subsequent to that discussion and delivery of the consultation summary report, the Minister went to Jamison High School, which is one of the largest high schools in the Penrith electorate, and had a roundtable forum with a select group of students in years 10 and 11 to discuss the proposals that might be implemented in this bill. It was good to see that the students and youth of the Penrith electorate took the process of government seriously and undertook their surveys. They provided a summary, gave the summary to the Minister and the Minister took that on board and went back to the young people of the Penrith electorate and discussed the initiatives with them.

It is with great honour that I speak in support of this learner demerit points scheme bill, which shows that the cycle involving the Penrith students is now complete. The primary purpose of the bill is to improve the safety of young drivers by introducing a demerit points scheme for learner licence holders. The young people of the Penrith area put forward a number of initiatives. The top priority for those young drivers was safety. As previously mentioned, learner licence holders are currently managed through the administrative scheme operated by the Roads and Traffic Authority. The scheme has some limitations in immediacy and effectiveness in identifying learners who have committed offences.

The current arrangements penalise learners with a licence cancellation when they have committed four or more offences within a 12-month period. Under this system learner drivers who committed fewer than four offences, but otherwise dangerous offences, were not being deterred from re-offending. As I noted, safety was the major consideration that the young drivers of the Penrith electorate identified in the submission to the Minister. By introducing a demerit points scheme for learners in New South Wales the Government is encouraging good driver behaviour from the very first day of getting a licence. Under the proposed scheme a four-demerit point threshold will apply to learner licence holders. Learners who incur four or more points will have their licence suspended for three months. This is similar to what currently applies to provisional P1 licence holders.

Learner licence holders who are suspended under the proposed scheme will have a right of appeal against the decision at a Local Court, as is currently the case with provisional licence holders. I note there is a very effective Local Court in the electorate of Penrith. The introduction of the demerit points scheme for learner licence holders will bring New South Wales into line with other jurisdictions that have already introduced similar schemes. The demerit points scheme that currently operates in New South Wales mirrors the policy principles of the nationally agreed driver licensing scheme. The scheme is in place in all States and Territories and provides for consistency in demerit point thresholds and the application of a licence suspension across jurisdictions.

In New South Wales, a demerit points scheme has operated since 1969. Under the scheme, penalty points or demerits are allocated for a range of driving offences. Along with financial penalties, demerit points provide a strong incentive to drive within the law. A driver who has not committed any offences has zero points. When an offence that carries demerit points is committed, the Roads and Traffic Authority records the offence and the demerit points on the licence holder's driving record. If a certain number of demerit points are accumulated in a given time frame, their licence will be suspended or application for renewal will be refused. Demerit points for offences committed by learners will not be applied retrospectively. It would not be fair to apply demerit points for offences that were committed before the commencement of this legislation.

As licences are valuable, the demerit scheme has a deterrent effect. For the majority of people the loss of their licence is a more severe outcome than a monetary fine. For young drivers in the Penrith and lower Blue Mountains area the risk of losing a licence is an incredible deterrent because of the distances they may have to travel to their workplaces or for social occasions. The number of apprenticeships and traineeships is increasing in the Penrith and lower Blue Mountains area. Young people value their licences to get to their workplaces, as they may not be able to get there by public transport. Our young drivers need to understand that they are not above the law. The demerit points system sends a clear message that we are serious about the laws and serious about enforcing them. The measures outlined today are sensible and necessary, and are a further example of this Government's commitment to young driver safety. I commend the students of the Penrith Students Forum for their commitment to driver safety and the initiatives in their submission, and I commend the bill to the House.

Mrs JUDY HOPWOOD (Hornsby) [10.30 a.m.]: I am the parent of two young women who have had their licences for a couple of years now, and I went through that often tenuous learning stage. Nothing could be more important to a parent than ensuring the safety of their children while they progress from their inability to take out a killing machine, a car, by themselves—when they have to rely on their parents and others to take them to their various appointments and school events, et cetera—to the point where they can drive themselves. We on this side of the House do not oppose the Road Transport (Driver Licensing) Amendment (Demerit Points System) Bill 2008. We will support anything that will improve the experience of a young person going through the learning phase of getting a licence and then entering the fray on the roads.

The objects of the bill are to amend the Road Transport (Driver Licensing) Act 1998 to provide for a demerit points system for learner drivers; to provide more comprehensively for a demerit points system for provisional drivers; to clarify the effect of a notice of licence suspension or licence ineligibility issued for incurring demerit points where the driver holds licences for more than one class of vehicle; to amend the Road

Transport (Driver Licensing) Regulation 2008 to clarify the point at which a person who is issued a notice of licence suspension for incurring a threshold number of demerit points becomes ineligible to apply for a drivers licence; to make certain speeding offences demerit point offences for learner drivers; and to amend the Road Transport General Regulation 2005 to provide learner and provisional drivers with a right of appeal to the Local Court against a decision of the Roads and Traffic Authority to issue a notice of licence suspension or licence ineligibility.

The bill represents significant changes to existing legislation. The Road Transport (Driver Licensing) Act 1998 currently enables the Roads and Traffic Authority to suspend or cancel a provisional licence if the licence holder incurs four or more demerit points, but it does not apply to learner drivers. Unlike for provisional drivers, the Roads and Traffic Authority manages learner drivers under a discretionary enforcement scheme. Furthermore, regulations will be introduced to provide greater clarity in applying licence sanctions for drivers holding different licence classes.

There has been a lot of concern about young drivers in the Hornsby electorate and surrounding electorates. The Ku-ring-gai council safety committee holds a regular comprehensive session that Carroll Howe is in charge of. We have had two young driver forums in the Hornsby electorate. The first was a couple of years ago at Hornsby RSL. John Cadogan, a writer for *Wheels* magazine, has been very enthusiastic about putting in place better driver techniques for learner drivers and generally reviewing the way learner drivers are taught and managed. The latest young driver forum was in the middle of last year. Again, John Cadogan headed up the team. There was a series of different speakers. John Cadogan showed a confronting film about aspects of intersection challenges and many other road experiences that highlighted the difficulty that drivers often have in assessing potential danger, not only as they are driving along a roadway but also as they are entering an intersection.

There were also speeches from ambulance officers and police. These two career entities are often the first on the scene, apart from onlookers and other vehicles in the vicinity. They poignantly pointed out the challenges, not only of arriving on the scene where there has been significant carnage—with young people involved in the carnage and with them having to step over the bodies of young people to get to the vehicle—but also of having to go to the front door of the young person's home to inform the parents of what has happened. They have a big input into how the young driver problem needs to be dealt with. Parents who had children in accidents gave examples of how life changes in the split second that a car accident occurs—how that split second can change a young person's life forever, as well as the lives of parents and friends, as these young people go through the journey of contending with brain injuries from which they do not recover very well.

Many accidents in the Hornsby electorate have seen young people killed outright or significantly injured. I support the comments of the member for Wagga Wagga that this legislation is long overdue. It will treat our young drivers like other drivers and will reinforce the notion that a drivers licence is a significant privilege, enabling one to take a car onto the road and into experiences that might be challenging. The 120 hours experience necessary before a drivers test is undertaken is a difficult target to achieve. Other techniques could be used in relation to a young driver who does not require 120 hours. Frankly, 120 hours is pretty much impossible to achieve unless the young driver and his parents are very committed. Even experienced driving teachers have expressed concern about the 120 hours and have put forward more realistic submissions. The Opposition will not oppose this legislation. The amendments will encourage learner drivers to comply with driving laws from the first stage of the licensing system. We should always review ways in which our young drivers learn to drive, from their first experiences on the road.

Mr ANDREW FRASER (Coffs Harbour—Deputy Leader of The Nationals) [10.39 a.m.]: The Coalition will not oppose the Road Transport (Driver Licensing) Amendment (Demerit Points System) Bill, but in my contribution to the debate I shall point out a few anomalies. New South Wales needs a system where novice drivers are taught to drive correctly, are given an opportunity to become responsible drivers and understand the fact that the vehicle they are driving is a lethal weapon and any mistakes they make could cause death or injury. All too often over the past few years novice drivers have been killed or maimed in accidents, as happened only last weekend. Whilst we have a licence demerit point system, speed cameras and fines, the problem still exists. We need to ensure that novice drivers are given instruction to make them safe drivers not just for themselves but for every driver on the road.

I do not believe this legislation does that. I understand that the thrust of the bill is to give the Roads and Traffic Authority the authority to cancel a learner-driver licence, which previously could only be cancelled by the police or a magistrate. Under this bill demerit points will be able to be attached to a learner-driver licence to

ensure that the Roads and Traffic Authority is able to cancel that licence. Over the weekend I was told of a tragic incident when an unlicensed driver was killed. He was driving while under the influence of alcohol over the prescribed legal limit and was probably speeding, although that has not been confirmed. On Monday his father told me that young people are encouraged to drive a car without a licence because the penalties are less for an unlicensed driver than for a licensed driver. A licensed P-plate driver in those same circumstances would probably receive a suspension for 6 or 12 months, whereas the unlicensed driver receives a conviction for driving whilst unlicensed and uninsured, but no other penalty is imposed.

Rather than providing proper education and encouragement for young drivers, we are using the big stick. Whilst the Opposition supports the thrust of the legislation to send a message to young drivers, it must be remembered that at all times learner drivers are accompanied by a fully licensed driver, who also could be held liable for any offence committed by the learner driver. How do we solve the conundrum? Perhaps by providing education in schools for children who want to obtain their drivers licence. I know that when every one of us reached the age of, in my case, 16 years and 9 months, we could not wait to get a learners permit and get out and drive dad's car. As a young learner driver I was fortunate to be given the opportunity to learn to drive on a police driver training range at Newcastle, where I was taken on skidpans and rough roads. This driver training range simulated most of the problems a driver could experience on the highways and byways of this State. Drivers at this range were taught to drive correctly.

I do not suppose it removed a little of the red bloodedness from my youth. Like any other young driver at that time when there was less traffic and fewer traffic policemen, I suspect, I did some dangerous things. Even though there was less traffic in those days, I was given the opportunity to gain experience and proper instruction in learning to drive. Now learner drivers have to have 120 hours of driving instruction. These young people sign their logbooks acknowledging the hours of driving they undertake. I would suggest that many of those logbooks probably are falsified in some form or another. To give just one example, most areas in the west of this State have had very little rain. I find it difficult to believe that in those areas a young driver, or the parents, could sign the logbook to say that that young learner driver has driven in wet weather conditions—yet that happens day in and day out.

If proper driver training facilities were available in those regions they would provide the opportunity for mums, dads and qualified driving instructors from learner driving schools to teach young drivers properly, thus removing the danger of their picking up bad driving habits, and road safety would be improved. One thing I remember vividly as a 16-year-old was attending Charlestown Community Centre to see a film called *Mechanised Death*, which all students in years 11 and 12 attended. We were given a graphic demonstration of what could happen in a bad motor vehicle accident: the film showed police picking up body parts. It was a very sobering experience, but at the same time we were given an opportunity—at least some of us were—to receive proper driving instruction.

The demerit points system already applies for learner drivers. The approach being pushed by the Minister is not new; the only new part is that the Roads and Traffic Authority will be able to suspend a licence and take away the opportunity for a person to obtain a licence in the future. I implore the Government, rather than applying just the big stick, to use the carrot and stick and provide opportunities to young people wishing to gain their drivers licence that enable them to become good, talented and responsible drivers and in this way reduce the road toll. The number of young people who die on the highways in my North Coast electorate is deplorable. The House knows that personal friends of mine and friends of my children have died doing things they should never have done—for example, speaking on a mobile telephone while driving a car.

We are all aware that the penalty for using a mobile phone while driving is a \$300 fine and the loss of demerit points. If we were to walk out to the front of this place on any day we would see people talking on mobile telephones whilst driving along Macquarie Street. It happens also with drivers of cars on highways: young people dying because they are sending text messages while driving. Education, not just saying you cannot drive, is the answer to reducing road trauma. As that father said to me on Monday, young drivers will drive without a licence because they are likely to suffer a lesser penalty than if they were licensed.

Whilst the Coalition does not oppose the bill, once again I make this plea to the Government: Please look at providing a better education system, a system that will reduce road trauma, so that each and every one of us as members of Parliament do not have to sit behind our office desks without answers when mothers and fathers come in looking for them because their young children have been killed or maimed in a car accident. We need to ensure the safety and future of our children. That can be done with a proper and new learner driver regime, not just tinkering at the edges. Drivers need to be educated in the art of driving a lethal weapon. These

kids are our future. One death of a young driver costs millions of dollars and the lost potential for future generations is huge. I ask the Government to look at a proper education regime that reduces road tolls, not increases penalties, and keeps young drivers on the road.

Mr MICHAEL RICHARDSON (Castle Hill) [10.49 a.m.]: I contribute briefly to the Road Transport (Driver Licensing) Amendment (Demerit Points System) Bill 2008 and say at the outset that the Opposition does not oppose the bill. I appreciate the need to reduce the rate of death and injury on our roads, particularly amongst young people. As I have mentioned in this House before, some of the speeding instances that I have witnessed in my electorate involving young people and the horrendous speeds that they have been travelling at—estimated at 150 kilometres an hour in a 50-kilometre-an-hour-zone, for example—would almost invariably have been fatal if there had been an accident.

The bill seeks to extend a demerit points scheme to learner licence holders and align New South Wales with other Australian States and Territories that have already introduced demerit point schemes for their learner drivers. That is a sensible objective. The claim is that under the bill learner drivers will be subject to a similar penalty regime as P1 drivers. If they incur four or more points within 12 months their learners permit will be suspended for three months. However, as I understand it, currently P1 drivers lose their licence for any speeding offence, so the regime will not be identical: a differential regime will be applied to learner drivers.

I am interested to learn why the Government has chosen to go down that path as one does not lose four demerit points now for doing less than 15 kilometres over the speed limit. The regime is not identical. As the shadow Minister observed, learner drivers will have an instructor in the vehicle with them. One would assume that the instructor would act as a moderating influence, particularly with respect to speeding. That may be a good argument for suspending the learner's permit for a speeding offence. I referred earlier to people travelling at 150 kilometres per hour in a 50-kilometre-an-hour zone. The last thing I would want coming towards me would be a learner driver doing significantly over the speed limit.

I raise also the efficacy of the current demerit points scheme. In recent months a significant number of constituents have been through my office after having been booked for exceeding the speed limit in a school zone and facing the loss of licence and potential loss of livelihood. No members would condone exceeding the speed limit in the school zone, but every person who has been to see me exceeded the speed limit on a pupil-free day. There were no flashing warning lights and not everyone has children at school or is aware of when the school term starts.

This was particularly the case with respect to a constituent from Cherrybrook—I shall not give his name although I have made representations to the Treasurer on his behalf. He was involved in World Youth Day. His business supplies vending machines for special occasions and he had supplied a drink machine to a Catholic school on Victoria Road, Ryde. He had been told by the principal of the school that school was not going back until Wednesday 23 July—the day after the final day of World Youth Day. On Monday 21 July, two days before he knew school would resume—22 July was going to be their pupil-free day—he entered that 40-kilometre-an-hour zone knowing that school had not gone back. He did 50 kilometres an hour in his van in the school zone and the speed camera picked him up.

The demerit points scheme and the 40-kilometre-an-hour zones around schools are supposed to reduce the risk of accidents and save lives, particularly the lives of kids. There is probably nothing more important for this Parliament than to put in place laws to save the lives of kids. This incident occurred two days before any kids appeared at the school yet my constituent was fined. He was told it was not a school day—he knew that—yet he was fined. I would like to know how fining this man—and a number of others—has saved any child's life. It is simply revenue raising; it could not be called anything else. A degree of common sense should be used, particularly on pupil-free days. What is the consequence of all this? An article in the *Daily Telegraph* of 28 May 2008 stated:

Demerit points are forcing motorists off our road at a record rate of 110 a day ... as the impact of the growing fixed speed camera network bites hard.

It was a fixed camera that booked my constituent. The article continued:

The rising number of infringements is even hurting business productivity with a new NRMA survey showing nearly one in four employers reported workers losing licences over the demerits.

Recently a number of constituents visited my office and stated that they are facing the loss of their livelihood because of the loss of their licence. Perhaps we have gone a little too far. We want to discourage speeding and encourage motorists to obey the law. However, putting this record number of motorists off the road has resulted in a record number of motorists driving unregistered and this is not good for road safety. Back in 2003 the New South Wales Audit Office reported on unlicensed driving and stated that in 2002, 44 unlicensed drivers were involved in fatal accidents and police assessed that 86 per cent of these drivers were at fault, causing 44 deaths, whereas in comparison only 55 per cent of the 698 validly licensed drivers involved in fatal accidents were at fault. Putting people off the road may be counterproductive, particularly where motorists are being booked through no fault of their own because they do not know when the school term resumes. It makes sense for some sort of a demerit points scheme to be in place for learner drivers. However, I point out that the regime does not seem to be the same as the regime for P1 drivers and, frankly, it ought to be.

Mr WAYNE MERTON (Baulkham Hills) [10.58 a.m.]: I speak briefly on the Road Transport (Driver Licensing) Amendment (Demerit Points System) Bill 2008, which deals with amendments to the Road Transport (Driver Licensing) Act to provide for a demerit system for learner drivers, to provide more comprehensively for a demerit points system for provisional drivers, and to clarify the effect of a notice of licence suspension or licence ineligibility issued for incurring demerit points where the driver holds licences for more than one class of vehicle. This is important legislation and the Opposition certainly does not oppose it. I shall make some brief comments on the demerit points system. One constituent wrote to me concerning a traffic infringement he received.

He was detected by a speed camera to be exceeding the speed limit by no more than 15 kilometres an hour in a school zone. He was penalised by the deduction of eight points during a double-demerit points period because it happened on the Thursday before Easter. Unfortunately, that was one week before the expiration of his 12-month good behaviour licence; he was driving in an area that was not familiar to him. The chap has indicated that he is a commercial driver and travels a substantial number of kilometres. He raises the issue of whether the same law should apply to drivers who drive 100,000 kilometres a year as applies to drivers who drive far fewer kilometres. I know that other people have raised that issue, and I ask the Roads and Traffic Authority [RTA] to carefully consider the application of that law.

Another issue that causes great concern is when people elect to take matters to court. Countless constituents have come into my office and said that although a magistrate found the offence proved and did not record a conviction, three weeks later they received a letter from the Roads and Traffic Authority stating that, notwithstanding a conviction not being recorded and a fine not being imposed, demerit points nevertheless had been incurred. I am aware that the legislation provides specifically for that, but I ask the Government to consider reviewing the provision. If a magistrate sees fit not to record a conviction, I would have thought it not unreasonable for demerit points not to be imposed on a driver.

A constituent of mine who was in similar circumstances asked me what he could do about it. I wrote to the Minister and asked whether there was any right of review or appeal to a court, and the answer was no. In other words, even though a magistrate had considered all the circumstances and recorded no conviction, the Roads and Traffic Authority, although acting properly within the terms of the legislation, was applying bad law that had been introduced by the Labor Government. I ask the Government to review the legislation. If a magistrate does not record a conviction, I would have thought that would finalise the matter and that no demerit points would be imposed. Alternatively, at worst, a person should have their day in court to persuade a magistrate that he is a fit and proper person to drive a car, notwithstanding the circumstances of the infringements.

Ms SONIA HORNER (Wallsend—Parliamentary Secretary) [11.03 a.m.], in reply: I thank the member for Wagga Wagga, the member for Hornsby, the member for Coffs Harbour, the member for Castle Hill and the member for Baulkham Hills for their contributions to the debate. I am very pleased that the Opposition has sensibly supported this worthy legislation. The Road Transport (Driver Licensing) Amendment (Demerit Points System) Bill 2008 seeks to improve safety for young drivers by introducing a demerit scheme that will apply on a continuing basis to learner licence holders. I reject the comments made by the member for Wagga Wagga that the report has been sitting on the Minister's desk, gathering dust. Indeed, the contrary is true: We have been working and refining the bill as much as possible, and that has led to its being debated today.

Since July 2005, the New South Wales Government has introduced many reforms to make the first years of driving safer. The reforms include those mentioned by some members, such as zero tolerance of speeding. That restriction has been extended to learner drivers, and the bill provides for a suspension for at least

three months. The Government supports and has implemented zero-tolerance measures. We are also considering a total ban on the use of mobile phones when driving and imposing passenger restrictions. The provision relating to 120 hours of supervised driving was the subject of detailed debate with the Opposition. The member for Hornsby mentioned that it is very difficult to achieve 120 hours of supervised driving, yet the member for Coffs Harbour advocated further education.

To my mind, 120 hours of supervised driving is the level that is necessary to provide a learner driver with a sufficient degree of education and driving experience. The supervision may be carried out by parents or someone very sensible and eminent in order to develop in younger drivers the knowledge and skills they need to learn to drive properly and safely. It should not be suggested that 120 hours of supervised driving is inappropriate and time consuming; indeed 120 hours of supervised driving is necessary. A suggestion has been made that the provision will lead to log books being falsified. I suggest that people ought to be honest about this. If young drivers are committed to learning how to drive properly, they ought to be equally committed to learning how to drive safely.

I agree with the member for Coffs Harbour that all road deaths are deplorable. That is why the Government has introduced changes to the legislation and reforms to provisions applying to younger drivers. The Government also introduced in 2005, consistent with its program of reform and consistent with the Government's priority of young people learning to drive safely through the application of stringent assessment, a tougher and longer driving test. From 1 September 2008 learner and professional riders and drivers face immediate suspension and confiscation of their licences for driving more than 30 kilometres an hour over the speed limit.

The 2007 fatal car crash data for P1 drivers suggest that the initiatives introduced in 2005 already are delivering road safety benefits, with a 35 per cent decline in fatalities compared with statistics for 2006. That is important to remember. Under the demerit points scheme, learner drivers who incur four points will have their licences suspended for three months. The Roads and Traffic Authority also may refuse to issue or renew any learner provisional P1 or P2 licences if the licence holder incurs four or more demerit points, and a three-month suspension period will apply to refusals.

The new laws also will clarify the way in which a suspension applies to persons who hold rider and driver licences at the same time. The practical application of this provision is that if someone has a suspended driver's licence, they will not be able to get a motorcycle licence in its place. Suspended drivers should not be afforded that option, having already demonstrated unacceptable driving behaviour. The bill is about saving the lives of young drivers who are overrepresented in the road toll. This important legislation will continue the New South Wales Government's young driver reform program that is all about education—which is what the member for Coffs Harbour was advocating—to keep young drivers safe on our roads. It will provide further protection to novice drivers by encouraging compliance with driving laws from day one of receiving a licence.

The bill sends a clear message to young drivers that they are not above the law. The community has told the Government that they want tougher penalties for young drivers who refuse to follow the road rules. The bill before the House delivers on this requirement. The four demerit points limit also gives learner drivers enough leniency to accommodate elementary errors, but not reckless ones. The majority of driving offences carry fines of up to three demerit points, so new drivers who are trying to do the right thing will not lose their licences. Earlier it was mentioned by the member for Coffs Harbour that unlicensed drivers suffer less severe penalties than do licensed drivers. I wondered how that was relevant to the bill before the House. However, I make the point that penalties apply equally to all speeding and other serious offences, but that unlicensed drivers attract additional penalties, and their motor vehicle insurance is voided. Unlicensed drivers therefore face additional penalties.

The bill provides that serious offences, such as speeding, drink driving and negligent driving in a school zone, will result in licence suspension. The Government makes no apologies for applying these measures to learners who commit serious offences. The bill is sensible, balanced and will continue to build on the success of wide-ranging reforms that already have been implemented by the Government. I am pleased that the Opposition supports the bill, for which I thank members opposite. 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.

PUBLIC HEALTH (TOBACCO) BILL 2008

Agreement in Principle

Debate resumed from 25 September 2008.

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [11.09 a.m.]: The purpose of the Public Health (Tobacco) Bill 2008 is to introduce provisions that will focus largely on the exposure of children to environmental tobacco smoke and to prevent the uptake of smoking by young people. Generally, that aim is supported by the community at large and, in particular, by those involved in selling tobacco. Tobacco retailers claim that they also support measures that will restrict the use of tobacco by young people. The legislation does a number of things.

It is worthwhile reminding the House that the bill prohibits the display of tobacco products and non-tobacco smoking products and accessories, requires tobacco products to be sold from only one point of sale on premises, limits the number of vending machines to one, and removes the provision that currently allows vending machines to be situated in staff amenity areas. The bill makes it an offence to smoke in a motor vehicle while a child under the age of 16 is present, requires tobacco retailers to notify the NSW Health before they commence selling tobacco products, allows for automatic prohibition of continuing to engage in tobacco retailing for specified periods for repeat offences against the proposed Act or regulations, and increases the penalties for most existing tobacco offences.

There is no question that this area needs public policy action. Those are the words of the New South Wales Cancer Council, which I support 100 per cent. Data from the New South Wales School Student Health Behavioural Survey in 2005—the most recent survey—and the NSW Health report in 2007 shows that about 33 per cent of secondary school students reported having ever smoked, 21 per cent reported having smoked in the 12 months prior to the survey, and 8.4 per cent reported having smoked in the week prior to the survey. That shows that an alarming number of young people are taking up smoking when great effort has been made over many years to educate people about the harm associated with tobacco smoking.

I can recall the days when the Coalition was in office and former health Minister Peter Collins started the ball rolling to address the issue of tobacco smoking. People were rather askance at the idea that we should be going in this direction. Inroads have since been made by both Labor and Coalition governments, although they have been slow and incremental. I regard this bill as yet another step along that path. The background to this bill goes back to 2006 when the Government indicated that it would consider measures that are now included in the bill. In the following two years the Government made several re-announcements, and in April 2008 it released the discussion paper entitled, "Protecting Children from Tobacco: The next steps to reduce tobacco-related harm". That discussion paper presented a range of options designed to reduce young people's exposure to and harm from tobacco.

The Government indicated that 12,000 submissions were received from retailers, manufacturers, public health experts and advocates, small business, parents and community members. Some organisations have contacted the Opposition, and either I or my portfolio adviser has been in touch with and met a number of them. Indeed, I have met with and consulted the Cancer Council; Action on Smoking and Health, in particular Anne Jones, whom I know and have met many, many times; the Australian Medical Association; the Council of Social Service of New South Wales; NSW Health, which submitted its proposals; members of the public, who took the trouble to come forward and express their view; British American Tobacco; and Phillip Morris. The Australasian Association of Convenience Stores and specialist tobacconists have written to me and met with my staff member, as have individual tobacco suppliers. Clubs New South Wales also made a submission after I requested its input.

Overwhelmingly, that broad range of organisations and individuals support the notion that we must take the next step to protect young people from smoking. Therefore, it gives me great pleasure to say that we will not be opposing this legislation. However, I shall put on the record some matters raised with me by some organisations, and I ask the Minister to provide feedback about those concerns. I suppose the dilemma is that

tobacco is a legal product. People have a legal right to sell legal products, and often they are concerned when restrictions are imposed on their capacity to do so. As the shadow Minister for Health, my viewpoint is from the health aspect of this habit. As an ex-smoker, I understand the dilemma and the difficulty of giving up smoking, but I know the benefits of not having had a cigarette for many years; I know how much better one feels. I advocate to every person who might be listening or who might read this debate in *Hansard* in the future: Do the right thing and give up smoking—you will feel a lot better for it.

The Cancer Council and others who have studied the impact of various measures in relation to the taking up of smoking claim that banning the point-of-sale display of tobacco and introducing licensing of retailers will offer the most significant benefits in protecting children and for public health generally. Various community surveys confirm that the public accepts this and expects the Government to take action to protect children from tobacco, as I said. The most recent survey found that up to 90 per cent of the community—or 80 per cent of smokers and 91 per cent of non-smokers—agrees that cigarettes should be stored out of sight of children.

The Cancer Council believes that there are immediate and long-term benefits from reforming the retailing of tobacco. It identified four areas: first, reducing impulse and relapse purchases, with immediate benefits for children and young people who are being introduced to smoking and for smokers trying to quit; secondly, adopting responsible retail standards consistent with the harmfulness of the product is important; thirdly, changing environmental cues to more accurately reflect the harmfulness of tobacco products and community norms, which is of particular importance to children and young people; and, fourthly, eliminating practices that undermine existing tobacco control policies and investment.

The Cancer Council pointed out that the display of tobacco products, the use of vending machines and the inclusion of tobacco in shopper loyalty and discount programs share a common feature: They encourage impulse buying by people who do not have a preformed, planned intention to smoke. That is why the council is keen on restricting the display of tobacco products. Retailers have expressed concern about their right to sell a legal product. The Cancer Council correctly pointed out that there are restrictions on how other legal products can be displayed and sold. For example, pharmacists have restrictions on the display of, or ready access to, certain pharmaceuticals because they may be a danger or because of inappropriate usage.

It was also pointed out that guns are a legal commodity but, thank goodness, severe restrictions are placed on how they can be sold and purchased. The Cancer Council also identified pesticides and insecticides, which are particularly relevant for people in country areas. Yes, retailers will have problems adapting the way they have done business in the past, but they are not alone as similar measures have been enforced before. I am sure that the Government and others will help them to make the transition and to comply with the new measures.

I promised to mention some concerns that were raised with me. It has been asked how a tobacconist will inform a potential purchaser of what products are available and therefore what choices the consumer has. People are also concerned about unintentional displays when, for example, a retailer opens a cupboard or drawer to remove a product. I am sure that the intention of this legislation is not to make an almost incidental product display an offence—provided the cupboard is not left open deliberately. I am sure that the spirit of the legislation is to prevent the obvious and deliberate display of tobacco products, but I seek the Minister's reassurance in that regard.

The Australasian Association of Convenience Stores has expressed concern about the impact of the provisions on small business. I know that the Government engaged in wide-ranging consultation about the legislation but some organisations feel they were simply paid lip-service. Perhaps the Government would like to respond to that point also. Specialist tobacconists could almost be put in a grouping of their own because tobacco is their only product. The legislation has given them an extended time to comply with the provisions, but how will these retailers display their goods? Will specialist tobacconist shops have blacked-out windows? Tobacconists are seeking clarification in relation to this matter. They believe they should be allowed to display some tobacco-related products—for example, implements, cigarette lighters, pipes and so on.

Tobacconists and other retailers are also concerned about the single-point-of-sale provisions. It is easy for large supermarket chains, such as Coles and Woolworths, to have a restricted single point of sale at a large counter. But smaller supermarkets or convenience stores might have only a couple of checkouts with no space for a further single point of sale, and they operate with limited staff. How can they comply with the legislation? Will they have a few check-outs at which consumers can purchase general items and a single point of sale for tobacco products? Those questions need to be answered. Other larger organisations, particularly clubs and pubs, are concerned about restrictions on tobacco vending machines.

This legislation has wide community support as it aims to restrict tobacco smoking by young people. Concern has been expressed about the problem of enforcing bans on smoking in cars when children under the age of 16 are present. I share that concern. I do not think health inspectors or police will stop cars and ask to see a child's birth certificate to determine their age before they talk to people about smoking in cars. I see the value of that aspect of the bill as informing people that smoking in cars is an undesirable practice. It might almost be a ginger act to encourage people to think about the danger of passive smoking to the health of babies and developing young children.

The Council of Social Service of New South Wales has considered the tobacco products issue for a long time. I have met with council representatives and with another 40-odd organisations that have raised the need to focus on those populations where there is much higher incidence of smoking. That issue is not strictly addressed in the bill. This was a policy of the Coalition at the last election—the Government claims we did not have any policies; but this is one of the hundreds we had—that I urge the Government to take up. Our policy addresses smoking among groups, such as the Aboriginal and Torres Strait Islander population, some groups of young people, people with mental illnesses, prisoners and others.

The Government could make a significant impact if it focused attention on working with those populations—it should not introduce draconian bans—to reduce tobacco smoking. That would have a profound impact on improving the long-term health of young people, in particular. The Coalition will not oppose this legislation. We started the ball rolling by trying to encourage people to stop smoking and to discourage others from taking it up in the first place. I would appreciate some commentary from the Government on the matters that have been vexing those who sell a legal product.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [11.26 a.m.]: I acknowledge our opponents' support for this important bill. I agree that our children's health and safety is above politics. The Government is leading the way, in Australia and around the world, with the strong tobacco control measures that have been introduced into Parliament. The new provisions have been designed specifically to prevent the exposure of children to environmental tobacco smoke and to prevent the uptake of smoking by young people. It has been known for many years that passive smoking is bad for babies. Professor Landau in Perth, among others, has found that by the age of one month the children of smokers have demonstrably different lung function from those whose mothers do not smoke. Cigarette smoke is an involuntary toxic poison to children's lungs.

Knowing what we now do, we can no longer stand by while our children are exposed to the harm of passive smoking. As legislators, we no longer have a choice. I am pleased to acknowledge our opponents' support for the Public Health (Tobacco) Bill 2008. In fact, as the Minister said, 90 per cent of the costs to the health care system of hospitalising people for the effects of environmental tobacco smoke relate to children's exposure to other people's smoke. We could close half the children's beds in many paediatric units in New South Wales if no-one smoked during pregnancies. One illness seen frequently in those wards, bronchiolitis, is made much worse by the presence of tobacco smoke. In fact, it is quite uncommon to see children of non-smokers admitted to hospital with bronchiolitis—which is the most common cause of admission to a children's ward. Gastroenteritis, another frequent cause of admission, is uncommon in breast-fed babies, and yet tobacco smoking is a major reason that women need to bottle feed. Tobacco smokers have lower breast-feeding rates.

The bill introduces six new, tough measures to protect children and young people from tobacco-related harm. The Government has been widely congratulated on its announcement, including by the Cancer Council New South Wales, the Heart Foundation New South Wales, the Parents and Citizens Federation, parents and retailers. New South Wales is introducing these tough new laws to ensure that tobacco products such as cigarettes are hidden from view in shops and other retail outlets. As a society we can no longer normalise smoking as an option for our young people. Retailers will not be allowed to display tobacco products. This will stop tobacco products from being normalised to children and young people.

The median age for commencing smoking is still 16 years. In New South Wales today one in 10 year 10 children will make a decision that will take 10 years off their life. It is unconscionable for us to refrain from reducing point-of-sale permission. In fact, if one is not smoking by age 19, one is extremely unlikely to ever become a long-term smoker. Cigarettes should not be on display to our young people every time they go to a newsagent, supermarket or convenience store. The Government is introducing also a new offence, with on-the-spot fines for people who smoke in a car in which a child is present. Children in a car should never be exposed to other people's smoke. People can no longer smoke in a workplace, for very good reason, and it is now time for all of us to protect the fragile lungs of our growing children. Children have no choice about exposure to other people's smoke and it will now be an offence to smoke in a car when a child is present.

To ensure that we have the most effective compliance regime, a licensing scheme for tobacco retailers will be introduced. The scheme will not place a burden on businesses; the New South Wales Government supports responsible businesses. The scheme will ensure that ethical tobacco retailers—and we know they are the majority—are protected from the cowboys. The licences will allow enforcement action to be taken against those few irresponsible businesses that sell tobacco products to minors and fail to comply with advertising and product display bans. Andrea Kunz of the Australian Medical Association, New South Wales Branch, stated:

The AMA strongly supports the package of proposals designed to protect children from tobacco. Measures restricting smoking and the promotion of tobacco products has been a successful, long running, preventative health campaign ... The AMA believes that in order to achieve a further reduction in the number of individuals who smoke there has to be a change in the social climate so that smoking is no longer seen as normal behaviour.

As part of the tough new laws, cigarette vending machines will be allowed only in licensed premises restricted to over 18s, and will also be subject to the display ban. Vending machines will be allowed to operate only by a mechanism that allows a staff member to check the proof of age before cigarettes are dispensed. To further protect young people from exposure to tobacco products, those products will be available from only one point of sale in a store. Julie-Anne Mitchell of the Heart Foundation New South Wales said:

The complete removal of tobacco products from public sites at point of sale is the most fundamental, indeed the jewel in the crown, of ensuring that we do not pass on to the next generation a lifelong legacy of illness and poor health.

Tobacco products will be banned also from shopper loyalty programs to discourage people from buying tobacco products with their store rewards. These reforms were announced following an extensive community consultation process over more than two months. Almost 12,000 submissions were received. The Hon. Verity Firth, the former Minister Assisting the Minister for Health (Cancer), hosted a public forum at Parliament House. I commend also this week's ABC health report on the issue. The transcript is available on the website and I recommend all members read it, because it is about community health, of which smoking is a part. Professor Rob Moodie, Chair of the National Preventative Health Task Force at the Nossal Institute for Global Health in the University of Melbourne, said:

It's not so much not knowing exactly what to do, it's also that some of the things we have to do aren't necessarily easy to do.

Relating to tobacco, he said:

... it isn't necessarily just a trigger and suddenly things start to happen. It's a building of momentum, it's a building of community support.

Professor Moodie has pointed out also the gap in mortality between socioeconomic groups for chronic diseases. We all know that chronic diseases have a socioeconomic gap in mortality. The gap in mortality between the richest and the poorest of smokers has not increased in the past few years, in fact, it has started to decline a bit because preventative health programs have started to focus on both the population as a whole, but also those most at risk. I commend the previous speaker, the Deputy Leader of the Opposition, on her acknowledgement of that fact. Professor Moodie further said:

We need to further regulate the tobacco industry, the point of sale displays, taking them out. So it's working again generally and also working with specific populations.

To reduce smoking rates we cannot continue to normalise tobacco exposure to our young. The total cost to New South Wales of smoking at approximately \$6.6 billion is half that of the total New South Wales Health budget. This important bill is another milestone in preventative health care and it will have benefits long after we have all left this Earth. I thank the Coalition for its support for the bill. I commend the bill to the House.

ACTING-SPEAKER (Mr Thomas George): This is an appropriate time for me to recognise the efforts of the member for Hornsby in the Relay for Life, her \$6,500 hairdo and her efforts in walking.

Mrs JUDY HOPWOOD (Hornsby) [11.35 a.m.]: Thank you for your comment, Mr Acting-Speaker. It was a small act on my part to point out the importance of the fight against cancer. I contribute to debate on the Public Health (Tobacco) Bill 2008, which is a bill for an Act to regulate the sale, supply, advertising and promotion of tobacco products. I have never smoked. The member for Macquarie Fields cited the statistics relating to the age at which young people take up smoking. He said that if a person had not begun smoking by the age of 19, basically that solidifies—most probably, because we can never rely completely on statistics—that that person would never take up smoking.

I have had 34 years experience as a nurse. I looked after many, many people who have either succumbed to the direct effects of smoking or had illnesses related to their close association with tobacco smoke or some other illness related to a brief smoking interlude. I commend the provisions contained in the bill, in particular its restrictions on children, and also the restrictions on advertising and the point of sale influence. A whole row of cigarette packets would have an influence when people are making a purchase at some supermarkets and other stores. The object of the bill is to repeal and re-enact as a separate Act provisions currently contained in part 6 of the Public Health Act 1991 relating to the sale, advertising and packaging of tobacco products and non-tobacco smoking products. In particular, the bill makes provision for the following new matters:

- (a) prohibiting the display of tobacco products, non-tobacco smoking products and smoking accessories in shops,
- (b) requiring tobacco products and non-tobacco smoking products to be sold from only one point of sale on premises,
- (c) limiting the number of tobacco vending machines permitted on premises to one vending machine and removing the provision that currently allows vending machines to be situated in staff amenities areas,
- (d) making it an offence to smoke in a motor vehicle while a child under the age of 16 years is present and making the driver liable if a passenger smokes in those circumstances,
- (e) establishing a scheme whereby a person who engages in tobacco retailing is automatically prohibited from continuing to engage in tobacco retailing for specified periods for repeat offences against the proposed Act or the regulations,
- (f) requiring notification to be given to the director general of the Department of Health before a person commences to engage in tobacco retailing.

I would like to give some background to the bill. In 2006 the New South Wales Government indicated it would consider measures such as banning smoking in cars to protect children from tobacco-related harm. After several re-announcements in the following two years, in April 2008 the Government released a discussion paper entitled, "Protecting children from tobacco: a NSW Government paper on the next steps to reduce tobacco-related harm". This presented a range of options to reduce young people's exposure to harm from tobacco. The paper attracted almost 12,000 submissions from retailers, manufacturers, public health experts and advocates, small businesses, parents and community members. In May 2008 the Government hosted a public forum to discuss the proposed measures.

In reality, one cannot find many reasons to oppose the bill. Obviously it will impact adversely on proprietors whose only business is related to tobacco smoking, but I appreciate it will also impact some others. By and large, the court of public opinion would have it that we must do everything possible to protect our children, to ensure that they are not exposed to any form of tobacco smoking, and to shield those in their at-risk adolescent years from any messages that could influence them to try smoking. As the member for North Shore pointed out, this Parliament already has debated legislation prohibiting the exhibition of spray-paint cans, making those cans less accessible by those who would use them for graffiti purposes. This Parliament also has placed prohibitions on the display of medications, such as pseudoephedrine, in pharmacies and like stores. It has been extraordinarily difficult to address the problem of theft of medications containing pseudoephedrine and the making of other illegal products from the large amounts of pseudoephedrine acquired by such means.

This bill is a very important measure. I would like the Government to have addressed the issue much earlier than this year, but as the bill is now before the House I acknowledge it as a very welcome step in the right direction. When shopping in major supermarkets and elsewhere I have often thought how unnecessary it is for retailers to display tobacco products. People who wish to purchase tobacco products need only ask the question; the products do not need to be on display. So that is one part of the bill that I comment favourably upon. In relation to smoking in motor vehicles occupied by children, one can only imagine the suffering this has caused to some children, probably more so in years gone by when more people smoked in vehicles and the very dangerous aspects of tobacco smoking were not as well known. Children travelling in cars in which adults are smoking and the windows are closed are exposed to a heavy concentration of tobacco smoke. I have spoken to some of my friends who have had that experience. They found that the smell of smoke made carsickness even worse.

As the member for North Shore also pointed out, it will be difficult for police to detect an adult smoking in a vehicle occupied by a child under 16 years of age. However, the bill makes a statement about the necessity to increase education on smoking, similar to the education campaigns about abuse of alcohol. There have been some very good advertisements about the adverse impacts on children of adults, who may be having a

family barbeque, merely asking their sons or daughters to run to the fridge to get them another can of beer. The implementation of this legislation, and the advertisements about it, particularly in the weeks following its passing, will make a strong statement. This bill will be along the line of the advertisements on education regarding alcohol and the responsibility of adults to act as role models for young children and will encourage adults not to smoke in close proximity to children. The increase in penalties for existing tobacco offences is also very welcome.

As a member who has had a long career in nursing in the medical field I have actually seen a chest opened and the state of the lungs of a heavy smoker. That alone would have been enough to stop me from taking even the first puff of a cigarette, because there is a marked discolouration of the lungs of heavy smokers. This discolouration may be similar to that in the lungs of people who live in industrialised cities that have high pollution levels. As the member for Macquarie Fields said, there is an adverse impact on the condition of lungs of a person who smokes or is in the near vicinity of a person who smokes.

I would like to refer to the Hornsby Ku-ring-gai Relay for Life undertaken in the Hornsby area. This event, which is in its sixth year, is now an entrenched community event. Many strong health messages were delivered in that 24-hour period, because cancer never sleeps. One of those messages, put out by the Cancer Council, related to smoking. Action on Smoking and Health [ASH] put out a very strong message relating to a smoke-free area. In relation to Relay for Life, some courageous and sad stories were told in the 24-hour period of the relay. Some of those related directly to the sufferer of cancer that is caused by smoking. The bill is therefore timely for me to comment upon.

As has already been said, the New South Wales Cancer Council, Action on Smoking and Health, the Australian Medical Association, the Council of Social Service of New South Wales and NSW Health have all supported this legislation. Community members who have made submissions, expressed opinions or written about this and similar measures relating to smoking in the vicinity of other persons, particularly young children, are totally in support of this bill because it seeks to restrict the exposure of young children to tobacco smoking and discourage the harmful images of someone who displays tobacco products or indeed smokes. In conclusion, I repeat that the Opposition does not oppose this bill. It is timely and very welcome in many quarters.

Mr NINOS KHOSHABA (Smithfield) [11.47 a.m.]: One in two lifetime smokers will die from their habit. A third of those deaths will occur in middle age. The New South Wales Government is committed to preventing smoking in young people, and these reforms are an important measure to address smoking across the State. Smoking is the greatest cause of premature death in New South Wales. It is also the leading cause of preventable disease. Smoking increases the risk of many cancers and is also a major cause of heart disease. Each year in New South Wales it is estimated that there are more than 6,500 deaths caused by smoking. It continues to be a major burden on our public hospitals, with more than 55,000 hospital visits attributable to tobacco smoking. The cost to our community as a result of tobacco smoking in 1999 was conservatively estimated at \$6.6 billion. We have all seen the advertisements, we have seen the warnings on cigarette packs and we know the facts: tobacco causes cancer, heart disease, gangrene and stroke. Greg Smith of the Asthma Foundation of New South Wales said:

There are around 2 million people in Australia who live with the chronic disease called asthma and some 800,000 of those are in New South Wales. That is 1 in 9 adults and 1 in 6 children. We know that one of the prime triggers is tobacco smoke. The insidious thing about smoking is that it contains a cocktail of deadly toxins that don't just harm the person who is smoking but those around them and particularly children with soft and developing lungs. Children who are exposed consistently to tobacco smoke, especially in confined environments like a car, will suffer damage to airways and impaired lung function and have more early life wheezing and respiratory infections. They will also require more urgent health care more frequently.

Our research suggests that the overwhelming majority of smokers start smoking before the age of 20. Eight out of 10 smokers regret that they ever started, having underestimated the addictive nature of nicotine. The Rees Government is committed to working to help the next generation of children avoid a lifetime of addiction to this terrible habit. The fact is that young people are more influenced by tobacco marketing and gimmicks than adults. We will reduce our children's exposure to cigarettes through our strong reform package.

The New South Wales Government has already taken action on youth marketing of tobacco products. We have banned the sale of sweet, fruit or confectionery flavoured tobacco products that may encourage children to smoke. We have also banned the sale of tobacco products from mobile or temporary premises, including at events for young people such as music festivals. But there is no doubt that cigarette products are still far too visible to children. Every suburban shopping centre has huge displays of cigarette packets for sale

alongside lollies, chips and other children's treats. We are now taking action to remove the visual lure of cigarettes to children at their local shops. Mr John Bevins, of John Bevins, an independent advertising agency explains:

Displaying cigarettes normalises them, but it also advertises them, and isn't cigarette advertising banned? By displaying products important advertising objectives are achieved in a more direct way than can be achieved through paid media. Advertising by display achieves brand awareness, a fundamental goal of advertising. Like all effective advertising, it helps put the product and the category and the brand name in the mind of the prospect.

Our research tells us that eight out of 10 community members surveyed believe cigarettes should not be displayed at shop counters. We also need to help smokers who are trying to quit but are constantly reminded about their addictive habit because cigarettes are so readily and prominently available. Australia is at the forefront of tobacco control and it is our intention to demonstrate leadership in New South Wales in protecting children from the harmful effects of tobacco. Our efforts are working. The percentage of people aged 16 years and over who smoke daily or occasionally in New South Wales has dropped from 24 per cent in 1997 to 18.6 per cent in 2007.

Our progress to date reflects the New South Wales Government's proactive policy and program initiatives aimed at meeting these objectives—proactive policy changes that have changed the social environment whereby today smoking is no longer the norm. I would like to congratulate the Minister on this bill, in particular the banning of people smoking in cars when children under 16 are present. I know as a parent of two young children, and one on the way, how much they mean to me. I think this bill is sensible and it is definitely the way forward for this country and this State. I commend the bill to the House.

Mr JONATHAN O'DEA (Davidson) [11.52 a.m.]: I support the Public Health (Tobacco) Bill 2008 because it introduces sensible reforms regarding the retail sale of tobacco products, which will have a positive impact on the health of the New South Wales public. This bill aims to protect young people by preventing their exposure to environmental tobacco smoke and their uptake of smoking. It does this by prohibiting the display of tobacco and non-tobacco smoking products, requiring one point of sale, limiting the number of tobacco vending machines and making it an offence to smoke in a motor vehicle when a person under the age of 16 is present in the vehicle. It also makes provision for the prohibition of retailers who repeatedly commit offences against the Act. It requires notification to be given to the Director General of the Department of Health before a person commences to engage in tobacco retailing and increases penalties for most existing tobacco offences.

The New South Wales Tobacco Action Plan 2005-09 background paper provides evidence of the harm tobacco causes. Tobacco smoking remains the leading single cause of mortality and morbidity in Australia. Of all behavioural risk factors tobacco use, including passive smoking, is responsible for the greatest burden of premature death and disability. The latest report from the New South Wales Chief Health Officer on the health of the people of New South Wales stated that it is estimated smoking caused the death of 6,507 people in New South Wales in 2004 and that there were an estimated 55,591 hospitalisations due to smoking in 2004-05. The report also indicated that smoking-related deaths declined by 52 per cent among men and by 33 per cent among women in the period between 1984 and 2004.

However, this does not mean we should be complacent. Environmental tobacco smoke in homes, workplaces and other areas is also a problem. The action plan quotes research of Collins and Lapsley in "Counting the costs of tobacco and the benefits of reducing smoking prevalence in New South Wales" from 2005. Collins and Lapsley found that "involuntary smoking was responsible for the deaths of 78 people in 1998-99 with 35 of them aged under 15 and including unborn babies". It is essential that we aim to prevent young people from taking up a smoking habit. The National Tobacco Strategy 2004-2009 stated that more than 90 per cent of Australians who currently smoke began as teenagers and that most new users are young people, many as young as 14, 13 and even 12 years of age.

The 2002 Australian Secondary School Alcohol and Drug Survey found that 13 per cent of secondary school students had recently smoked. While this result represented a significant improvement from previous studies, it is not cause for complacency. Young people are especially vulnerable to environmental tobacco smoke as their bronchial tubes are smaller and their immune system is less developed. Environmental tobacco smoke is a risk factor for sudden infant death syndrome and asthma, as well as various illnesses and diseases. The New South Wales Child Health Survey of 2001 reported that around 10.1 per cent of households with children aged 0-12 years sometimes, usually or always smoke inside the home. People must be aware of the impact their smoking has not only on their own health but also on the health of their children and others.

Tobacco also has massive economic and social costs. The background paper cites research by a number of authors regarding these costs. Research by Collins and Lapsley found that tobacco-attributable deaths and hospital bed days in 1998-99 cost New South Wales \$254 million. In addition, they found that in 1998-99 the total social costs of smoking in New South Wales were approximately \$6.6 billion, this being 31.2 per cent of the Australian total. Applied Economics calculated that "the cost of anti-tobacco public health programs conducted between 1971 and 2000 was \$176 million. By contrast the estimated benefit of this investment—averted number of deaths and associated diseases—was \$8.602 billion. The net benefit of \$8.427 billion therefore represents a benefit cost ratio of nearly 50:1."

The New South Wales Government's discussion paper entitled "Protecting Children from Tobacco" contained a number of suggestions as to how the problem of tobacco smoking should be addressed. This bill contains many of them in some form. The bill prohibits the display of tobacco products, non-tobacco smoking products and smoking accessories in shops. Research by Wakefield and others indicates that the display of products can create an impression in children's minds that cigarettes are like other products and are easily accessible. Concerns over the impact of tobacco displays outweigh the cost of addressing the issue. Other jurisdictions, including Canada and Tasmania, have introduced similar measures.

The bill requires tobacco products and non-tobacco smoking products to be sold from only one point of sale on premises. This is a sensible, practical measure and may make it easier for tobacco retailers to comply with legislative requirements, including the display of the Public Health Act notice relating to sales to minors. It should be easier for retailers to ensure that tobacco products are not displayed and to ensure that staff are trained adequately in relation to products if there is only one point of sale. The bill limits the number of tobacco vending machines permitted on premises to one and removes the provision that currently allows vending machines to be situated in staff amenity areas. This provision represents a compromise as the Protecting Children from Tobacco discussion paper suggested that vending machines be banned. The nature and accessibility of many vending machines would suggest that products with age restrictions should not be sold from them. Although watered down, the relevant provision makes it easier to monitor the use of vending machines, and should be supported.

The bill makes it an offence also to smoke in a motor vehicle while a child under the age of 16 years is present, and makes the driver liable if a passenger smokes in those circumstances. One cannot deny the harmful effects of environmental smoke; however, I am concerned that this clause may be an unjustified invasion of an essentially private space. It will be difficult to enforce and will divert police resources from other important tasks. The Protecting Children from Tobacco discussion paper raised these difficulties, and they are valid criticisms of the provision. Police will be required to ascertain the age of all occupants in the car, which may not be possible in some circumstances. The creation of an offence appears to be out of proportion to the problem and perhaps is a step too far on a matter that would be better addressed through education.

This bill generally is sound and is worthy of support. As people have become more aware of the harmful effects of smoking and environmental smoke the rate of smoking has declined significantly. However, this does not mean that we should be complacent. We must ensure that fewer young people develop a lifelong habit of smoking. Tobacco impacts on people's health, and its economic and social costs demand that governments take strong measures. The bill reflects this reality and, accordingly, it attracts my support.

Mr DONALD PAGE (Ballina) [12.01 p.m.]: As the shadow Minister for Health stated in her contribution, the Coalition does not oppose the Public Health (Tobacco) Bill 2008, which will help to prevent exposure of children to environmental tobacco smoke and young people taking up smoking. The intentions of the bill are commendable and I certainly support its general thrust. Like many members in this House, I am involved with Relay for Life, which raises money for cancer research and promotes cancer awareness. Indeed, this Saturday night I am involved in organising a fundraising ball to acquire for the Northern Rivers area a medical imaging device known as a positron emission tomography-computed tomography [PET-CT] scanner, which is the latest technological machine for detecting and diagnosing not only cancer but also heart disease, stroke, brain disorders and the like.

Today we understand the connection between smoking, cancer, heart disease and stroke. All people, whether young or old, should be discouraged from smoking. However, as the shadow Minister for Small Business, I shall refer to a number concerns that small businesses have raised with me regarding certain aspects of the legislation. The outline of provisions of the bill in reference to clause 9 states:

... requires the occupier of premises on which tobacco products or non-tobacco smoking products are sold to ensure that the products, and any smoking accessories, cannot be seen by the public from inside or outside the premises.

The general concern among small businesses is the impact on their ongoing viability by being unable to display a legal product. In particular, this clause will require specialty tobacconists to black out their windows and doorways so as to prevent anyone outside the premises seeing tobacco products inside the shop. A major concern of tobacconists is the threat to their personal safety this will impose due to an increased risk of violent theft. Not only is any cash held on the premises enticing for would be thieves, but the product they sell also is enticing for the black market trade. These small businesses believe that the requirement that they blacken out their shops will subject them to the real danger of violent attack by thieves looking for cash on premises and particularly cigarettes, which we know has a ready-made black market.

Blacked out shop fronts are likely also to have a negative effect on sales of non-tobacco related products sold by many of these small businesses. Many tobacconists sell sporting paraphernalia and other novelty items that are unrelated to tobacco products. In recent years tobacconists have diversified their product lines to increase sales as people become aware of the dangers of smoking. This part of the legislation will negatively impact on this unrelated aspect of their businesses.

Tobacconists located within shopping centre complexes have expressed concern that landlords have indicated that lease options will be questioned when the blackout occurs, as it will reduce the overall shopping appeal within their centre. Longstanding store owners within shopping centres stand to have their hard-earned equity eroded at the next lease renewal period as a result of this legislation. Small businesses have told me that shopping centre owners are telling them that because they have to black out their shopfronts they will not be an attractive shop to have in the shopping centre, and therefore when the lease expires it probably will not be renewed. A further point raised by a number of people relates to clause 10 of the bill, which states:

The occupier of premises on which tobacco products or non-tobacco smoking products are sold must ensure that those products, and any smoking accessories, are sold from only one point of sale on those premises.

Many tobacconists have more than one cash register on their premises, usually within close proximity of each other. This provides more efficient service where up to 600 customers may be served in one day. This clause permits only one cash register to sell products, despite the fact that two registers may be in close proximity to each other on one sales counter. I ask the Government to consider modifying this single point of sale requirement for specialist tobacconists so as not to disadvantage customers and owners of busy specialist tobacconist stores.

It should be noted that, apart from these points, all of the businesses and industry representatives with whom I have spoken generally support the legislation and agree that children must be protected from the effects of tobacco smoke. I am certainly of this view and support the legislation. However, as shadow Minister for Small Business I have an obligation to raise industry concerns. Mr George Georgas, Managing Director of the CTC Group, contacted me and raised several issues. Mr Georgas pointed out that New South Wales has 128 specialist tobacconists. He seeks clarification in relation to part 5, division 3, clause 39 (3), which states:

A person who was engaged in tobacco retailing immediately before the commencement of this section does not commit an offence against subsection (1) if the person gives the notification required by that subsection within the period of 3 months after the commencement of this section.

He says this three-month notification requirement is confusing when coupled with clauses 5 (6) and 5 (8) in part 2 of schedule 1 to the bill, which refer to a six-month period after the commencement of section 9. Mr Georgas seeks clarification of how soon a tobacconist must notify that he or she retails tobacco, as their livelihood is at stake if the application deadline is missed. The point he makes is that one part of the legislation indicates a three-month period and another part indicates that the period is six months. If the Minister for Small Business, who is at the table, is able to clarify the situation it would help the specialist tobacconists ensure they get their applications for licences in on time.

I have been contacted also by Mr Andrew White, General Manager of the Tobacco Station Group representing 60 franchised specialist tobacconist stores in New South Wales. He has no major issues with this legislation but is concerned about the requirement for a single point of sale of products. He also is concerned about the application of the legislation to the full range of smoking accessory products like ashtrays and some high-value products like cigarette cases. As I stated earlier, some of these specialist tobacconist businesses sell products that are not tobacco-related.

He also raised whether restricting New South Wales specialist tobacconists from commencing business over the four-year transition period is in breach of the Federal Trade Practices Act by delivering a competitive

advantage to existing specialist tobacconists. The points he makes are that the prohibition of the establishment of any new tobacconist businesses, as I understand is the purpose of the legislation, gives tobacconists a competitive advantage, and such a restriction is contrary to the Trade Practices Act. Perhaps that is not an issue that the Minister can deal with because it relates to Federal legislation but, as the point was made, I draw it to the attention of the House.

Notwithstanding concerns expressed by small businesses, in particular specialist tobacconists, as I stated at the outset, I support the legislation. I recognise the need to prevent children from being exposed to tobacco smoke and to prevent young people taking up smoking. I would appreciate the Minister for Small Business, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer) addressing the issues I have raised on behalf of small businesses, particularly specialist tobacconists, during his reply.

ACTING-SPEAKER (Mr Thomas George): I call the member for Manly, who is still smiling.

Mr MIKE BAIRD (Manly) [12.10 p.m.]: Mr Acting-Speaker, I thank you again for yet another acknowledgement of the Sea Eagles victory. It is a pity the member for Wyong is not present in the Chamber because we have very connected views on that subject. It is with pleasure that I join in debate on the Public Health (Tobacco) Bill 2008 because I believe the legislation is fundamentally important and represents a big step forward not only for the youth in my community, whom I represent as the shadow Minister for Youth, but also for the broad community and the health system as a whole. There is no doubt that tobacco kills. My colleague the shadow Minister for Health referred to the significant impact of tobacco on the health of families in New South Wales.

As the shadow Minister for Youth, I am committed to doing everything I can to ensure that young people adopt healthy lifestyles, which obviously means lifestyles that exclude smoking. I also wish to prevent young people from taking up smoking and prevent children from losing a parent to tobacco-related illness, which sadly is a regular occurrence in our community. I believe that the bill achieves the aims I have referred to, and that is why I strongly support it. The purpose of the legislation is quite simple and its aims may be summarised by four fundamental points: to put an end to the display of cigarette packets in shops, to limit the number of tobacco vending machines, to make it an offence to smoke in a car when a child is present, and to increase penalties for existing tobacco offences. As I have said, the legislation is a step forward for public health and for general commonsense.

The Cancer Council and Action on Smoking and Health organisations have had a big role in public health debates on tobacco. I have met the Chief Executive of Action on Smoking and Health, Anne Jones, who also is a local constituent. She does a great job in the community and also for Action on Smoking and Health. I sincerely applaud the work she and her team have done to reduce the burden of harm caused by smoking on the lives of Australians. I also acknowledge the work of the Cancer Council of New South Wales, which does a fantastic job. When applause and plaudits are handed out, the Cancer Council of New South Wales should be right at the top in receiving recognition. Lisa, who works in my office, worked for the Cancer Council for five years before she came to work in my office. She is testament to the calibre of people associated with the Cancer Council and the tireless work they perform. They provide huge support for cancer patients, raise funds for research to treat and prevent cancer, and carry out public advocacy work. They have been instrumental in having smoking banned in pubs and clubs in New South Wales.

I do not think we should forget the pivotal role played by the Cancer Council of New South Wales. Through the Cancer Council's work a smoke-free campaign has attracted more than 30,000 signatures on a petition. There would have been no change to the quality of air in pubs and clubs if it had not been for the Cancer Council having led the debate. The Cancer Council asked the Government to listen, and in that instance the Government did listen; but without the Cancer Council of New South Wales, there would have been no change to smoking in pubs and clubs whereas now all of us can go to pubs and clubs and enjoy the atmosphere without having smoking intrude on every single visit. I congratulate the Cancer Council New South Wales on its absolutely pivotal role in delivering that initiative. The Cancer Council and Action on Smoking and Health have worked hard to lobby the Government on the measures provided by the bill. I commend their efforts to the House.

I mention the views of a local mum who wrote to me in support of the bill. With some bills members receive no correspondence, yet in relation to other bills we do. This bill attracted some correspondence. I note particularly the views expressed by Kate Serisier of North Curl Curl, who said of the bill—quite rightly, in my opinion:

[It] strikes a good balance between protecting children whilst not interfering with the rights of adults. It does not create hardship for groups (such as the mentally-ill, the terminally-ill, jail inmates and people suffering from depression) who are addicted to smoking.

Kate wrote that she supports the bill because it:

- protects teen workers ... and removes a potential source of peer-group pressure;
- protects children from close-range tobacco smoke, de-normalizes the behaviour and would raise community awareness that it is not acceptable to smoke around children.

Kate's views are shared by many in my community who value their health, healthy lifestyles, the protection of children and obviously support strengthening of laws that protect our children. In conclusion, I note that just a few decades ago people could smoke in the cinema and smoke on an aeroplane, and smoking was advertised in magazines. I remember being very reticent to walk into the office of some of my earlier bosses because they were not only covered in empty coffee cups but also there was a haze of smoke that I encountered as I made my way towards their desks. It was with great reticence that I went to see the boss in those days. Notwithstanding that that is no longer the case, it seems as though it was only yesterday that smoking intruded into workplaces and social venues. Today smoking is not a normal part of our social lives.

Mr Robert Coombs: Not to mention the bottle of Scotch in the drawer!

Mr MIKE BAIRD: That was for lunchtime. There was a different type of lunchtime in those days. We know the dangers of smoking and we know the harm that smoking causes to our health. We also know about the cost of treating smoking-related illnesses. We talk about the fiscal gap in the Health budget, and I assure members that a big part of the reason for that is having to treat smoking-related illnesses. Early intervention, which I believe this bill will effect, addresses the social cost burden, and some of the fiscal gap in the Health budget also could be attacked.

I do not believe it is appropriate for cigarette packets to be displayed at a child's eye level next to lollies at a shop counter. It is not fair for a child to breathe in the smoke of an adult in the confines of a car. Young adults who visit pubs and clubs should not be exposed to vending machines everywhere that are selling cigarettes at every turn. This bill makes important changes that reflect the fight against the harmfulness of tobacco. I strongly support the legislation and acknowledge the need to protect young children and young people in our community.

Mr TONY STEWART (Bankstown—Minister for Small Business, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)) [12.16 p.m.], in reply: It is with great pleasure that I participate in this debate as the Minister in charge of this bill. I applaud the Coalition for its stand on the bill. There is simply no room for politics when it comes to saving lives, and that is what this bill is about. The bipartisan approach to the bill has been instrumental and important to its success, and the success of this legislation will result in many lives being saved. As we have heard already from previous speakers, currently in New South Wales 6,600 people die from cancer annually, there are 150 admissions daily to New South Wales hospitals as a result of cancer-related illnesses, and we spend approximately \$250 million a year on cancer-related illnesses, which is the equivalent cost of employing 3,000 full-time nurses or 50,000 elective surgery operations.

What is at stake with this legislation is very important in terms of saving lives as well as redirecting funding and resources from addressing smoking-related illnesses to treating other illnesses. The simple fact is that smoking-related illnesses are preventable. People who quit smoking will live longer and save their own lives. That is a well-known fact, and this legislation is aimed in particular at young people. As other members have mentioned, this legislation emanates from a Government inquiry into protecting children from the effects of smoking tobacco. The Rees Government has had huge involvement in raising awareness through campaigns that address smoking-related issues. The bill is part of the whole process of community involvement.

I thank the Deputy Leader of the Opposition and member for North Shore, the member for Macquarie Fields, the member for Hornsby, the member for Smithfield, the member for Davidson, the member for Ballina and the member for Manly, who all spoke so eloquently about the issue and who clearly indicated support for this bill, which is a bill designed to save lives. I am pleased that the Deputy Leader of the Opposition and member for North Shore has taken such an active role in promoting cancer awareness, particularly in relation to breast cancer screening and breast cancer research. Last night she was involved in a program in Parliament House to benefit the Sydney Breast Clinic. I applaud her for doing so for not the least of reasons that it is Cancer Awareness month, and for assisting in making women aware of the need to be involved in screening programs that save lives and protect women from such an insidious form of cancer.

The Deputy Leader of the Opposition raised issues about the sale of tobacco. She recognised the imperative of the bill proceeding and the way the bill provides for restrictions on point-of-sale outlets. She

expressed concern about point-of-sale outlets in terms of how customers can be informed of products that are available. She recognised in a pragmatic sense, as I do, that tobacco is a legal product in New South Wales and therefore customers who purchase these products should have a fair and reasonable opportunity to do so in a way that does not disadvantage the majority of non-smokers in our community. The member referred to the opening of cupboards in retail outlets. She wanted an assurance that tobacco retailers would not be committing an offence if they had no intention of displaying the products but simply opened a cupboard to provide the products.

The member had met with a number of associations, including the Australasian Association of Convenience Stores, which expressed concern about how the provisions will affect small businesses in terms of point of sale and sought clarification of how specialist tobacconists will be affected by the legislation. The member's contribution was consolidated by the speech of the member for Ballina. He strongly supports the bill, and I commend him for that. However, in his role as shadow Minister for Small Business he raised issues about what impact the bill will have on small business. In the past few weeks, during my short time as the Minister Assisting the Minister for Health (Cancer), I have met with the British American Tobacco company to discuss issues relating to this bill. I have met with the Coles group, Mr Simon Beynon representing the Freechoice Stores, and Mr Ian McLellan and Mr George Georgeas from the CTC Group, which represents many convenience stores throughout New South Wales.

I have also met with Mr Andrew White from the Tobacco Station Group, which represents the majority of tobacconists in New South Wales, Mr David Odgers and Mr Peter Zangari from the Nuance Group, which is concerned about the point of sale issue, and representatives of Sydney Airport Corporation, the Master Grocers Association, Jackson Wells and Imperial Tobacco, to name but a few. I have also met with stakeholders involved in the preventative side of tobacco smoking. The message I give today is clear: We will do everything possible to put in place practical application of this bill. We make no bones about the fact that the bill is about saving lives; the need to save lives is an imperative.

As has been indicated, one in two smokers will die as a result of their smoking habit, and one-third of them will die in middle age. It is estimated that more than 6,500 people die of smoking-related illnesses each year. Tobacco is related to one in five cancer deaths in New South Wales, and we spend a fortune on the direct and indirect costs associated with smoking-related illnesses. In particular, the people in our community who are most vulnerable to tobacco are children. As several speakers said, children are vulnerable not only because of the health issues associated with absorbing tobacco-related products; their lungs do not deal with tobacco smoke as effectively as adult lungs. If young people can be stopped from smoking by the time they reach the age of 16 they will probably never smoke in their lifetime, and that is important. We have already heard that compelling evidence.

The provisions in this bill will help to address concerns raised in discussions that have taken place. Importantly, New South Wales is once again an international vanguard in terms of providing tobacco control initiatives that are the best and most effective in the world. I acknowledge the hard work of my colleague the previous Minister Assisting the Minister for Health (Cancer), who did much to make this bill a reality. I also acknowledge the Cancer Institute of New South Wales and, in particular, Professor Jim Bishop, the Chief Health Officer and Chief Cancer Officer in New South Wales, who has worked tirelessly to ensure that this bill came before the House. He has helped to provide the bones and the opportunity to make things work. Importantly, I acknowledge the work of the Cancer Council of New South Wales.

Yesterday I met with representatives of the Cancer Council, and we discussed this and many other cancer issues in New South Wales. I applaud the work of the Cancer Council in promoting the opportunities now coming into place through this bill. Yesterday I acknowledged that tireless work of the Cancer Council to ensure we go down this road. We have listened, we have dealt with the issues, and we are delivering. Again, I thank members for their valuable and thoughtful contributions to the debate. In relation to other details raised by the Coalition, I will get back to members when I have received advice.

ACTING-SPEAKER (Mr Thomas George): I am sure all members of the House join with the Minister and the member for Manly in recognising, congratulating and thanking the Cancer Council of New South Wales because it does a fantastic job.

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.

RAIL SAFETY BILL 2008

Agreement in Principle

Debate resumed from 24 September 2008.

Ms GLADYS BEREJIKLIAN (Willoughby) [12.26 p.m.]: The Rail Safety Bill seeks to implement national model rail safety legislation which was developed from an intergovernmental agreement under the auspices of the National Transport Commission. The Council of Australian Governments had also committed to the reform priority to harmonise rail safety regulation across the country. It goes without saying—I am sure all members would agree—that nothing could be more important than public safety when it comes to public transport issues. It is necessary for New South Wales to introduce rail safety legislation which is agreed to at an intergovernmental meeting under the auspices of the National Transport Commission. For that reason the New South Wales Opposition supports the intent of the bill and will not oppose it.

The objects of the bill are to establish general duties to ensure safety in relation to railway operations, to implement in New South Wales a nationally consistent scheme for other rail safety requirements and accreditation of rail transport operators, and to repeal the Rail Safety Act 2002 and re-enact certain provisions of that Act relating to offences. While the Opposition will not oppose the bill and supports the intent of it, we will outline some concerns we have with it. I hope the Minister will address those concerns in his closing remarks. Contrary to the Minister's agreement in principle speech, New South Wales is regrettably far from being a leader in adopting this model legislation. Indeed, New South Wales has been slower in moving to harmonisation than other jurisdictions, and regrettably a number of provisions in the New South Wales bill are inconsistent with the national model.

The Minister, in his agreement in principle speech, failed to adequately explain why New South Wales is the only State of even those States that have draft bills to implement the model legislation with such specific provisions that digress from the national model. Again, while we support the intent of the legislation, we feel obligated to place on record a number of concerns about the New South Wales bill that are not consistent with the national model and that have been raised with us by external parties. I thank the peak bodies and stakeholders who have been in ongoing consultation with the New South Wales Opposition and have highlighted their justifiable concerns.

It is regrettable that the Minister for Transport failed to explain in his agreement in principle speech why aspects of the New South Wales bill are inconsistent with the national model and inconsistent with legislation that has already been passed in other States such as South Australia and Victoria, despite the fact that the New South Wales Government entered into an agreement with the Commonwealth and other jurisdictions to do so. I understand that Australian railway operators and network managers have come together in an effort to achieve major changes to an earlier version of the bill. They accept that some changes to the initial bill were made. However, there are outstanding provisions which remain at variance with the national model. While variance exists, safety improvements and efficiencies to be gained at the interface between jurisdictions cannot be fully realised. This is not just for New South Wales but creates cross-border issues.

One area of industry concern is in relation to the risk management principle "so far as is reasonably practicable". Having first been rejected from inclusion in the earlier bill, the principle has now been included. However, it is limited only to the defence provisions of the bill. While the industry is relieved at this inclusion, it must be noted that the "so far as reasonably practicable" principle has not been included to the same extent that exists in the model bill or in the same manner as occurs in other jurisdictions. Another significant issue is the general duties provisions and the remaining issue of the onus of proof. The New South Wales draft bill places the onus of proof on an operator to prove that it was not guilty of an offence under the Act, rather than the regulator and courts having to prove that an offence was committed. Again, this digresses from the national model and from what has been implemented in other jurisdictions.

The Government's claim that it has led the other Australian jurisdictions in the development and implementation of revised rail safety legislation in compliance with the national model bill is, at best, highly

questionable. The fact is that the initial, revised and current drafts of the bill have varied from the other jurisdictions in many substantive ways. For instance, the Victorian Government through its office of public transport safety regulator, which is called Public Transport Safety Victoria, was the first jurisdiction to implement a revised Rail Safety Act in mid 2007 in accordance with the National Transport Commission Model Rail Safety Bill. In fact, I understand that the Victorian Act was introduced just prior to the publication of the final version of the model rail safety bill. However, the Victorian Act, unlike the bill before the House, is consistent with the intent of the National Transport Commission's work and based entirely upon early drafts of the national model bill.

Similarly, the South Australian Government through its office of Rail Safety Regulator within the Department of Transport, Energy and Infrastructure advised on 25 September 2008 that the Rail Safety Act 2007, Rail Safety (General) Regulation 2008 and Rail Safety (Alcohol and Drug Testing) Regulations 2008 would come into operation on 29 September 2008. The revised South Australian legislation is fully compliant and consistent with the intent of the National Transport Commission Model Rail Safety Bill. While I understand the rail industry was involved in all aspects of the consultation stage in relation to the South Australian bill and made submissions to both jurisdictions seeking minor improvements, the major concerns in relation to the New South Wales bill were not an issue in either Victoria or South Australia because those jurisdictions stuck to the original agreement and ensured consistency with the model.

At this stage, no substantive issues are emerging from the early drafting of revised rail safety bills in the remaining State jurisdictions that would cause the industry major concern. Regrettably, New South Wales is again the exception. The Minister has an obligation to explain to the House why New South Wales is adopting legislation that digresses from the model. An example of compliance with the intent of the National Transport Commission Model Rail Safety Bill may be found in the way in which jurisdictions align directly with the national guidance material developed by the national body in conjunction with all jurisdictions and the rail industry. South Australia is a good example of this high-level cooperation and compliance, as opposed to the New South Wales position.

The following information is provided on the South Australian website. National rail safety guidelines developed through the National Transport Commission [NTC] now have application in South Australia in relation to the South Australian Rail Safety Act 2007. The following guidelines are available on the NTC website, which demonstrates the inextricable link between the national model and the South Australian legislation. They include: a national guideline for accreditation, a national guideline for establishing a rail safety management system, a national guideline on the meaning of "so far as is reasonably practicable", a national compliance and enforcement policy for rail safety, national business rules for uniform administration and accreditation, and a national guideline for fatigue management for rail safety workers.

This direct support for the National Transport Commission model arrangements cannot be found in material communicated from the relevant New South Wales bodies, which is a concern. Further, New South Wales has continued to develop and implement some stand-alone New South Wales guidance material that continues the potential for duplicated effort and varying supporting material. This lack of consistency is of major concern. I urge the Government to look very closely at the guidelines and standards it is enforcing or putting in place as a result of this legislation and to ensure that they are consistent with what has happened in other States and with the national model.

Given that we are discussing rail safety issues and the Government's failure to ensure consistency in the New South Wales bill, it is also appropriate to note other aspects of rail safety in this State where the Labor Government has failed to make public safety an absolute priority. Justice McInerney's key recommendation following the tragic Glenbrook disaster in 1999, when seven people lost their lives, and again after the Waterfall accident in 2003, when another seven people died, was to ensure that train drivers could talk to each other. Regrettably that recommendation is still outstanding. Recommendation 38 of the Waterfall inquiry states that for compatibility of communication systems throughout the network it is essential that all train drivers, train controllers, signallers, train guards and supervisors of trackside work gangs in New South Wales be able to communicate using the same technology. This safety measure is yet to be implemented in New South Wales.

There are a further eight Waterfall recommendations that to this day are yet to be finalised. They include recommendation one, which is about ensuring that staff working in the Rail Management Centre are trained to assess an emergency situation quickly and accurately and convey this information to emergency response personnel. Recommendation two would ensure that all RailCorp's operational staff are trained in the emergency action checklist relevant to their position. Recommendation 71 would create an appropriate position

within RailCorp that is responsible for ensuring that each train driver's training needs are being met and that any safety concerns are properly addressed. Recommendation 43 is about the development and implementation of Australian network rules and procedures.

Recommendations 30, 36 and 37 have been referred to the National Transport Commission. Another critical recommendation that is still outstanding is recommendation 32, which is the introduction of automated train protection [ATP] technology. It is my understanding that the trial in the Blue Mountains has concluded, but it is yet to be resolved when trains will be fitted with ATP technology. I refer also to comments in August 2008 by the ICAC commissioner, Justice Jerrold Cripps, relating to the Government's failure to implement ICAC recommendations and his fears about the impact that has on safety. On 13 August 2008 Commissioner Cripps said in relation to his findings of corruption in RailCorp:

This behaviour "is typical of a pattern that has become apparent at RailCorp during this investigation where employees and contractors ignore their responsibilities and the trust placed in them to indulge in corrupt schemes that cost the New South Wales taxpayer millions of dollars and could potentially put lives at risk."

ICAC has clearly stated that commuters' lives have been placed at risk because of the Labor Government's failure to act on systemic corruption in RailCorp. This is a serious public transport safety issue, and I regret that the Labor Government has frankly been slack in adopting the recommendations. There is now no excuse not to implement fully the 41 recommendations—27 recommendations handed down on 18 June 2007, and another 14 on 21 December 2007—that ICAC has made to the Labor Government. There simply can be no excuse not to do so, especially following the commissioner's comment that he believes lives could potentially be put at risk if the recommendations are not enforced. In July 2008 ICAC Commissioner Jerrold Cripps, QC, made it very clear that if RailCorp does not implement recommendations then it is "up to the Minister to act". That is how serious his concerns are.

In relation to drug and alcohol tests within RailCorp, it is concerning that the number of positive tests continues to increase. This highlights the potential increase in substance abuse by some employees on the rail network. This is obviously a major public safety issue. I note that a comparison of the 2006 and 2007 results reveals that the number of employees who tested positive for alcohol whilst on duty increased by 7 per cent. It is concerning that the number of employees who tested positive to drugs increased by 11 per cent. On 8 October 2008 official State Government documents revealed that Labor plans basically to limit drug testing of rail employees to day workers. The tender document—which is an official government document that is publicly available—states that most random drug testing occurs between 6.00 a.m. and 6.00 p.m.

This comes at a time when the number of positive drug tests on the rail network are headed for a record high. The latest official figures show there have been 58 positive drug tests in the nine months to March 2008. This is now a major concern. By essentially saying that drug testing of rail workers will occur only during the day, the State Labor Government is effectively putting the safety of commuters at risk. It is hardly random drug testing if employees know it will occur only if they work day shifts. It is important that rail staff know that drug tests can occur at any time. That is why we have a major issue with that tender document. Rail workers have the lives of literally thousands of people in their hands. The majority do an outstanding job, but the State Government's tender document simply does not crack down on the unacceptable behaviour of those who abuse the system and consume alcohol and take drugs.

I conclude by emphasising that, although the Opposition does not oppose the Rail Safety Bill 2008, we are extremely concerned that New South Wales has digressed from a number of provisions in the national model. It has digressed from what has been implemented in South Australia and Victoria and from draft legislation in other States. The point of harmonisation legislation is that all States and Territories are on the same page. It is concerning, firstly, that the Minister for Transport did not note those differences in his agreement in principle speech and, secondly, that he failed to explain why New South Wales is the only State that has different provisions.

The industry is very concerned about this issue, and has dealt very responsibly with the Government and the Opposition. It is not too late for Minister Campbell to amend the bill to bring New South Wales into line with other States and to make our legislation more consistent with the national model. The industry is concerned not just about the legislation but about the associated guidelines. It is extremely important to ensure that the associated documentation and guidelines that will accompany the bill are consistent with the national model that has been followed in other jurisdictions. There is no point one State doing something differently when it agreed at the Federal level to harmonise its legislation with the other States and Federal authorities.

I have highlighted some areas of concern in relation to safety and public transport, but there are many more. I have addressed my comments to the Rail Safety Bill 2008. However, I note the Government's failure to adopt Justice McInerney's recommendations and also to adopt the recommendations of the Independent Commission Against Corruption in relation to employees and public safety issues. I am concerned that as recently as three weeks ago the State Government issued a tender document that made all employees aware of when so-called random drug and alcohol testing would take place. These matters are a major public safety concern. I have placed those concerns on the record and look forward to the Minister's response.

Mr ROBERT COOMBS (Swansea) [12.43 p.m.]: The Rail Safety Bill 2008 implements national model rail safety legislation and builds on significant rail safety reforms that the Government has introduced in New South Wales since 2002 in response to the special commissions of inquiry into the Glenbrook and Waterfall rail incidents. The national model rail safety legislation has been developed pursuant to an Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport, known as the IGA. The IGA tasked the National Transport Commission with developing reforms to improve and strengthen the co-regulatory system for rail safety.

Importantly, the New South Wales Independent Transport Safety and Reliability Regulator [ITSRR] has taken an active role in the national reform process, consistent with recommendation 120 of the Waterfall inquiry. Through participation in the national reform process, the Government has been able to ensure that the more stringent safety requirements promoted by the Special Commission of Inquiry into the Waterfall Rail Accident are extended nationally, as well as secure improved safety outcomes for New South Wales. The Government has committed to enact and implement the national model rail safety legislation by 31 December 2008.

The main changes introduced by the Rail Safety Bill 2008 relate to limiting the requirements of accreditation to rail infrastructure managers and rolling stock operators, who are defined as rail transport operators, and to the introduction of general duties to ensure public safety in relation to railway operations. The rationale for limiting accreditation to infrastructure managers and rolling stock operators is to funnel accountabilities and responsibilities for safety back to the accredited party. This approach is consistent with current occupational health and safety law, which operates under the principle that safety cannot be contracted out.

In practice, this will mean that infrastructure managers and rolling stock operators need to be able to demonstrate that their contractors' practices fit with, and form part of, their safety management systems. It will also be an offence for a contractor not to comply with the safety management system of the rail transport operator. The introduction of general duties in the rail industry, similar to general duties provided in the Occupational Health and Safety Act, will confer a positive duty on those who have the greatest control over rail activities to ensure the safety of rail operations. It will be an offence for failing to discharge that duty.

The extension of general duties to cover the providers of rail infrastructure and rolling stock, such as those who design, commission, manufacture, supply, install or erect rail infrastructure or rolling stock, will ensure that there are sufficient powers and safeguards to regulate all parties in the supply chain. The inclusion of general duties will also complement and clarify the function of the system of accreditation in the rail industry by making it clear that gaining accreditation is a threshold requirement only, and not a certification of safety. In addition, it is intended that general duties will provide the necessary regulatory reach for the Independent Transport Safety and Reliability Regulator in relation to contractors, including principal contractors, who will no longer be accredited. That is an important point. However, it is obvious that, despite the concerns articulated by the shadow Minister for Transport, the member for Willoughby, the Opposition is not too bothered with the whole issue. I note that no member of the Opposition is present in the Chamber to listen to, or take part in, this debate.

To ensure national consistency, the general duties of safety in the Rail Safety Bill 2008 will have the element of reasonable practicability in the body of the general duty offence. However, it will be for the defendant to prove, on the civil standard, that they did everything reasonably practicable to eliminate or minimise risks to the safety of their railway operations. The New South Wales occupational health and safety law will continue to apply to New South Wales rail operators, including in relation to their duties around workplace safety. Where there is any overlap or conflict between the occupational health and safety provisions and the rail safety provisions, the occupational health and safety legislation of the State will prevail.

The Rail Safety Bill 2008 also provides a number of other important measures. For instance, although rail infrastructure managers of private sidings will be exempt from accreditation, they will be required to register

the private sidings with the Independent Transport Safety and Reliability Regulator and to have systems and processes to meet the general safety duty. There will be new obligations on rail infrastructure managers and roads authorities to jointly manage risks arising from rail or road crossings, such as level crossings, road-over-rail bridges and rail-over-road bridges. There will be additional compliance and enforcement powers, such as enforceable voluntary undertakings, as well as additional court-based sanctions, such as a power for a court to make a commercial benefits order.

There will be a power for a court to make supervisory intervention or exclusion orders for systematic or persistent offenders against rail safety laws, which will provide the ITSRR with a useful tool with which to remove recalcitrant contractors from the rail industry. There will also be expanded powers for rail safety officers similar to the powers of inspectors under New South Wales occupational health and safety legislation. The adoption of national model rail safety legislation will not only improve safety outcomes for rail safety in New South Wales, but enable all jurisdictions to work together to improve the standard of safety on railways throughout the country.

Mr PETER DRAPER (Tamworth) [12.51 p.m.]: I want to make a contribution to the debate on the Rail Safety Bill 2008 because railway safety is such an important issue for the people of New South Wales. I find it quite extraordinary that I am presently the only member on the Opposition side of the Chamber. This is an important debate, affecting a large number of people, yet there is not a single member here to represent the Opposition's point of view. One member has come in now. Welcome, colleague. If there are to be effective accountability processes, members need to be in the Chamber. I support the bill, and I agree with what has emerged from most of the discussions this morning. But whilst talking about rail safety we should acknowledge that the electorate of Tamworth recently had another rail tragedy in which a resident was killed at an unmarked railway crossing.

My area has an enormous coal industry that is developing very rapidly. Not long ago I travelled to Premier and in that journey drove over some seven unmarked crossings to visit a school. In this day and age, with a rapidly expanding coal industry and with technological advances offering much cheaper safety measures, I urge the Government to investigate this issue closely. I have had a personal conversation with the Minister about the matter, and I am very pleased that he is aware of the importance of safe rail crossings. I trust that he will undertake the investigation that has been requested. Fatalities at railway crossings constitute less than 1 per cent of the national road toll, but they cause havoc in country communities. In most cases, State Emergency Services personnel who attend such incidents will know the person involved. Not long ago we had a tragedy at Baan Baa. Whatever can be done by government to address railway crossing safety in New South Wales should be done quickly.

Mr DAVID HARRIS (Wyong) [12.53 p.m.]: On the Central Coast rail is a very important mode of transport, and therefore I am very pleased to speak to the Rail Safety Bill 2008. The bill implements national model rail safety legislation developed pursuant to the Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport. The main changes that will be introduced by the Rail Safety Bill 2008 are general duties to ensure public safety in relation to railway operations, and the channelling of accreditation requirements to rail transport operators—that is, rail infrastructure managers and rolling stock operators. The introduction of general duties in the rail industry, similar to general duties provided in the Occupational Health and Safety Act, will provide a positive duty for those carrying out railway operations to ensure so far as is reasonably practicable the safety of rail operations. It will be an offence to fail to discharge that duty.

The extension of general duties to cover the providers of rail infrastructure and rolling stock, such as those who design, commission, manufacturer, supply, install or erect rail infrastructure or rolling stock, will ensure sufficient powers and safeguards to regulate all parties in the supply chain. Duties of care will apply also to rail safety workers when carrying out rail safety work. The inclusion of general duties will mean that the Independent Transport Safety and Reliability Regulator [ITSRR] will be able to enforce the general duty to ensure safety in relation to railway operations, and not just the obligations to develop and implement documented safety and risk management systems. General duties also will provide the necessary regulatory reach for the regulator in relation to other persons who carry out railway operations, such as contractors and suppliers who may not be required to be accredited.

To ensure national consistency, the Rail Safety Bill 2008 introduces complementary duties of safety in relation to railway operations based on the national model rail safety legislation. That is, the general duties of safety in the Rail Safety Bill 2008 will have the element of "reasonable practicability" in the body of the general

duty offence. Consistent with the national model rail safety legislation, clause 6 of the New South Wales Rail Safety Bill 2008 provides guidance on the concept of ensuring safety, so far as is reasonably practicable. Under the New South Wales bill it will be for defendants to prove, on the civil standard, that they did everything reasonably practicable to eliminate or minimise risks to the safety of their railway operations.

The New South Wales occupational health and safety law will continue to apply to New South Wales rail operators, including in relation to their duties around workplace safety. However, where there is any overlap or conflict between the occupational health and safety provisions and the rail safety provisions, the occupational health and safety legislation will apply. The Independent Transport Safety and Reliability Regulator and WorkCover will continue to have arrangements in place to ensure that the most appropriate agency leads any investigation into breaches of rail safety obligations that overlap occupational health and safety legislation.

The inclusion of general duties will complement and clarify the system of accreditation in the rail industry by making it clear that gaining accreditation is a threshold requirement only, and not a certification of safety. The granting of accreditation indicates that, in the opinion of the rail safety regulator, the operator has demonstrated to ITSRR the competency and capacity to manage risks associated with those railway operations. The Rail Safety Bill 2008 provides for accreditation of rail transport operators—that is, rail infrastructure managers and rolling stock operators. The rationale for limiting accreditation to rail infrastructure managers and rolling stock operators is to funnel accountabilities and responsibilities for safety back to the accredited party. This approach is consistent with the principle that safety cannot be contracted out. In practice, this will mean that rail infrastructure managers and rolling stock operators need to be able to demonstrate that their contractors' practices fit with, and form part of, their safety management systems. It will also be an offence for a contractor not to comply with the safety management system of the rail transport operator.

The Rail Safety Bill 2008 provides new criteria under which applications for accreditation will be considered. An application for accreditation will not be granted unless, among other requirements, the Independent Transport Safety and Reliability Regulator is satisfied that the applicant has the competence and capacity to manage risks to safety associated with the railway operations and the competency and capacity to implement the proposed safety management system. The Rail Safety Bill 2008 also requires a rail transport operator to have a safety management system. The provisions of the Rail Safety Bill 2008 that set out requirements for rail transport operators to have safety management systems are largely consistent with current requirements in New South Wales.

In implementing a safety management system, rail transport operators will need to comply with requirements to be prescribed in regulations, identify and assess risks to safety arising from railway operations and specify controls and monitor procedures relating to those risks. The safety management system is also to include a number of other important matters, including interface agreements to manage risks to safety between two or more rail transport operators and between rail infrastructure managers and road authorities, a security plan, an emergency plan, a health and fitness management program, a drug and alcohol program and a fatigue management program.

It is important to note that, unlike the national model rail safety legislation, New South Wales intends to maintain regulations providing for the random testing of a person who is carrying out rail safety work for the presence of drugs or alcohol. New South Wales also intends to maintain existing fatigue management provisions prescribing the outer hours of work for train drivers in a schedule to the Act. The Government has a longstanding policy in relation to drug and alcohol testing and fatigue management in the rail industry and does not intend to impose reduced rail safety outcomes in New South Wales by removing these requirements. Before establishing, reviewing or varying a safety management system, a rail transport operator is required to consult with a range of persons likely to be affected by the safety management system, including trade unions or other employee organisations representing any such person.

National model rail safety regulations have been developed. The model regulations address a range of matters, including the accreditation requirements and the requirements for a safety management system. This will mean that all existing regulations will need to be remade consistent with the national model regulations. The Government has already commenced this task, releasing late last year draft New South Wales rail safety regulations for public consultation. I am sure all members will agree that the introduction of general duties will provide a comprehensive regulatory framework covering rail transport operators, contractors, suppliers and rail safety workers. This will supplement existing accreditation and safety management system requirements, delivering an improved rail safety regulatory framework. I congratulate the Minister and the Government on once again looking after the safety not just of commuters but also of people who work in the railway industry.

Mr ANTHONY ROBERTS (Lane Cove) [1.02 p.m.]: I speak on the Rail Safety Bill 2008. I place on record the wonderful job our shadow transport Minister, Gladys Berejiklian, has done with respect to not only this bill and raising some issues that we have with it but also the leadership she is showing in her portfolio. We can look forward to a better transport system under Minister Berejiklian after 2011. The Rail Safety Bill seeks to implement national model rail safety legislation developed from an intergovernmental agreement under the auspices of the National Transport Commission. The Council of Australian Governments [COAG] has also committed to the reform priority to harmonise rail safety regulation across the country. For all members present in the House today safety is a key element of this bill.

The proposed division imposes duties related to rail safety on rail transport operators and other persons, and makes it an offence to fail to carry out those duties. They include a requirement that a rail transport operator or person carrying out railway operations must ensure, so far as is reasonably practicable, the safety of railway operations, with a failure to do particular things being a contravention of the duty. It is also a requirement that those persons who design, commission, manufacture, supply and install, and who know or who reasonably know that the thing is to be used as or in connection with the rail infrastructure or rolling stock, ensure so far as is reasonably practicable that it is safe when properly used. There is also a requirement that a person who decommissions rail infrastructure or rolling stock must ensure so far as is reasonably practicable that the decommissioning is carried out safely. He must carry out testing and examination necessary to comply with that duty.

There are further measures dealing particularly with the safe management of railway operations. Measures must be in place to manage risks to safety arising from the railway operations of rail transport operators, from operations of other rail transport operators, and from road or rail crossings. A security management plan and an emergency management plan that comply with the requirements to be prescribed by regulations must also be in place. There also needs to be a health and fitness management program, a drug and alcohol management program, and a fatigue management program that comply with requirements to be prescribed by these regulations.

For all of us, particularly those in non-metropolitan New South Wales, this bill brings long distance rail transport under a national model that has been developed by intergovernmental agreement. We hope it is legislation that will bring safety up to speed. We hope also that it can be harmonised with legislation in other States. Unfortunately we are finding some changes here that regrettably are inconsistent with the national model. I hope the Minister will place on record in his reply why aspects of this bill are inconsistent with the national model and with legislation that has been passed in other States such as South Australia and Victoria. While some changes were made to the draft bill a number of provisions remain at variance with the national model bill and while those variations exist the safety improvements and efficiencies that would be gained from the interface between jurisdictions cannot be realised.

The Coalition will not oppose this bill, but as the shadow Minister has stated we have sought to highlight the Government's failure to follow the national model. We have also raised the concerns of the Australasian Railway Association regarding various aspects of the bill. I hope that as a result of this bill we will see a greater level of safety and an improvement in the State Government's record in relation to rail safety. I understand that only last week there was a further derailment at Waterfall, which caused a great deal of angst and problems getting home for commuters who live south of metropolitan Sydney. Thankfully no-one was hurt. I also take this opportunity on behalf of the Coalition to ask the Minister to explain why previous Ministers have failed to adopt all the recommendations of the Waterfall and Glenbrook inquiries. Although the Opposition does not oppose this bill we have some minor concerns.

Mr DAVID CAMPBELL (Keira—Minister for Transport, and Minister for the Illawarra) [1.07 p.m.], in reply: I appreciate the opportunity to reply to the debate on the Rail Safety Bill. I thank all members who have taken part in the debate for their contributions. I note particularly that the member for Lane Cove and the member for Willoughby indicated that the Coalition would support the legislation. I am sure they have come to the realisation that they should support it, notwithstanding their best attempts to bag it, because it is sensible legislation and an appropriate way to go. I thank also the member for Swansea and the member for Wyong for their contributions, which were extremely thoughtful and showed they had given consideration to the content of the bill and clearly demonstrated their understanding and concern about safety issues. The member for Tamworth took the opportunity as a real representative of a country community to raise the issue of level crossing safety. I note the member for Wagga Wagga is in the Chamber and he has a particular interest in level crossing safety as well.

The adoption of the national model rail safety legislation in New South Wales will facilitate a nationally consistent approach to interstate rail safety regulation. A greater nationally consistent approach to rail safety regulation will mean a reduced regulatory burden for the rail industry. The Rail Safety Bill, which implements the national model rail safety legislation, will achieve this in a number of important areas. Nationally consistent requirements for accreditation will be of particular benefit to interstate operators. There will be a requirement also for the Independent Transport Safety and Reliability Regulator to coordinate its decision making with other rail safety regulators when approving applications for accreditation, and variation from interstate operators will promote regulatory consistency. The content of safety management systems also will have standardised requirements. In addition, operators will be audited against nationally consistent criteria.

Regulators will be required to coordinate audits of interstate operators rather than each regulator auditing operators separately against different audit criteria. The enforcement of obligations between rail operators and road managers also will have a consistent regulatory framework. This reform will be of particular benefit to RailCorp and the Rail Infrastructure Corporation as currently New South Wales has no mechanism to enforce obligations on road authorities to manage road-rail interfaces such as level crossings. Therefore, in response to the issues raised by the member for Tamworth, this legislation makes that issue of level crossings somewhat easier to monitor and certainly to ensure that the relevant authorities work more closely together.

Consistent compliance and enforcement powers between regulators will be supported by a national compliance and enforcement policy. In addition, there will be a nationally consistent framework for the charging of fees relating to accreditation. The Rail Safety Bill will provide industry also with greater clarity of its legal obligations. For instance, general duties will provide a clearer statement of the obligations placed on railway operators to ensure safety. Similarly, the restructuring of the legislative framework to ensure that legal obligations are included only in the Act and regulations and not in guidelines will provide greater clarity of legal obligations. A range of nationally consistent guidelines will promote the consistent interpretation of the national model rail safety legislation. All these measures will facilitate a nationally consistent approach to rail safety regulation, which, in turn, will reduce the regulatory burden for the rail industry.

The member for Willoughby and the member for Lane Cove sought to make light of an important occupational health and safety, and rail safety issue: drug and alcohol testing of workers in the rail industry. It is true that RailCorp has called for tenders from the private sector to conduct random drug and alcohol testing. It is true also that that tender document suggests that most of the random testing would be required between 6.00 a.m. and 6.00 p.m. Surprise! Surprise for the Opposition! That is when most people are at work. The tender document provides also that there will be testing outside those hours, obviously on a random basis. Surely it is entirely appropriate to target the bulk of the testing when the bulk of the workers are at work. Only the shadow Minister would get that mixed up. The member for Lane Cove then got it mixed up when he came in and parroted what she said.

It is important to place on record that the Government, RailCorp and its employees take seriously random drug and alcohol testing as an occupational health and safety issue, and as a rail safety issue. Those efforts and determination are clearly undermined by the blatant misinterpretation and politicisation of that process by the shadow Minister. It is important to drag out in this debate the whingeing and whining on that side while on this side we will get on with the job and make sure these things are done efficiently. The Rail Safety Bill is about making sure that rail safety is carried out efficiently and effectively under a national framework.

I conclude by thanking officers of the Independent Transport Safety and Reliability Regulator and the Ministry of Transport for their efforts in leading this debate nationally. The New South Wales Government, through its agencies, has played a significant role in getting this national framework in place. Those who have worked hard on this matter deserve the recognition in this debate. We must continue to set the way for rail safety by ensuring consistency across New South Wales jurisdictions to ensure proper outcomes for workers and passengers, and certainty for employers and those who invest in rail operations across the country but, most importantly, in New South Wales. This bill represents an important step in cooperative federalism whereby jurisdictions are able to work together to reduce regulatory inefficiency while improving rail safety outcomes irrespective of State borders. I thank those members who have taken part in the debate. 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.

DIVIDING FENCES AND OTHER LEGISLATION AMENDMENT BILL 2008

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

[The Assistant-Speaker (Ms Alison Megarritty) left the chair at 1.16 p.m. The House resumed at 2.15 p.m.]

INTERNATIONAL CHILDREN'S DAY

The SPEAKER: For the information of members, I advise that today the New South Wales Commissioner for Children and Young People, Gillian Calvert, handed over her job to nine-year-old Ruby Smith from Scone in the Hunter region of New South Wales to celebrate International Children's Day. Ruby and Gillian are with us today for question time, and I welcome them. As the winner of a competition, "Be the Children's Commissioner for a Day", Ruby was invited to Sydney to spend the day as the commissioner and meet with politicians to talk about her ideas for keeping New South Wales children safe and happy.

Today Ruby met the member for Upper Hunter, the Hon. George Souris, MP; the Minister for Juvenile Justice, Minister for Volunteering, and Minister for Youth, the Hon. Graham West, MP; and other members. Ruby also visited the Department of Premier and Cabinet to talk about kids' voices in the State Plan. We thank her for the time she has spent with us today and appreciate the opportunity to receive valuable feedback about children in New South Wales.

DISTINGUISHED VISITORS

The SPEAKER: I acknowledge the presence in the gallery of the Speaker of the Victorian Parliament, the Hon. Jenny Lindell. I welcome her to the New South Wales Parliament. During lunch the Speaker mentioned the weather in New South Wales, which I thought was good, coming from a Victorian Speaker! I also acknowledge Kate Bartlett, who is accompanying the Speaker and who is working as a parliamentary intern in the Victorian Parliament. I fielded a number of gruelling questions from Kate on the role of Speaker in the New South Wales Parliament. I welcome her to the New South Wales Parliament.

DEPUTY LEADER OF THE NATIONALS

Mr ANDREW STONER: I inform the House of the election of the member for Murrumbidgee, Adrian Piccoli, as Deputy Leader of The Nationals on 22 October 2008.

The SPEAKER: Order! The member for Bathurst and the member for Coffs Harbour will contain themselves.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

CANCER INSTITUTE MERGER

Mr BARRY O'FARRELL: My question is directed to the Minister Assisting the Minister for Health (Cancer). As the Minister responsible for the Cancer Institute, will he confirm moves to merge the Cancer Institute with NSW Health?

Mr TONY STEWART: I thank the Leader of the Opposition for this important question. At the moment I can say that the member's question has no validity. I am pleased to report to the House on the

wonderful work done by the Cancer Institute. Cancer touches us all. There are more than 12,000 deaths from cancer every year in New South Wales alone. The New South Wales Cancer Institute is amazing at providing opportunities not only for research but to find miracle cures to deal with this insidious disease in the future. We are not looking for miracle answers; we need miracle cures, and the Cancer Institute is working on that.

The institute has a number of units that have provided opportunity for this State, and it works in partnership with the New South Wales Cancer Council. Most recently I moved the tobacco point-of-sale legislation through the Parliament, and I thank the Opposition for the way it promoted that opportunity in a bipartisan fashion. There is no room for politics in cancer. We must see this through together. We must find opportunity for the people of this State and prevent future deaths from this terrible disease.

Mr BARRY O'FARRELL: I ask a supplementary question. In light of the Minister's comments about no validity at this time and about the success of the Cancer Institute, will the Minister confirm the contents of a leaked document detailing savings that would flow from a merger and budget cuts of \$6 million to the institute, which would result in fewer bowel cancer screens, less money for cancer research and cuts to cancer prevention programs across the State?

The SPEAKER: Order! The Leader of the Opposition has asked a supplementary question. The first part of his supplementary question is in order, but the second part of his question is out of order. I ask the Minister to respond to the first part of the question.

Mr TONY STEWART: I confirm what I have already said: The New South Wales Cancer Institute is doing great work. As the Minister Assisting the Minister for Health (Cancer), I intend to support that work.

CALLAN PARK

Ms ANGELA D'AMORE: My question is addressed to the Premier. Will the Premier update the House on what action the Government is taking to secure the long-term future of Callan Park and related matters?

Mr NATHAN REES: I thank the member for her longstanding interest in this matter. One thing that makes Sydney a great city is the mosaic of parklands that surround our city—

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

Mr NATHAN REES: —from the Royal National Park to our south, the Blue Mountains National Park to our west and Ku-ring-gai National Park to our north. Through the middle of Sydney, the Western Sydney Parklands run from Quakers Hill to Leppington and are more than 20 times the size of Centennial Park. I am advised that it is the second largest park of its type anywhere in the world—some 5,500 hectares. I have met with the new director of Western Sydney Parklands—I understand she is in the gallery today—and told her that I am keen to give the people of Western Sydney recreational space that rivals the best in the world. Today I announce that I will take carriage of the Western Sydney Parklands Act to make sure that this project and the people who will benefit from it get the attention they deserve.

Improving those parklands is one part of my broader view of transforming our open space and heritage precincts in Western Sydney. In that vision I include Parramatta Park, which boasts two of Australia's oldest buildings with some of the country's finest colonial architecture. Today my Government dealt with one of the missing bits of our parkland mosaic through the middle of Sydney when we announced our plan for Callan Park. The community has spoken—the community has been speaking on this issue for about a decade—and thanks to the hard work and champion efforts of their local member, the member for Balmain, the Government has listened. The community has clear and unambiguous views about the future of Callan Park. The member for Balmain has made that point loud and clear.

Today I can inform the House about a new direction for this magnificent site. The site's open space will be protected now and for future generations. The community has made it clear that it wants more local control over the future use of this site, and that is exactly what it will get. Our new direction for Callan Park means that about 40 hectares of open space—an area about the size of the Royal Botanic Gardens and Domain—will be transferred to Leichhardt Municipal Council. The council will be free to work with the community to develop its own plan of management for Callan Park. This means that the site will continue to be held in public ownership as promised, and will continue to be used for community, health and higher education purposes as required by the Callan Park Act.

I have said elsewhere that the by-election results on the weekend were a mandate for change, and we will be changing how we work in planning. This decision is a signal of my Government's new determination to work hand in hand with local communities and councils. My planning Minister has already given a clear commitment that we will be consulting and working with communities and councils. This decision emphasises how serious I am about a new approach to planning. On the issue of Callan Park, the community has been vocal about what it wants; equally, it has told us what it does not want. We received more than 2,000 submissions about the original draft plan for the site, which included a new campus for the University of Sydney. Almost 70 per cent of those submissions opposed that proposal.

To put it bluntly, the community made its view loud and clear that Callan Park was not the right place for a new University of Sydney campus, and it expressed a clear preference for Leichhardt council to have the care, control and management of Callan Park's waterfront and playing fields. The member for Balmain stridently represented the community's views to me and to the planning Minister. As a result, we have taken this decision. Our decision today means that the three existing playing fields and buildings, some of the site's heritage buildings and the foreshore area and other open space will be retained. The council will work with the community to decide its future use. The site will be home to a dedicated precinct for non-government organisations, ensuring Callan Park will continue to be used for health and community services. It will be home to groups such as We Help Ourselves, the drug rehabilitation organisation; the Construction Industry Drug and Alcohol Foundation; and SIDS and Kids New South Wales.

The remaining 10 hectares of the site will continue to be managed by NSW Health. There has been a health presence on the site for more than a century, and we have determined that this will continue. The headquarters of the Ambulance Service of New South Wales will remain on the site for the long term. Buildings located in the eastern corner of Callan Park which are used to provide low cost accommodation, education and training for nurses and other key health workers will remain. The transfer of a large part of Callan Park to Leichhardt council is a great outcome. Thanks to the member for Balmain it means that the local community and its representative council will assume responsibility for guiding and managing the future of this iconic site.

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

Mr NATHAN REES: Our vision for the parklands of Sydney is for national parks to our south, west and north, and up the middle with Callan Park, Parramatta Park and Western Sydney Parklands. That is our vision for the future passive recreation options for the people of Sydney to last a century and more.

STATE ECONOMIC REFORM AND MINI-BUDGET

Ms ALISON MEGARRITY: My question is addressed to the Premier. Will the Premier update the House on what action the Government has taken to work with business leaders to secure the State's economy?

Mr NATHAN REES: There is no question that the State faces challenges, as indeed jurisdictions around the world face fiscal challenges. We have seen enormous volatilities in financial markets in recent weeks, and we have taken the prudent and sensible decision to construct a mini-budget and to call on expert advice from two former heads of the Reserve Bank of Australia, Bernie Fraser and Ian Macfarlane. Last week they briefed me, the Treasurer and my senior staff. I am pleased to say that our mini-budget process is on track. In the context of a mini-budget process, and in relation to the volatilities that are occurring around the world, I refer to the three important key meetings I have had in the past week or so.

Last week at my Export Awards I spoke with approximately 450 people who export products to the rest of the world. Earlier this week I met with about 600 people who outlined to me what they believe are the opportunities for Australia and New South Wales in particular. Last night I met with the captains of Japanese industry, who informed me of the opportunities for Sydney and New South Wales in the international economy. The key point that people who export some \$50 billion of product out of our \$335 billion economy made to me was that we need to aggressively pursue those international opportunities.

Last week I announced that we would revisit the opening of trade offices in key locations in Asia, which will include China and India. There are some 300,000 people of Chinese descent and approximately 100,000 people of Indian descent living in New South Wales. China and India are the two most populous countries with the most rapidly growing economies in the world, and they are located directly to our north. It strikes me that we have an extraordinary opportunity as Australians, with a comparative advantage that we already have many people from those nations living here.

However, we need to do more to attract that investment and to pursue our opportunities to grow in that region than simply open offices. During the coming months we will be announcing a plan that embeds the future of the New South Wales economy in the economic growth of the Asian region. It will not just be about offices; it will be about the development of language skills across New South Wales, Sydney in particular, and the development of professional relationships in our business organisations and our public sector organisations to help foster the exchange of ideas and culture.

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

Mr NATHAN REES: Most critically, we will actively go out of our way to attract the best and brightest students from the Asian region to our universities so that over time we are embedding the New South Wales economy into the economic growth that will occur in the Asia Pacific region. Earlier today I met with 15 New South Wales business leaders from the construction industry, the housing industry, the Minerals Council and the Chamber of Commerce. Their themes were demonstrations to me that this Government is on the right track with the mini-budget.

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

Mr NATHAN REES: Above all, people who want to invest want certainty, and what they do not get from the other side of the House is certainty. The great party of free enterprise has prevaricated and flipped and flopped on privatisation on electricity, ferries and other public assets, and has ruled them out. Members of the great party of free enterprise do not know what they stand for—that is the reality.

The SPEAKER: Order! The Leader of the Opposition will cease interjecting. The Premier will direct his comments through the Chair.

Mr NATHAN REES: I will give the Opposition a tip: The business community knows well and truly where the economic and investment decision quicksand lies.

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

Mr NATHAN REES: This morning the Treasurer and I briefed representatives from 15 of the State's top business groups on our economic position. In these uncertain times to be forewarned is forearmed. I use this opportunity to discuss the actions the Government will be taking to strengthen the economy over the coming year. As I have said before, New South Wales and Australia are not immune from the global economic downturn, but we will do everything in our power to ensure that we are well placed to ride out the storm.

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

Mr NATHAN REES: I will take the advice of those business leaders on strategies we can put in place to strengthen the New South Wales economy in the face of international volatility. I am deadly serious about entering a partnership with our business community to buttress our economy from the impacts of those international volatilities to ensure that we maximise jobs growth and protect families and small businesses in New South Wales. Today was a good opportunity for me to hear from business and industry leaders as we craft our mini-budget, our economic blueprint for the future of New South Wales.

NAMBUCCA VALLEY MOBILE BREAST SCREENING UNIT

Mr ANDREW STONER: My question is directed to the Minister Assisting the Minister for Health (Cancer). Given the Minister has already put women's lives at risk by axing the mobile breast screening unit from the Nambucca Valley, does he think that is a good thing?

The SPEAKER: Order! Government members will remain silent. The Leader of The Nationals will direct his question through the Chair.

Mr ANDREW STONER: You explain to the women of the Nambucca why they have to travel an hour up to—

The SPEAKER: Order! The Leader of The Nationals will resume his seat. I will allow him to ask his question later. I will not tolerate that sort of behaviour.

Mr Barry O'Farrell: Point of order: If Government members did not interject during the asking of questions we would not have a response.

The SPEAKER: Order! The Leader of the Opposition will resume his seat. He is well aware of my view. I very clearly asked Government members to be silent. I asked the Leader of The Nationals to direct his comments through the Chair, which is the appropriate form of the House.

ROAD AND RAIL INFRASTRUCTURE

Mr GREG PIPER: My question is addressed to the Premier. In light of the growing concerns over gridlock in the Melbourne, Sydney and Brisbane corridor, how will road and rail infrastructure in the New South Wales sector be improved to meet the Government's 20-year forecast of a 10 million tonne freight increase?

Mr NATHAN REES: I had hoped that the Leader of The Nationals had learnt his lesson, given his intemperate remarks earlier today and given he was chastened by the Leader of the Opposition. It is regrettable that he has not learnt his lesson. For the record, frankly, I consider that sort of language and assertion unbecoming of someone who puts up their hand for public office.

The SPEAKER: Order! The House will come to order. I call the member for Epping to order. The Premier has the call.

Mr NATHAN REES: It is generally forecast that the national—

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

Mr NATHAN REES: The general forecast is that the national freight task will double over the next decade. All Australian governments are aware of that challenge—

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

Mr NATHAN REES: All Australian governments are aware that the national freight task will double over the next decade. It is a key driver of State and Federal policy to get containers off our roads and onto our rail networks. Both industry and Government acknowledge the congestion through Sydney as the most pressing element of the challenge. Greater use of rail is clearly a vital plank of the solution, but Sydney is burdened with a legacy of a shared passenger and freight rail network and passengers have to get priority. That is why the State and Federal governments are currently considering a northern freight line, which would provide dedicated 24-hour access to Sydney. The southern Sydney freight line, a joint State and Federal government project, has received planning approval and will go ahead as stage one of the solution to rail more freight.

Both governments and industry agree that stage two should be a complementary northern freight line. This morning there was an incident on the Central Coast section of the line, when a freight train interfered with the operations of a passenger train. We want to avoid that sort of incident. This morning there was a breakdown on the Hawkesbury River line. Separating the freight and passenger services matters as much for passengers as it does for people who move freight around. The Government will jointly manage an AusLink study into the best way of sorting out that corridor. We have raised that challenge in our submission to Infrastructure Australia. It is a big job, potentially billions of dollars, and we will work with the Commonwealth to find the best solution.

NAMBUCCA VALLEY MOBILE BREAST SCREENING UNIT

Mr ANDREW STONER: My question is directed to the Minister Assisting the Minister for Health (Cancer). Given that the Minister has already put women's lives at risk by axing the mobile breast screening unit from the Nambucca Valley, will he now tell country people how many more cancer screening services he plans to cut across New South Wales?

Mr TONY STEWART: I thank the member who is still, I think, the Leader of The Nationals. Is that correct?

The SPEAKER: Order! The Government benches will come to order.

Mr Andrew Stoner: It is pretty simple, Tony, but yes.

Mr TONY STEWART: In response to the tone of the question, obviously he is experiencing a bit of anxiety. I ask him to take a holiday in Port Macquarie, so he can relax a bit.

The SPEAKER: Order! The Leader of The Nationals will cease interjecting. The Minister will answer the question.

Mr TONY STEWART: In response to the issues raised, I am very pleased to report to the House that we have provided a breast screening program that is unparalleled in Australia. The breast screening program is accessible and targets women aged between 50 and 75 years, the age group in which there is a very strong concern about the susceptibility of breast cancer. I note that today the Leader of the Opposition is wearing a pink breast cancer ribbon, and I thank him for that because October is National Breast Cancer Awareness month. I note also that last night the Deputy Leader of the Opposition ran a special program for the Sydney Breast Cancer Unit to highlight the importance of the breast cancer awareness initiative in this great State.

The Rees Government is doing tremendous work in this area. Currently we are rolling out \$59 million to provide breast cancer screening using unparalleled technology. It is digital screening and is not only more effective but also faster. It provides opportunities for women to investigate any cancer issues: awareness is what it is about. It is known that following detection women will be saved from this terrible, killer disease. In response to the question, mobile breast screening units are exactly that: mobile. They are rotated throughout the regions, particularly throughout country regional areas, where they need to be accessible and available on a rotational basis. That is what the Government is doing, and is doing effectively and accessibly.

LITERACY AND NUMERACY IN PUBLIC SCHOOLS

Mr DAVID HARRIS: I address my question to the Minister for Education and Training. What is the latest information on literacy and numeracy performance in New South Wales public schools?

Ms VERITY FIRTH: As Minister for Education and Training I welcome the Auditor-General's report on improving literacy and numeracy in the State's public school system. The Audit Office report acknowledges the significant investment of this Government over the past decade in programs to improve literacy and numeracy in public schools. As the report states, since 1998 funding for literacy and numeracy programs has increased threefold over the past 10 years, from \$54 million to \$154 million in 2006-07. This year the Government is spending \$174 million on literacy and numeracy programs.

The Audit Office states that it was impressed by the department's continuing focus on improving the literacy and numeracy of New South Wales public school students and the extensive range of programs it has developed for that purpose. I welcome particularly the report's recommendations on how to continually improve the programs and services that the Government is providing. The report acknowledges that there have been improvements in the past decade in numeracy and literacy test results in New South Wales in terms of both the percentage of students in their individual results and the State average scores. The percentage of all year 3 students failing to meet minimum literacy standards has dropped from 17 per cent in 1996 to 11.1 per cent in 2007, while the fall for indigenous students has been from 41.7 per cent to 28.9 per cent. Numerous results for year three students have also improved with students below the minimum standard falling from 10.8 per cent in 1996 to 8.6 per cent in 2007.

Those rates are reducing, we are doing well and we are making a difference, but clearly it is not far enough. As raised earlier in the House today, we know that there is a gap between the results of children in the city and those in rural and regional New South Wales. Clearly, there is room for improvement. Obviously, we want all our children to meet minimum standards. This is not an easy issue, and it is not an easy issue for government. This is a cross-generational issue and no country has found a silver bullet for the 10 per cent of children who are disengaged from school. It is a problem of disadvantage and it is a problem for the whole community, not just for the classroom. Some children cannot get to school before 10.00 a.m. because they were kept up until 4.00 a.m. Some kids go to school without having eaten breakfast or sometimes dinner the night before. There are children who are victims of domestic violence. I am sorry if some members want to talk while I am going through this quite significant issue.

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

Ms VERITY FIRTH: This is a significant issue, and the reason it is significant, and the reason we have to recognise and accept the Auditor-General's report and its recommendations is that we want to do our absolute best for the children. When comparing the New South Wales results to the rest of those in Australia we know that we are doing well, but we also know that there is significantly more to be done. We are better positioned to engage the children than any other State in the country.

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

Ms VERITY FIRTH: Through better partnerships with parents and communities we are now getting those children into schools and more of them are sitting our tests than ever before. This year we have implemented personalised learning programs for 15,000 mostly indigenous children at State schools. People who would have read the Auditor-General's report would know that that was one of his recommendations: How to create individualised plans for kids. The Auditor-General recognised the State's school funding, but how to deal with kids as individuals also needed to be addressed.

The Government has already developed personalised learning programs for 15,000 mostly indigenous children at State schools. Those plans detail each student's learning needs, expectations and progress throughout their school life. Yes, they are resource intensive, but it is worth it because it is actually bringing the kids up to standard. We have also developed programs such as Positive Behaviour for Learning, in which we are making sure that our schools are warm, ordered and welcoming places for all students. This increased attendance is great news and we absolutely want and need to have those children in our schools. But while they are settling into learning, overall results are affected.

It is a small price to pay as we work to help individual students build their literacy and numeracy skills. The more we understand about their abilities in these areas through testing, the more we can help them. Unlike other States—again, an area in which New South Wales is leading—New South Wales encourages every child to sit a test, because our teachers value the test as a diagnostic tool and parents can see how their children are performing. This is a key issue. I know that Opposition members are not interested in this. They like to talk down the education system; they do not want to talk about the sorts of issues that we face.

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

Ms VERITY FIRTH: Opposition members do not want to talk about the 10 consecutive Federal budgets of their counterparts failing to deliver any real increase in government spending for education.

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

Ms VERITY FIRTH: Their Federal counterparts failed to deliver any real increases in funding to public schools. That is because the Coalition is not interested in tackling these issues. New South Wales encourages students to sit tests.

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

Ms VERITY FIRTH: New South Wales has by far the highest rates of participation and the lowest rates of exemptions on our national assessments. The reason is that we realise that testing is a diagnostic tool. So in all those NAPLANs that we do we recognise that we can look at the individual results achieved by these students and plan their learning accordingly. So we are testing more and analysing the results of a whole cross-section of children, and that is giving us a mixed picture, with results that move around. The key is tailoring programs to individual student needs to respond to these results. I want to make sure we are getting this right. I have asked the department to update me about the measures it is using to further investigate the regional movements and the programs in place to respond. Just as we are going to use the National Assessment Program in Literacy and Numeracy as a diagnostic tool, we will take on board the Auditor-General's report and use it to improve the quality of our educational programming.

Another matter I want to raise is the new initiatives that we are employing—initiatives that have come into place since the Auditor-General's data was completed. These are significant as well. The results of some of these, of course, are not picked up in the data covered in the Auditor-General's report. Opposition members who listen will be interested in this, because it is a good initiative. It is called the Best Start initiative—which is mentioned by the Auditor-General as "developing clear statements of expected literacy and numeracy learning in the early years of schooling". The Best Start initiative started this year at 434 schools across the State, and it

will be rolled out to all kindergarten students by 2010. Opposition members may murmur, but I remind the House that the Federal Coalition Government had 10 consecutive budgets that provided no real increases for public schools. That is the level of commitment of the Coalition to the sorts of students we are talking about in rural and regional New South Wales who rely on government for the funding of their education and for their chance in life.

Mr Barry O'Farrell: But you did not know who funded it.

Ms VERITY FIRTH: You would not provide that funding and opportunity.

The SPEAKER: Order! The Leader of the Opposition will cease interjecting. The Minister will direct her comments through the Chair.

Ms VERITY FIRTH: The Coalition does not believe in that sort of leg-up for our kids. The Best Start initiative will assess all students as soon as they start school on their understanding of words, sentences, numbers and patterns. It will allow teachers to tailor lessons specifically to the needs of students. Rather than waiting until year 3 to start assessing students, we begin with them in kindergarten. We start to talk to children in kindergarten and assess their literacy and numeracy requirements so that we will understand what children know and what they can do when they enter school. This will allow us to identify students who need extra help. And it gives us a head start too. From Best Start onwards, students struggling with numeracy and literacy will be continuously assessed so that their teachers will see what areas they need to work on. Many aspects of the Audit Office report have already been or are being implemented. I leave the House with this. Why do Opposition members not want to hear about the very subject of their urgency motion? They say it is a most urgent motion, yet they do not want to hear any information about it.

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

Ms VERITY FIRTH: The School Measurement, Assessment and Reporting Toolkit [SMART] program is used by 95 per cent of schools, and new improvements to this software program will allow the department to better track each student's learning on an individual basis. This is especially beneficial for students who are moving between schools. Yes, there is still work to do, and there are ways in which we can improve our literacy and numeracy standards. But let us not forget that New South Wales students scored above the national average in the recent national assessment program in literacy and numeracy in years 3, 5, 7 and 9—and that testing was carried out in 2008. We are happy to continue to work hard for our children to deliver to them the best possible chance in life.

CHILD PROTECTION REPORTS

Ms DIANE BEAMER: I address my question to the Minister for Community Services. What does the annual statistical report show about the reporting of children under the age of one to the Community Services Helpline?

Ms LINDA BURNEY: I thank the member for the question, and I appreciate this opportunity to inform the House about protecting children—in this case, very young children. The Department of Community Services 2006-07 report reveals some significant and worrying trends. The report shows a 41.2 per cent increase in the number of children under one who were reported to the Community Services Helpline between 2004-05 and 2006-07. While this is a concern, the increase in reports shows that we are now finding out about more problems. This enables us to help more children. While reports have risen across the board, babies have experienced the biggest increase of all age groups. In 2006-07 the helpline received more than 26,000 reports about almost 12,000 babies.

Little ones, babies, have no voice—no way of letting someone know that they are in trouble, and that they are hurting. Therefore they are particularly vulnerable. I am grateful to community members and professionals who raise the alarm by calling the helpline. These reports give children a voice. The figures show that in 39.6 per cent of total cases assessed there was evidence of emotional or psychological harm. For babies, the equivalent figure was 61.3 per cent. This speaks volumes about how babies sense and absorb what is happening around them. They absorb the tension, the violence and the chaos. They are the most vulnerable of the vulnerable—unable to speak out, unable to walk away and find a safe, quiet place. When people think about child abuse they often imagine broken bones and bruises. Yes, physical violence is not uncommon in the families we work with. But it is this silent trauma that leaves hidden scars that children carry throughout their whole lives.

Caseworkers are acutely aware of the vulnerability of babies. Children under one were the group most commonly referred by caseworkers for further assessment. From 2004-05 to 2006-07 the number of babies who were referred for further assessment increased by 54.4 percent. There was an increase of 54.4 per cent in the number of babies who were referred for further assessment. More reports about babies were investigated by Community Services caseworkers than in any other year. Despite the growing number of reports, our frontline staff are reaching more cases across age groups. We all have a role in keeping children safe. We must remember that even the smallest interaction with children in our lives, be it a neighbour, a niece or a grandchild, can have a big impact. The statistics also confirm that domestic violence and drug and alcohol abuse are the constant companions of the families we work with. I am sure that on occasions all members have seen evidence of this in their electorates.

Of the 286,000 reports received in 2006-07, approximately one in three listed domestic violence, and one in five listed drug and alcohol abuse issues. Changes are needed in the child protection system, but changes also need to happen in households and communities across our State. We need to recognise the enormous influence of underlying factors such as mental illness, poverty and entrenched intergenerational disadvantage. Last week in estimates hearings I spoke about the increase in the number of child deaths in 2007. As I said in that hearing, statistics are cold. It is disturbing to outline these figures when you know that each represents a precious human life, a young life.

As members will be aware, the Ombudsman released his annual report today. The Ombudsman has highlighted many issues that the Department of Community Services agrees must be addressed if we are to strengthen protection of children. I welcome the scrutiny of the Ombudsman and I respect the role his agency plays in revealing systemic problems. It is only through careful review and analysis of these cases that the necessary changes can be made. The Government initiated the Special Commission of Inquiry into Child Protection Services in New South Wales. Justice Wood will deliver his report before the end of the year. The Government recognises the need for reform. It is important to acknowledge the enormous amount of work that has been done. The Government's \$1.2 billion five-year reform package has delivered huge changes in our system. The number of caseworker positions has increased—

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

Ms LINDA BURNEY: The number of caseworker positions increased from 1,202 in June 2003 to 2,197 in August this year. Staff are responding to almost 100 per cent of the most urgent reports within recommended time frames. We recognise, as the Ombudsman has pointed out today, there is still room for improvement. We are working in partnership with the non-government sector in the critical area of early intervention and out-of-home care. More than 2,800 families with children up to eight years are voluntarily working with caseworkers to improve their parenting and, in turn, the safety and wellbeing of children. We are strengthening families through the Brighter Futures early intervention program, providing much-needed services and, most importantly, preventing the escalation of problems, avoiding the acute situation of children needing to be taken into care.

Working in partnership with New South Wales Health we are providing innovative programs such as the Aboriginal Maternal and Infant Health Strategy. This program supports Aboriginal women, many of them young, during and after their pregnancies, for medical care, midwifery and education. We are not alone in facing increases in child protection reports. Jurisdictions around the Western world report similar trends, but that does not change the fact that the Government is fundamentally committed to improving child protection systems. This is a collective responsibility. The Government has a role but so does the community and so do families, and we are committed to working together to deal with this difficult problem.

CANCER INSTITUTE FUNDING

Mr BARRY O'FARRELL: My question is directed to the Premier. In light of the Premier's repeated promises not to cut front-line services, how does he justify proposed cuts to the Cancer Institute's funding for its clinical workforce and the delivery of vital cancer programs across the State?

Mr NATHAN REES: I refer the Leader of the Opposition to the answers already given by the Minister.

CYCLING INITIATIVES

Dr ANDREW McDONALD: My question is addressed to the Minister for Roads. Could the Minister update the House on any current cycling initiatives in New South Wales?

Mr MICHAEL DALEY: I thank the member for Oxley for welcoming me to the table today and congratulate his newly elected deputy on having assumed one of the most inconsequential positions in New South Wales politics, the deputy leader of a party with six members in this place. That is a terrific achievement. The fact of the matter is that despite the member for Oxley's—

The SPEAKER: Order! The Minister will resume his seat. Question time has almost concluded. All members who have been called to order are now deemed to be on three calls to order. I ask the Minister to answer the question.

Mr MICHAEL DALEY: I just wanted to congratulate the National Party on becoming a joke. First we have the Hon. Melinda Pavey saying to the Hon. Sylvia Hale that she was only joking about offering an electoral bribe and now we have—

The SPEAKER: Order! Members were so well behaved when the Minister for Community Services was answering a question.

Mr Adrian Piccoli: Point of order: My point of order relates to standing order 129. That is because the Minister for Community Services was answering the question. This State is a disaster, so please give us some answers to the question. For 13 years the Government has been carrying on like that. That is why the State is a disgrace.

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. I have already asked the Minister to answer the question.

Mr MICHAEL DALEY: I will, Mr Speaker. But in response to the member for Murrumbidgee, having a leader of a party saying about a hardworking member of the Federal Coalition, who has lost an eye in a tragic accident, that he wants to blindfold him and then take him out the back and shoot him speaks volumes of this party and of a leader who having led—

Mr Andrew Fraser: Point of order: Mr Speaker, you have now ruled twice that the Minister should come back to the leave of the question. He is now canvassing your ruling. I suggest you sit him down.

The SPEAKER: Order! I ask the Minister to answer the question.

Mr MICHAEL DALEY: I will, Mr Speaker. That was a timely interjection from the man blamed for the defeat in Port Macquarie on the weekend. I can inform the House that the New South Wales Government is working hard to improve cycling facilities to help people taking up cycling as a transport option. Many of us, including the Premier, cycle to commute or keep fit. I notice that the member for Macquarie Fields is often seen wheeling his cycle through this place. It is an important statistic, and one that the House should note, that one person's cycling instead of driving to work saves around 1.3 tonnes of carbon emissions a year on a 10-kilometre round trip. I want to make sure cars and cyclists each have their own space wherever possible.

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

Mr MICHAEL DALEY: That is why this Government spent \$15 million on more than 100 cycling projects around New South Wales in the last financial year alone. In the 2008-09 financial year more than \$50 million is allocated to cycling projects around the State. These include 91 local bicycle projects; off-road shared paths delivered when new State roads are built; projects funded through the Department of Planning's New South Wales Coastline Cycleway; Metropolitan Greenspace and Sharing Sydney Harbour Access programs; and cycling encouragement programs funded by the Department of the Environment and Climate Change.

The Premier's Council for Active Living is preparing a whole-of-government New South Wales BikePlan, which will map out programs and facilities to support cycling for transport and recreation. This will include the promotion and use of the 4,100 kilometres of cycleways already available across New South Wales. I am looking forward to seeing what else we can do. The New South Wales BikePlan will be a joint responsibility of the Roads and Traffic Authority and the Department of the Environment. The community members can have their say, and I encourage them to do so, before this plan is put into operation. The plan will be released next year. I know the Premier has received a letter from the Lord Mayor of Sydney and member for Sydney about the City's cycleway program. I can advise the House that I will look into the city's proposals and I look forward to continuing to work with the member for Sydney to improve our city's recreational facilities.

Question time concluded.

STANDING COMMITTEE ON PUBLIC WORKS**Report**

Mr Ninos Khoshaba, as Chair, tabled the report entitled "13th Annual Conference of Public Works and Environment Committees of Australian Parliaments 2008", dated October 2008.

Ordered to be printed on motion by Mr Ninos Khoshaba.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION**Membership****Motion by Mr John Aquilina, by leave, agreed to:**

- (1) That Richard Sanderson Amery be appointed to serve on the Committee on the Independent Commission Against Corruption in place of Robert Darcy Coombs, discharged.
- (2) A message be sent to the Legislative Council.

PETITIONS**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**.

Woodstock Early Childhood Intervention Service

Petition requesting ongoing funding for the Woodstock Early Childhood Intervention Service in Albury, received from **Mr Greg Aplin**.

Hornsby Area Haemodialysis

Petition asking that a public haemodialysis centre be established in the Hornsby area, 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**.

South Coast Correctional Centre

Petition asking that the South Coast Correctional Centre not be constructed in the Shoalhaven, received from **Mrs Shelley Hancock**.

CountryLink Pensioner Booking Fee

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

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**.

Pymont to Town Hall Bus Service

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

TAFE Fees

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

Greenwell Point and Goodnight Island Development

Petition requesting the approval of the Greenwell Point and Goodnight Island development application in its entirety, received from **Mrs Shelley Hancock**.

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**.

Drought Relief Worker Job Protection

Petition requesting that the jobs of drought relief workers be protected, received from **Mr Greg Aplin**.

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**.

Shoalhaven Local Area Command

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

Culburra Policing

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

Rural and Regional Police Resources

Petition calling for allocation of more police resources to rural and regional communities throughout New South Wales, received from **Ms Katrina Hodgkinson**.

Shoalhaven Mental Health Services

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

Preschool Speed Zones

Petitions asking that 40 kilometre per hour speed zones be introduced outside all preschools in New South Wales, received from **Mr Craig Baumann**, **Ms Katrina Hodgkinson** and **Mr John Turner**.

Falls Creek Traffic Arrangements

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

Barton Highway

Petition asking that priority be given to Federal Auslink funding for upgrading of the Barton Highway to dual carriageway, received from **Ms Katrina Hodgkinson**.

Berowra Traffic Noise Abatement

Petition requesting that noise levels be reduced on the F3 Freeway at Berowra, received from **Mrs Judy Hopwood**.

BUSINESS OF THE HOUSE

Reordering of General Business

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.12 p.m.]: I move:

That the General Business Notice of Motion (General Notice) given by me this day [Educational Disadvantage] have precedence on Thursday 23 October 2008.

My motion, about which I gave notice today, regarding the Auditor-General's report on education, in particular on literacy and numeracy, deserves precedence on Thursday 23 October 2008 because this Labor Government has failed to address the most serious challenges in education today—literacy and numeracy results achieved by children from rural and other disadvantaged backgrounds. Despite the Premier's commitment on day one as the new Premier to cut the spin, today we heard outrageous spin from the Minister for Education and Training, delivered with much hand action and vocal variance. She talked up the educational achievements of this tired old Labor Government, saying that literacy and numeracy results had improved. She ignored the Auditor-General's findings in his pointed conclusion:

... over the last decade State tests have shown little change in results for numeracy and literacy.

The Minister also glossed over the Auditor-General's finding:

NSW ... has a higher concentration of poorer results in some schools and some regions.

Is it any wonder that socioeconomic disadvantage is entrenched in many non-metropolitan regions in the State? For example, between 2001 and 2007 the gap between the mean test scores of metropolitan students compared

with those for regional and rural students across all years actually increased under this Government. Of equal concern is the Auditor-General's finding today:

Compared to 10 years ago, the NSW Government has spent over three times more money on improving literacy and numeracy, yet there has been little real improvement with our children.

That is just typical of Labor in New South Wales: pouring more and more taxpayers' money into government programs without any improvement in outcomes. It is one reason the taxpayers ask: Where is all the money going? Meanwhile, kids from disadvantaged backgrounds—rural, remote, indigenous and migrant—miss out on the opportunities a good education provides to escape the vicious cycle of poverty and disadvantage. Another statistic is that only 2 per cent of students in northern Sydney performed below the minimum numeracy standard in 2007 whilst in, say, the New England region and south-western Sydney more than 11 per cent of students did not meet that same minimum numeracy standard. That is the gap I am talking about that the Government has failed to address. The Auditor-General says further in his report:

The lowest performing group are likely to have the least experienced teachers.

The number one factor for kids achieving in education is the quality of their teachers. Yet what is this Government doing about getting quality teachers into rural and remote areas? It is dismantling the teacher transfer system that attracts and retains quality teachers in country towns.

The SPEAKER: Order! The member for Monaro will cease interjecting.

Mr ANDREW STONER: The Government also is selling 100 teacher houses across country New South Wales. Those houses make it attractive for quality teachers to move to country communities and stay. Selling these houses is cause for concern when almost a quarter of students in remote areas achieved below the minimum standard in literacy and almost 20 per cent of students at schools in the country area program did not meet the minimum standard in literacy. Children in country areas are not receiving the best standard of education, despite the best efforts of teachers, because they are not getting the resources from this Government.

Recently schools under the Priority Schools Program and the Priority Action Schools Program lost funding under Labor. Schools with disadvantaged students, for example, in south-western Sydney at Claymore Public School, and also in country areas, such as at Macksville High School in my electorate, have lost Priority Schools Program funding. The Nationals represent nine of the 10 poorest electorates in New South Wales. We know these children and their families need a decent education, which is their one big shot at a life free from poverty, crime, drug and alcohol abuse, domestic violence and poor health outcomes. [*Time expired.*]

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.17 p.m.]: The Government will not agree to this motion for a number of reasons. Granting urgency to deal with a matter of this nature in the political context of this Chamber is not the way to resolve the problems the Auditor-General highlighted in his report. Even the short presentation by the Leader of The Nationals gives a completely distorted view of precisely what the Auditor-General said in his report.

Mr Andrew Stoner: I was quoting the Auditor-General.

Mr JOHN AQUILINA: I will quote the Auditor-General's report as well. Among his key findings he said:

Overall, around 85-90 per cent of NSW public school students exceed national minimum standards and NSW consistently exceeds the national average.

He went on to say:

We were impressed by the Department of Education and Training's continuing focus on improving the literacy and numeracy of NSW public school students and the extensive range of programs it has developed for this purpose.

To date it has been a 20-year program, which I know well because in 1988 the Government introduced the Reading Recovery Program. This innovative program was one of the most outstanding literacy-numeracy programs in the world and was acknowledged as such—contrary to what occurred when the Coalition was in government under Premiers Greiner and Fahey. Minister Metherell sacked 2,000 teachers and composite classes

were increased by more than 3,000. Not one member opposite would agree that stacking more composite classes into our schools by reducing the number of teachers and reducing the amount of face-to-face tuition will improve literacy and numeracy.

The SPEAKER: Order! Members will cease interjecting.

Mr JOHN AQUILINA: Overall improvement was achieved because Reading Recovery recognises students who are not up to the general class standard, takes them out of the mainstream classroom and gives them one on one, one on three, or one on five tuition until they come up to standard and are able to return to the mainstream classroom. That is why New South Wales has had such a dramatic improvement in overall literacy standards. When Labor came to government in 1995 headlines stated almost daily that people who were graduating from school were not able to correctly fill in forms for employment because they could not spell. We do not see those headlines any longer. Indeed, the OECD shows that literacy standards in New South Wales are equal to that of Finland—the best in the world!

Having said that, and as the Minister acknowledged today, there are some intrinsic problems in our system. One is that our improvements in literacy and numeracy in indigenous communities are not as good as we would like them to be. There have been improvements—we have improved from 40 per cent illiteracy among year 3 and year 5 students in indigenous communities to less than 20 per cent—but we acknowledge that that is not good enough. Generally we have improved illiteracy standards among year 3 students from 17 per cent down to 11.1 per cent. As the Minister for Education and Training stated, there is no silver bullet for the bottom 10 per cent or 15 per cent of students.

The SPEAKER: Order! Members will cease interjecting.

Mr JOHN AQUILINA: The Auditor-General is saying that we need to assess each individual student in that category and provide appropriate tuition for each individual student. I assure the House that this Government has gone a long way towards providing a massive increase in funding to improve literacy and numeracy. Members opposite have no policies on improvement in literacy and numeracy. Where will they find funds to address the Auditor-General's recommendations and provide individual assessments for all students in outlying regions in small schools across the State?

I note that approximately 800 schools in the State have an enrolment of probably fewer than 15 or 20 students. Where will funding come from to ensure that we assess each student? As I stated earlier, we acknowledge the existence of problems, particularly with the group of students at the bottom level of literacy and numeracy. We acknowledge also that an unacceptably high number of those students are indigenous students, but we have done a lot—and indeed we will do a lot more with our policies than members opposite will do with the non-policies of the Opposition. [*Time expired.*]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 39

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

Noes, 47

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

Question resolved in the negative.

Motion negatived.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Housing Affordability

Ms TANYA GADIEL (Parramatta) [3.30 p.m.]: This motion should be accorded priority because families in Western Sydney are feeling the brunt of falling housing affordability, rising costs of living and skyrocketing petrol prices. It needs to be accorded priority because the Government is taking action to secure the State's economy in a time of global economic downturn. We should discuss this issue today because more and more families are having difficulty making ends meet, and the Parliament should be informed of the action the Government is taking to assist them.

Front-line Health Services

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [3.31 p.m.]: My motion, which should be accorded priority, states:

That this House notes with concern the Rees Labor Government's cuts to front-line health services.

I remind members of what Premier Rees said on the ABC news on 9 September this year:

What I need to do is ensure that front-line services are continued and continue to be delivered.

In light of that, the House should debate why the Government is proposing to amalgamate the Cancer Institute with New South Wales Health. How do I know about the proposal? Because a confidential ministerial briefing note containing that proposal was slipped under my door. The briefing note sets out cuts amounting to \$6 million, which will mean the loss of front-line services, including important cancer services throughout the State. The cuts include a reduction in research, administration and grants funding for infrastructure and fellowships—a saving of more than \$1 million. That vital research allows for the best possible care to be provided to people with cancer.

The briefing note contains proposals to cancel lifestyle planning to prevent cancer programs and tobacco prevention plans. For goodness sake! This morning we debated the tobacco bill. In reply the Minister thanked the Coalition Opposition for supporting the bill. He said that the Cancer Institute provided a fantastic service. He was dead right. Does he know about this briefing note and the proposal to cut these fabulous services? It is proposed to cut bowel screening programs, reduce the clinical cancer registry and cut funding in the clinical workforce and programs.

Ms Tanya Gadiel: How could the Minister see it? Someone stole it and put it under your door.

Mrs JILLIAN SKINNER: When the member for Parramatta reads the briefing note she will be as devastated as I am—I will hand her the briefing note when I have finished reading it. The briefing note points out that there has been a 30 per cent increase in cancer in New South Wales and the situation will only get worse with the ageing of the population. The document states that a clear, decisive and focused approach is necessary, with an organisation dedicated to the effort, rather than leaving the issue for the Department of Health to resolve. It is unlikely that programs could be delivered with the impact that the Cancer Institute has provided from within the NSW Health bureaucracy. Those are not my words; they are in the briefing notes the Minister was supposed to read to the Parliament.

Ms Tanya Gadiel: Somebody stole it and gave it to you.

Mrs JILLIAN SKINNER: Maybe someone did steal it. But the person was so horrified by what the Government proposes to do that, instead of slipping it under the Minister's door, the person slipped it under my door. The document sets out what the Government thinks about the proposals. I am astonished that the member for Parramatta would try to defend cuts to cancer services. The briefing note points out that the issue needs to be resolved behind the scenes; it cannot be allowed to enter the public domain, where the reception by the media and the wider community would be extremely negative. Any perceived or actual loss in the institute's identity, resources or functions would be negatively received, and with justification. It is an honest briefing note. The Government was going to sneak this in behind closed doors, secretively, because it knew that the community would be furious.

The Government must think through this matter in a careful and considered way. Obviously, my motion should have priority. All members have a right to know about the Government's proposals. They have a right to say what they think about the proposal to merge NSW Health with the Cancer Institute. After all, the institute was established in 2003 when it was felt that a much clearer, specific and focused response to the increasing burden on cancer services was necessary. All members of this House—the crossbenchers, Labor members and Coalition members—want an opportunity to pass judgement on the Government's proposal, particularly in light of the Premier's promise that there would be no cuts to front-line services. If the Government does not think that the delivery of cancer services and support for cancer clinical staff are a front-line service, what is? Maybe it is simply another example of the Premier spinning the truth, not telling us how it really is.

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

The House divided.

Ayes, 46

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

Noes, 38

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

Question resolved in the affirmative.

HOUSING AFFORDABILITY**Motion Accorded Priority**

Ms TANYA GADIEL (Parramatta) [3.46 p.m.]: I move:

That this House:

- (1) notes that the current economic climate is making it harder for more people to break into the housing market in Sydney, particularly in Western Sydney;
- (2) notes that the New South Wales Government is working closely with all levels of government and industry to address the issue;
- (3) congratulates the New South Wales and Federal governments on acting swiftly and sensibly—a stark contrast to the appalling record of the former Federal Government who ignored the issue for over a decade.

There is no doubt that Sydney is Australia's most expensive city and that is why a priority of the New South Wales Government is to give people support before it is too late. It has a range of measures to help families and workers under financial stress, which includes more money for financial counselling and interest-free loans for urgent bills. Financial assistance is available for renters trying to get into the market through Rentstart, which can pay the bond and sometimes the first few weeks rent to help people start a tenancy. Our tenancy guarantee encourages agents to offer people a property, giving some a second chance in the private rental market. Private rental brokerage services are available in selected locations to help people with complex needs find suitable private rental accommodation.

This is a national challenge and requires all levels of government, industry and the banks to play their part. We are providing help for those most in need, increasing the supply of land for new homes, and encouraging investment. On the supply side, we are building new, affordable homes across the city, cutting red tape, lowering taxes and providing financial help. In Western Sydney this Government has delivered Australia's first public-private housing partnership in Bonnyrigg. It is a \$733 million project with Westpac, Beckett, Spotless and St George Community Housing to provide more than 2,400 brand-new homes to renew the area. Bonnyrigg will deliver 833 brand-new homes for people in need and 1,500 new, affordable homes for private homeowners. The project is progressing well. I am advised that Fairfield council approved the development application last night, keeping the project well on track to deliver more affordable homes to the people of Western Sydney.

Houses can be made more affordable in four ways. The first way is ensuring that there is an adequate supply of land to meet current and future demands. The Government has zoned 50,000 new lots in areas such as Oran Park, Turner Road and Harrington Park II. Second, infrastructure costs can be managed so that they do not stop developers bringing new projects to the market. We have imposed limitations on the types of infrastructure for which a council can levy contributions, and the types of infrastructure for which State government agencies need contributions. Those limitations will help keep down infrastructure costs. Third, by reducing delays the Government is cutting red tape and working to develop a housing code that will see 50 per cent of houses

assessed through a check-style complying development code instead of via a complicated development application process. Last, we are working to provide an affordable supply of rental and other accommodation, particularly in partnership with the Federal Government on some of its new initiatives.

I congratulate the Rudd Government on its swift and sensible response to the current economic climate. This is a great boost for people struggling to find affordable housing. It is a real boost for families, pensioners and people doing it tough. It gives renewed hope to first home buyers, who were facing a pretty bleak future trying to break into the housing market in Sydney. We finally have a Federal Government that is showing real leadership and compassion, combined with a responsible attitude, to ensure that all members of the community are looked after. People struggling to get into the housing market now have access to the First Home Owner Grants Scheme, under which grants have recently been increased to \$14,000 for existing homes and \$21,000 for new properties. First Home Plus provides a range of assistance covering discounts on stamp and mortgage duties.

The New South Wales Government has assisted 300,000 people with concessions and exemptions worth more than \$4.5 million, and tax incentives to support affordable home purchase and investments in private rental—such as the abolition of the vendor tax, the abolition of the mortgage duty for owner-occupiers, the abolition of mortgage duty for investment housing and a decrease in land tax for investors in the 2008 land tax year. The New South Wales Government anticipates that changes made to land tax will save taxpayers \$211 million in 2007-08 and \$1.32 billion over the four years to 2010-11.

On 13 April 2008 the New South Wales Government announced a multimillion-dollar financial rescue package to help struggling families deal with increases in the cost of living. Due to the global economic climate, thousands of families are facing financial difficulties. Rising interest rates and rents, rising grocery prices and the higher cost of petrol are affecting more and more people in New South Wales, particularly in Western Sydney. The Mortgage Assistance Scheme helps people who find themselves, through no fault of their own, struggling to meet their mortgage obligations. The scheme provides short-term help to homeowners who are struggling with loan repayments after suffering an accident, illness, retrenchment or some other crisis or unavoidable event. We offer assistance through interest-free loans, which can be repaid at a later date, and we work closely with applicants to work out a repayment schedule that they can afford. A key priority for the Government is to help battling homeowners, but it is also important that first home buyers ensure that they buy a property that is within their means.

Mr RAY WILLIAMS (Hawkesbury) [3.53 p.m.]: I am sure that this House could not debate a more critical issue. However, it is a shame that I lead for the Opposition in opposing the motion. I do so because the New South Wales Government has absolutely no right whatsoever to claim that the current economic climate in this country has caused the downturn in the housing market and made housing unaffordable. Also, the Government has no right to say that it is working with the housing industry. Certainly the Housing Industry Association would refute the claim that the New South Wales Government is working with it to solve the housing crisis in New South Wales. The Government cannot claim that the Premier, Mr Rees, is acting swiftly and sensibly. The only member of the New South Wales Government who acts swiftly in relation to housing is the member for Kiama, Mattie Brown, who charges out and buys himself another three properties, bringing his total property purchases to 18. When he is not dancing around his office in his underpants, he is charging out buying more homes.

Ms Tanya Gadiel: Point of order: If the member wants to attack another member of Parliament he should do so by way of substantive motion.

ACTING-SPEAKER (Ms Diane Beamer): Order! I am sure the member for Hawkesbury will direct his comments to the leave of the motion.

Mr RAY WILLIAMS: The New South Wales Government has been solely responsible for pushing housing prices out of the reach of most young families, denying them the opportunity ever to realise the great Australian dream. The Government has caused the worst economic downturn in this State by eroding investor confidence so much that investors are moving from New South Wales in droves. They are followed by some thousand people who each week head to Queensland, where they have access to affordable housing, whether that be by buying or renting properties. That is not so in New South Wales at this time. There has never been a greater crisis in affordable housing, or a greater crisis in rental properties on the market in this State. The Government has ignored these problems for 13 years. For 13 years it has sat idly by and not allowed an orderly

rollout of land across the north-west and south-west of Sydney. The only land coming onto the market today in the north-west, in the Balmoral release area or in The Ponds development, does not have housing. That is due to the lack of affordability of land released onto the market in New South Wales at this time.

I would like to refer to some of the charges now associated with the release of housing land onto the market—and this does not include the price of the block of land itself. Section 94 contributions for a 700 square metre block in the north-west of Sydney are currently just under \$54,000. This is vital community money that goes to providing local roads and local community buildings. Yet the former Minister for Planning recently had the hide to introduce legislative reforms that take that money from the councils in the new growth centres and give it to this Labor Government. That is another take, amounting to \$54,000, by the New South Wales Government. Sydney Water's charge to provide pipes to those homes was \$13,000 per block. The Roads and Traffic Authority, under the Arterial Road Contribution Scheme, is still taking \$3,500 per block of land to upgrade Windsor Road—work that has been completed and was probably paid for many years ago. On top of that is \$27,000 for each 700 square metre block, for the State infrastructure charge. Originally the charge was nearly double that amount, about \$50,000 or \$60,000.

The former Minister for Planning thought he would do everybody a favour and trim that down a little bit to create the impression of more affordable housing. But it has done absolutely nothing to make housing more affordable. In addition to that, there is a further cost of almost \$50,000 levied against developers for Sydney Water headworks charges. These headworks charges originally were some \$300,000 per hectare. Some eighteen months ago, developers advise me, Sydney Water increased this price by more than 100 per cent. The Government has sat by while all these charges have been added to the cost of a block of land, such that in the north-west of Sydney it now costs \$150,000 just to develop a block of land—and that does not include the price of the land itself. The failure of the New South Wales Government over the past decade to provide orderly development and to roll out available land to provide housing has caused rural land prices to skyrocket. The result is that in Kellyville and some areas of Rouse Hill it now costs \$1 million an acre for land.

The Government will never be able to provide affordable housing for the families of New South Wales when housing costs are so high. Rural landowners have this perception of the value of their land, and they have the right to achieve the best possible price for it, but for the past 13 years the New South Wales Government has failed to roll out any affordable land for development. Every block of land in the south-west and north-west areas of Sydney currently being developed was brought onto the market prior to Labor taking office in 1995. The only land now available for housing in the north-west, in The Ponds development and in the Balmoral estate, does not have a home on it. Why? It is because of the despicable charges and taxes imposed by the New South Wales Government. As I have said, this Labor Government will reap a massive windfall from those charges, because the money raised from all those charges goes back directly to the Government. The section 94 contributions that have been taken from councils and go to this Government are yet another windfall for the Government. Billions and billions of dollars worth of land was brought onto the market about 10 years ago, but the Government has failed to provide affordable housing for the people of Sydney, and it has failed the families of Western Sydney.

[Business interrupted.]

LEGISLATIVE COUNCIL VACANCY

Joint Sitting

At 4.00 p.m. the House proceeded to the Legislative Council Chamber to attend a joint sitting to elect a member to fill a seat in the Legislative Council vacated by the Hon. Michael Costa.

At 4.13 p.m. the House reassembled.

The SPEAKER: I report that the House has met with the Legislative Council in the Legislative Council Chamber this day for the purpose of electing a person to hold the place in the Legislative Council rendered vacant by the resignation of the Hon. Michael Costa, and that John Cameron Robertson has been duly elected. I table the minutes of proceedings of the joint sitting.

Ordered to be printed.

HOUSING AFFORDABILITY

Motion Accorded Priority

[*Business resumed.*]

Mr ALLAN SHEARAN (Londonderry) [4.13 p.m.]: The best thing the State Government can do to address housing affordability is to increase the supply of land. We are doing that in the growth centres and in the Hunter and the Illawarra. In Western Sydney we recently launched the next stage of the Minto renewal project. One Minto is a first for New South Wales. It will integrate private and public housing in a single development and will see the staged development of 1,007 properties in the Minto public housing area. When completed, the project will contain a mix of 30 per cent public and 70 per cent privately owned houses. This means approximately 350 new public housing homes for those most in need and 850 affordable new homes for first home buyers. A concept plan design has been developed in close consultation with Campbelltown City Council, Landcom and, most importantly, the local community.

This redevelopment is far more than just bricks and mortar, and asphalt and parklands. It is about the people: the residents who have called this area their home and will do so again, and the people who will be new to the area. Importantly, all the streetscapes will look the same. Thirty per cent of the homes in the new development will be public housing but they will be indistinguishable. I am pleased to report that 12 new homes have already been sold at the site and a further 22 lots are currently on the market. Housing NSW is one of the largest residential property developers in Australia, with major construction projects at Riverwood, Villawood, Glebe, Bonnyrigg, Minto, Redfern and across the inner west. Housing NSW now has more than 5,500 public and private new homes in the pipeline—more than \$1.3 billion of construction, investment and jobs in New South Wales.

Another Government initiative helping to address affordable housing is the New South Wales Local Government Housing Kit. To effectively make a difference to this problem all levels of government need to work together. To help local councils play a vital part we developed the New South Wales Local Government Housing Kit. Since it was launched in 2007 the kit has helped councils, particularly in Western Sydney, to better understand their local housing needs. Most importantly, the kit helps councils best manage those needs. The kit outlines step by step local government's responsibilities in addressing housing affordability. It also describes the essential process of working with the community to ensure that the public and local interest groups are engaged each step of the way.

Another part of the kit is the housing database. This has been enormously successful with town planners, strategic planners and social planners. The database helps councils perform their own local analysis. They can compare their data with other local government areas and they can look at local housing trends. Councils can also contrast this information with their local demographics and economic statistics. The database is easily accessible on the Internet through the Housing NSW website, www.housing.nsw.gov.au. We are making a difference and we will continue to work with other levels of government and industry to provide relief for people struggling to find affordable housing in New South Wales.

Mr WAYNE MERTON (Baulkham Hills) [4.16 p.m.]: I have listened with great interest to the Government speakers today and I have shown them the respect they deserve on this important issue. One could forget for a moment that this Government has been in office since 1995. But here we are in 2008, 13 years later, talking about what the Government is going to do in the future and what it has recently released. It is true that New South Wales has a housing crisis and it is true that New South Wales is the most expensive State in the Commonwealth in which to live. It is true that New South Wales State taxes, which the member for Hawkesbury told us about, are the highest in the Commonwealth.

After 13 years this is the legacy that Government members have left the people of New South Wales. Now they are talking about what they are going to do in the future. My question to Government members is: What do they say about the past 13 years? Have they not left a legacy of despair and failure? Have they not been negligent? The results are there. New South Wales is the highest-taxed State as far as housing is concerned. If members do not believe me, let us look at what some organisations have said. The Housing Industry Association has stated that there is a critical shortage of available land in New South Wales. AV Jennings, a major company, disclosed in its report to shareholders that it intends to do more work in less aggressively taxed States such as Victoria and Queensland.

The New South Wales Property Council has highlighted the enormity of State Government charges on new houses and land packages as follows: in Sydney's north-west, State taxes amount to \$80,031, whereas on Queensland's Gold Coast they are \$15,876. If members want more, they will get more. In Melbourne the taxes amount to \$22,000. The member for Hawkesbury outlined in great detail why we have this problem. We have it because this Government in the past 13 years of failure, ineptitude and betrayal of the people of New South Wales simply has not released enough land. The number of blocks that have been made available for release now is considerably less than in 1988. Yet the Government has the gall, the hide and the audacity to come here and talk about what it is going to do in the future. The people of New South Wales are saying, "What have you done in the past? How can we believe your future plans when you have betrayed us and led us up the garden path?" Last Saturday the people made their views known in the by-elections; there was a 22 per cent swing against the Government. This Government is a failure and it spells doom. It is a "gonna" Government that has not done it.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [4.19 p.m.]: The member for Baulkham Hills spoke about by-elections but I would like to acknowledge another by-election. I refer to the fact that the member for Mount Druitt was elected to this Parliament 25 years ago today in a by-election. As the father of the House, I have much pleasure in passing on congratulations to him. New South Wales families are doing it tough with increases in petrol and grocery prices and interest rates. That is why this Government has been working closely with all levels of government and industry to address levels of housing affordability. We recently announced the Glebe affordable housing project, a partnership between the City of Sydney Council and Housing NSW. It received a lot of publicity at the time.

On 29 April 2008 the New South Wales Government and the City of Sydney signed a memorandum of understanding for a \$260 million project to deliver up to 700 new affordable homes. Housing NSW older-style apartment buildings located in Bay, Wentworth and Cowper streets, Glebe, and part of the City of Sydney's depot cleansing facility in William, Henry and Wattle streets will be replaced with a mix of new homes suited to the needs of older people, families and people seeking affordable housing close to where they work. It will bring people back into the city. The Government also has invested a massive \$420 million over five years to build 2,800 additional homes for older people around New South Wales. This will increase the amount of public housing stock available to older people by 10 per cent, to around 30,000 dwellings—an outstanding number. Our work for not-for-profit community housing providers is producing some great results. I acknowledge the great support from not-for-profit community housing providers in their cooperation with the Government.

Last year we announced that \$230 million would be invested over four years to help more people access affordable rental housing across the State. The money is being used on initiatives that include, for example, 35-year leases for community housing providers to give them more income security and improve their borrowing ability; \$49.8 million in funding for an Affordable Housing Innovations Fund to encourage improvement and new ideas for the supply of affordable community housing; \$70 million in funding for community housing providers to build their own homes; and \$102 million to be spent over four years on programs to help eligible households access the private rental market. Building on these initiatives, in November last year the New South Wales Government launched the Planning for the Future—Community Housing Strategy, about which other Government members have spoken. Our aim is to increase the number of community housing homes from 13,000 to 30,000 over the next 10 years. These tasks and programs are aimed at achieving a totally innovative record in this State that has never been achieved before. I commend the motion of the member for Parramatta to the House.

Ms TANYA GADIEL (Parramatta) [4.22 p.m.], in reply: I also acknowledge the contribution of one of the greatest members for Western Sydney, the Hon. Richard Amery, whom I have the pleasure of sitting next to in this House. He has taught me a lot over the years. I think I have probably taught him a few things as well. Congratulations, Richard, on your outstanding contribution to the Parliament over 25 years. I thank the members representing the electorates of Hawkesbury, Londonderry, Baulkham Hills and Riverstone for their contributions to the debate. As usual, the member for Hawkesbury demonstrated that he clearly has his ears painted on and does not listen. I outlined many things the State Government has been doing to assist with the housing crisis.

I thank the member for Baulkham Hills for his usual wonderful performance. Though there is not necessarily much substance in what he says, it is always a pleasure to watch him in action. Naturally, I thank my colleagues the member for Londonderry and the member for Riverstone for their extremely well thought out contributions. We know they have many constituents who find themselves in this situation. I thank all members for their contributions. Finally, I point out that the New South Wales Government is doing a lot to assist with

housing affordability. The Government is committed to delivering more affordable housing to people in need in this State. Now that the Federal Government is interested in helping all members of the community, housing affordability will become a reality for the people of New South Wales.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 49

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

Noes, 34

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

Pair

Ms Judge

Mr O'Farrell

Question resolved in the affirmative.

Motion agreed to.

LOCAL GOVERNMENT AMENDMENT (LEGAL STATUS) BILL 2008

Bill introduced on motion by Mrs Barbara Perry.

Agreement in Principle

Mrs BARBARA PERRY (Auburn—Minister for Local Government, and Minister Assisting the Minister for Health (Mental Health)) [4.35 p.m.]: I move:

That this bill be now agreed to in principle.

The Government is pleased to introduce the Local Government Amendment (Legal Status) Bill 2008. The bill achieves two important reforms for local government workers in New South Wales. The first of the reforms arises from the WorkChoices regime, whose adverse impact is still being felt by workers in this State. Local councils and county councils are bodies corporate under the Local Government Act. This corporate status might, in some circumstances, still expose them to regulation by the Federal industrial relations system. Quite simply, WorkChoices is not as fair for workers as is the New South Wales industrial relations system. Although the worst aspects of WorkChoices are now dead and buried, further legislation to repeal other unfair elements of WorkChoices will not be introduced until mid 2009, with the new system not being fully operational until mid 2010.

The New South Wales Government does not believe that council employees should have to wait any longer for certainty, and is committed to protecting New South Wales local government employees and their hard-earned rights and benefits. Councils and local government unions have strongly indicated they would prefer to remain within the State industrial system—a system that has delivered fairness and certainty for everyone. Councils in New South Wales have voted with their feet and made extensive use of the referral agreements provision inserted into the Industrial Relations Act in 2006. Section 146A permits an employer and a union to agree to refer industrial matters for resolution and determination by the Industrial Relations Commission of New South Wales.

Welcome as that cooperation is, it cannot take away the basic uncertainty regarding which system local councils belong in, so the New South Wales Government has decided that something needs to be done sooner rather than later. This bill will minimise the risk of New South Wales councils being caught up in the Federal system by changing their corporate status. Instead of being a body corporate, a council will be constituted as a body politic of the State and will have the legal capacity and powers of an individual. This change in legal status is not intended to affect the day-to-day operations of a council. It will not expose councillors to greater risk of personal liability. It will not affect the existing legal rights and obligations of councils or third parties who do business with them. Its only impact is to remove the possibility that a council might be characterised as a constitutional corporation and therefore as an employer for the purposes of the Commonwealth's Workplace Relations Act. It will ensure that a council cannot be subject to the Federal industrial relations legislation.

However, New South Wales laws that apply to corporations will continue to apply to councils as if they were bodies corporate. This means, for example, that section 50 of the Interpretation Act will continue to apply to a council. As a result, a council will continue to have a seal for the execution of documents and may sue and be sued in its council name. Councils also will continue to be subject to any statutory penalties or fees—such as filing fees—that may be imposed on bodies corporate, rather than being treated as natural persons. Earlier this year the Queensland Parliament enacted similar legislation to protect council employees in that State from WorkChoices. That legislation ensured that council workforces are covered by the State industrial relations system. Due to the different legislative schemes for local government in each jurisdiction the reforms are not identical. The bill will nonetheless achieve similar certainty for New South Wales council and county council employees.

The Government is aware of the recent Federal Court decision that held that a local council in Queensland, before the Queensland reforms were enacted, was not a constitutional corporation. Although this decision is encouraging, it does not resolve the issue finally, and the New South Wales Government does not believe that council workers should be left in legal limbo. At this time more than 50 New South Wales councils have not entered into common law agreements with their employees, and those employees remain exposed to the Federal system. This bill removes the spectre of this happening. It should be welcomed by local government employees across the State.

The Government will continue to encourage the Commonwealth to toss out the woeful remnants of WorkChoices and ensure clarity for the industrial regulation of local government around Australia. The bill also introduces a further important improvement for the conditions of employees in local government. It will allow a council to appoint temporary employees for up to two years to fill positions when permanent council staff are on parental leave. Currently the Local Government Act provides that when a council or general manager appoints a person to a position that is temporarily vacant because the holder of the position is sick, absent or suspended from duty the temporary appointment may not continue in that position for more than 12 months.

However, when the Local Government (State) Award 2004 was made it allowed staff to be granted parental leave for a period of up to 24 months. This means that if a staff member is on parental leave for 24 months the general manager can appoint someone to fill that position for only 12 months. At the end of that

12-month period the general manager would have to go through the process of appointing another person to that temporary vacancy. The bill allows persons to be directly appointed to a position without advertisement for a period of up to 24 months when the appointment is to fill a vacancy arising from the granting of parental leave. The local government sector has been given the opportunity to comment on this proposal.

The department issued a circular to all councils advising them of the proposal to amend the Act and inviting them to comment. Of the 65 councils and one county council that responded to the circular, 57 supported the proposal and only 2 opposed it. Five councils did not indicate a position. The United Services Union also supports this proposal. I now turn to another aspect of the bill. Currently section 358 of the Local Government Act provides that a council can form a corporation or other entities with the approval of the Minister for Local Government. Applications to form corporations by councils are not very common and are usually sought only for non-core activities requiring specialised management. Currently there are certain things I take into account when I consider these applications.

The bill seeks to make it mandatory for the Minister for Local Government to consider certain criteria in granting requests by councils to form corporations or other entities. To achieve this the bill proposes a new regulation-making power to be included in section 358 of the Act. The criteria to be considered will be specified in the regulation. These criteria will be based on the administrative criteria previously developed by the Department of Local Government and applied by Ministers. For example, currently a council must demonstrate that its proposal is consistent with the functions of the council, the proposed entity will be legally separated from the council, the council is financially viable and, importantly, the proposal will result in existing council staff being transferred to the employment of the corporation on conditions that are consistent with the previous employment with the council.

Councils are also required as part of the applications to provide information on whether a newly proposed entity will guarantee the continued employment of transferred staff for a period of at least three years. The regulation will be amended to specify the matters similar to those mentioned above so that a Minister approving an application by a council under section 358 will have to have regard to those matters. This bill demonstrates the Government's continued commitment to support the local government sector by enabling it to carry out its functions in a sustainable manner based on the principles of good governance. I commend the bill to the House.

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

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT
AMENDMENT (ADVERTISING) BILL 2008**

Bill received and read a first time.

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [4.47 p.m.], on behalf of Mr David Campbell: I move:

That this bill be now agreed to in principle.

The bill was introduced in the other place on 24 September 2008 and the second reading speech appears on page 9873 of the *Hansard* for that day. The bill is in the same form as introduced in the other place. I commend the bill to the House.

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

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT
AMENDMENT (ADVERTISING) BILL 2008**

Agreement in Principle

Debate resumed from an earlier hour.

Mr GREG SMITH (Epping) [4.48 p.m.]: The Classification (Publications, Films and Computer Games) Enforcement Amendment (Advertising) Bill 2008 amends the Classification (Publications, Films and

Computer Games) Enforcement Act 1995 in order to amend the enforcement Act in relation to the advertising of unclassified films and computer games. This bill provides for the enforcement of the proposed Commonwealth scheme relating to the advertising of unclassified films or unclassified computer games to be determined by a legislative instrument made under division 2 of part 3 of the Classification (Publications, Films and Computer Games) Act 1995 of the Commonwealth. The Opposition does not oppose the bill.

It is appropriate to detail some of the background of the legislation. On 1 January 1996 the National Classification Scheme commenced. This is a cooperative arrangement under which the Classification Board classifies films, including videos and DVDs, computer games and certain publications and was established following recommendations made by the Law Reform Commission about censorship procedure in 1991. One of the recommendations was to establish a national approach to classification. Pursuant to this the Commonwealth, States and Territories entered into the Intergovernmental Agreement on Censorship. A National Classification Code, agreed between the Commonwealth and the States, sets out the principles to be followed in making classification decisions. General criteria for the various classification categories have also been agreed.

An independent statutory body, the Classification Board, is responsible for classification decisions. The Classification Review Board, also an independent statutory body, can review original classification decisions in certain circumstances and provide a fresh classification decision. In New South Wales the relevant legislation is the Classification (Publications, Films and Computer Games) Enforcement Act 1995. The bill seeks to amend that Act. The bill implements certain amendments proposed to the classification Act by the classification amendment Act, which was introduced in June 2008 with the support of the Opposition, sections of which are yet to be proclaimed. The most significant amendment is in section 31 of the Commonwealth assessments and advertising Act, which provides for the creation of an advertising scheme.

An advertising scheme enables the Minister to determine a scheme for the advertising of unclassified films and computer games, specifying conditions on which such films and games may be advertised and providing for requirements relating to self-assessment by industry of the likely classification of unclassified films and games. The scheme may provide for the authorisation of persons to make such assessments. Presently this section has not been proclaimed; however, it is anticipated that the section will come into force on or before 1 July 2009. The present advertising bill is introduced with the stated purpose of ensuring that future requirements imposed on the advertising of unclassified films and computer games will be enforceable in New South Wales.

A number of arguments have been put in support of the bill. State legislation currently prohibits the advertising of films and computer games before they are classified. It is argued that the current prohibitions are unduly restrictive because, due to piracy concerns, products are held back from classification until very close to their release date. In New South Wales it is presently an offence to sell or publicly exhibit unclassified films or to sell or publicly demonstrate an unclassified computer game. Further, it is an offence to publicly exhibit a film that has been classified MA15+ in the presence of a minor who might be legitimately in a cinema to watch a lesser-rated film such as a G-rated film.

The amendment to section 31 of the Commonwealth, and I think the State, Act will enable films and video games to be provisionally classified thereby enabling their advertising. This will not, however, apply to films or games that are likely to fall into the most extreme classes such as the X18+ or RC categories. However, the amended section 39 will provide that a person must not publish an advertisement for an unclassified film or unclassified computer game otherwise than in accordance with the advertising scheme. It will remain an offence to publish offensive advertisements or advertisements which deal with topics in a way that offends reasonable standards of decency and morality.

The Government puts forward the amendments in this bill as technical amendments necessary to complement the new advertising scheme when it comes into force and to ensure that such requirements will be enforceable in New South Wales. The bill inserts a new offence of advertising an unclassified film or computer game if the advertisement does not comply with the advertising scheme. The Attorney General said in his second reading speech in the Legislative Council that Tasmania and the Northern Territory have already introduced similar bills and that by allowing the new advertising requirements to be enforced in New South Wales these amendments will ensure the continued efficacy of the National Classification Scheme. Finally, the Commonwealth Act was in all material respects identical to a bill that was previously considered and approved by the Howard Government. An argument about the issue of self-regulation by the industry has been raised as a concern. Various stakeholders, including the Law Society and the Bar Association, have been consulted but we have not received any opposition from them. The Opposition does not oppose the bill.

Mr FRANK TERENCE (Maitland) [4.55 p.m.]: I support the Classification (Publications, Films and Computer Games) Enforcement Amendment (Advertising) Bill 2008. The bill amends the Classification (Publications, Films and Computer Games) Enforcement Act 1995 to remove the offence of advertising an unclassified film or computer game and replace it with an offence of failing to advertise a product in accordance with the relevant legislation—the maximum penalty being 200 penalty units or \$22,000; and inserts a new offence of advertising an unclassified film, or an unclassified computer game, if the advertisement does not comply with the legislation—maximum penalty 200 penalty units or \$22,000.

The advertising of unclassified films or computer games will be subject to conditions agreed to by the Commonwealth and all States and Territories. The conditions will be: consumer advice to check the classification; strict time periods in which classification information must be included in advertisements once the product has been classified; and strict limitations on such advertising—for example, films likely to be classified M or PG are not to be advertised during G-rated films.

I will put on record some of the safeguards of the new scheme. As was outlined when the bill was introduced, it has a number of safeguards to ensure the integrity of the new advertising scheme. First and foremost, the scheme will not, as the member for Epping said, apply to material that falls into or is likely to fall into the X18+ or RC categories. Advertising of that material is already currently prohibited, and will continue to be prohibited under the scheme. Secondly, there will be measures to ensure the quality and accuracy of decisions that are made by authorised assessors. Those measures will include: training for assessors, including annual refresher training approved by the Classification Board; random and complaint-based auditing of advertisements for unclassified products; and a range of offences, statutory powers and disciplinary provisions which will enforce the conditions of the scheme.

Currently under the Commonwealth legislation the board must refuse to approve offensive advertisements or advertisements which deal with topics in a way that offends reasonable standards of morality and decency. This provision will be retained under the new advertising scheme. It will remain an offence to publish, screen or otherwise distribute an advertisement that has been refused approval by the Classification Board or, importantly, one that would be refused approval by the Classification Board if it were submitted for approval. The director of the Classification Board currently has the power to call in an advertisement for classification. If the director does so the advertisement has to be submitted to the Classification Board within three business days. The board then determines whether the advertisement should be approved for distribution. This power will also be retained for advertisement of unclassified material.

There will also be disciplinary provisions. The director of the Classification Board will have the power to revoke or suspend a person's authorisation to assess materials, for example, if it is found that a person seriously or repeatedly misrepresents the likely classification of materials. Similarly, the director of the Classification Board will have the power to bar a distributor from using authorised assessors. In those circumstances the distributor will be required to apply to the Classification Board for assessment of the likely classification of any unclassified films or computer games that they wish to advertise. These offences and powers offer a real deterrent to assessors, distributors and advertisers from making lax or inadequate assessments. I note that advertising for products other than films and computer games is not subject to strict conditions. It is clear that the safeguards I have outlined have been included to ensure the integrity of the scheme.

With regard to the new offence provisions, the purpose of the bill is to make the technical amendments necessary to complement the new advertising scheme when it comes into force. The bill makes amendments to remove the offence of advertising an unclassified film or computer game and replace it with an offence of advertising an unclassified film or computer game otherwise than in accordance with the scheme. The bill also inserts new offences of advertising an unclassified film or an unclassified computer game together with classified material if the advertisement does not comply with the scheme. The maximum penalties for the new offences are \$11,000 for individuals and \$22,000 for corporations per advertisement.

The penalties rank highly when compared with those in other States and represent some of the toughest penalties in the country. For example, in Queensland the penalty will be \$4,500, in the Northern Territory the maximum penalty will be \$5,500 and in Tasmania the penalty for a breach of the scheme will be a maximum of \$2,400 for an individual or corporations. It is clear that the bill will greatly enforce the offence provisions for people who flout the scheme. It is good that another step has been taken to classify material seen by people, to further strengthen the provisions, and to bring them in line with those of other jurisdictions. I commend the bill to the House.

Mr JONATHAN O'DEA (Davidson) [5.01 p.m.]: As another qualified lawyer, I acknowledge that the member for The Entrance, who is in the chair, is referred to as Mr Assistant-Speaker, although I can understand the member for Epping and the member for Maitland erroneously referring to him as "Mr Temporary Speaker" in that the margin in his seat of The Entrance is less than 10 per cent. The national classification scheme is a cooperative arrangement between the States, Territories and the Commonwealth.

The Classification (Publications, Films and Computer Games) Enforcement Amendment (Advertising) Bill 2008 introduces changes in New South Wales that are consistent with the amendments to the relevant Commonwealth legislation passed earlier this year. Currently it is an offence to advertise an unclassified film or computer game, with some limited exceptions for cinema release films. Due to increasing piracy concerns and technological advances, these days films and computer games are often available for classification only very close to their release date. The current classification laws place significant regulatory limitations on marketing those films and computer games prior to their classification.

To address this concern while ensuring that advertising continues to be done appropriately all classification Ministers agreed last year, after public consultation, to implement a new way of regulating the advertising of films and computer games yet to be classified. When the Commonwealth Act comes into force by 1 July 2009 it will allow the Commonwealth Minister for Home Affairs to make a statutory instrument that sets conditions for the advertising of films and computer games before they are classified. The instrument will establish an assessment scheme for unclassified films and computer games. Under this the likely classification of the product could be determined either by the Classification Board or by an assessor who has undertaken approved training and is authorised by the director of the Classification Board to do so.

I note that the bill provides a number of appropriate safeguards to ensure the integrity of the new advertising scheme, including that the scheme will not apply to material that falls into, or is likely to fall into, the X18+ or RC categories. I note that the Classification Board and the Classification Review Board are responsible for making classification decisions. These are not really censorship decisions, contrary to what is publicly thought, as material presented can only be classified or refused classification, not modified or edited, by either board.

The Classification Review Board is an independent statutory body. It meets as needed to review classification decisions made by the Classification Board. This generally follows an application for review from the original applicant for classification, or the publisher of the film, publication or computer game, when there is disagreement about the original decision. The Classification Review Board consists of a convenor, a deputy convenor and at least three, but not more than eight, other part-time members. Members are appointed by the Governor-General on the advice of the Australian Attorney-General, who first consults with relevant State and Territory Ministers. Board members are required to possess maturity, balance, commonsense, sensitivity and reasoning skills. I was the deputy convenor of the Classification Review Board from February 2000 to February 2004, whilst also working full time in private enterprise. Maureen Shelley, a senior journalist and respected local community leader, has just retired as convenor of the Classification Review Board. Like the previous permanent convenor, Barbara Biggins, Maureen Shelley served admirably in that capacity for the maximum term of seven years.

In between them, I served as the acting convenor for a few months in mid to late 2001. On behalf of the whole Parliament, I hope, I thank them for their service, particularly more recently Maureen Shelley for her admirable service over the past seven years. Other members of the Classification Review Board likewise perform valuable and important community service on a part-time basis. They have a range of backgrounds broadly representing the Australian community. In conclusion, the current amendments should help the classification system to operate more appropriately, while allowing a sensible level of self-regulation. I therefore support the bill.

ASSISTANT-SPEAKER (Mr Grant McBride): I call the member for Lane Cove. Are you a lawyer?

Mr ANTHONY ROBERTS (Lane Cove) [5.06 p.m.]: No, I am not.

Mr Barry Collier: What is your margin?

Mr ANTHONY ROBERTS: My margin is very suitable, thank you. I am sure it will increase come 2011. I will not talk about margins, certainly not after last Saturday's wonderful results, but on the Classification (Publications, Films and Computer Games) Enforcement Amendment (Advertising) Bill 2008. I commend those

members of the Classification Review Board, particularly the member for Davidson, who in the past served so admirably on that board. The bill amends the Classification (Publications, Films and Computer Games) Enforcement Act 1995 in relation to the advertising of unclassified films or unclassified computer games. The bill provides for the enforcement of the proposed Commonwealth scheme relating to the advertising of unclassified films or unclassified computer games to be determined by a legislative instrument made under division 2 of part 3 of the Classification (Publications, Films and Computer Games) Act 1995 of the Commonwealth.

The national classification scheme is a cooperative arrangement under which the Classification Board classifies films including videos and DVDs, computer games and certain publications. The scheme commenced on 1 January 1996. In 1991 the National Classification Scheme was established, following recommendations by the Law Reform Commission about censorship procedure. One of the recommendations was the establishment of a legislative framework that would enable the Commonwealth, States and Territories to take a national approach to classification—quite a sensible approach. I certainly commend all those governments for taking that approach.

The Commonwealth, States and Territories entered into the Intergovernmental Agreement on Censorship, which underpins the entire scheme. The agreement confirms that certain changes to the scheme, such as amendments to the National Classification Code and the Classification Guidelines, must be considered and agreed to by censorship Ministers. The Classification Board is an independent statutory body responsible for classification decisions. A single National Classification Code, agreed between the Commonwealth and the States, sets out the principles to be following in making a classification decision. The general criteria for various classifications categories have also been agreed on.

The Classification Review Board, also an independent statutory body, can review original classification decisions in certain circumstances and also provide fresh clarification of a decision. Under the National Classification Scheme the States and Territories are responsible for the enforcement of the classification decisions. Each State and Territory has classification enforcement legislation to complement the Commonwealth classification Act, and we are discussing those amendments here. This enforcement legislation sets out how films, publications and computer games can be sold, hired, exhibited, advertised and demonstrated in each State or Territory.

As part of the Australian Government's Northern Territory National Emergency Response, the Commonwealth classification Act in this case makes it an offence to possess or control prohibited material within prescribed areas in the Northern Territory. Just as seen throughout the Commonwealth, where there have been various changes there is now an opportunity for a general unifying Act and agreement. The bill makes a number of amendments to the Act, including amending section 39 to provide that a person must not publish an advertisement for an unclassified film or unclassified computer game otherwise than in accordance with the advertising scheme.

It makes it an offence to publicly exhibit and display an advertisement for an unclassified film during a film program, or to sell a classified film with an advertisement for an unclassified film or unclassified computer game, if the exhibition or sale with the advertisement does not comply with the advertising scheme. It makes it an offence to sell or publicly demonstrate a classified computer game with an advertisement for an unclassified computer game or unclassified film if the sale or public demonstration with the advertisement does not comply with the advertising scheme. It will not be an offence to publish an advertisement for an unclassified film otherwise than in accordance with the advertising scheme under section 39 as amended by the bill.

I would like to put on record some pertinent comments made on 14 May 2008 by Senator Joyce on the second reading of the Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Bill 2008 of the Commonwealth. Senator Joyce raised concerns that we are starting to move towards self-regulation of the industry and, in doing so, opening potential loopholes for people who have the capacity to put themselves in positions in relation to classifications that may not reflect the true aspirations of the community. Senator Joyce expressed strong concern and said that as we go forward we need to make sure that we keep in contact especially with the families who have seen the problems that can occur when there is endorsement by the public of a certain classification and the issues that can arise for certain members of the community who can be affected. Senator Joyce stated:

We are affected by what we see and what we hear, and we see classifications as an endorsement of a community's view about how they see a certain issue. We also note that the views and self-assessment of someone who has a vested interest in getting a media product such as a publication, a film or a computer game out into the public may not be the same as the community's views when that product actually arrives out in the public.

We have had a number of such incidents recently, particularly to do with computer games but also relating to our arts community. Senator Joyce continued:

This bill increases the exposure of minors to violent and a graphic adult material in the interests of advertising and industry profiteering. The safeguards to the bill include industry assurances that organisations will act responsibly and in compliance with the scheme; however, there is a question about the validity of these assurances should profits ever be threatened.

We see more and more instances throughout this State and nation of profits being put before community interests. Senator Joyce concluded:

Exposure to the advertising will be restricted to the appropriate classification level. However, we have always got the issue of the juxtaposition between what the market deems appropriate and what the community believes is appropriate to maintain some structure and control over what their families—especially children—are exposed to. This is why, especially in today's arena, we possibly need to be a little bit more vigilant about this bill.

Once again I draw the attention of the House to what I and the community see as an increase in violent video games, with the video games being so lifelike that children cannot distinguish between reality and fiction and are adversely affected. All that aside, the Opposition does not intend to oppose the bill. State legislation currently prohibits the advertising of films and computer games before they are classified. It is an offence to publicly exhibit a film that has been classified MA15+ in the presence of a minor who might be legitimately in a cinema to watch a less-rated film such as a G-rated film. This will, however, not apply to films or games that are likely to fall into the most extreme classes, such as X18+ or RC categories. It will remain an offence to publish offensive advertisements or advertisements that deal with topics in a way that offends reasonable standards of decency and morality. The community needs to keep a close eye on this. These standards and the powers given to the boards and the Minister must be carefully monitored to ensure that they reflect community standards. I commend the bill to the House.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [5.14 p.m.], in reply: I am a lawyer, and I referred to the occupant of the chair correctly.

ASSISTANT-SPEAKER (Mr Grant McBride): You must be one of the good lawyers.

Mr BARRY COLLIER: I am on this side of the House; it must be so. I thank the member for Epping, the member for Maitland, the member for Lane Cove and the marginal member for Davidson. I note that they did not oppose the bill. I regard the contribution of the marginal member for Davidson as high praise for the bill, given his role as deputy convenor of the Classification Review Board. The New South Wales Classification (Publications, Films and Computer Games) Enforcement Act 1995 is an essential component of the national classification scheme. It contains the offences and penalties that allow the scheme to be enforced in New South Wales. The purpose of the bill is to amend the New South Wales enforcement legislation to complement recent amendments to the Commonwealth classification laws. The bill removes the offence of advertising an unclassified film or computer game, and replaces it with an offence of advertising an unclassified film or computer game otherwise than in accordance with the new advertising scheme. The bill also inserts new offences of advertising an unclassified film or an unclassified computer game together with classified material, if the advertisement does not comply with the advertising scheme.

The new scheme was developed following public consultation on a discussion paper issued by the former Commonwealth Government in August 2006. Submissions on the discussion paper were made by a number of groups, including the Classification Board; Young Media Australia, an organisation that aims to promote the needs of children in relation to the media; film exhibitors, including Village Cinemas, Reading Cinemas, Hoyts Cinemas, Greater Union Cinemas and The Picture Show Man Cinemas; the Interactive Entertainment Association of Australia, the peak group representing the computer and video game companies in Australia; the Australian Visual Software Distributors Association, the peak group representing the distributors of DVD and VHS films in Australia; and the Law Institute of Victoria.

In April 2007 the Commonwealth and all State and Territory classification Ministers agreed to the final form of the scheme, including a range of safeguards and sanctions to ensure appropriate matching of advertisements to audiences. The Government considers that the various safeguards in the scheme, including training requirements, the authorisation of assessors, disciplinary sanctions and offences, and the option to apply to the board to assess a film in difficult cases, will ensure that decision making by industry assessors is no less rigorous and consistent than decisions taken by the board. Authorised assessors will be assessing films and computer games only for the purpose of advertising them with other material before they are classified. Once the products are classified there will be strict time frames in which the classification information for the product will need to be added to any existing advertising. All films and computer games will continue to be classified by the Classification Board prior to their actual release on the market.

The member for Lane Cove referred to a number of concerns raised by Senator Joyce. Some concerns have been expressed that the new advertising scheme constitutes a move towards self-regulation. It is important to be clear that currently, though the advertising of unclassified films and computer games is prohibited, there is an exception: up to 136 cinema-release films can be advertised each year before they have been classified by the board. The trailers appear with a message that says "check the classification closer to the release date". The cap on the number of films that can be advertised before they are classified disadvantages smaller filmmakers and distributors, or those who applied for the exemption later in the year. The exception is also unfair in that it does not apply to computer games or to DVDs.

The new advertising scheme will be more equitable, and it will have strict requirements for advertisers. It will now allow advertising of films and computer games before they are classified, but it will impose strong limitations and safeguards. Firstly, there will be a strict audience-matching rule. The new scheme will prohibit products likely to be in higher categories from being advertised together with material that already has been classified as a lower category—for example, films likely to be PG will not be able to be advertised with G-rated films. Second, to ensure that advertisements are appropriately matched to the products they appear with, the new advertising scheme will require the likely classification of a film or computer game to be determined either by the Classification Board or by an authorised assessor. These authorised assessors will be subject to oversight by the director of the Classification Board and to disciplinary sanctions.

Finally, all films and computer games will continue to be classified by the Classification Board prior to their actual release on the market, and once the products are classified there will be strict time frames in which the classification information for the product will need to be added to any existing advertising. The new scheme improves the regulation of pre-classification advertising both to make it more equitable and more consistent and to introduce better safeguards and stricter conditions on such advertising. The Classification (Publications, Films and Computer Games) Enforcement Act has been working well in New South Wales since 1995. The amendments proposed in this bill will ensure that the national classification scheme remains appropriate to the needs of both the community and industry in years to come. 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 returned to the Legislative Council without amendment.

CHILD PROTECTION (OFFENDERS REGISTRATION) AMENDMENT BILL 2008

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

ADMINISTRATIVE DECISIONS TRIBUNAL AMENDMENT BILL 2008

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [5.21 p.m.], on behalf of Mr David Campbell: I move:

That this bill be now agreed to in principle.

The bill was introduced in the other place on 24 September 2008 and the second reading speech appears at page 9875 of the *Hansard* for that day. The bill is in the same form as introduced in the other place. I commend the bill to the House.

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

ADMINISTRATIVE DECISIONS TRIBUNAL AMENDMENT BILL 2008**Agreement in Principle****Debate resumed from an earlier hour.**

Mr GREG SMITH (Epping) [5.22 p.m.]: The Opposition does not oppose the Administrative Decisions Tribunal Amendment Bill 2008. The Administrative Decisions Tribunal is a very important organisation. As an umbrella body for various former tribunals, it deals with a lot of important appeal-type actions, keeping the courts from being cluttered. The stated objects of the bill are: to amend the Administrative Decisions Tribunal Act so as to give effect to certain recommendations made as a consequence of a review carried out of section 147 of the principal Act; to make other amendments in connection with the constitution, functions and procedure of the tribunal and in the nature of statute law revision; to make consequential and other amendments in the nature of law revision to the Administrative Decisions Tribunal General Regulation 2004 and the Administrative Decisions Tribunal Rules (Transitional) Regulation 1998; and to repeal the Administrative Decisions Tribunal Legislation Further Amendment Act 1998 and the Administrative Decisions Tribunal Rules (Transitional) Regulation 1998.

The stated objects of the bill are also: to amend the Anti-Discrimination Act 1977 so as to increase the maximum amount that the tribunal may award under that Act as compensatory damages from \$40,000 to \$100,000; to enable the president of the board instead of the Minister to grant exemptions from the operation of that Act and to enable applications to be made to the tribunal for reviews of such exemption decisions; to omit certain procedural provisions relating to the tribunal that duplicate procedural provisions already contained in the principal Act; to amend the Building Professionals Act 2005 to remove any right to appeal certain decisions of the tribunal to an appeal panel and to provide instead for such appeals to be made directly to the Supreme Court; to amend the Anti-Discrimination Regulation 2004 and the Explosives Act 2003; to make amendments that are consequential on the amendment of the Anti-Discrimination Act 1977 and the principal Act; and, finally, to amend the Supreme Court Act 1970 to assign to the Court of Appeal any appeals from decisions of an appeal panel of the tribunal and the referral of questions of law by the tribunal for the Supreme Court's opinion.

The amendments made to the principal Act by this bill that arise from the statutory review deal with the following matters: the joinder of persons who are not parties to proceedings in the tribunal; the continued participation of members or assessors of the tribunal who preside over unsuccessful preliminary conferences for proceedings in a formal determination of the proceedings; the powers of the registrar of the tribunal with respect to the issue of a summons to attend and give evidence or produce documents or other things and the granting of access to things produced pursuant to such a summons; the expansion of the circumstances to which the tribunal may have regard in awarding costs in proceedings before it; and the simplification of the process for the making of the rules of the tribunal by its rules committee.

By way of background, section 147 of the Administrative Decisions Tribunal Act requires that that Act be reviewed five years from the date of its assent to determine whether the policy objectives of that Act remain valid and whether its terms remain appropriate for securing those objectives. The most recent review made recommendations for amendments to the Act with the intention of improving the tribunal's operational efficiency. This bill gives effect to the recommended legislative changes in the statutory review as well as making other amendments to enhance the operational efficiency of the tribunal.

The tribunal is an accessible forum of our justice system that hears matters regarding decisions of public administrators. It is one of the most accessible forums for matters to be heard in and is designed for individuals to be able to challenge and appeal administrative decisions. As part of the arrangements under the bill, the tribunal's equal opportunity division will now be able to award up to \$100,000 in compensation to victims of discrimination. The cap at the moment is \$40,000 and the change is in line with provisions that exist federally and in other States. As usual, we are catching up with the other States and the Commonwealth.

Changes are also made to when the president of the Anti-Discrimination Board can grant exemptions rather than vesting the power with the Attorney General. At present the Attorney General can grant exemptions on recommendation of the board but there is no provision for review of the Attorney General's decision. There are also amendments to recognise the tribunal's powers to review administrators, and the bill also requires that agents who are not legal practitioners must obtain leave of the tribunal in order to appear as a representative. As a result of these amendments, cases of appeals from disciplinary proceedings against accredited certifiers are to go to the Supreme Court.

The exhibition and consultation requirements for the making of rulings are removed from the Act and the rules committee will be able to make rules for divisions of the tribunal. This is in line with practices in other divisions throughout Australia for similar tribunals and has been motivated by the lengthy process involved in making rulings that have led to them not being used and the undesirable situation where practice notes are established in their place. Changes to section 24A clarify that in interlocutory matters the tribunal can be constituted by a single member, and allow the president or divisional head to give direction as to who may constitute this tribunal.

Section 53 will be amended to ensure that a person is notified of the result of an internal review 21 days after the application is lodged, which is a more stringent standard than applies currently. Section 55 also will be amended to clarify the time frame in which a review can be made. Section 58 will be amended to ensure that a statement of reasons provided on internal review also will be provided to the tribunal. Section 67 (4) is amended to allow for broader powers to join parties in matters where appropriate. This amendment also will broaden circumstances where a matter is dismissed and allow for a dismissed matter to be reinstated in cases where a reasonable excuse is established.

Amendments are made also to provide that the tribunal can refer questions of law to the Court of Appeal regardless of the status of the tribunal member. The amendments further clarify that the registrar has the discretion to issue a summons and for the tribunal to pay for the costs of mediators. Section 88 of the Act will be amended to confirm that parties before the tribunal bear their own costs unless otherwise specified by the tribunal, as well as broadening the matters to be considered in awarding costs. These changes are aligned with the Victorian Civil and Administrative Tribunal Act 1998. The *Legislation Review Digest* states that under section 88 of the Administrative Decisions Tribunal Act the tribunal currently may award costs, but only if satisfied that special circumstances warrant the award. The statutory review favouring the adoption of a provision as to costs is based on section 109 (3) of the Victorian Act, which states that the tribunal may make an award by reference to criteria related to conduct, delay, relative strengths of claims made, nature and complexity of proceedings, and any other matter the tribunal considers relevant. The proposed changes to section 88 are largely based on the Victorian precedent.

The Opposition considers the amendments are fairly standard and in line with general recommendations of the review of the Act. Arguments against the bill are that increases in compensation allowable to victims of discrimination could have a negative fiscal impact on some agencies and lead to an increase in the number of claims before the tribunal. The Government has not indicated whether any preparation has been undertaken to manage such changes or possible increases in the number of cases before the tribunal. Various stakeholders have been consulted—the Law Society, the Bar Association, the Office of the Director of Public Prosecutions, and the Legal Aid Commission—and none has raised any objections to this proposal. The Opposition does not oppose the bill.

Mr FRANK TERENCEZINI (Maitland) [5.32 p.m.]: I support the Administrative Decisions Tribunal Amendment Bill 2008. The bill makes miscellaneous amendments to the Administrative Decisions Tribunal Act 1997 to improve the operation of the tribunal. The highlights of the bill are to ensure that the tribunal is able to review the conduct of an administrator; confirm that parties in the tribunal bear their own costs unless the tribunal otherwise orders, and incorporate in the Act a range of matters to be considered when making an award of costs; give the tribunal the power to dismiss proceedings when the applicant fails to appear and provide reinstatement of the matter when a reasonable excuse is provided; ensure that both former and current members of the tribunal who cease to have certain qualifications may complete unfinished matters; and require agents who are not legal practitioners to obtain leave from the tribunal to represent a party.

The amendments to the Administrative Decisions Tribunal contained in the bill are drawn from the statutory review of the Act and from consultation with the tribunal. The increase in the compensation limit for matters heard in the equal opportunity division is designed to ensure that the limit better reflects the seriousness of the consequences of unlawful discrimination. The proposed amendment to the exemption process implements recommendations made in the New South Wales Law Reform Commission review of the Anti-Discrimination Act 1977 and more closely reflects the exemption regimes in other Australian jurisdictions. I shall now place on record the new requirements to seek leave to appear as an agent.

The Administrative Decisions Tribunal Act currently allows a party to be represented by an agent. The tribunal has advised that on occasions certain repeat applicants before the tribunal have sought to appear on behalf of other applicants. The tribunal has advised that these agents do not always have the same degree of professional detachment or restraint that may usually be expected of representatives appearing on behalf of

others in the tribunal and, as such, the representation may not be in the best interests of the applicant. The bill therefore provides that representatives may appear only on behalf of parties in proceedings if the tribunal grants leave to do so.

An application to act as a party's representative may be made for any part of the proceedings. Legal practitioners who are suitably qualified and have fiduciary obligations to their clients may continue to appear as of right. This amendment is not designed to deprive applicants of representation in circumstances where it is required; rather, the purpose is to ensure that applicants are not placed at a disadvantage. The bill provides for the making of rules to guide the tribunal and prospective representatives as to the criteria to be considered when the tribunal is deciding whether to grant leave. It is anticipated that the procedure set out in the Consumer, Trader and Tenancy Tribunal Regulation 2002 for the appointment of agents in the jurisdiction will be used by the tribunal as a reference point when drafting its rules on this issue.

Relevant criteria included in the Consumer, Trader and Tenancy Tribunal Regulation include the tribunal being satisfied that the representative is competent to represent the party. In particular, the tribunal will need to be satisfied that the representative has sufficient knowledge of the issues in dispute to enable the party's case to be effectively represented in the tribunal, and that they are vested with sufficient authority to bind the applicant. Other matters set out in the Consumer, Trader and Tenancy Tribunal Regulation may also inform the making of rules in the Administrative Decisions Tribunal concerning representation by agents, including the tribunal considering whether the party will be placed at a disadvantage if not represented by an agent, and the complexity of the issues. That is a relevant and appropriate amendment to make to the Act because there are times when people appearing as agents, although well intentioned, do not represent the best interests of the party. The tribunal then is forced to make a decision in the best interests of the party. These productive and appropriate amendments will ensure that there is full transparency when dealing with matters involving public administrators. For those reasons I commend the bill to the House.

Mr DARYL MAGUIRE (Wagga Wagga) [5.37 p.m.]: The Administrative Decisions Tribunal Amendment Bill 2008 and the administrations it covers in New South Wales do not include all government departments. In a recent debate I highlighted a situation with the Rural Assistance Authority concerning applications for exceptional circumstances funding by landholders in drought-stricken New South Wales. Two particular cases come to mind. Under this system the Federal Government makes funds available to the Rural Assistance Authority, which is an instrumentality of the New South Wales Government. The Rural Assistance Authority then receives applications for funding and administers them, as is the case with most Federal funding made available to New South Wales. My point is that the Administrative Decisions Tribunal Amendment Bill 2008 does not cover the Rural Assistance Authority.

I will provide the House with details of two recent cases that I alluded to earlier. One case involves a young farming family from Adelong who had made an application for funding, was knocked back and then lodged an appeal. On their first appeal, they were told that they were ineligible for approximately \$100,000 in exceptional circumstances grants or subsidies. They were also informed after my electorate office made inquiries that there was no other forum for appeal applying to exceptional circumstances funding. In other words, no other review entity was available to them other than internal review. The second case involves an interview that I had with a farming family a number of days ago and they were in a similar situation. They submitted an application for exceptional circumstances funding, disputed the finding that rejected their application, lodged an appeal and their appeal was turned down. They had nowhere to go. My inquiries of the Administrative Decisions Tribunal produced information leading me to believe that there was no other avenue of redress and they were not covered by Administrative Decisions Tribunal legislation.

I submit to the Minister, through the Parliamentary Secretary at the table, that the Government should very seriously consider expanding the role and coverage of the Administrative Decisions Tribunal to give families, such as the two farming families to whom I have referred, some forum of review. I believe they have been severely disadvantaged in the first place because of the drought and in the second place because their only course of action is a Supreme Court action. Considering the cost of legal action, they should have an alternative means of having their application reviewed. If these families could have access to the Administrative Decisions Tribunal, they would be able to avail themselves of what is technically a court of law and state their case.

I cannot let this opportunity pass without drawing this matter to the attention of the House. When avenues for appeal are very limited, as in the cases I have mentioned, any gap in opportunities for review should be highlighted. I wrote to the Federal Minister for Agriculture asking him to examine the issue and I complained that the families to whom I have referred have only one opportunity to appeal, and that is it—no further

correspondence will be entered into. The Federal Minister responded by saying that it was the responsibility of the State Minister for Primary Industries, and the State Minister said that he does not set the guidelines, which are set by the Federal Government, and that the State merely administers the scheme. In the middle of all that, there are bureaucrats and administrators with whom the public must deal. Once members of the public have exhausted all opportunities of defending their case or defending their position at the administrative level, sadly there is nowhere for them to go to have the matter reviewed.

In the case of the young farming family—people who had been encouraged to stay on the land—who applied for \$100,000 but were knocked back, suffered real disadvantage because of a fault in the drought relief arrangements. The New South Wales Government is very quick to point to inconsistencies originating in the administration of the previous Federal Government, but this issue is now firmly within the jurisdiction of the current Federal Government. I urge the Minister to take up this matter with his Federal counterpart. Right across rural and regional New South Wales people are suffering because of the drought. They are being doubly disadvantaged because of what I believe to be the failure of the State Government to ensure that appeal mechanisms are available as a matter of fairness. I request the Parliamentary Secretary to urge the Minister to take up this matter with the Minister's Federal counterpart and resolve the issue.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [5.43 p.m.], in reply: I thank the member for Epping, the member for Maitland and the member for Wagga Wagga for their contributions to the debate. The main purpose of the Administrative Decisions Tribunal Amendment Bill is to make miscellaneous amendments to the Administrative Decisions Tribunal Act 1997, which is commonly referred to as the ADT Act, to implement recommendations made following the statutory review of the Administrative Decisions Tribunal Act, and to facilitate improvements to the constitution, functions and procedure of the Administrative Decisions Tribunal.

My colleagues have canvassed the provisions of the bill in detail, and I will not reiterate their comments. In response to matters raised by the member for Wagga Wagga, I point out that the amendments provided in the bill relate to the existing jurisdiction of the Administrative Decisions Tribunal and were drawn from the findings of the statutory review in consultation with stakeholders, including the tribunal. I note the comments of the member for Wagga Wagga about Federal-State relations and that the issue he referred to seems to have been bouncing between the two levels of government and the Federal and State Ministers.

Mr Daryl Maguire: And there is the limited access to appeal.

Mr BARRY COLLIER: I have also noted the member for Wagga Wagga's comments in relation to exceptional circumstances applicants having limited access to appeal forums. However, I point out to the member for Wagga Wagga that he is at liberty to write to the State Attorney General and take up the matter with him. Having said that and considering the limited time available for my reply, I conclude my speech by commending 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 returned to the Legislative Council without amendment.

PRIVATE MEMBERS' STATEMENTS

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

TRIBUTE TO MR JOHN FRANCIS GRIFFIN

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [5.45 p.m.]: Tonight it is my sad duty to inform the House of the passing of a very special person who died far too early at the age of 56. John Francis Griffin had been a friend of mine for many years and a friend of many people on the North Shore,

particularly members of the Crows Nest community. John ran a very successful business in Crows Nest known as Penfold's office furniture. John was known to many businesspeople and many householders throughout the area for that wonderful store and for his goodwill and willingness to help many people.

John will be remembered most because he was passionate about the business community in Crows Nest, and that was particularly evident in the way he carried out his role as the Chairman of the Crows Nest Chamber of Commerce. John was known as Mr Crows Nest. I thought it was very moving and fitting that John's cortege drove through Crows Nest after it left St Mary's Catholic Church in North Sydney after his funeral on 16 October. John was a fairly laid-back fellow. He was always smiling and was very handsome. He was loved by many people. It was very fitting at his funeral that his three children, Dani, Ryan and Robin, all spoke so glowingly of the father they obviously loved very much, who had provided the kind of guidance that every father would wish to provide, and who had engendered the respect and adoration in his children that all parents would hope to receive.

John Griffin had cancer. In the last years of his life he dealt stoically with that disease. I saw him not long ago at a police and community meeting representing the Crows Nest Chamber of Commerce, as he always had. He made no reference at all to the illness that had so debilitated him but, rather, brushed it off, which was his way and the mark of the man. John was a determined man who achieved enormous improvements for the community of Crows Nest. When I first met him some 25 years ago, Crows Nest was a rundown, fairly seedy retail area that frankly the local council, North Sydney Council, was not interested in. Earlier John and others in the local business community had been successful in their efforts in establishing a car parking station to try to revitalise businesses, but they were just hanging on. Any proposals to build up businesses and redevelop the area were stonewalled.

It was not until approximately 1994 when I was first elected that John came to me and said that he and his business colleagues wanted to put together a Crows Nest Mainstreet project. He pulled together a team of people and some professionals volunteered their time initially, but eventually were paid for their efforts. The business community was persuaded to apply a levy to fund the project. I am very pleased that I was able to take their proposal to the then Premier, John Fahey, who met with John Griffin and others and said, "Yes, let's go ahead." The council agreed, the levy was applied, and the Mainstreet project commenced. The business centre was transformed. Anybody who wants to know how to create a vibrant, flourishing retail strip featuring many cafés and other successful businesses from a sector that was in the doldrums should visit Crows Nest.

It is an absolute credit to the effort of John Griffin and the local business community. They have put in extended footpaths with parking bays, bays and planters for trees and tables on the footpath outside restaurants. It is always abuzz with people eating and enjoying each other's company. The community sticks together and the retailers work together. For John Griffin's funeral, the church was packed with his friends, most of whom were from the Crows Nest community. That showed the value of this man who, for many years, devoted much of his time to the people of Crows Nest. John Griffin will be sadly missed.

TRIBUTE TO MR GEORGE STOTT BILBIE

Ms JODI McKAY (Newcastle—Minister for Tourism, and Minister for the Hunter) [5.50 p.m.]: This afternoon I honour the life and legacy of the late Mr George Stott Bilbie, a man who was deeply admired and respected in the Newcastle community. Mr Bilbie lived a full and extraordinary life, and he leaves a legacy that will motivate and inspire a generation. Mr Bilbie's life spanned much of the twentieth century. He passed away last Sunday aged 100 years. Remarkably, Mr Bilbie continued to practice as a solicitor until his death. He renewed his practising certificates most recently in June and was believed to be the oldest practising solicitor in Australia. He became a solicitor in 1938, and throughout his years of service he continued to practice, to provide advice to his clients and to uphold the very best traditions of the law. Mr Bilbie was not a lawyer in the high-flying sense. Rather, he carved out a practice as a hardworking solicitor providing counsel and advice to those in need.

Mr Bilbie had his regular clients and represented up to five generations of the same family over the course of his career. This is a testament to the trust and service he provided to our community. His practice was sound and steady, and was shaped by his humble origins and commitment to helping others. Mr Bilbie was the son of a coalminer and lived his formative years in Minmi. He commenced work as an articled clerk in Newcastle, working his way up to the position of managing law clerk until his admission in 1938. He established his Newcastle law firm in 1944, and his practice grew into what is today the successful, modern firm Bilbie Dan. Mr Bilbie remained a partner of Bilbie Dan and continued to work three days a week. His final

workday was Wednesday of last week, just days before his death. In May this year I was pleased to join hundreds of other Novocastrians to celebrate the occasion of Mr Bilbie's 100th birthday. The event was full of the energy and excitement personified by his approach to life and work.

Mr Bilbie's energy was exemplified by his fitness and renowned daily foray into the water. It was only recently that Mr Bilbie decided to restrict his swimming to the ocean baths as the surf started to get a bit rough. The other vital ingredient in Mr Bilbie's life was the love he had for his family. His wife, Eileen, meant the world to Mr Bilbie, and he described her as his "wonderful life partner". In a piece in the *Australian* in June this year Mr Bilbie said the support and love of his family throughout his life provided the foundation for his achievements. He reflected on the struggle of growing up in a poor family and being determined to move away from the tradition of following his father's footsteps down into the mines. He said:

I am one of the luckiest people out there. When you are brought up poor, you appreciate everything you get.

The wisdom of our centenarians should be harnessed. We should pay a great deal of respect to their experiences, views and lives. We should listen to what they have to say and reflect on their words. I had the great pleasure of knowing George Bilbie. He was a gentleman. He provided wise counsel with good humour, and I greatly cherished the moments I had with him. To his wife, Eileen, his daughters Wendy and Pat, and his grandson, Alex, I pay my most humble respects.

BELLS LINE OF ROAD SPEED LIMIT

Mr RUSSELL TURNER (Orange) [5.55 p.m.]: I am concerned about the proposal to reduce the speed limit on the Bells Line of Road. As most members would be aware, The Nationals, the Bells Line Expressway Group and I have always looked positively, and we have visions of a new four-lane divided highway running roughly parallel to the Bells Line of Road. Unfortunately the Government, rather than being positive and looking forward to the benefits of such a highway or at least upgrading the current Bells Line of Road, has taken the easy, no-cost option of simply reducing the speed limit. The Roads and Traffic Authority [RTA] stated that it consulted with the general public. It may have consulted the residents of Marrangaroo, Kurrajong and Bilpin, but it has not consulted those living in the central west, including me, who regularly use the road as an alternative highway to the Great Western Highway about the proposal to lower the speed limit.

Some sections of the road have a speed limit of 100 kilometres an hour and some sections are 90 kilometres an hour. It is proposed to reduce the speed limit on those sections to 80 kilometres an hour, and to reduce the speed limit on some sections from 70 kilometres an hour to 60 kilometres an hour. That will mean longer travel times for those who use the Bells Line of Road as a highway. The RTA said that the speed limits will be reduced because of accident levels, et cetera. However, that is a reason to upgrade the highway, not reduce the speed limits when it is an alternative to the Great Western Highway. During the day, especially on weekends, there are many residents, including children, and many fruit stalls in Bilpin. So I have no problem with speed limits of 80 kilometres an hour and 60 kilometres an hour in some surrounding areas. However, I have a problem with reducing the speed limit near Mount Tamar, where the country is more open and there are considerable lengths of passing lanes, with three lanes on one side of the road or the other, and motorists can safely pass other vehicles. To reduce the speed limit in that area from 100 kilometres an hour to 80 kilometres an hour is totally unacceptable to those who use the road regularly to travel to and from Sydney.

The Government should consider, wherever possible, installing in some of the villages a form of variable speed limit sign such as those on the M7. During the evening when many of us are travelling from Sydney to the central west, when residents are in their homes and the fruit stalls have closed, there is little traffic on that road. If the police enforce new speed limits that will be seen by many people as simply raising revenue. There is no reason to have speed limits of 60 kilometres and 80 kilometres in those areas outside peak periods. As well as making this private member's statement, I will be writing to the Minister asking him to at least recognise that the Bells Line of Road is used by people travelling through to the central west and that it is not simply a local road for residents in the area, even if the Government is not prepared to spend money on upgrading the road and has no desire to build a new highway, as is Coalition policy.

As I said, the road needs to be upgraded to make it safer. Some of the bends need to be straightened, more passing lanes should be provided, and there should be more side roads available to residents in the area. The Bells Line of Road should be turned into an alternative highway, not simply a residential road. The answer is not to reduce the speed limit. Late at night when people are passing through the area it is virtually impossible

to sit on 60 kilometres an hour, and it is impossible to sit on 80 kilometres an hour where there is no traffic on the road. Reducing the speed limits will be revenue raising. I call on the Government to move forward in a more positive way, not go backwards by simply reducing the speed limits.

CORPORATE PARTNERS FOR CHANGE TENTH ANNIVERSARY

Mr NINOS KHOSHABA (Smithfield) [6.00 p.m.]: I refer to the efforts of the Corporate Partners for Change [CPC] and its assistance to the constituents in my electorate of Smithfield. Recently I was privileged to attend its tenth anniversary at the Spastic Centre in Prairiewood. The anniversary highlighted CPC's commitment to assist individuals through providing nationally recognised, prevocational training in skill shortage areas for people facing barriers to employment. In its 10 years 700 students have graduated from programs as varied as electrical trades, retail, information technology services, child care, disability work and aged care work, to name a few. It is clear that these programs not only assist the student in acquiring new employment, but also contribute to the wider community through increased services in these sectors.

I take this opportunity to highlight the personal triumphs of the 700th graduate of CPC, Ermioni Mouzourous. After migrating to Australia, Ermioni had the difficult responsibility of raising her four children single-handedly. She did not pursue her own goals, but rather devoted all her efforts towards her children in order to ensure they got all the support they needed. Deciding that the time was right, Ermioni enrolled in CPC's Children Services Program. Despite the program providing quality education and increasing Ermioni's skills and work experience, the opportunity to meet different people and make new friends was recognised to be a highlight of her experience.

I am sure that we can all agree that education and training opens doors. The more post-school qualifications a person has the more likely he or she will secure employment. CPC aids in allowing individuals to achieve this, but also provides them with assistance in clarifying their goals whilst improving their self-confidence and motivation. On this point I will highlight stories of other people from the program: People such as Viola Choi, who after completing her studies at CPC finds herself tutoring aged care nursing assistants with the aim of breaking down language barriers within the industry. Viola will help tutor a new crop of recruits into this highly valued sector, being a testament to the program's success.

Shem Swadling, who left school at the age of 16, was able to secure an apprenticeship with electrical firm Jagtech after completing one of CPC's programs. CPC provided the practical experience that increased the competitiveness of Shem's application and got him over the line. Finally, true fighters such as Ian Weir deserve a mention. With the assistance of CPC he has beaten the dual stigma of long-term unemployment and disability by starting his traineeship at the Office of State Revenue. Those graduates would not be able to capitalise on those opportunities if it were not for the support of their trainers. The trainers provide students not only with the subject matter knowledge to do well in their chosen occupations but also with the confidence to excel in life's challenges.

Students have told me many heartfelt stories of the unwavering support given by the trainers to their individual needs. This above-the-call-of-duty support is evidenced by the high completion rates for the courses. I also acknowledge the commitments made to the program by employers across the region. It is good to see a helping hand being offered by these organisations. They provide that window of opportunity, whether it is work experience, the offer of further training or just by giving someone a chance to prove himself or herself in the workplace. All these different types of assistance reinforce the view that people in Western Sydney genuinely care for the wellbeing of their neighbours, and this program is proof of that.

However, the program would not exist without the funding support from the Department of Education and Training. This support has been significant at approximately \$2.54 million, with plans to extend this program to other regions around the State. The staff at the Office of the Minister for Western Sydney must be applauded. Their coordination and commitment has been one of the major factors for the success of CPC. People such as Neil Harbridge, Melinda Lord and Zac Lalic must be acknowledged for their hard work over the years. Frank Sedmak, General Manager of Human Resources, and Rob White, Chief Executive Officer at the Spastic Centre in Prairiewood, must be mentioned for their efforts to make the CPC tenth anniversary event a reality. Students and supporters of CPC were in attendance and were able to share some of their inspiring stories. Employers were rewarded and thanked by members of the community and the State Government. I was able to witness the product of CPC's efforts. I hope to see the great work of CPC in assisting the people of New South Wales and my electorate continue for the years to come.

CENTRAL COAST HEALTH SERVICES

Mr CHRIS HARTCHER (Terrigal) [6.05 p.m.]: I bring to the attention of the House the failure of this Labor Government to maintain and provide essential health services to residents of the Central Coast. Already this year, this Labor Government and the Minister for the Central Coast, John Della Bosca, have failed to deliver adequate funding for the upgrade of the intersection at West Gosford; to follow through with the promised funding for Kariong High School—construction of which was pledged to commence this year; and to find funding for staff at Kincumber police station, which is now up for sale. Again, in this year's budget Gosford Hospital has been denied appropriate funding to provide the residents of the Central Coast access to a public radiotherapy/oncology unit. Central Coast residents will have to continue travelling to Newcastle or Sydney for this essential service. The *Sydney Morning Herald* reported in April:

The shock of being diagnosed with breast cancer was bad enough, but Diane Morgan then discovered radiation therapy would cost \$3000 because the Central Coast has no public hospital that can do it ... for the 37 days of treatment at Royal North Shore Mrs Morgan had to endure 4½ hours of public transport each day while feeling ill, depressed and exhausted.

"I was so tired and worn out and sunburnt, because the radiation burns you" Mrs Morgan said. "After a week I just didn't want to go anymore. I was just so fed up and depressed it makes you feel like everyone is against you and it's just really horrible."

Radiotherapy is one of the most common treatments for solid cancers. Cancer sufferers undergoing radiotherapy treatment can experience side effects immediately after treatment such as tiredness, vomiting, diarrhoea, shortness of breath, and stiffness of joints and muscles. How does the Minister for Health, who is also the Minister for the Central Coast, find it acceptable for residents of the Central Coast to travel on public transport to and from their treatment with side effects such as these? Year after year residents of the Central Coast are short-changed by a Government incapable of providing essential services to the Central Coast. Despite 19,000 signatures on a petition submitted to this Parliament on 13 November 2007, the Government continues to ignore the needs of the people of the Central Coast.

John Della Bosca has no excuse. Cancer sufferers are being forced to pay thousands of dollars for private treatment or travel by private car or public transport to Sydney or Newcastle for their treatment. Worse still, some forego treatment. As reported in the *Express Advocate* on 26 August this year, a 67-year-old pensioner with prostate cancer reluctantly chose to stay at home "adapting to the inevitable". Yet, even when questioned at the budget estimates hearing for Health last week, John Della Bosca's Deputy Director General of Strategic Development, Dr Matthews, could not provide a time frame, or even accord priority, to a radiotherapy/oncology unit at Gosford Hospital. He could not give any indication as to when the service would be provided and, worse than that, he indicated that it would probably be at least 10 years before the Central Coast would be provided with this vital service.

Both Gosford and Wyong councils have requested the Government to take action to provide this service. The then Labor Mayor of Gosford, Jim Macfadyen, who is also President of the Electrical Trades Union, wrote on 12 September 2008, "... at its meeting on 2 September 2008, council considered a Mayoral minute concerning the State Governments failure to once again fund a public radiotherapy/oncology service for the Central Coast". The council requested all State members to fight for the service. We are still waiting for the reaction of the members representing the electorates of Gosford, The Entrance and Wyong. So far, only silence. In a NSW Health report released in July 2008, 22.2 per cent of the 8,926 complaints received concerned the availability of, and access to, specialist services—it is the third most common complaint by patients of the NSW Health system.

But what can we expect? The Minister for the Central Coast, John Della Bosca, in all his wisdom, managed to allocate funding for staff of a fire station at Kincumber which does not yet exist but was originally promised in 2001, and had further funding allocated for staff in 2002. The same John Della Bosca, Minister for Health, without any warning to staff or patients, has now closed the rehabilitation centre at Woy Woy and has cancelled contracts with local businesses that supplied goods and services to Gosford Hospital, leaving them to suffer a gaping hole in revenue. When will this Government wake up and listen to the people of New South Wales and to the people of the Central Coast, who are needlessly suffering because this Government cannot or will not provide funding for an essential public radiotherapy/oncology service?

GOSFORD CLIMATE CHANGE COMMUNITY FORUM

Ms MARIE ANDREWS (Gosford) [6.10 p.m.]: I take this opportunity to congratulate you, Madam Deputy-Speaker, on your elevation to your high office. You have made history as the first female member of

this House to be promoted to that position. Climate change is an issue that the Rees Government takes very seriously. That is why New South Wales is at the forefront of efforts in Australia to reduce greenhouse gases and limit further global warming. The Rees Government is tackling the issue of climate change head on with the development of a new climate change action plan. With the help of the community, the Government is devising a strategy to set our climate change priorities for the next five years. Underway across the State, under the auspices of the Department of Environment and Climate Change, throughout October and November are 11 climate change forums. Those forums will give local communities an opportunity to be involved in shaping the development of the New South Wales climate change action plan. On Thursday 9 October 2008 I was fortunate to represent the Deputy Premier, and Minister for Climate Change and the Environment, Ms Carmel Tebbutt, in presenting the opening address at the Central Coast climate change forum.

I was pleased to be able to remind those in attendance that New South Wales, under a Labor Government, has been at the forefront of efforts in Australia so far. In 2003 the Government established the world's first market for trading in emission reduction permits, the Greenhouse Abatement Scheme. Held in Gosford and attended by Central Coast residents from a wide spectrum of backgrounds, the forum was successful in giving residents of the region an opportunity to discuss with the Government what climate change means to them and the local environment.

The venue for the forum was the Central Coast Leagues Club and included a plenary session involving discussion of priority questions with an expert panel. Prior to allowing questions from those in attendance, excellent presentations were made by Jennifer Stace, from the Emissions Reduction Section, Dr Peter Smith, Manager, Climate Change, Science Section, Department of Environment and Climate Change and Dr Tim Entwisle, Executive Director of the Botanic Gardens Trust. The presentations outlined the potential impacts of climate change to 2050, with an emphasis on the impacts likely to affect the Central Coast. They set the tone for the variety of questions from the audience.

As the local member I was delighted that a number of residents from the Woy Woy peninsula participated in the community consultation forum. The panel comprised Jenny McAllister, Director of Climate Change, Air and Noise of the Department of Environment and Climate Change, Dr Tim Entwisle, Dr Peter Smith, Jennifer Stace and Dr Perry Wiles from the Bureau of Meteorology. Developed by the department in conjunction with the University of New South Wales and the Department of Water and Energy, the projections for the Central Coast included the sea level rising by up to 40 centimetres above the 1990 mean sea level, increased rainfall intensity and storm events, increased coastal erosion, increased risk of flooding for coastal areas, hotter daily temperatures through all seasons, increased fire frequency, increase in summer rainfall across the region by 20 to 50 per cent, and drier conditions for winter and spring.

Although the new Federal Labor Government will now take the lead in setting a national framework for meeting targets, the New South Wales Government will still play an important role in developing policies to ensure that we reduce emissions. We are doing that by introducing ways to use energy more efficiently, reducing emissions and saving households money. For example, more than 10,000 New South Wales households have taken advantage of the Government's rebate to buy solar hot water heaters or to insulate their house.

The main focus of the Government's new climate change action plan is for New South Wales to be prepared for the impacts of unavoidable climate change. The aim of the community forums is to make sure that the New South Wales communities are ready to deal with those impacts. Local knowledge on climate change is vital. We need to work with people on the ground to develop a comprehensive plan for dealing with the changes we know will occur. We already have many of the systems and local networks in place to help manage risks such as drought, flood and fire. By working with local councils, businesses and communities we can come up with a New South Wales climate change action plan that sets out how we adjust those systems and develop new ones to prepare for climate change. I conclude by congratulating the Deputy Premier, Ms Carmel Tebbutt, who has responsibility for this portfolio and also all the departmental personnel who organised the forum at Gosford and for making it available to local residents.

CAMBELL McMASTER AND POSITRON EMISSION TOMOGRAPHY SCANNER FUNDRAISING

Mr JOHN WILLIAMS (Murray-Darling) [6.15 p.m.]: Madam Deputy-Speaker, I formally congratulate you on your appointment. It will be a pleasure to be able to participate in debate without interjections while you are presiding as the Deputy-Speaker and are ensuring that debates are held in the right spirit. Courage and determination are admirable traits in anyone, but when they are found in a nine-year-old boy

they are even more so. Cambell McMaster, the son of Ellen and Bruce McMaster, of Merriwagga near Hillston, has both traits in abundance. That young man was diagnosed with non-Hodgkin's lymphoma in October 2007. During his time at the Sydney Children's Hospital Randwick Campus Cambell came into contact with many other children who were being treated for cancer and other blood disorders. He saw those children as being more ill than he was so he set himself a challenge.

Apart from wanting to get better, Cambell wanted to make a difference in the lives of the other children he met at the Sydney Children's Hospital: he wanted to do something that would help them get better, just as he was determined to get better. Cambell has an amazing spirit. He is positive and, despite his illness, has set his sights on a task that will make life better and easier for others in a situation similar to that in which he found himself. While Cambell was undergoing treatment at the Sydney Children's Hospital he needed to travel to Westmead Hospital, 90 minutes away, in order to use the positron emission tomography, known as PET, scan machine as the Children's Hospital does not have one at the Randwick Campus.

The PET scan machine undertakes a full body scan for active cancer cells. Cambell is only one of hundreds of children who must make the trip in order to use the scanner. Cambell set himself a new mission: the day after his tenth birthday, on 27 February 2009, Cambell plans to climb the Sydney Harbour Bridge to raise funds for the Sydney Children's Hospital Randwick Campus—specifically for a PET scan machine. Cambell knows only too well the benefits of the PET scanner as a diagnostic tool in the assessment of cancer. The hospital needs to raise \$2 million to purchase the scanner, and after reaching his initial target of raising \$100 Cambell has now set his sights even higher: he plans to raise \$1 million towards the cost of the scanner—half of the total required.

The Centre for Children's Cancer and Blood Disorders at the Randwick Hospital campus desperately needs this PET scan machine. Cambell McMaster is putting himself out there, making a major effort, to ensure other children with cancer do not have to endure a three-hour round trip to use the PET scanner at the Westmead Hospital or those located at Liverpool Hospital or the Royal Prince Alfred Hospital. Apart from the strain on ill children, many parents from rural areas do not have a vehicle with them when they come to Sydney, so transporting the children for the scan is arranged by the nursing staff—as an outpatient procedure in most cases. If the child is to undergo the procedure as an in-patient he or she may need a nurse escort, which takes a registered nurse off the ward and consequently the trip runs over the usual shift time and must be paid overtime.

Additionally, difficulties often arise if an urgent booking of the PET scanner is required. Because of the logistics of transporting patients from the Sydney Children's Hospital Randwick Campus for urgent bookings—such as a new diagnosis presenting as seriously unwell with lymphoma, airway obstruction or metabolic instability—and not able to travel to either the Royal Prince Alfred Hospital or Westmead Hospital PET scanning is currently not utilised as part of their staging. Currently Westmead is available for children to utilise the PET scanner only on Thursdays, and if the child requires sedation or anaesthetic this is possible only on alternate Thursdays. As a result the current situation is not optimal. Ill children are being put through unnecessary trauma because the Sydney Children's Hospital does not have a PET scan machine.

I urge the State Government to make available the necessary funds to provide the children of New South Wales suffering from cancer and other blood disorders with a PET scanner so they do not have to travel for the procedure. I urge the State Government to follow in the footsteps of Cambell McMaster and make a difference in the lives of some of the State's most vulnerable people.

BRENDAN ROSE AND TYPE 1 DIABETES

Mr PAUL GIBSON (Blacktown) [6.20 p.m.]: Madam Deputy-Speaker, I also pass on my congratulations to you on your appointment. I advise the House of a very brave young man and a dedicated and loving mum: two people from Blacktown, Karen Rose and her son Brendan. A number of weeks ago they came to see me. Brendan put forward a case that all politicians should be aware of. I asked him to put his thoughts on paper. This is what he wrote to me:

My name is Brendan Rose. I am 12 years old and I have been living with type 1 diabetes now for 7½ years.

I am writing to you because I am a Youth Ambassador and I would like to ask if you can help me by supporting the Juvenile Diabetes Research Foundation's "Promise to remember me" campaign, which aims to raise awareness for type 1 diabetes. Your support will help all of the Australian families who have to deal with this disease every day. Type 1 diabetes is an auto-immune disease that affects the cells in the pancreas (islet cells) that produce insulin. Our bodies need insulin to be able to convert our food into energy.

When I was diagnosed with type 1 diabetes I didn't understand this at all. All I knew was that Mum would chase me around the house to give me needles, make me prick my fingers heaps and eat food even when I wasn't hungry. Now I understand what type 1 diabetes really means.

It means I went from 2 needles a day to 5 every day by the time I was 9 years old. It means that no matter how hard I try, my blood sugar levels (BSL) may never be perfect. I understand that when my BSL goes too high, it damages vital organs in my body, like my kidneys and my eyes, as well as making me feel sick. I understand that type 1 diabetes is in every part of my life and I need to think about it every time I eat, sleep, play with my mates, do any sport or watch TV. I understand that if we all work together, a cure will be found.

He finished his letter by saying:

I hope you understand too so we can work together to support all Australians living with type 1 diabetes. I know we can make a difference.

Please Promise to remember me,

Brendan Rose

Since then Brendan has progressed to the next stage, but he has been fitted with what is called an insulin pump. This pump into the stomach provides enough insulin for young people like Brendan to live a normal life. He plays contact sport and other games. He can live a virtually normal life with the aid of this insulin pump. The problem is that the insulin pump costs \$8,000. The Rose family does not have private health coverage and the \$8,000 was a substantial economic burden for this and similar families, in addition to the health problems that they must cope with. At the moment private health insurance covers the cost of the insulin pump, but I hear that from February next year it will be deleted as a covered item. We are talking about young people who have a terribly hard life. I do not know how it would be to have a young child who from 3 or 4 years of age would require 3, 4 or 5 needles a day. It must be terribly hard, for not only the parent but especially the young child—with Mum and Dad chasing him every day to give him a needle. The pump does away with that necessity.

I call on governments, particularly the Federal Government, to consider making this a free service. A free insulin pump would give these young Australians a better chance in life than they would have without it. Without these pumps young people like Brendan could possibly die. If we are looking to improve the health of this nation we could not find a better way to spend the money. It was announced only recently that Brendan will be the sole Australian delegate at the United States Congress for Children next year. That is a great honour for him. But type 1 diabetes is a killer and it causes serious health problems, such as kidney disease, cardiovascular disease, blindness and nerve damage, and it causes more amputations than any other illness apart from accidents. We must make all governments aware of people like Brendan Rose and acknowledge the love that mothers like Karen Rose give and the great job that they do.

Ms SONIA HORNER (Wallsend—Parliamentary Secretary) [6.25 p.m.]: I thank the member for Blacktown for relaying this very special and wonderful message from Brendan Rose. The member is very fortunate to have such a special young man in his electorate. It is sad to hear that Brendan has type 1 diabetes, but he is clearly a great ambassador for those with juvenile diabetes and for Australia. I wish him well on his trip to the United States Congress for Children next year.

THE HILLS ELECTORATE POLICING

Mr MICHAEL RICHARDSON (Castle Hill) [6.26 p.m.]: Tonight I want to raise again the issue of police numbers in The Hills Local Area Command. I last spoke about this matter in the House on 19 October last year. Since then the situation has gone from bad to worse. Figures compiled by the Police Association's Sergeant Andrew Ryabovitch and published on the front page of *The Hills Shire Times* on September 9 show that The Hills has just one general duties police officer per 3,851 residents compared with a State average of one to 1,103. I understand there are some areas that have higher crime rates and therefore need more police officers, so it is the next statistic that is really compelling. A Hills general duties constable has to deal with 603 incidents a year compared with a State average of 394. That is, a Hills constable has to do 50 per cent more work than an officer in one of those areas with a higher crime rate.

Obviously, this is an issue the Police Association is interested in because it has a responsibility towards its members. But I too have a responsibility, towards my constituents, and it is they who ultimately are paying the price for New South Wales Labor's partisan allocation of police officers to its own seats at the expense of Liberal-held seats such as Castle Hill and Baulkham Hills. Baulkham Hills shire is one of the fastest growing local government areas in Australia. Its current population is around 166,000 and it is projected to have a population of 238,000 by 2025. It has an area of 380 square kilometres—small, I guess, by the standards of the

member for Murray-Darling, but big for the city—and with traffic snarls to contend with it can take an hour to travel more than 40 kilometres from Oatlands, at the southern extremity of the shire, to Wisemans Ferry at the northern extremity.

Castle Hill Local Area Command essentially covers Baulkham Hills shire. Yet there are only two patrol cars to service this entire area, and I understand that on some nights there is only one. Not surprisingly, response times are sub-optimal and calls are not answered. There is only so much you can expect of the hardworking men and women of The Hills Local Area Command. The number of officers employed at Castle Hill police station is 101—two above authorised strength—but this includes 11 probationary constables, young men and women who for their first months require constant supervision. Add those who are sick, on maternity leave, working on a murder investigation or seconded to other commands—yes, unbelievably, officers from Castle Hill are required to work elsewhere despite the grave level of understaffing at the station—and there are just 83 officers on active duty. According to the Police Association and *The Hills Shire Times*, 34 of these are general duties constables and 11 general duties sergeants.

In February 2007—just before the last election—there were 115 officers at Castle Hill, 16 officers above the authorised strength. Since then numbers have shrunk by 14. The Police Association says at least 122 are needed to do the job properly by providing an extra patrol car on both the day and night shifts. Equally importantly, it would permit the re-establishment of the proactive unit that was disbanded some months ago because of the shortage of frontline officers. What this means of course is that the good work done by Superintendent Craig Rae and his predecessor, Jim Hook, in setting up the unit to seek out, and prevent, crime before it occurs has been lost. I am of the firm belief that everyone benefits from a crime not having been committed—the victim, society as a whole, and even the criminal himself. There is no harm done to victims and there is no need to spend money to apprehend a criminal, try him, and perhaps incarcerate him as punishment.

I am sure I speak for every member of Parliament in this place when I say we want people to be able to lead safe and happy lives, untroubled by muggers and vandals and burglars and drug dealers. Yet the State Labor Government now seems to have adopted a reactive policy towards crime whereby the crime must first occur before any action will be taken. So instead of using intelligence to pinpoint where a crime might occur and preventing it from happening the police will have to wait until it is committed then try to solve it—or just let it go because they do not have the resources to deal with it. Proactive policing is a key tool of police forces around the world—in the United States, in Britain, in Europe, in Canada, in India—seeking out crime before it occurs; everywhere, that is, apart from Castle Hill. And the blame for that can be laid fairly and squarely at the feet of this State Government.

In *The Hills Shire Times* of October 7 a spokeswoman for the new Minister for Police said the Hills was one of the safest places to live in New South Wales. And I would agree that my community is a law-abiding one. However, we still have murders, we still have assaults, we still have sex crimes committed, we still have break and enters, we still have car break-ins, and we still have malicious damage incidents. We are not immune from crime. Let me just reiterate a point I made earlier in my speech: a Hills general duties officer has to deal with 603 incidents a year compared with a State average of 394. I do not want more spin from the Government, sophistry from some highly paid apparatchik in the Minister's office speaking for his or her master, I want some action on this issue.

My electorate also has one of the highest levels of car ownership in New South Wales, largely because of the lack of dedicated public transport and a very high proportion of young people in their teens and early twenties. That is an explosive mix. Some of these young people, I regret to say, drive their cars too fast and aggressively, and keep doing it because they know the likelihood of being picked up is negligible because there are not enough police cars on the road. I appeal yet again to the Government, this time to the new Minister for Police, to listen to what Sergeant Ryabovitch and the Police Association are saying and at the very least increase the number of general duties police so that their workload becomes comparable with that of other officers across the State. The current situation is untenable and can only become worse as the population of Baulkham Hills shire increases.

GLENDALE TRANSPORT INTERCHANGE

Ms SONIA HORNER (Wallsend—Parliamentary Secretary) [6.31 p.m.]: We all want convenience. We all want ample parking. We all want to socialise easily. We all want twenty-first century public transport. This is what the Glendale transport interchange will provide—a solution to our current woes. This will bring the Hunter into the twenty-first century of public transport. It is all about the convenience of travel with ease and

comfort in our twenty-first century lifestyle. For many years my predecessor pursued this necessary infrastructure as a very high priority for the benefit of the whole Hunter region. I will continue John Mills' efforts until it materialises. It is not a fly-by-night issue; it is an issue that I will hold on to while I persuade, cajole and convince all spheres of government of the critical nature of this investment to the Hunter.

When I was a kid it took ages to get from West Wallsend to the city. Do not the people in the west deserve a change after all these years? I will let members in on a secret. It still takes too long to get from West Wallsend to the city. Where would we be without the Hunter's contribution to our economic prosperity and New South Wales' prosperity? New South Wales has reaped the benefits from our vast resources of coal, our quality Hunter wines and a wonderful natural harbour. The area gave rise to the development of BHP. The source of much of New South Wales' richness, the Hunter, the spring that continues to fill our State's well, needs reciprocation. By budgeting for the interchange we will guarantee further and continued growth in the Hunter.

Glendale is the thriving heart of the Lower Hunter. Glendale's significance to the Hunter is recognised in the New South Wales State Plan. It is recognised as a growth centre and because it is the geographic centre of the Lower Hunter. It is recognised because of its connection with the major light industrial precinct of Cardiff and the building of freight carriages. A series of hubs will radiate from Glendale, forming a focus area. Glendale will provide a new rail station, a public transport facility and interchange that links the people of the west to the hospital, the lakesiders to the city and Hunter citizens to the best and most up-to-date transport system that New South Wales can offer.

We are justifiably proud of our multiculturalism. The beauty of this mission is that it further facilitates interconnectedness between various cultural groups in our community. The transport interchange will yield much smarter use of public transport thus reducing our carbon footprint and our reliance on roads, ease the burden of the poor commuters' hefty petrol bills and ensure sustainability in the future. Along with becoming a central depot for commuters in the west and western Lake Macquarie regions, access for workers in the large and ever-increasing Cardiff industrial area will make getting to work on public transport much easier and allow for more expansion of businesses and therefore more jobs for the Hunter.

On 1 August 2005 the *Newcastle Herald* reported that more people would soon be working in Glendale, Cardiff and Warners Bay than in the whole Newcastle central business district [CBD] under Lake Macquarie City Council's plans to develop the city. Employment growth has been recorded in this region so let us remind our Government that this is yet another reason that we need to focus on expanding Glendale. Further, Glendale and Cardiff have four State bus routes, two private bus companies and a railway station compared with Newcastle's 23 bus routes, several private bus services and five railway stations servicing Newcastle CBD. It is a window of opportunity that I encourage our Government to seize because this space that is so centrally located will not be available forever. It will be a new and desired location for people and the depot will become a new model for the future. It is affordable, central, accessible, in line with future community development and in tandem with the State Labor Government's strategic plans for the Hunter.

ARMIDALE PINE FOREST

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [6.36 p.m.]: In September 2004 I spoke in the House about the Armidale pine forest, a unique resource in our region much valued by the local community. It has always been regarded as a magic place where families go for picnics or to walk along the many paths through the trees. I visited it again this week with Professor James Rowe, who lives nearby. It was a distressing sight. It looked like a wasteland—clear-felled, neglected and an eyesore from the road. Not surprisingly, its derelict state has made it a favourite haunt of trail bike riders who hoon around the moonscape, deterring the few walkers who now use it. There are no signs to indicate speed limits or that unlicensed drivers and unregistered motorbikes are not allowed. The walking paths have been destroyed, wildlife has scattered and, whatever values Forests NSW might boast in its mission statement, they have been totally forsaken in this instance.

The pine forest has a long history of community involvement. It is used by the Armidale Walking Club and is linked with the nearby Charlston Willows area by a new walking track. Orienteering club members, the Armidale Athletics Club and school groups use it for walks and cross-country training runs. The Herbert Park Landcare group, which has made excellent progress in developing the Charlston Willows area, particularly the riparian zone, would like to extend this plan to the pine forest but they have been not been encouraged. Initially the Armidale pine forest was part of a larger common that was set aside in 1866. In 1910, 246 hectares were

hived off to become the Armidale Afforestation Station, one of the earliest pine plantations established in the State. Plantings continued intermittently until 1936, when there was a statewide review of all pine plantations and it was proposed the area be disposed of as private farmland.

However, in 1947 the local State member of Parliament, David Drummond, stepped in to preserve the forest because of its local benefit as a children's forest, recreational area and community asset. Limited planting resumed in the mid-1960s and continued until 2001. The mixture of large, mature trees with abundant natural regeneration created a forest with a unique environment. The on-again off-again nature of its development with a combination of softwood and native and exotic species resulted in its behaving more like a natural forest than a traditional plantation. That unique ecology was threatened in 2000 when State Forests decided to undertake clear-felling. Around 20 hectares was lost in the first round, with regular rows of new trees being planted to replace them.

State Forests states that under the Plantations and Reafforestation Act 1999 Forests NSW is entitled to undertake future harvesting in the Armidale pine forest as required to meet its commercial commitments. Historical, recreational, scientific, aesthetic, educational and research values are clearly incompatible with continued clear-felling, a routine practice in Forests NSW's Forest Management Zoning System. The Plantation and Reafforestation Act 1999 did not consider the specifics of this unique area, that is, the variety of species found in the small forest. In December 2006 the pine forest was hit by a severe hailstorm. It was claimed that all the pines were in a dangerous condition although botanists and retired foresters stated that the maritime pines and loblolly pines were not badly affected by the storm. But in May 2007, 35 hectares of pines on the western side of the forest were removed. The clear-felling took out all the trees, although the Forest Management Zoning System states that this system "takes account of the various historical and recreational values of the forest". The greatest values to the Armidale and wider community are the historic, scientific, aesthetic, social and cultural heritage values of the pine forest.

In the past few years repeated calls have been made to establish a trust with local management to preserve these values. Today I call for a meeting of all concerned government departments and agencies as well as local stakeholders to reach agreement on the future management plan for the Armidale pine forest. One of the most important items on the agenda will be to move from single-age class rotations with clear felling—with all its associated negative impacts—to applying selective tree harvesting to preserve the area and prevent future devastation of this valued community asset. The community has enormous goodwill and will support government initiatives in this regard. We want positive outcomes; I do not want to be forced to highlight the very poor state of this wonderful asset.

AFFORDABLE HOUSING

Ms CLOVER MOORE (Sydney) [6.41 p.m.]: Australia is facing a housing affordability crisis—a topic that was discussed earlier today. The inner city is being hit particularly hard, and homebuyers and renters are struggling to meet housing costs. The National Centre for Economic Modelling estimates that 1.1 million Australian households are in housing stress, spending more than 30 per cent of their income on housing. I welcome the new Commonwealth Government's interest in social housing after the neglect of the Howard Government years, which led to the loss of 30 per cent of social housing dwellings since 1996. Consequently, Shelter New South Wales now has called for the provision of \$3.5 billion in funding to catch up on this housing neglect. In 2006 the average home cost 8.6 times the annual wage in Sydney, which is a quadruple increase since 1996 and the highest figure in the world according to the Institute of Public Affairs.

First home buyers in New South Wales spend nearly 40 per cent of their income on housing, and the First Home Buyer Affordability Index reached a five-year low in June. The median house price is unaffordable for key workers such as teachers, police, firefighters, ambulance officers, nurses and childcare workers in 93 per cent of Sydney local government areas. In 2006 rental vacancies were below 2 per cent, falling to 1.6 per cent in 2007, and last year rents in New South Wales rose by 10.7 per cent. My constituents report dramatic rent increases each time a lease ends. They suffer from moving constantly in search of affordable rent, and rent auctions are further increasing rents.

Governments need to increase the affordable housing supply, reduce barriers, preserve existing housing, encourage new housing, and include affordable housing in new developments. Tackling affordability requires a comprehensive whole-of-government effort. The Commonwealth Government has now committed to the Housing Affordability Fund to reduce new development costs, provide tax incentives through the National

Rental Affordability Scheme that is modelled on the United States Low Income Housing Tax Credit, provide first home saver accounts to help first home buyers, release surplus Commonwealth-owned land for development, and implement a strategic national affordable housing agreement.

The New South Wales Government has promised funds to house older people, and to expand debt equity investment in affordable housing for community housing providers to develop new housing. The Centre for Affordable Housing facilitates and encourages affordable housing, but it has not provided housing and does not have the power to get the necessary action. While the State Government has supported expanded community housing by handing over management of Housing NSW properties, this does not expand overall affordable housing stock. The New South Wales Government must match the Commonwealth's commitment and take a leading role in the Council of Australian Governments [COAG] to forge a national affordable housing agreement. Inclusionary zoning can help ensure increased affordable housing. This is used in the United Kingdom to require between 10 per cent and 20 per cent of all developments to be affordable.

In contrast, only 1 per cent of housing in Pyrmont and Ultimo is required to be affordable, along with 3 per cent at Green Square. This housing is managed by the current and only New South Wales accredited affordable housing provider: City West Housing. The Redfern-Waterloo Authority should provide some affordable housing with funds from redevelopment of the Chippendale brewery site. I am disappointed that the Redfern-Waterloo Authority has not given a further commitment to provide affordable rental worker housing despite the new and unique development opportunity plan for the area. I support affordable housing being provided across New South Wales so that all people, on high or low incomes, can afford to live in all communities. Planning provisions could provide for key worker housing so that essential workers can afford to live close to their jobs.

Although it is not a core responsibility of local government, a number of councils have taken action on affordable housing. The City of Canada Bay council uses voluntary agreements with developers to get more affordable and key worker housing. Waverley Council runs an Affordable Housing Program, and Willoughby City Council land will be used for a self-funded, private-affordable housing mix development. The New South Wales Government has partnered with the City of Sydney to provide 700 homes with a social mix of public rental housing for key workers and private housing in Glebe, using city-owned land and creative redevelopment of existing Housing NSW properties that are currently in poor condition. A feasibility study has been undertaken of the first stage of the project, and is nearing completion.

I hope that this development will model how councils and the State Government can work together to develop quality, affordable, sustainable housing with design excellence. The City of Sydney hopes to increase its current 1 per cent of affordable rental housing to 7.5 per cent by 2030. The City of Sydney is also looking at successful models in developing its new Affordable Housing Strategy. The State Government could also provide practical support for shared equity schemes through co-housing projects and cooperatives that help landowners share costly facilities and provide homes for low-income earners. The housing affordability crisis requires the New South Wales Government to provide planning measures, practical help and financial incentives, with support for innovative models and community strategies to help people on lower incomes afford a home.

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

Private members' statements noted.

WATER MANAGEMENT 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.

ACTING-SPEAKER (Mr Matthew Morris): Order! Private members' statements having concluded, the House will proceed to the matter of public importance.

HIGHER SCHOOL CERTIFICATE

Matter of Public Importance

Mrs KARYN PALUZZANO (Penrith—Parliamentary Secretary) [6.48 p.m.]: I ask the House to note as a matter of public importance the 2008 Higher School Certificate [HSC] examinations. At this very moment the Indigenous Art Prize is being awarded in this place. Present at those awards is an artist who completed the Higher School Certificate with me at Nepean High School—I will not say what year.

Mr David Harris: A very young person.

Mrs KARYN PALUZZANO: A very young person indeed. Leanne Tobin has artwork on display in the Speaker's Square. It is a blue perspective, and depicts the Blue Mountains. The detail is spectacular, but I urge members to admire Leanne's artwork from a distance in the Speaker's Square. It is a magnificent art prize, and I wish Leanne well. I acknowledge also Jean South, whom I have known for a number of years and who also has a work in this year's Indigenous Art Prize exhibition, as does Adam Hill from my local area, whom I met last year. Today tens of thousands of students across New South Wales are busily studying for their Higher School Certificate exams. Those exams started last Thursday at 750 centres across the State and as far afield as Singapore and Hong Kong.

This year a record number of students—67,931—will sit an average of six examinations. In my electorate of Penrith more than 842 students are sitting the Higher School Certificate at both government and non-government schools. The Penrith electorate has six State high schools: Kingswood High School, Penrith High School, Nepean High School, Blaxland High School, Jamison High School and Cranebrook High School. A number of Catholic and independent schools also are in the electorate, including St Dominic's College, McCarthy Catholic College, St Paul's Grammar, Penrith Anglican College, Caroline Chisholm College and Penrith Christian School.

In recent weeks when year 12 students were holding their award nights I attended Penrith Christian School. I shook hands with all the year 12 graduating students and wished them good luck in their exams. I did the same at St Dominic's College, where my godson Christopher Hartley also is undertaking the Higher School Certificate this year. I wished him all the best in his exams. Unfortunately, I was unable to attend Jamison High School because Parliament was sitting. Many students at Jamison High School have sat for the Higher School Certificate, and a few years ago one of them topped an HSC subject. So the school does very well. Higher School Certificate students sit examinations for subjects as varied as economics, performing arts, primary industries, legal studies, Korean and electrotechnology. The HSC is recognised as a world-class education credential. For many students it is the culmination of 13 years of study. They have been preparing for these examinations for some time.

Other than compulsory English, mathematics is the most popular subject, with 77 per cent of the HSC candidates choosing a maths elective. About 45 per cent of HSC candidates will sit a science examination, with 15,468 students taking a biology exam. Business studies continues to grow in popularity and is now the third most popular subject, after English and maths. This year 16,401 students are sitting the business studies examination. In the electorate of Penrith, personal development, health and physical education [PDHPE] is the third most popular subject. Kingswood High School has an extensive PDHPE program. Every time I drive past the school's noticeboard, I note that for a small school it is very successful in the many sporting events in which its students compete. With St Dominic's College, Penrith Anglican College, Caroline Chisholm College, Penrith Christian School and McCarthy Catholic College in the electorate, religion is the fourth most studied subject. In the past two Higher School Certificate examinations students from McCarthy Catholic College have topped studies of religion.

About one in three HSC students across the State are studying a vocational education and training [VET] course. These subjects are as varied as hospitality, metal engineering, tourism and accounting. It is encouraging to see so many students undertaking VET courses, which will support them in trade and practical occupations. McCarthy Catholic College students are serious about their hospitality course. They have demonstrated their hospitality skills at local systemic Catholic schools, such as at the official opening of the Our Lady of the Way Primary School and for the blessing of classrooms at Mary MacKillop Primary School. The high school students go out and about and provide hospitality at their neighbouring primary schools. A high percentage of VET students have opted to take examinations as part of their assessment, making their course eligible for a university admissions index [UAI] ranking, providing them with a nationally recognised qualification and giving them a head start on a trade. For example, 87 per cent of hospitality students have chosen to sit the written HSC examination.

By the time the HSC examinations finish on 13 November, a total of 110 exams will have been held. That involves more than 13 million printed pages of questions and 1.75 million booklets of answers. The logistics of the HSC are immense and complex. It took nearly six weeks for the papers to be packed and more than 7,000 teachers will mark the exam papers at venues across the State. I commend the school students in my local area and throughout New South Wales who are undertaking the HSC exams. I note the parents and family support that is given to students undertaking the HSC. Parents and families put in a lot of time and energy. I also

acknowledge the many teachers who go above and beyond the call of duty for their HSC students. They deliver a high standard of teaching and provide a learning experience that will get their students over the line. Teachers from kindergarten to year 12 have nurtured these students who, after 13 years of school education, are undertaking this year's Higher School Certificate.

Mr KEVIN HUMPHRIES (Barwon) [6.55 p.m.]: I thank the member for Penrith for bringing this matter of public importance before the House. I acknowledge all those students sitting for the Higher School Certificate [HSC]. The examinations commenced last Thursday with business studies, which is becoming one of the most popular subjects, and will conclude on Thursday 13 November with society and culture, tourism, Chinese, German, modern Hebrew and Spanish. When I went to school, none of those subjects was available. If I had been a little older, I may have been able to tap into Latin. I am a former schoolteacher and principal, and I acknowledge the number of members on both sides of the House who are former teachers and who still hold the profession dear to their hearts. In life we reach certain milestones, such as birth, marriage, the first day of school or the first day of work. One of the most significant milestones for many is the Higher School Certificate because it is the culmination of 13 years of schooling and a crossover point in the determination of their future life. I personally congratulate all those who have made it this far and, on behalf of the Coalition, I wish them all the best over the next couple of weeks.

I have had two children sit for a Higher School Certificate of some sort, albeit not in New South Wales. As with many electorates, a lot of my electorate is near a State border. Many secondary school students access schools in other States, including Queensland. My daughter is sitting the equivalent of the HSC in Queensland. Queensland has an overall position system, which is a bit different from the New South Wales system. I quite like the Queensland system, and if we were in Government I would advance its merits in this State over the Higher School Certificate. Although the HSC is geared towards higher education, a need for balance has been recognised by linking vocational education and training through to the HSC level. I support the Queensland system in that students are managed from year 11 and are kept up to date with projections and where they sit in the overall system.

The role of parents and families must not be diminished. Students have a job to do and they tend to be coached to do it. In my time as a teacher, the students who did well were very much supported by their families and their peer group. As the member for Penrith said, students are very much supported by teachers, not only in years 11 and 12 but all the way through school. One of the joys of teaching is that it is a collective responsibility. Seeing students do well all the way through to the HSC and onwards into other avenues of life is a privilege that often goes unrecognised. I say to all the families and teachers who are supporting our students through the HSC: Our thoughts are with you also. I also acknowledge and pay tribute to the students who are not in the direct schooling system and who will sit for the HSC in institutions such as TAFE. A large and growing number of mature students return to education to complete their HSC. That is a good thing. We are all living longer and must make a commitment to re-education and to education as a lifelong principle.

A number of students, particularly in my electorate, undertake the HSC through distance education. One of the key factors in outcomes and HSC results is quality, face-to-face teaching. We have heard reports about that today. Our thoughts turn to those students who have not had that experience and to the students who have participated in the Open Training and Education Network [OTEN] and the overseas network. I also acknowledge those students who will not have the opportunity to sit for the HSC. There are too many of those in my electorate. They are people who have been disengaged from the system. It is a challenge for all governments and the community to re-engage these people. As my electorate has the largest indigenous population in the State—and potentially the country—I am aware that in the current climate 40 per cent of students of Aboriginal descent will never reach a world standard of acceptability in educational outcomes. This is not acceptable. We must commit to re-engagement and reconnection. That achievement is more than just a State responsibility; it is a community responsibility. We need to undertake wider consultation and put more thought into helping those people who have been disengaged. It is one of the biggest challenges we face.

The Higher School Certificate carries with it expectations, and we should remind ourselves that the candidates are still young people who are not quite young adults yet—although many of them would like to think they are. Schoolies week will probably test their maturity, and I will deal with that in detail shortly. We have expectations of the achievements of young people, but the Higher School Certificate should be viewed in perspective. While it is a milestone not just in a family's life but also through expectations held in the wider community and is regarded as a stepping stone, we must remember that it is merely part of a process. We need to keep a rational perspective. While our thoughts go out to the students who are working hard, the Higher School Certificate should be viewed in the context of its being a milestone. We will support young people no matter what the Higher School Certificate outcome may be.

I speak from experience gained through my children when I say that after the next two weeks of intensive work and commitment, inevitably there will be a break-out and de-stressing for Higher School Certificate candidates. I encourage all families, including the young people involved and those who will continue to be responsible for young people to ensure that schoolies celebrations are fun and enjoyable, and to ensure students have a good time. I also urge young people to stay safe, be mindful of others, and bear in mind the mutual benefits of responsible behaviour. I thank the member for Penrith for bringing this matter to the attention of the House.

Mr DAVID HARRIS (Wyang) [7.02 p.m.]: Further to the best wishes extended to all Higher School Certificate students by both the member for Penrith and the member for Barwon, I extend my support and encouragement to Higher School Certificate students across the State, but particularly to those in the Wyong electorate: I wish them well for their remaining examinations. Approximately 568 students are sitting the Higher School Certificate examinations in the Wyong electorate. They are studying at schools such as the Wadalba Community School, the Gorokan High School, the Northlakes High School, the Wyong High School, MacKillop Catholic College, Lakes Anglican Grammar, the Wyong Christian School, the Gosford Selective School and St Peters Catholic College, and 14 are at Wyong TAFE.

Several students whom I taught many years ago are also sitting their examinations this year. I caught up with a few of them a couple of weeks ago to wish them all the best, but I take this opportunity to wish all the students who are sitting their examinations all the best. I know that they do a lot of work and undertake a lot of study, but as mentioned by the member for Barwon, they should bear in mind that the Higher School Certificate examinations are a rite of passage. It is a big deal at the time, but everyone survives it. Many people go on to do very well in their lives, no matter how they fare in Higher School Certificate examinations.

It is interesting to note that, after English and mathematics, the next most popular course of study in my electorate is biology. I studied biology and found it to be quite interesting. I thank all teachers across New South Wales, but particularly those in Wyong, for the passion and dedication they contribute to the preparation of our young people during all their years of schooling, not just in years 11 and 12 but right through from kindergarten to culmination at the Higher School Certificate examinations. We should also spare a thought for the parents and carers of our Higher School Certificate students. It is a stressful time, but not just for Higher School Certificate students. Whole families go through the experience and share all the trials and tribulations.

I speak to many parents in my electorate regularly. The best advice I can give to the loved ones of students who are currently sitting their examinations is that they should make sure their children achieve a balance in study preparation—a little exercise rather than locking themselves away in their bedrooms or studies, good nutrition, and of course plenty of sleep. They should remind Higher School Certificate candidates that 50 per cent of their assessment already is completed and that while the examinations are very important, they need to put them into perspective also. Life does go on! Recently I wrote to all schools in my electorate, recognising the staff, students and families at what can be a stressful time. I included a quotation I found from the Greek poet Horace:

No man ever reached to excellence in any one art or profession without having passed through the slow and painful process of study and preparation.

Students have told me that that was good advice as they approach their Higher School Certificate examinations. At a function recently I met Jessica Hook, who is the Captain of Gorokan High School. She had completed the English examination last Friday and said it was okay, so I hope that all other students found it to be okay as well. I am proud to have been a teacher for 20 years in the public school system. I wish all Higher School Certificate students all the very best as they move on to the next stage in their lives.

Mrs KARYN PALUZZANO (Penrith—Parliamentary Secretary) [7.05 p.m.], in reply: I thank the member for Barwon and the member for Wyong for acknowledging students who are undertaking Higher School Certificate examinations this year. I congratulate the member for Barwon on supporting two students through the higher years of schooling. I have a son in year 9 and a daughter in year 8 and they are just about to embark on a journey from the middle years of schooling to the Higher School Certificate years of schooling. I commend both members for acknowledging the support that carers, families and extended families give to Higher School Certificate students. I particularly thank the member for Wyong for his quotation because indeed for some it may be slow and painful study in the days leading up to the Higher School Certificate examinations. His acknowledgement of that is appreciated.

I also met with a student last weekend, Renée Di Rocco, as she assisted her father at the fortieth anniversary of the Blacktown Italian School in the midst of her preparations for the Higher School Certificate

examinations. I am sure that she has achieved in her family relationships a life balance by getting out and about prior to examinations. She is to be commended for considering her family and supporting them at the reunion that was held on the weekend. It is appropriate to mention the support that is available for students who are undertaking Higher School Certificate examinations. There will be an SMS, Internet and telephone service on 17 December when results are published. There is also a Higher School Certificate examinations advice line on 131112, which is available Mondays to Fridays from 4.00 p.m. to 10.00 p.m., Saturdays from 10.00 a.m. to 6.00 p.m., and Sundays from 10.00 a.m. to 10.00 p.m. For the cost of a local telephone call during the periods leading up to and during the exams until 6 November, year 12 students will be able to speak to teachers and advisers who are experts in 26 major set courses.

I should also mention that both the member for Wyong and the member for Barwon acknowledge the commitment of teachers across the State whose dedication contributes to the education of young people from kindergarten to year 12. I recognise that teachers have contributed tirelessly and continuously not only to teaching and learning components of education but also by lending emotional support in their efforts to ensure that their students progress through schooling right through to undertaking the Higher School Certificate examinations. The member for Barwon correctly noted that not all students undertake the Higher School Certificate through the school system. Some undertake their studies through the distance and online education and training network known as OTEN, as well as at TAFE and through vocational education and training courses at TAFE, [TVET]. A number of students who undertake their Higher School Certificate studies are not enrolled in the schools system, and they also are deserving of attention during this discussion. I wish all students who are undertaking Higher School Certificate examinations the best of luck, now and in the future.

Discussion concluded.

The House adjourned at 7.08 p.m. until Thursday 23 October 2008 at 10.00 a.m.
