

LEGISLATIVE COUNCIL

Thursday 31 August 2006

The President (The Hon. Dr Meredith Burgmann) took the chair at 11.00 a.m.

The Clerk of the Parliaments offered the Prayers.

NSW OMBUDSMAN REVIEW OF DRUG DETECTION DOGS LEGISLATION

Production of Documents: Order

Motion by Mr Ian Cohen, on behalf of Ms Lee Rhiannon, agreed to:

That under standing order 52 there be laid upon the table of the House within 14 days of the date of the passing of this resolution:

- (a) the review by the NSW Ombudsman prepared in accordance with section 13 of the Police Powers (Drug Detection Dogs) Act 2001, before its repeal in 2005, in the possession, custody or control of the Minister of Police, NSW Police, Attorney General, or the Department of the Attorney General; and
- (b) any document which records or refers to the production of documents as a result of this order of the House.

PETITIONS

Unborn Child Protection

Petition requesting statistical reporting of abortions, legislative protection of fetuses of 20 weeks gestation, and availability of resources for post-abortion follow-up, received from **Reverend the Hon. Fred Nile**.

Batemans and Port Stephens Marine Parks

Petition opposing the creation of the Batemans Shelf and Port Stephens marine parks until the fishing industry and the community are adequately consulted, a socio-economic study is undertaken, and real data on endangered species is made available, received from **the Hon. Robyn Parker**.

Blue Mountains Forests Hunting

Petition requesting the removal of Newnes, Ben Bullen, Hampton, Jenolan, Nullo Mountain and Coricudgy State forests from the list of New South Wales forests declared for hunting for the purposes of the Game and Feral Animal Control Act 2002, received from **Mr Ian Cohen**.

Same-sex Marriage Legislation

Petition opposing same-sex marriage legislation, received from **Reverend the Hon. Fred Nile**.

Breast Screening Funding

Petition requesting funding to ensure access to breast screening services for women aged 40 to 79 years and to reverse falling participation rates, received from **the Hon. Robyn Parker**.

Cyanide Leaching Mining

Petition calling for a ban on cyanide leaching mining, received from **Ms Lee Rhiannon**.

BUSINESS OF THE HOUSE

Withdrawal of Business

Private Members' Business Notice of Motion No. 135 outside the Order of Precedence withdrawn by the Hon. Peter Breen.

DISTINGUISHED VISITORS

The PRESIDENT: I draw the attention of members to the presence in my gallery of the Deputy Minister for Foreign Affairs from Greece, the Ambassador for Greece in Australia and the Consul-General for Greece for New South Wales.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

The Hon. JOHN RYAN [11.15 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 128 outside the Order of Precedence, relating to a motion of no confidence in the Minister for Health, be called on forthwith.

This motion is urgent. I am stunned that the Government has not accepted the urgency of it. A motion of no confidence in a Minister is the ultimate sanction the Parliament can impose on a Minister. By convention, the passage of a motion of no confidence places the Minister's position at extreme risk. Odgers' *Australian Senate Practice* states that motions of no confidence and censure motions are used in the Senate because they provide a substitute for the usual inability, because of ministerial control, of the House of Representatives to censure the Minister. Indeed, that applies here.

Odgers advises that the standing and sessional orders provide that a motion of censure, or want of confidence, is, by convention, accepted by a Minister as having precedence over all other business and is debated until it is disposed of. There are no standing orders in the Senate concerning such motions, but it is the usual practice for such motions to be accorded immediate precedence for debate or to be adjourned to a later hour of the sitting, on the same day.

If the Government simply wants to leave this motion—which is detailed and raises a number of very serious matters in relation to the Health portfolio—on the notice paper and run away from debate on it, so be it. However, if the motion is not accepted by the Government as being urgent and is not debated today, the Opposition will be entitled to say that the Government does not have the courage of its convictions to bring the motion on now, without debate and a vote being taken. It will also be a constant testament to the Government's lack of courage and conviction in terms of its confidence in its administration of the Health portfolio. Finally, the Opposition will be able to say that because we have not been given the opportunity to debate each of the items in the motion, the items must stand.

If the Minister does not agree to debate these matters today, we will be entitled to say he did not want to debate them and therefore they must stand, uncorrected. Parliamentary debate of no confidence allows a Minister to correct allegations such as these. If the Minister does not have the courage of his convictions to debate this motion today, we are entitled to say he does not have the ticker to defend his administration.

It is all very well for the Minister during question time to say whatever he wants without contradiction, or to issue media releases that have to be brief and can simply skirt over issues. Parliamentary debate is the way these matters are resolved. That is the way these matters can be handled in detail—and they need to be handled in detail because they are serious. The Minister has been fiddling waiting list figures in order to make them look like he is achieving something in terms of reducing waiting lists. His department deliberately embargoed—

The Hon. Amanda Fazio: Point of order: The question before the House is whether the motion is urgent. The Hon. John Ryan is now debating substantive issues that relate to the notice of motion. I ask you to remind him to confine his remarks to the matter of urgency.

The Hon. John Ryan: To the point of order: All I am doing is listing the issues that I plan to raise in debate; I am not actually debating them. I am entitled to do that. They are outlined in the motion and I am demonstrating why it is urgent.

The PRESIDENT: Order! As I have ruled on numerous occasions, the purpose of this debate is to determine whether a matter is urgent. Any attempt to debate other matters would be disorderly.

The Hon. JOHN RYAN: If the Government does not want to debate today why it has been fiddling waiting lists and why it deliberately allowed a press release relating to meningococcal disease to be delayed for

24 hours with the potential risk to members of the public, if the Government does not want to account today for its management of the Health portfolio, so be it. We are entitled to say, "You do not have the courage of your convictions to stand up and debate this matter on equal terms with all contenders in this Parliament."

This is a motion of no confidence. It is the most important motion that a Parliament can debate because it is the ultimate sanction we can impose on a government or a Minister. Governments do not, as a rule, delay these matters; they bring them on. As I understand it, the Government wanted to bring this motion on yesterday, and I was happy for it to do so. But for some reason or another it did not. As a matter of courtesy, I think, to the crossbench, we elected to allow a delay. Nevertheless, the motion ought to come on today. It is due to come on today and it is a matter of the highest importance. Clearly, if the Government does not have the courage to agree to this debate it will stand condemned and these allegations will be unanswered.

The PRESIDENT: Order! I call the Hon. Peter Primrose to order for the first time. I call the Hon. Don Harwin to order for the first time.

The Hon. AMANDA FAZIO [11.21 a.m.]: The origin of this motion is a media release issued last week by the Leader of the Opposition and the honourable member for North Shore attacking the Minister for Health for taking sick leave and seeking to politicise the tragic death of Jehan Nassif.

The Hon. Duncan Gay: Point of order: Earlier the Hon. Amanda Fazio took a point of order about the relevance of urgency. She is actually debating the substantive motion rather than establishing urgency and I ask you to bring her back to urgency.

The PRESIDENT: Order! The member must confine her remarks to whether the matter is urgent.

The Hon. AMANDA FAZIO: To explain why this issue is not urgent and does not deserve to be debated today, I inform the House that the first thing the Minister for Health did when he was well enough last week was to contact Mr Nassif to express sympathy and offer his personal support to the family following Ms Nassif's tragic death. In front of the people of New South Wales is an independent inquiry into all the circumstances surrounding the case.

The Hon. Don Harwin: Point of order: The Hon. Amanda Fazio is clearly flouting your ruling. Rather than addressing urgency, she is now clearly expanding on one of the items in the motion. I ask you to draw her back to urgency.

The PRESIDENT: Order! The member must only address urgency.

The Hon. AMANDA FAZIO: When attempting to establish urgency the Hon. John Ryan quoted chapter and verse from Odgers. He quoted the procedures that apply in these sorts of circumstances. He did not establish a case to prove that the motion is urgent. These matters are being investigated and debated in other spheres, and the actions of the Minister for Health are publicly known. This motion trivialises every important issue it mentions. Quite frankly, it is an insult to members in this place and does not deserve to be given urgency.

There is not one element of the motion sought to be moved by the Hon. John Ryan that deserves to be granted urgency. Some of its elements are little more than political slogans, suited more to a billboard than to a serious parliamentary debate. While the individual patient matters are the subject of Health Care Complaints Commission [HCCC], coronial, and other external inquiries, it would be entirely inappropriate to speculate on them or pre-empt them today.

The Hon. John Ryan: Point of order: The Hon. Amanda Fazio is speaking about one of the issues for the debate. If she desperately wants to give this speech, she should sit down now, support the motion being brought on, and then make that speech in the debate. She has not even mentioned the word "urgency", or barely mentioned it, and she is seeking now to give a response to one of the issues related to the Minister's actions or where it is being investigated. She is not addressing urgency and I ask you to direct her to sit down and allow someone else to participate in the debate.

The Hon. Amanda Fazio: To the point of order: I am explaining why the motion proposed by the Opposition is not urgent and is just a political stunt. I think I have explained that quite well. This is yet another

attempt by the Opposition to use victims' politics to cheapen the political process. I ask you to rule against the Hon. John Ryan's point of order.

The PRESIDENT: Order! The member must not address the substantive issues. She may only address urgency.

The Hon. AMANDA FAZIO: As I was saying, this is not an urgent motion. This is a motion that outlines issues that the Opposition did not think were urgent enough to ask any questions about in question time this week. If the issues outlined in the motion were genuinely urgent and if this were not a political stunt the Opposition would have raised them earlier in the week, but it has not bothered to. All of these issues have been raised previously—indeed, some were raised many months ago—and the Minister has responded to every single one of them on the public record.

This is not a serious debate about urgent issues; it is a political stunt and it should not be given credibility by granting it urgency. It may be the Hon. John Ryan's re-election speech, but it is not a matter that should be deemed urgent, and I urge all honourable members to oppose the motion and to allow these matters to be dealt with in an appropriate manner, not by some kangaroo court led by the Opposition to undermine the role of the Health Care Complaints Commission and the Coroner. I ask honourable members to reject the motion.

Reverend the Hon. FRED NILE [11.26 a.m.]: There has been an alarming breakdown in the health system of New South Wales, which requires this issue to be debated in this House. It is urgent to keep faith with the people of New South Wales. However, the breakdown has occurred over many years and I believe it is the responsibility not of any one person but of the system—and that would apply even to previous Coalition governments. The motion contains some matters that can be discussed further during the debate and there may be differing opinions on those matters. But I believe that instead of now mounting a personal attack on the Minister for Health in this House—

The Hon. Duncan Gay: Point of order: It is the same point of order I took earlier against the Hon. Amanda Fazio. Reverend the Hon. Fred Nile is now debating the points in the motion. He commenced by speaking about urgency but he is now putting his point of view about elements in the motion. His comments would be relevant in the substantive debate but not in establishing urgency.

The PRESIDENT: Order! Again I remind the member not to address the substantive issues.

Reverend the Hon. FRED NILE: The point I was making was that there may be some matters in the motion on which there are different points of view. However, I foreshadow that I will move an amendment that paragraph 2 be omitted and that there be inserted instead:

That this House condemns the Government's failure to meet the health needs of the people of New South Wales.

The Hon. Duncan Gay: Point of order: Once again, these are matters for the substantive debate. Reverend the Hon. Fred Nile is quite entitled to move an amendment to the motion, but the detail of that amendment and the reasons for it have no place in establishing urgency.

The PRESIDENT: Order! Unless the foreshadowed amendment relates to the timing of the motion to give urgency to a matter, it should not be referred to at this stage. The member must confine his remarks to urgency.

Reverend the Hon. FRED NILE: I do not intend to discuss the amendment. I simply seek to give notice to indicate why I shall vote for the motion. The foreshadowed amendment is "That this House condemns the Government for its failure to meet the health needs of the people of New South Wales."

The Hon. JAN BURNSWOODS [11.30 a.m.]: I, too, oppose the granting of urgency for this motion. I object in what is almost a tradition now as we go through the farce of having an order of precedence, which we keep ignoring. Matters that are urgent are those that have been on the notice paper since, in some cases, 2003 and 2004. I join with members who have pointed out that this motion was placed on the notice paper only yesterday, not on Tuesday. It is not urgent and was not considered by its mover to be urgent.

The Hon. Duncan Gay: Point of order: The Hon. Jan Burnswoods is misleading the House. She well knows there was no opportunity on Tuesday to be able to put notices of motion because the House did not sit.

Madam President, I ask you to have the honourable member withdraw that comment because it is blatantly untrue. She knows there was no opportunity on Tuesday to put questions on notice. We ran out of time because of the Hon. Michael Costa's bad handling of the budget and the Parliament.

The Hon. JAN BURNSWOODS: To the point of order: I do not know what planet the Deputy Leader of the Opposition was on on Tuesday. He said the House did not sit on Tuesday. That pretty much sums up his position and that of The Nationals and the Coalition.

The Hon. Michael Gallacher: To the point of order: The Hon. Jan Burnswoods must have been napping on the back bench because the House did not get to notices of motions when we went through the business of the House, so, unfortunately, yet again she is wrong.

The PRESIDENT: Order! The Deputy Leader of the Opposition knows perfectly well that is not a point of order, as I have ruled on every occasion he has taken the same point previously. He must understand that personal explanations must be made at a time when no other business is before the House.

The Hon. JAN BURNSWOODS: The motion is hardly urgent when it was foreshadowed in a media release issued last week. It is quite against the forms and conventions of the House, which the Hon. John Ryan has tried to make so much of. He has sought to gain some political mileage out of the fact that the Minister for Health was actually on sick leave. I know the Opposition supports the WorkChoices legislation and does not care about jobs being slashed without explanation, and workers having no access to basic conditions like sick leave, but to do this to the Minister for Health is outrageous.

The Hon. Greg Pearce: Point of order: A discussion on the WorkChoices legislation has nothing to do with establishing urgency.

The PRESIDENT: Order! Because of loud interjection and the ringing of the telephone of the Hon. Charlie Lynn I did not hear the point of order. I ask the member to restate it.

The Hon. Greg Pearce: My point of order is that the Hon. Jan Burnswoods is not addressing urgency. She is talking about the WorkChoices legislation, which is hardly relevant to the urgency of this important motion moved by the Hon. John Ryan. I would have thought that the Minister would have been very keen to deal with the question of urgency and then to defend himself.

The PRESIDENT: Order! I remind the Hon. Jan Burnswoods that she must confine her remarks to urgency.

The Hon. JAN BURNSWOODS: I was pointing out that the media release came out when the Minister was absent on sick leave. The Opposition has tried to make political capital out of the Minister's sickness but now, a week later, it is trying to pretend that the matter is urgent. I am sure all honourable members would accept that the Minister for Health is an active and hardworking member in this House.

The Hon. Michael Gallacher: Point of order: The honourable member is now trying to debate the worthwhile contribution that the Minister makes outside of this House.

The Hon. JAN BURNSWOODS: Inside the House.

The Hon. Michael Gallacher: Inside or outside. It has nothing to do with the urgency of the matter and she should be brought back to the leave of the motion.

The PRESIDENT: Order! The Hon. Jan Burnswoods was discussing the timing of the motion and is in order.

The Hon. JAN BURNSWOODS: The motion is not urgent, because some of the points made in paragraph (1) (a) to (j) have been around for months if not years. It is significant that only in the second paragraph do they bother getting to what they think is the point. [*Time expired.*]

The Hon. Dr PETER WONG [11.35 a.m.]: As Reverend the Hon. Fred Nile said, many of the issues are chronic problems. The previous Coalition Government, the Federal Government and the present State Government are all liable for these problems and therefore this is not an urgent matter.

The Hon. PETER BREEN [11.35 a.m.]: The only material I have received in support of urgency for this motion is a handful of press releases, stapled together, from the Leader of the Opposition and the shadow Minister for Health. The press releases cover a range of issues from nurses job losses to dental health. They are all thunder against the Minister for Health and at least one of them calls for his resignation. Not surprisingly, a couple of the press releases seek to draw a line between current problems in the health system and the time when Premier Iemma was Minister for Health. These press releases did not include a covering letter setting out the basis for the urgency of the motion. Indeed, they did not even include a "with compliments" slip, so I have no idea who delivered them to my office.

If the Opposition wants urgency for its motion it should at least make an effort to make out a case. There is no presumption of self-evident fact in a pile of press releases. The issues covered by the press releases do not necessarily relate to this motion. If the Opposition wants to compare each press release with a particular aspect of the motion, it ought to do so and make out the argument.

The Hon. John Ryan: Point of order: I interrupt the Hon. Peter Breen with some reluctance. A discussion on whether the Opposition released press releases and the content of them is not relevant to urgency. I admit that the Opposition issued some detail, which is not common in these debates, as a courtesy to the crossbench. However, if the Hon. Peter Breen wants to hear the substance of the debate he should vote for it to come on. Discussing whether we have issued press releases has nothing to do with urgency. My point of order is relevance.

The PRESIDENT: Order! The Hon. Peter Breen was discussing urgency.

The Hon. PETER BREEN: I mentioned the press releases because it is the only information that the Opposition gave me to consider the motion. The motion is a substantive motion and the question of urgency—

The Hon. Duncan Gay: There was a crossbench meeting that you did not show up for.

The Hon. PETER BREEN: I had another function on that occasion. The fact that I was not there suggests you should have made an effort to give me the information later on. The last thing I want to say on urgency is that the Minister has been unwell, as I discovered last week when I attended the twenty-first anniversary of the AIDS Council of New South Wales. The Minister was due to share the speaking rostrum with Justice Michael Kirby, and many of us were disappointed to learn that the Parliamentary Secretary was standing in for the Minister because of his ill health.

The press releases that I received—and I emphasise they were the only information I received about this matter—do range over the period of the Minister's ill health. In the circumstances, it is a bit rich to be calling for a vote of no confidence in the Minister about events that occurred when he was suffering ill health. A case for urgency has not been made out and I oppose the motion.

The Hon. ROBERT BROWN [11.38 a.m.]: I support the motion of urgency. The voluminous motion that was presented to me by the Opposition contains a couple of issues that relate to fatalities. I am sure our employers, the people of New South Wales, would be alarmed that the Parliament was not prepared accept the urgency of a matter that related to a couple of fatalities in our hospital system. Therefore I support the motion of urgency.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [11.39 a.m.]: I do not think there is any dispute that the health system has a great deal of difficulty, and the management of it is critical. It is true that the Government has phrased this as a personal attack on the Minister for Health, and perhaps that has caused a problem for the crossbench. Crossbench members may be posturing, but the fact is that an election is approaching and the health system is of great importance to the people of New South Wales. This motion provides an opportunity to clear the air in terms of what is happening in the health system, and as such I believe it should be brought on.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 18

Mr Brown	Mr Gay	Ms Rhiannon
Dr Chesterfield-Evans	Mr Lynn	Mr Ryan
Mr Clarke	Reverend Dr Moyes	
Mr Cohen	Reverend Nile	
Ms Cusack	Ms Parker	<i>Tellers,</i>
Mr Gallacher	Mrs Pavey	Mr Colless
Miss Gardiner	Mr Pearce	Mr Harwin

Noes, 19

Mr Breen	Mr Hatzistergos	Ms Sharpe
Ms Burnswoods	Mr Kelly	Mr Tsang
Mr Catanzariti	Mr Macdonald	Dr Wong
Mr Costa	Mr Obeid	
Mr Donnelly	Mr Oldfield	<i>Tellers,</i>
Ms Fazio	Ms Robertson	Mr Primrose
Ms Griffin	Mr Roozendaal	Mr West

Pair

Mrs Forsythe

Mr Della Bosca

Question resolved in the negative.**Motion negatived.****SMOKE-FREE ENVIRONMENT AMENDMENT (REMOVAL OF EXEMPTIONS) BILL****Second Reading****The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [11.48 a.m.]: I move:

That this bill be now read a second time.

This bill, which I originally introduced in March 2006, lapsed after the prorogation of the Parliament and then was restored. The tobacco industry and tobacco-caused disease are huge problems. Every day in Australia about 45 people—about 35 in New South Wales—die of tobacco-caused disease. Indeed, there have been hundreds of deaths since I introduced the bill in March and thousands of deaths since I entered the Parliament. We have spent 45 minutes this morning debating the urgency of a motion about a couple of tragic deaths but the Parliament chooses to ignore the fact that many deaths are caused by smoking. Since the bill was last before the House the Joint Select Committee into Tobacco Smoking was established. That was a depressing spectacle for me. The idea of establishing that committee came from Ireland, where the health people suggested that a parliamentary committee look at the tobacco issue.

There was real co-operation from both sides of the Irish Parliament and politicians looked at the incredible human misery caused by tobacco. They took strong action, and Ireland went from well down the world league of countries taking action against tobacco to right to the top, with Irish pubs becoming completely smoke-free. The Irish climate is such that you can smoke outside a smoke-free pub but, by gosh, it is cold in winter. Previously, the smoke in Irish pubs in winter was incredible. Patrons sang in the pubs—one of the many nice features of Irish society—but it was difficult for a non-smoker to stay in them. I travelled to Ireland in the 1980s and noted what I saw there.

The culture change in Ireland was far greater than is needed here, the Irish climate is far less conducive to open-air activities, but the politicians contributed to that change. They went to hospitals, spoke to people and took action. Here, once again the Liberal and Labor parties kowtowed to the hotel industry—which is a proxy for the tobacco industry—to the clubs and to the tobacco retailers. Virtually nothing happened following the deliberations of that committee except a smoking ban in children's playgrounds, a one-square-metre limitation on the size of signs in tobacconist shops, and a ban on DJ cigarettes, which are linked to rock music and flavoured with sugar and candy. These are minimal restrictions.

A great building boom in hotels and clubs is creating outdoor areas that are effectively indoor areas. When gaming machine legislation was put before this House I suggested that poker machines should not be permitted outdoors, because the next step would be to allow poker machines in so-called outdoor areas that had only 25 per cent open space. Redefinition of a space that has a complete roof and only 25 per cent of its walls and ceilings open as an outdoors area is a poor and Kafkaesque description of what is clearly a covered area that has very poor air circulation. I believe that that definition came from the Chief Health Officer of the Australian Capital Territory. That poorly-informed decision was adopted enthusiastically by hotels as it meant they could build huge covers over their beer gardens, define them as outdoors and allow their patrons to keep smoking.

Hotel licences doubled in value in 12 months when the Government capitulated to the hotel lobby and allowed poker machines, greatly increasing revenue. Did the hotels tell the Government that as their assets had been doubled overnight by the creation of more gambling problems, they would go smoke-free? Not on your Nelly! They took the doubling of the hotel licences and profits and did not give a bit of it back for public health. Having stood against public health for 40 years they kept on standing against it.

That is the help we got from the Australian Hotels Association. That is its degree of care. They were stroked along by the tobacco industry, and both the major parties were too gutless to do anything about it. The joint select committee that was set up did not want to do anything about that. Prolongation of the socialisation of smoking will result in many deaths. It is sad for me that after eight years in Parliament I still find the same venality, the same lack of concern for public health, and the same lack of courage in looking after the health of the people of New South Wales.

It was necessary that the tobacco companies account at the committee hearings for the deaths they have caused. I asked them to attend but they declined to do so voluntarily as there was no compulsion on them to attend. It may be remembered that some years ago five members of a tobacco company stood before a United States Senate committee and said they did not believe that tobacco was addictive. A bunch of corporates told lies to the people of America and the people saw them as the liars they were. But our committee was too timid even to ask the tobacco companies to attend.

Reverend the Hon. Fred Nile: Shame! Who voted that they should attend?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: The members who voted that they should attend the committee hearings were Reverend the Hon. Fred Nile and me. I think the chairman would have been sympathetic, but a casting vote was not needed. The retailers wanted a declaration that it was legal to sell tobacco. I asked one retailer in one famous exchange whether he believed cigarettes were harmful. The answer was yes. I then asked did he sell cigarettes. The answer was yes, so I asked whether he was selling a harmful product knowingly under the Trade Practices Act? There was no answer to that question, just stunned silence.

Innovative subjects were raised such as the need for a declaration that it is legal to sell cigarettes. They know perfectly well that they are selling a product that kills people and they know that the Trade Practices Act says that in trade or commerce you must not do things that are harmful to the population. So the selling of cigarettes in the present state of knowledge should be illegal under the Trade Practices Act. But nobody will bell the cat. The Government is too gutless to take any action at all. "Don't notice the elephant," is its suggestion.

The modest tobacco action plan for 2005 to 2009 suggests spending \$2.90 to \$8.50 per person per year on quit campaigns. The Centre for Disease Control suggests spending \$US6 to \$US17, twice as much. Advice from California, where the best cost-effectiveness studies of quit campaigns have been done, is that \$A56 per person per year is the level at which a campaign ceases to be cost-effective. In other words, up to that cost level the huge number of people quitting meets the cost. The Government spends a paltry \$1.90 per person per year, yet at the committee one silly public servant boasted:

It is certainly recognised that New South Wales has one of the most comprehensive programs in place, addressing all of the major elements identified in the research.

That pompous nonsense served to hide the fact that this State is running a very poor campaign. The essence of the bill is the removal of the social acceptability of smoking. The Smoke-free Environment Bill, which was brought into this House with a whole lot of fanfare, should be called the smoking environment bill.

The Occupational Health and Safety Act provides that a workplace must be free from hazards. The tort lawyers are the last resort for justice when dealing with unimplemented legislation. In the early 1980s we tried to find plaintiffs from among hotel and bar staff whose health had been damaged by passive smoking in their

workplace. It was difficult because there was a high incidence of smoking amongst bar staff. People who were not smokers could not stand working in such an environment. Also, there was a low degree of job security and a high turnover of staff. We could not find anyone who would go to the tort lawyers and say their health had been damaged by passive smoking.

Eventually Liesel Scholem and Marlene Sharp instituted proceedings on the basis that their health had been damaged by passive smoking. When the Occupational Health and Safety Act finally applied pressure on owners to ensure that their premises were smoke-free, the Government brought in the Smoke-Free Environment Act. The key to that Act is the exemptions: smoking is still permitted in pubs and clubs. Pubs and clubs are major recreational facilities where young people celebrate their eighteenth birthday, go to discos, and so on. They set a social tone and make tobacco smoking respectable.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

PATHOLOGY NEW ENGLAND TEST REPORTS

The Hon. RICK COLLESS: My question is directed to the Minister for Health. What has been done to assist patients and their families affected by the incorrect pathology tests done in the Tamworth area between 1999 and 2001 and identified only this month? How many of the patients whose pathology tests were done in the Tamworth area between 1999 and 2001 and were incorrectly interpreted had surgery such as a mastectomy, and follow-up treatment such as chemotherapy?

The Hon. JOHN HATZISTERGOS: I reiterate the comments I made on Friday at a news conference apologising to those who were affected and their families and friends. As honourable members would be aware, last Friday the Chief Executive of the Hunter New England Area Health Service, together with the Chief Executive Officer of the Clinical Excellence Commission, released the findings of the review of anatomical pathology tests by a former health service pathologist who worked for Pathology New England between 24 November 1999 and 24 December 2001.

The review was undertaken to investigate the matter after concerns were raised in another area health service about the accuracy of reporting by a pathologist who was employed at that time. A major clinical review was undertaken, with approximately 55,000 slides from 7,432 pathology tests being re-examined by three independent pathology laboratories. The review process was peer reviewed by the Royal College of Pathologists of Australasia.

I am advised that of the 7,432 tests re-examined the reviewers found no significant difference from the original result in 97 per cent of the cases. In 179 cases the reviewers found significant variations from the original result. However, this had no clinical impact on the care or treatment the patients received. In 38 cases the reviewers found there was an error in the original diagnosis, and that the correct diagnosis, if known at the time, may have meant the patient would have received different care. I am advised that six of those people have passed away. That is a tragedy, as is any death. However, the Chief Executive of the Hunter New England Area Health Service and the Chief Executive Officer of the Clinical Excellence Commission have advised that it is not possible to state that these deaths were as a result of the original diagnosis.

I am advised that the health service has spoken to the doctors of all patients where a significant variation was detected and, in conjunction with the doctors, has been able to contact all but four patients. None of the four who have not yet been contacted is in the group that indicated any clinical impact. I am advised that the Chief Executive of the Hunter New England Area Health Service has written and apologised to the patients and their families.

For the vast majority of patients affected by the review, that is, more than 7,000, the reviewing pathologist found no significant variation between the current report and the original report. I am advised that the Chief Executive of the Hunter New England Area Health Service is currently sending letters to all of those patients to confirm the results of their pathology tests. Throughout the course of the review the area health service has made clinical and mental health staff available to support patients and their families as needed. The

hotline number 1800 756 343 was established when the review commenced in March and has received almost 200 calls. It will continue to operate for the next few months to answer any ongoing inquiries.

The New South Wales Department of Health warned the Federal Department of Health and Ageing that the doctor was under investigation. On 16 March 2006 the Director General of NSW Health wrote to the Secretary of the Department of Health and Ageing stating that NSW Health had received information that the doctor was also employed in a private pathology service. The director general's letter stated:

The Commonwealth has access to information which can confirm what private activities, including pathology, Dr Zaer may have been involved in ... and also is the regulator of private pathology providers.

The director general's letter indicated that the Federal Health department could contact NSW Health or the Medical Board for further assistance. I am advised that neither the New South Wales Department of Health nor the Medical Board has been contacted by the Department of Health and Ageing, so I am unaware of what action has been taken. The answers I have provided reinforce the comments I made last Friday that the Department of Health is happy to work with individual clinicians and patients to provide any further support or assistance that may be required. As to the matters the Hon. Rick Colless has raised about procedures and events, I covered that comprehensively in my press conference last Friday and I refer him to my remarks that day.

STRONGER TOGETHER DISABILITY PLAN

The Hon. KAYEE GRIFFIN: My question is directed to the Minister for Disability Services. Will the Minister outline the benefits now flowing from the Iemma Government's Stronger Together plan to assist people with disabilities?

The Hon. JOHN DELLA BOSCA: Stronger Together is the most comprehensive plan that has been put together to assist people with disabilities and their families and carers. It contains historic increases, which are locked into the Iemma Government's present budget and the forward estimates, with additional spending totalling \$1.3 billion over its first five years. The first \$154 million began rolling out last month. This financial year we will provide an additional 70 attendant care places in the home, 600 new therapy places and 750 flexible respite places. Early next year young people in the Community Participation Program will be guaranteed four days a week, and those with high needs five days a week.

The Opposition has been critical of the way the increases have been delivered. We learnt yesterday there would be no increases if the honourable member for Vacluse gets his way. In the other Chamber the Opposition refused to support the Stronger Together plan. The honourable member for Willoughby, the shadow Minister for Community Services, detailed the Opposition's alternative package, which is worth 5 per cent of the Government's 10-year plan. It contains not one additional supported accommodation place, not one additional community participation day and no extra therapy or case management. The Opposition offers \$69 million over five years. The Government's comprehensive plan is worth \$1,300 million. Despite the stunts we see from the Hon. John Ryan and for all his cynical use of disabled people, his party is planning a massive cut to disability support services.

The Opposition has described Stronger Together as "a Labor Government promise that will be decided by the community in March next year". So the increased respite, the supported accommodation, the therapy for children, the post-school and day programs are our promise—those promises will not be delivered by members of the Opposition. Their weasel words expose them: they will not deliver it. The Premier has now made a personal appeal to the Prime Minister, inviting the Commonwealth to match this State's increased spending for people with disabilities. Yesterday the Debnam Opposition would not even support that appeal. The honourable member for Vacluse does not want the Commonwealth to match our funding because he has no intention of delivering it himself.

The Hon. John Ryan has criticised the way the Government has delivered increased funding and services. How will he explain to families, carers and providers that his party is not budgeting to deliver at all? The shadow Minister has no influence in his party, and people with a disability are not a priority of the honourable member for Vacluse and his colleagues. They will not add another \$1.3 billion to the "Peter meter". Stronger Together includes 80,000 community participation days, 990 supported accommodation places, 2,880 therapy places and 1,260 respite places. The Iemma Government is delivering them.

The New South Wales Opposition has refused to support it. It planned to cut \$700 million from Community Services at the last election, and it is now following the same path under the leadership of the

honourable member for Vacluse. When given the opportunity yesterday it would not stand up to Canberra and dare to ask the Prime Minister to match our funding. The Opposition has demonstrated that its professed concern for people with disabilities is a cruel hoax. For the benefit of the honourable member, I repeat my initial point: The first \$154 million of the new funding began rolling out last month for the 70 additional attendant care places, the 600 new therapy places and the 750 flexible respite places.

The PRESIDENT: Order! I call the Hon. John Ryan to order for the first time.

PACIFIC HIGHWAY UPGRADE

The Hon. ROBYN PARKER: I direct my question to the Minister for Roads. Did the Minister announce yesterday, before the completion of the consultation period, the RTA's preferred option for an upgrade to the Pacific Highway near Heatherbrae at Port Stephens? Given that the Government will push for the highway to be constructed in the middle of the industrial zone at Heatherbrae, which is a major economic and employment hub for Raymond Terrace and Port Stephens, can the Minister tell the House why that is the preferred option when it will clearly adversely affect businesses that employ hundreds of local people? When will the Minister listen to local people, rein in the Roads and Traffic Authority [RTA] and consult properly to determine a preferred route?

The Hon. ERIC ROOZENDAAL: I always find it disappointing that the Coalition chooses to attack the Government for continuing its campaign to improve and upgrade the Pacific Highway, which, of course, is one of the largest infrastructure projects ever undertaken in New South Wales. When it comes to the Pacific Highway, people want and deserve certainty.

[Interruption]

We heard the real Hon. Melinda Pavey on Stan Zemanek's program the other night. To ensure that I was informed before making any decision about the preferred route for a number of Pacific Highway upgrade projects, the new CEO of the RTA, Les Wielinga, and I recently visited the North Coast to meet with locals.

The Hon. Catherine Cusack: The question is about Raymond Terrace.

The Hon. ERIC ROOZENDAAL: I am well aware of that. We spoke to numerous interested groups and stakeholders. It is clear that all route determinations are complicated and detailed. No matter where we choose to place a route, there will always be winners and losers. That is why the RTA has one of the most extensive consultation strategies of any New South Wales Government agency.

Yesterday I announced three new preferred routes, involving 79 additional kilometres of road. Coalition members fail to understand that the proposal for those preferred routes will be displayed and further community consultation will take place. There will also be environmental impact statement, access, and noise mitigation processes. This is an ongoing program as the New South Wales Government works to honour its commitment to upgrade the entire Pacific Highway. Already, 233 kilometres of the Pacific Highway is dual carriageway, and work is under way, and plans have been prepared, or preferred route proposals have been produced, for another 380 kilometres. The Government is working constantly to improve the Pacific Highway.

The blind spot in the attacks of Coalition members is that they always forget their Federal colleagues. I cannot decide whether that is because they are scared of them, that they are incompetent or that they just do not want to talk about them. The last Federal budget included an allocation of \$800 million for the Hume Highway despite the fact that it was not requested. It was allocated so that Federal members of Parliament travelling between Canberra and Melbourne—

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

The Hon. Robyn Parker: Point of order: Madam President, will you please draw the Minister back to the question, which was about Raymond Terrace, not the Hume Highway, and the Minister's failure to consult with the community and rein in the RTA? The question had nothing to do with the Hume Highway.

The PRESIDENT: Order! The Minister must be relevant when answering questions. However, he may make general remarks in his response.

The Hon. ERIC ROOZENDAAL: The F3 to Raymond Terrace preferred route will involve a new bridge over the Hunter River and will fill in what is known as the "missing link". That will be a great improvement for the people of the region. It will also increase the distance between the highway and Hexham Swamp, which is one of the issues. The preferred route also provides the shortest length of road through deep soft soils and flood-affected areas. These are the important issues. Of course, this proposal is designed to lessen the impact on the community and the social impact on the Heatherbrae township.

The Hon. John Ryan: Point of order. I believe that the standing orders make it clear that the reading of newspapers by members in the Chamber is disorderly. It would appear that Government members are so fascinated by what the Minister for Roads has to say that they are distributing newspapers for members to read.

The PRESIDENT: Order! The reading of newspapers in the Chamber is certainly out of order. However, the reading of photocopies of documents that are the subject of debate is not disorderly.

LOW-LEVEL FARM INSPECTION FLIGHTS

Reverend the Hon. FRED NILE: I direct my question to the Minister for Natural Resources, Minister for Primary Industries, and Minister for Mineral Resources. Have representatives of the Greens and the Wilderness Society been conducting low-level spy flights over farms in the Western District, especially around Nyngan and Cobar? Have these low-level flights, which involve buzzing farms, terrorised farmers and their families and caused expensive cattle, including bulls, to flee in fear into the bush, for which the farmers involved may seek to claim compensation? Did the Minister or any officer of his department or any other Government agency authorise or co-operate in any way with these spy flights? Who paid for these flights? Will the Minister issue an immediate directive making it clear that regrowth native vegetation, grass bushes etcetera on farm properties are not covered by the Native Vegetation Act?

The Hon. IAN MACDONALD: On 21 August 2006 two compliance officers from the Department of Natural Resources [DNR] visited a property in the Cobar district. The visit was in response to a report from a member of the public that illegal clearing may have taken place on the property. I am advised that the landholders held consents to clear and cultivate under the Western Lands Act. DNR officers contacted the property owners to discuss the situation and received permission to visit the property and inspect clearing and cultivation activities to ensure they were carried out in accordance with the law. However, upon arrival at the property, the officers were met by a group of about 200 people who prevented them from accessing the site and carrying out their duties.

It has subsequently come to my attention that the farmers involved in this incident have expressed concerns about the actions of an environmental lobby group that allegedly conducted inspections of the property in question. The owner of the property has claimed that the plane hired by the group conducted low-level swoops over his land and caused distress to his cattle. If that is indeed the case, I make it clear that the State Government does not support irresponsible action that endangers livestock and property. At the same time, it should be pointed out that civil aviation laws are a Federal Government responsibility. If anyone has any complaints of this nature, they should be referred to the appropriate Federal agency. They should also be made in good faith, and evidence should be provided.

HEALTH CARE WORK FORCE INNOVATIONS

The Hon. PENNY SHARPE: I direct my question to the Minister for Health. Can the Minister inform the House of the Government's latest work force innovations to improve health care in New South Wales?

The Hon. JOHN HATZISTERGOS: I thank the honourable member for this important question and commend her for her ongoing interest in improving health care in New South Wales. Health care is changing globally. Medical advances, improvements in technology and changing community expectations, together with a growing and ageing population, are driving changes in the way health care is delivered. Despite these changes, the way doctors are trained and the way they work in hospitals have changed little over the years. The common career pathway for a doctor after finishing university is to complete an intern year and then undertake another unstreamed resident year before embarking on specialist training through a college-based training program.

The Career Medical Officer Award has provided an industrial framework for doctors not in specialist training programs. However, it is no career pathway for a doctor who does not want to pursue specialist training but who does want to continue to work as a doctor in the public hospital system. The Government is therefore

creating a new direction for doctors who do not want to become traditional specialists but who do want to increase their skills across a number of specialty areas.

A new style of doctor, called a hospitalist, will be piloted in 11 New South Wales public hospitals. The hospitalist will focus on co-ordinating clinical care for patients in a hospital or community setting to ensure that their patient journey is smooth, effective and safe. They will work across different departments, such as emergency, aged and community care, connecting patient care across specialties. Hospitalists will work closely and collaboratively with specialist teams, particularly for acutely and chronically ill patients, many of whom are elderly and have complex needs. Hospitalists will also participate in hospital governance, organisation, and staff education about health service systems and protocols.

Recruitment for 20 positions across four metropolitan and regional area health services commenced last Thursday. Hospitalists will be piloted for two years in Westmead and Nepean hospitals to work across the emergency departments and in aged care; in Bulli, Shellharbour and Shoalhaven hospitals they will work in aged care; in St George and Sutherland hospitals they will work in renal medicine; in Fairfield Hospital they will work in cardiology; in Manly and Mona Vale hospitals they will across the acute care of elderly service; and in Hornsby hospital they will work across general and emergency medicine and aged care. The first recruits are expected to commence work in January 2007.

Unlike the Opposition, whose only work force innovation is to sack 29,000 public sector workers, the New South Wales Government is implementing practical solutions to improve patient care by investing in our work force. Even Dr Andrew Keegan from the New South Wales branch of the Australian Medical Association is cautiously optimistic. His press release states:

... anything that improves the co-ordination of patient care in the public hospital system has to be seen as a positive initiative.

The proposal is tantamount to patients having their own GP in the hospital with them, to ensure continued quality care.

This is an exciting initiative. It is an important career opportunity for the dedicated career medical officers working in our public hospitals, and it offers significant improvements in care for some of the most vulnerable patients in our health system. It is one more in the range of initiatives we are introducing to improve our public hospitals, including after-hours general practitioner centres co-located in our hospital emergency departments and a record number of nurse practitioners across our hospitals. I look forward to updating the House on future work force innovations.

CROSS CITY TUNNEL AND ROAD CLOSURES

The Hon. MICHAEL GALLACHER: My question without notice is directed to the Minister for Roads. Does the Minister recall telling the House on 7 March this year, in relation to taking unilateral action to reverse road changes and exposing taxpayers to compensation, "It is an economic idiot's way to deal with this issue"? Given that the Minister has now exposed taxpayers to the payment of millions of dollars of compensation through his Government's unilateral action on the Cross City Tunnel, and has proceeded to undermine the Lane Cove Tunnel contract, will he now stand by his comments that an economic idiot is wasting taxpayers' money?

The Hon. ERIC ROOZENDAAL: I feel like I am at the World Cup and I have been given another free kick!

The Hon. Michael Gallacher: It's an own goal from you, mate. You're the one who said it. Or is it just "idiot" in your case?

The Hon. ERIC ROOZENDAAL: I am glad the Leader of the Opposition makes that comment, because members of the Opposition made it about the member for Vacluse, and the reason they made it about the member for Vacluse is that the member for Vacluse—the economic idiot that the Leader of the Opposition refers to—has a plan for the Cross City Tunnel that involves, as announced on his web site, "reversing 70 road changes". That includes the portal to the tunnel, the exit to the tunnel, all the access roads, and the access to Sir John Young Crescent! Yet again we see cheap, lazy work by the Coalition. Only the other day the honourable member for Vacluse stated again that he will rip up William Street. What a joke!

The Hon. Michael Gallacher: We always thought you were an idiot, but now we know you're are an economic idiot. They are your own words.

The Hon. ERIC ROOZENDAAL: You used the term about your leader.

The PRESIDENT: Order! I call the Leader of the Opposition to order for the first time.

The Hon. ERIC ROOZENDAAL: The member for Vacluse has demonstrated that he is completely incompetent as a potential leader of the State. His plan to tear up the Cross City Tunnel contract—his words—would have exposed the taxpayers of the State to hundreds of millions of dollars in compensation. Our sensible, reasonable strategy of negotiations, of working through the contract—

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

The Hon. ERIC ROOZENDAAL: —and providing 13 road reversals, which will give direct access to motorists through the city and to the harbour crossing, is a sensible approach to dealing with the Cross City Tunnel issue. Let us talk about the Lane Cove Tunnel. The Epping Road surface changes were supported by Kerry Chikarovski, John Brogden, and Anthony Roberts when he was Mayor of Lane Cove and now that he is the member for Lane Cove. They all supported those changes. Is it not just commonsense to follow the unanimous recommendations of the parliamentary inquiry by transitioning those changes in, to give motorists an opportunity to use the Lane Cove Tunnel, the expanded Gore Hill Freeway and the new Falcon Street ramps? Is it not commonsense to enable them to get used to those changes so that when we phase in changes to the surface roads through the transition group that is examining them—

The Hon. John Ryan: Before you close half of them.

The Hon. ERIC ROOZENDAAL: The Hon. John Ryan yells out yet another inane comment. The bus lane is a critical aspect in supporting public transport users. Kerry Chikarovski, John Brogden and Anthony Roberts all support it. This is important for the future of New South Wales. That is why we are working with a transition group to transition changes to Epping Road in a way that maximises benefits to the community, maximises benefits to motorists, and maximises benefits to public transport users. That is the way a sensible government acts. Of course, we could go the economic idiot's way—to use the Leader of the Opposition's expression for the honourable member for Vacluse. We could just go out tearing up contracts and writing blank cheques. I am not going to write a blank cheque for Graham Mulligan of CrossCity Motorway. I know the honourable member for Vacluse might do that, but it is certainly not the way this Government goes about things.

HOSPITAL EMERGENCY DEPARTMENTS

The Hon. HENRY TSANG: My question without notice is addressed to the Minister for Health. What is the New South Wales Government doing to enhance the delivery of care in our hospital emergency departments?

The Hon. JOHN HATZISTERGOS: I thank the Hon. Henry Tsang for giving me the opportunity to inform the House of the New South Wales Government's commitment to developing better ways of providing care to patients in emergency departments. Demand for emergency department services is constantly increasing and the ageing of the population is presenting new challenges for those delivering these services. The Department of Health is undertaking a major clinical redesign program to improve patient journeys through our hospitals, with a particular focus on emergency departments. In June this year the Premier announced a new direction in emergency department service delivery: identifying a range of innovative models of care, developed by clinicians, to be implemented in hospitals across the State.

The 2006-07 budget included funding for the establishment of after-hours general practitioner clinics in our emergency departments to treat less urgent patients more quickly. Today I am pleased to announce that \$1 million has been provided to assist hospitals to implement other innovative strategies to improve waiting times and patient care in our emergency departments. The funds will support the redesign of emergency departments and fast track systems, with funds used for key equipment, training and development of staff in hospitals across the eight area health services.

The funding will go to the following areas: the Children's Hospital Westmead, \$30,000; the Greater Southern Area Health Service, \$72,000 for Albury and Wagga Wagga Base hospitals; the Greater Western Area Health Service, \$51,000 for Dubbo and Orange Base hospitals; the Northern Sydney Central Coast Area Health Service, \$125,000 for Wyong, Gosford, Royal North Shore, Ryde, Manly Hornsby and Mona Vale hospitals; the

South Eastern Sydney Illawarra Area Health Service, \$170,000 for St George, Prince of Wales, Sutherland, Wollongong and Sydney Children's hospitals; the Sydney South West Area Health Service, \$190,000 for Campbelltown, Concord, Fairfield, Bankstown, Canterbury, Royal Prince Alfred and Bowral hospitals; the Sydney West Area Health Service, \$147,000 for Blacktown, Westmead, Nepean and Mt Druitt hospitals; the North Coast Area Health Service, \$80,000 for Tweed, Lismore, Coffs Harbour and Port Macquarie hospitals; and the Hunter New England Area Health Service, \$135,000 for Maitland, Belmont and Tamworth hospitals.

Equipment will include vital signs monitors, diagnostic equipment for respiratory, eye, ear, nose and throat problems and for wound management, examination tables and couches. This will enable patients to be diagnosed and treated more efficiently. As part of our emergency department improvements we are implementing fast track zones throughout New South Wales, ensuring that patients with minor illnesses are separated from sicker patients to start their care earlier and that patients are getting the right treatment at the right time. Fast track zones are currently being implemented at Westmead, Liverpool and Royal Prince Alfred hospitals. Further fast track zones will be implemented at Gosford, Canterbury, Sutherland, Fairfield and Lismore hospitals in upcoming months. Fast track zones are already successfully operating in several hospitals, including Port Macquarie, Bankstown and John Hunter hospitals.

I am encouraged by the improvements made to the hospital system over the past 12 months. I take this opportunity to thank all medical, nursing and support staff in our emergency departments, who are continuing to drive change and improvement and who are ensuring patients receive the best emergency department care.

PEDESTRIAN, BICYCLE AND BUS LANE FACILITIES

Ms LEE RHIANNON: I direct my question to the Minister for Roads. Is the Government still committed to a policy to build pedestrian, bicycle and bus lane facilities in conjunction with new motorway infrastructure? If it remains government policy to build such public transport and pedestrian facilities, what is the Government's policy with regard to retaining such facilities once the main infrastructure is built?

The Hon. ERIC ROOZENDAAL: In 2006-07 the Roads and Traffic Authority [RTA] will directly fund bicycle-specific programs valued at more than \$7 million. These will deliver cycling-specific infrastructure, education and promotion, including more than \$3 million to match local government contributions for 91 local bicycle projects. Also, the RTA will provide facilities in 2006-07 for the use of cyclists, as part of major road construction projects. These facilities include both sealed shoulders and paths shared with pedestrians, and will be to the value of \$64 million.

Projects include the Albury Wodonga bypass, Five Islands Road at Lake Macquarie, and part of the Windsor Road, Great Western Highway and Pacific Highway upgrades. An estimated \$6 million worth of cycling facilities will be delivered also as part of the Lane Cove Tunnel project. The Government is committed to building off-road shared pathways, wherever practicable, when new roads are built and to link these with existing cycleways wherever possible. In 1999 the New South Wales Government released BikePlan 2010 with a commitment of \$251 million over 10 years to deliver an average of 200 kilometres of cycling facilities per year.

I am pleased to advise that as at 30 June 2006 there has been an average of 236 kilometres of cycling facilities provided by the Government each year since 1999, which exceeds that projected in BikePlan 2010. The Government has provided more than \$220 million towards bicycle programs since BikePlan 2010 was released, with a further \$71 million of works to be completed this financial year.

Ms LEE RHIANNON: I ask the Minister a supplementary question. Considering the question clearly asked if it is still government policy to retain bicycle and public transport facilities associated with motorway projects, and considering the Minister did not take the opportunity in answering the question to give that commitment, does that mean it is no longer government policy and we stand to lose these facilities?

The Hon. ERIC ROOZENDAAL: The Government does not intend to remove facilities for pedestrians and bicyclists. However, one of the recommendations of the Cross City Tunnel parliamentary inquiry was for a number of road reversals. Incidentally, the Hon. Lee Rhiannon was on that committee. Amongst those recommended road reversals was the removal of cycleways at the eastern side of William Street. We are examining those issues now.

CRANEBROOK TRAFFIC ARRANGEMENTS

The Hon. DAVID CLARKE: My question without notice is directed to the Minister for Roads. Would the Minister inform the House what action the State Government has taken to fund the installation of traffic signals at the intersection of Sherringham Road and The Northern Road at Cranebrook? Given that Federal Blackspot funding of \$916,579 is available for this project, would the Minister advise why the Roads and Traffic Authority has not given its support for this project?

The Hon. ERIC ROOZENDAAL: The Roads and Traffic Authority has a budget this year—

The Hon. Michael Costa: Of \$3 billion plus.

The Hon. ERIC ROOZENDAAL: The Roads and Traffic Authority has a budget of \$3.3 billion, honourable Treasurer, which is a marked increase on last year's budget. That is a demonstration of the New South Wales Government's commitment to improving roads and road safety throughout the New South Wales road network. Because we deal with literally hundreds of road projects, I will take the rest of that question on notice and provide the honourable member with an answer.

BIOFUELS

The Hon. PETER PRIMROSE: My question is directed to the Minister for Primary Industries. Would the Minister please inform the House of the New South Wales Government's support for biofuels?

The Hon. IAN MACDONALD: As members on this side of the House would recall, the Iemma Government pledged its support on 23 August for mandating the use of ethanol-blended petrol. The Premier took a significant step in building a biofuels industry for New South Wales by announcing the State Government would establish a New South Wales E10 task force. The role of the task force is to report to the Government with an implementation plan and resolve unanswered questions about ethanol use.

Let me make it clear: this Government is committed to looking at all options involving biofuels for the good of New South Wales. In regional areas, particularly fuel users—especially farmers—are crying out for alternatives as they struggle under spiralling petrol prices with no help from an uncaring Coalition Government in Canberra. Unlike those on the opposite side of the House and their Federal counterparts, the State Government is leading the way on this issue.

The Hon. Duncan Gay: Point of order: The Minister indicated that the Coalition is not interested in this issue. The fact is that the Government's policy is a direct lift of the Coalition's policy. The Government is stealing our policies because it has no ideas of its own.

The PRESIDENT: Order! If members of the Opposition did not interject so frequently, they would not give the Minister a free kick.

The Hon. IAN MACDONALD: Thank you, Madam President, for that timely political advice. The State Government is doing something for those fuel users who need relief. We are not just standing by watching fuel prices skyrocket and showing no interest in investigating alternatives. In fact, New South Wales is moving towards mandated E10 fuel, with a target implementation date of 2011. There is no doubt that biofuels are an exciting development, both for families and businesses in New South Wales suffering the brunt of high fuel prices.

The Hon. Michael Gallacher: Look at that tie!

The Hon. IAN MACDONALD: This is a serious issue and the Deputy Leader of the Opposition is carrying on about my tie. It is a very good tie. Our regional and rural communities are not immune either. This is highlighted by the fact that New South Wales currently consumes about 10 billion litres of petrol and diesel annually—that is almost one third of the national market. The E10 task force will report to the Premier on a number of implementation issues. These include possible sources, infrastructure requirements and the phasing in of ethanol content. A robust biofuels industry would generate economic growth from an increased demand for feedstocks, such as crops, giving farmers even greater diversity. This is good news for regional areas and will play an important role in strengthening rural and regional economies.

One regional area that is set to enjoy the benefits delivered by the development of a biofuels industry is the Riverina. Like the State Government, Rockdale Feedlot between Narrandera and Leeton is no slouch when it comes to biofuels. Rockdale Feedlot is one of Australia's largest beef producers and is capable of processing up to 170,000 cattle per year. The feedlot is planning to build an ethanol plant that is capable of producing 150 million litres of ethanol per year. This is exciting news for the primary industries sector. Australian biodiesel production has grown from around 4 mega litres in 2002 to a forecasted 800 mega litres capacity in 2007. This represents more than \$330 million worth of capital investment. The benefits are obvious and the State Government is acting. Unlike the Opposition, we are not asleep at the wheel; we are out there helping.

The Hon. Duncan Gay: It's our policy! You stole our policy.

The Hon. IAN MACDONALD: The Opposition got four out of ten for policy, the hopeless lot, and two out of ten for party unity. [*Time expired.*]

PARENTAL RESPONSIBILITY LEGISLATION

The Hon. Dr PETER WONG: My question is directed to the Minister for Commerce, representing the Attorney General. How many people have been proceeded against under the parental responsibility laws since their inception? Last year how many cases have gone to court and how many instances were there where the courts gave an order or a fine?

The Hon. JOHN DELLA BOSCA: This is a question about matters specific to the Attorney General's portfolio, so I will refer the question in its entirety to the Attorney General and ask for an answer as soon as practicable.

QUEANBEYAN RING ROAD

The Hon. MELINDA PAVEY: My question without notice is directed to the Minister for Roads. Given that the Labor member for Monaro, Steve Whan, has suggested that a northern ring road is the best option for Queanbeyan for solving its traffic crisis, will the Minister detail costings for the proposal and will he be announcing funding for this ring road prior to the March 2007 election?

The Hon. ERIC ROOZENDAAL: It warms the cockles of my heart to hear the Hon. Melinda Pavey yet again—

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

The Hon. ERIC ROOZENDAAL: The cockles of my heart are warmed because the Hon. Melinda Pavey is obviously quite impressed by Steve Whan's good work in the seat of Monaro. It is important to acknowledge the hard work of local members like Steve Whan, who is a constant toiler for his electorate. He is often in my office forcefully campaigning for issues in his electorate and representing his constituents. He is a credit to the parliamentary system because of his commitment and his work. He carries on the tradition of his father as a fantastic member of Parliament.

I am advised that the New South Wales Government recognises the need to remove heavy vehicles from the Queanbeyan central business district and has been identifying options to achieve this. The Queanbeyan heavy vehicle bypass was opened to traffic in April this year and is expected to remove approximately 30 per cent of trucks from Queanbeyan's main street. Following the completion of this work the Roads and Traffic Authority [RTA] is now working with ACT Roads to complete the upgrade of Lanyon Drive from its junction with Tompsett Drive to the Monaro Highway, building upon the recent upgrading works on Lanyon Drive in Queanbeyan.

In association with these works the RTA considers it will be appropriate to undertake a major analysis of the future traffic demands in the Queanbeyan area. The analysis will take into account the program of works for future residential expansions in the southern half of Queanbeyan, the Department of Defence joint headquarters and the effects of the expansion on Canberra airport. The RTA has advised council that it will assist with issues concerning the ongoing development of Queanbeyan and has offered assistance in the provision of professional advice and funds to establish a network model, allowing long-term options for a bypass of Queanbeyan to be assessed. This analysis will also provide support for council's ring-road options,

including the costing and funding requirements for such a major project. The RTA is currently undertaking traffic counts on the heavy vehicle bypass route in order to analyse usage since its opening.

SPATIAL INFORMATION TECHNOLOGY

The Hon. JAN BURNSWOODS: My question is directed to the Minister for Lands. What is the Government doing to support and encourage higher education and regional employment in the field of spatial information technology?

The Hon. TONY KELLY: The Iemma Government is committed to supporting higher education and employment in spatial information technology to deliver positive benefits to regional New South Wales. Over the past five years State Government, through the Department of Lands, has provided nine scholarships for students attending Charles Sturt University at Bathurst. It is an investment in the knowledge and skills by this Government of more than \$600,000. These scholarships enable students to further their studies in spatial and geographical information technology.

The science of spatial information technology is progressing rapidly and we need to position New South Wales to be able to capture this expertise to better assist us plan for the people of New South Wales. From mapping and town planning to environmental monitoring and emergency services, spatial information helps us finetune service delivery across the State. Since 2001 nine scholarships have been awarded to students of Charles Sturt University, hailing from good towns like Dubbo, Wagga Wagga and Bathurst. Of those students, six are now employed with the Department Lands, with three currently undertaking a 12-month placement with the department as part of their scholarship entitlement. Only a few weeks ago, on 15 August, I visited Bathurst to award six more scholarships to students from Bathurst, Lithgow, the Blue Mountains and the Southern Highlands.

The Hon. Duncan Gay: Crookwell?

The Hon. TONY KELLY: Not at Crookwell, no. These scholarships, in a bachelor of computer science at Charles Sturt University, will provide \$8,000 a year to students during the three-year course, as well as 12 months employment with the Department of Lands in Bathurst after graduation. The six scholarship winners have been given a wonderful opportunity to be supported through their study and ongoing education and training through working with Lands. This initiative has many benefits. It encourages young people to pursue higher education and obtain the knowledge, training and skills required for the future of New South Wales.

If the Opposition ever came to power it would spell the end to these sorts of scholarship schemes. Members opposite are anti-jobs, anti-skills and anti-country. Their plan is to slash 29,000 jobs that will gut country New South Wales and force many country families, particularly young people, onto the scrap-heap. Their plan would permanently shelve excellent schemes like spatial scholarships. No wonder these days The Nationals are hanging their heads in shame when they slink around their electorates. Yet they have signed up to these ill thought out, immature promises by the Leader of the Opposition. Fortunately the Iemma Government, through schemes such as the lands spatial technology scholarships, is committed to investing in skills and jobs throughout country New South Wales. Where the Iemma Government plans and invests in the future, the Coalition has plans to rip out the heart of country New South Wales.

PACIFIC HIGHWAY UPGRADE

The Hon. PETER BREEN: My question is directed to the Minister for Roads. Is the Minister aware of delays in the proposed upgrade of the Pacific Highway between Ewingsdale and Ballina? When will he decide on the route of the upgrade and end the uncertainty for landowners? Will he compensate landowners between Ewingsdale and Ballina in the same way that he intends compensating the operator of the Lane Cove Tunnel for delays in the road reversals and road closures?

The Hon. ERIC ROOZENDAAL: The Ewingsdale to Tintenbar option is a very complicated one. In October 2004 the Roads and Traffic Authority [RTA] began planning for a 16.4 dual carriageway upgrade of the highway from Tintenbar to be completed at the Ewingsdale interchange. As a result of outcomes from the Northern Pacific Highway Noise Taskforce, the development of route options for this project will include a review of the previously announced preferred option—option B—for the Bangalow to St Helena section of the highway.

In early 2005 the study area was extended to the east of the original study area to look at other feasible route options. Route options were placed on display for public comment on 21 October 2005. Submissions were extended to 2 December 2005. A preferred option is under consideration based on community submissions, the outcomes of a value management workshop held in December 2005 and the RTA's own technical and field investigations.

Being the hands-on person that I am, I recently had the opportunity to meet with community and stakeholder groups along this section of the highway to listen to key issues and comments regarding the route options currently under consideration. Community consultation is an important part of this process. It was an excellent opportunity to put a human face to these issues. A decision on a preferred route is to be announced shortly. The 2006-07 budget allocation for the Tintenbar to Ewingsdale project is \$3.5 million.

COMMUNITY PARTICIPATION PROGRAM

The Hon. JOHN RYAN: My question is addressed to the Minister for Disability Services. Is the Minister aware that there is still widespread confusion about arrangements for clients who wish to remain with eligible community participation providers? Is he further aware that commitments he made in the media nine days ago to the New Era service at Sutherland have still not been verbally communicated either to families or to management, and that that is the case for many other services? Will the Minister clarify the arrangements that were made for clients using Sylvanvale and explain how they will apply to other clients and families using ineligible service providers, particularly those who felt pressured to nominate an alternative service provider by departmental staff prior to his announcement of the changes on 21 August? Is the Minister deliberately obfuscating to ensure that as few clients as possible have the same opportunity that he was forced to give to people at Sylvanvale?

The Hon. JOHN DELLA BOSCA: I object to the honourable member's terminology; I never obfuscate.

The Hon. Eric Roozendaal: Spell it!

The Hon. JOHN DELLA BOSCA: I cannot spell "obfuscate" so I do not think I do it. There is no obfuscation by the Government, the ministry, the Department of Ageing, Disability and Home Care or myself with respect to these matters. These matters are crystal clear. The honourable member is alleging that clients of particular services are confused or unclear. I have had the privilege of undertaking detailed dialogue with many families involved in the Sylvanvale service. I have spoken to the management in relation to the New Era service, and departmental officers have been in communication with these people.

The matters put before the House by the Hon. John Ryan are a smokescreen for the fact that the New South Wales Liberal Party—the alternative government, as it would style itself—is toying with vulnerable people by suggesting that it has a plan for disability services. Its plan is 5 per cent of the Iemma Government's forward commitment to ensure that people with a disability are accommodated and supported in our society. If the honourable member does not believe my comments about service providers, I quote a letter I received:

Thank you for listening to the concerns of the parents of Sylvanvale Community Participation clients.

Thank you for allowing us to not only choose the service we believe suits our kids better but to also enjoy the greatly improving funding of the new programmes.

I am impressed with the time you gave us, and the understanding you showed and delighted with the result you have procured for us.

That result is consistent with the results across the board in New South Wales. As I made clear in the House recently, services that tendered unsuccessfully will no longer be providing Community Participation programs. For families that have been unable to secure a Community Participation program appropriate for them and who wish to stay in a day program or service being operated by a previous community participation provider who was unsuccessful, arrangements have been worked out between those families, the department and the relevant regional management of service providers to satisfy their particular needs.

As I said, I have no compunction about the fact that we have put in place a program that increases choice for people with a disability, increases services, including hours of support, and increases the quality of care and support in those services. I have no compunction that we managed to do that through the exhaustive tender process we put in place; and it was done in a way that is a responsible use of taxpayer dollars while

ensuring that those who have difficulties making the transition have been adequately supported and cared for. I do not apologise for that. I am not at all embarrassed about that, and I am not embarrassed that my department and my personal staff have gone to great lengths to secure arrangements that look after those families. I do not understand the honourable member's question. As I said, it is a smokescreen for the fact that he and his leader have no policies to assist or support the vulnerable in our community.

The Hon. Eric Roozendaal: No policies—four out of ten.

The Hon. JOHN DELLA BOSCA: I think he is four out of ten, and I give him one out of ten for showing up. And when he shows up, he is rude. Recently when he arrived at the opening of a disability service, he threw a tantrum in front of parents and people with disabilities.

The Hon. John Ryan: And they applauded!

The Hon. JOHN DELLA BOSCA: They did not applaud; they thought the Hon. John Ryan was bad mannered. Indeed, they were disturbed by his behaviour. The honourable member should go back to school—I am glad the schoolchildren who were in the gallery have left because I would not like them to see his poor behaviour. Even his former colleague was embarrassed by his behaviour, as were the parents and others present at the service.

The Hon. JOHN RYAN: I ask a supplementary question. Will the Minister elucidate the meaning of the term "unable to secure a place"? Does it include people who have nominated another service provider with whom they are not absolutely happy? In other words, if people have already nominated another service provider because they felt pressured to do so, as did all the clients at the New Era service, does that make them ineligible to access the offer made by the Minister to the parents at Sylvanvale?

The Hon. JOHN DELLA BOSCA: The honourable member is good. He has the precise terminology, such as "not absolutely happy". Who in the world is absolutely happy? What a genius! These people are not absolutely happy; they are under pressure; they are coping with difficulties in life, and they need to make difficult decisions.

The PRESIDENT: Order! I call the Hon. John Ryan to order.

The Hon. JOHN DELLA BOSCA: They are working hard to support a vulnerable family member with a disability, and the honourable member wants them to be perfectly happy. I will tell honourable members what these people have now. As I said recently during question time, these people have a huge choice about the kinds of services that best support the young person with a disability. Under the Coalition's approach, which is slapdash, these people would get nothing. Under our approach, the family of a person with a disability entering the Community Participation program can access a whole book—it is like a TAFE program—of services that will adequately support those young people. They can look through the book and find a service that will satisfy the needs of their family member with a disability.

For those in a service previously provided by a Community Participation provider, I have ensured that the Department of Ageing, Disability and Home Care has responsibly entered into arrangements with those families to secure a place at the service they are staying with which was unable for whatever reason to meet the appropriate standards. I made it clear to all the parents and those service providers that those places are not Community Participation places. The Hon. John Ryan simply does not get it. This is not about cross-subsidising service providers and looking after one's mates; this is about looking after disabled people and their families.

CENTRAL COAST ROADS

The Hon. TONY CATANZARITI: My question is addressed to the Minister for Roads. Will the Minister update the House on Central Coast roads projects?

The Hon. ERIC ROOZENDAAL: The Premier recently announced the renaming of the major road route through the Central Coast as the Central Coast Highway. The Premier and the Minister for the Central Coast, Grant McBride, unveiled the first of 90 signs that will officially rename a 50-kilometre route from Kariong to Doyalson as the Central Coast Highway. This is making real progress on the Central Coast, but there is more to do.

When the out of touch member for Vacluse visited the Central Coast on 16 May this year, the news he had for the community was all about job cuts. He told NBN news Gosford he will "dismember the RTA" and put an axe through it on the day after the election. The Roads and Traffic Authority [RTA] provides essential services for families on the Central Coast. There are 178 RTA staff positions on the Central Coast, and six motor registries. There are currently 33 job vacancies in the RTA on the Central Coast—in registries, vehicle inspection positions, support staff and engineers. These are important jobs that will not be filled under the honourable member for Vacluse. That would result in reduced services for the Central Coast and longer waiting times.

The Central Coast Highway will make for simpler navigation and directions. In the first Iemma State budget the Central Coast received a massive 69 per cent increase in its Roads budget for 2006-07, up to \$73 million. It is investing in the coast's roads. Of course, this investment would be put at risk by the honourable member for Vacluse and his economic-idiot strategies. He wants to slash jobs on the Central Coast. I am shocked that Coalition members are joking about jobs being cut on the Central Coast and the reduction in services. That is a disgusting way to treat the Central Coast.

The honourable member for Vacluse goes around the State telling town after town that their jobs are safe and that his promised 29,000 job cuts will come from somewhere else, but these job cuts have to come from somewhere. A growing urban area like the Central Coast is top of the honourable member for Vacluse's hit list. Local RTA employees are his number one target for axing. We know this, because he tells country New South Wales that jobs will be slashed in urban areas, like the Central Coast. While the honourable member for Vacluse is out of touch with real families in regional areas like the Central Coast, the Iemma Government is making real progress with major road projects on the Central Coast.

The Hon. JOHN DELLA BOSCA: If honourable members have further questions, I suggest they place them on notice.

NEW SOUTH WALES INDUSTRIAL RELATIONS COMMISSION POWERS

The Hon. JOHN DELLA BOSCA: Yesterday during question time I referred to the Hon. Robyn Parker not attending a meeting of a committee. I have been informed by my colleague the Hon. Christine Robertson that the Hon. Robyn Parker was on sick leave that day. As I am a staunch believer in appropriate sick leave, I withdraw the inference that the honourable member had been tardy in her duties.

Questions without notice concluded.

TABLING OF PAPERS

The Hon. Tony Kelly tabled the following paper:

Annual Reports (Statutory Bodies) Act 1984—Report of Lake Illawarra Authority for the year ended 31 March 2006

Ordered to be printed.

[The President left the chair at 1.02 p.m. The House resumed at 2.30 p.m.]

SMOKE-FREE ENVIRONMENT AMENDMENT (REMOVAL OF EXEMPTIONS) BILL

Second Reading

Debate resumed from an earlier hour.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [2.30 p.m.]: This bill is critically important because the entertainment and hospitality industry sets the norm in our society. The strategy of the tobacco industry was revealed in the Roper report of 1978, which has now been made public. The report related to a study of 2,500 people aged 17 years and over. Its recommendations on the marketing of cigarettes were to subtly suggest that smoking was part of the initiation into adult life and to link the habit with adult customs, such as drinking and sexual activity. Pubs and discos are a vital part of this environment. Marketing involved the use of models and product placement in films to target young people and give tobacco a rebellious image. Young people were urged to rebel in order to assert themselves—as part of the transition from doing what they are told to making their own decisions; as part of growing up.

The tobacco industry targets peer group leaders. Peer pressure imposes a considerable force that is hard to resist. Young people will always follow their peer group leaders. They follow their own age group, which they trust, into adulthood against the existing hierarchy of parental and societal authority figures. Health authorities have to realise—and I am not sure they do—that the battleground is the minds of the peer group leaders. The tobacco industry wants to make smoking cool and rebellious. Health authorities must send the message that smoking is for the dumb and gullible.

Peer group leaders will always lead young people's behaviour. Young people follow their peer group leaders on every other aspect of their adolescence, and they will not reject their leaders on tobacco smoking. Some foolish people in the health area say that we have to stop young people following their peer group leaders. That is a stupid strategy. We have to make their peer group leaders lead them in the right direction. When they follow their peer group leaders on fashion, music and behaviour, we cannot stop them following their lead on tobacco smoking.

Another key strategy is that young people do what adults do, not what they say. Adults who say, "Do as I say, not as I do" are bad parents and do not get a positive result. Young people know that what adults and governments say in relation to tobacco is not what they do. They do very little, and young people are well aware of that. Governments and Oppositions say they oppose smoking, but they make regulations—such as the Smoky Environment Bill, as I call it—to permit it. They spend less than 0.01 per cent of the Health budget on smoking prevention strategies. Naturally young people see them as phonies, and naturally young people are right. The Government sends the message that it says one thing but does another.

Smoking is linked to alcohol drinking because pubs and clubs, which permit smoking, have a minimum age limit of 18 years. I know of a nine-year-old girl from a family from what might be called the wrong side of the tracks who asked at what age she could smoke, because all the other kids do it. The parental reply was, "Not yet", but no time was specified. It would not matter whether a time was specified or what her parents said: she was going to smoke as soon as she could. While ever the Government accepts pubs and clubs as the smoking mecca of our country, she will go there at the age of 15 or even 13, pretending to be 18, and the publican will be happy to have her grog sales.

The tobacco industry has been happy to kill people. In the early 1980s I spoke to Sir Richard Doll, who is probably the greatest epidemiologist of the last century, on my radio program *Puff Off*. He said there had been a huge change in the people involved in the tobacco industry. Prior to his paper being published in 1950—which is when smoking was shown to cause lung cancer—the tobacco industry was running a legitimate business. By the end of the 1950s when it had been proven that smoking caused lung cancer and myriad other diseases, people in the tobacco industry said they did not care if it killed people, they would continue to make money out of it. A recent film called *Thank You For Smoking* portrays this moral dilemma in a soft manner, in the sense that it makes the point that if you made a lot of money out of it, you would push tobacco as well.

Information has come to light recently about Operation Berkshire, which was a strategy by tobacco companies to deny that smoking caused serious disease. Funnily enough, all the companies changed their approach at the same time and said the same thing. The internal documents of the tobacco industry have now been discovered and posted on the Internet. They disclose that in 1977 seven of the world's major tobacco companies met in Berkshire and conspired to promote controversy over smoking and disease. They would not admit that smoking caused disease, and would say that more research was needed.

More research was undertaken, again at public expense, which showed that tobacco smoking was harmful. In the late 1960s the tobacco industry undertook tests in which tar was painted on the back of rats. When it was shown that it caused cancer, the tobacco industry shut down the laboratory and threatened the scientists involved not to make the results public. That is indicative of the morality of the tobacco industry. The Government and the Opposition sit back and let it happen. As Edmund Burke famously said, "For evil to triumph, all that is necessary is for good men to do nothing." I do not know whether the Government and the Opposition are good men but they certainly do nothing.

All of our senses tell us that tobacco is not good. It stings the mouth and eyes, smells foul, burns the tongue and causes coughing fits. Why do we have senses? Do we eat food that tastes bad or use chemicals that make our eyes stream? We rely on the scientific community to demonstrate a sensible approach to society and the planet. Tobacco smoking has been an even less normal practice since the scientific community discovered 55 years ago that it caused cancer. Statistically it is still normal to go into a pub and light up with a group of addicted people.

Pubs keep adults smoking. For some extraordinary reason, health sources tell us that we are doing well compared with other countries, and they then fall over themselves praising a 1 per cent a year decline in the incidence of smoking. The fact that other countries are also doing very little—Ireland has taken a huge step lately—is of no consequence. Despite the Government's pathetic efforts, it says, "We are doing better than the Opposition." It does not compare its record with what it might have done or against a real measure of excellence. No, it says it is doing better than those who are not doing much either.

If 21 per cent of the population did not wear seatbelts and every time they were involved in a car accident they splattered their brains on the windscreen and smashed their chests on the steering wheel, as used to happen, no-one would say, "Gee, 20 per cent of the population is not wearing seatbelts. But don't worry, we are undertaking a bit of education and the rate is coming down by 1 per cent a year." The Government would say that it was an outrage and would do something about it; it would introduce penalties and create some norms; it would run an education campaign and think it had done badly if the rate did not drop by 80 or 90 per cent in a year.

I remember the campaigns we ran against tobacco consumption in the early 1980s. The members of the Billboard-Utilising Graffitiists Against Unhealthy Promotions [BUGA UP] met in coffee shops to talk about ways to get people to stop smoking. We thought that with a decent campaign blitz and the imposition of some smoking bans in public places the rate would drop by at least 40 per cent in the first year. We also believed that that 40 per cent a year rate could be sustained for several years. I think that is true; I believe that if we make a serious attempt to change behaviours we can succeed. The Select Committee on Tobacco Smoking heard evidence that at 1 per cent we are doing well by world standards. That is simply not good enough. The Government is continuing to use tobacco-sourced funds, frittering away taxpayers' money and fiddling while cigarettes burn.

This bill stops the farce. The smoky environment Act provides a loophole to avoid the intent of the Occupational Health and Safety Act. It is clear that it was introduced to provide exemptions for pubs and clubs. Let us make no mistake about that. It was a total misnomer; it was the ultimate Trojan horse. If my legislation is passed, it will no longer be the smoky environment Act; it will no longer be a vehicle to exempt pubs and clubs from bans on smoking; it will no longer be the vehicle for the Minister to do shady deals with the Australian Hotels Association and Clubs New South Wales and to foist on the State misnamed "smoke-free" regulations that allow indoor areas to be reclassified as outdoor areas.

Tobacco industry documents—again revealed through lawsuits in the United States—show that in the late 1970s the tobacco industry expected that smoke-free laws would be in place by the 1980s. A majority of people supported the measure because it was good for our health. What happened? Operation Berkshire was a huge success, and the tobacco industry has successfully delayed bans beyond its wildest dreams. In fact, 20 years have elapsed since the mid-1980s and we are still waiting.

I must confess that I also thought the Government would act. In 1983 BUGA UP invited the media, the advertising industry, and the tobacco companies to meet its members at Moore Park Road, opposite the Sydney football stadium, at 10.00 a.m. on a Saturday to discuss the morality of tobacco advertising and to observe the techniques of tobacco billboard painting. Five camera crews attended—unfortunately ABC employees were on strike that day—and three police cars drove by, observed what we were doing and kept going. We assumed that the authorities were not willing to prosecute us. We also assumed that some action might follow. We did not, of course, realise that some of the camera crews were employed by the tobacco companies to film what we were doing so that they could record the relatively small group involved. About 150 BUGA-UP representatives attended. A documentary about the campaign was produced by a man called Rose and was aired on the BBC *Panorama* program.

No-one realised then how slow the Government would be to act. Like others, I did not believe how easily governments were bought and how venal they are. No-one thought that democracy was so brittle and that some hoteliers and the tobacco industry could do so much against the public interest for so long with so little money. In 2004-05—the last year for which figures are available under the slack disclosure regime—the Australian Hotels Association and tobacco companies donated \$450,000 to the two major parties in New South Wales. According to figures from Collins and Lapsley, which are accepted by the Department of Health, the cost of smoking to the New South Wales economy is \$6 billion. However, the major parties continue to uphold the Rum Corps tradition. The tragedy is that in our binary system the supposed Opposition is bought as well. There are no lofty discussions about progress on this issue; there is only mudslinging between the two old

parties: "We're doing better than you did." That is the level of debate in this country as nothing happens and 13 New South Welshmen and 45 Australians die each day because of government inactivity.

This bill removes the exemptions for pubs and clubs. The Smoke-free Environment Act will become a real smoke-free environment Act: no-one will be able to smoke in an indoor space, full stop, period, end of story. If the bill fails, millions of dollars will be spent covering beer gardens and we will have smoking areas forever. I gather that the Americans are inventing a poker machine that can be played outdoors, perhaps even out in the weather. After all, we have to keep the money rolling in despite the social consequences. It is possible to put poker machines in covered areas of pubs and clubs.

The tobacco industry has produced articles for *Club Life* dealing with how to keep people at poker machines. The Government has allowed licences for an endless number of gaming machines. When their blood-nicotine level falls, people get a craving. Their tension rises as the nicotine level falls and their nerve endings cry out for more nicotine. They then have to go outside for a cigarette. In the process they might have to leave the gaming room; they might be drawn away from the fascination of the flashing lights and walk outside and see that it is a nice day. They might then discover that their pockets are empty, that they have wasted a great deal of time and money and that they should go home. They might even realise that they are hungry. The hoteliers' strategy is to keep people smoking beside poker machines.

The next request from the industry will be for permission to have poker machines in the so-called outdoor areas. They are in fact covered beer gardens. That way the cigarettes and poker machines will not be parted. The hoteliers, their tobacco industry lackeys, and the Government—which has been bought off—are milking the club and pub patrons. Many of those patrons come from the poorer end of town and cannot afford to play poker machines, which do immense social and physical harm. I am waiting for the day when this House approves poker machines being installed in these so-called outdoor spaces. Of course, they are merely covered beer gardens built so that the nexus between cigarettes and poker machines can be maintained.

I am sure this Government—or even the Coalition in the unlikely event that it is elected next year—will go on giving more and more concessions to these people, who are not content with 13 deaths a day and who continue to postpone the day of reckoning. I am happy to admit that the publicans I spoke to in Ireland and New York said there had been a decline in patronage after the initial introduction of smoke-free areas. However, all the figures show that it recovered within 12 months and then improved because many people who had stopped going to pubs went back because they were no longer so smoky.

I have not darkened the door of a pub or club for 35 years, and that is not because I cannot stand beer. Frankly, I am not going to rush back, first because I have established my lifestyle, and second because I am brassed off by the fact that I have been excluded for 35 years. Why would anyone go to someone's house who told him he could not come in for 35 years? It is extremely important that this legislation is passed for the health of the community. There may be a transient decline in patronage, but it is about time the hoteliers and club owners of this country and this State did the right thing by the public. If they will not do it, it is time this miserable Government and Opposition did something; they should support this legislation.

Reverend the Hon. FRED NILE [2.49 p.m.]: I wholeheartedly support the Smoke-free Environment Amendment (Removal of Exemptions) Bill and call on the House to pass it. As members would be aware, when the Smoke-free Environment Amendment Bill 2004 was passed by this House, in spite of opposition from me and other members, such as the Hon. Dr Arthur Chesterfield-Evans, the bill went through with an exemption section set out in schedule 1. We wish to have the exemption measures set out in schedule 1 of the present bill to be removed so they no longer operate. Although new section 11B of the 2004 bill referred to "temporary exemption for areas of a club, hotel, nightclub or casino from 4 July 2005 until 2 July 2007", the provision particularly applied to what are described as bar rooms. The definition of "bar room" was included in that legislation as follows:

bar room means a room in which drinks are recorded, served and consumed, but does not include a gaming machine room or a recreation room.

As I said, the exemption set out in new section 11B of the 2004 bill applied from 4 July 2005 until 2 July 2007. Some people may suggest that we should wait until July 2007 to allow the legislation to run its course. Obviously, having a totally smoke-free environment will save people's lives, particularly workers in hotels and clubs who work in bar areas. During the hearings of the Select Committee on Tobacco Smoking, on which I and the Hon. Dr Arthur Chesterfield-Evans served as members, we heard evidence from employees of hotels and clubs, known as barmaids or barmen, who had served in bar areas for many years. Even as they gave evidence to

us they were suffering the shocking effects of cancer of the throat—and they had never smoked. One can imagine having operations on one's throat and the effect that must have on one's ability to speak. As we know, cancer is very unpredictable; it can often spread to other parts of the body and become fatal.

The Smoke-free Environment Amendment Bill 2004 inserted a new section 11A, relating to the temporary exemption for areas of a club, hotel, nightclub or casino from 3 January 2005 until 4 July 2005. That section provided that bar rooms, gaming machine rooms and recreation rooms in a club, hotel, nightclub or casino may be set aside as an exempt area. I believe we should not wait until 2 July 2007. As some of us said at the time, dates are always critical with legislation because we have to work out whether the date is before or after an election. The date 2 July 2007 is obviously after the March 2007 election.

My concern is that after the election and when Parliament resumes in 2007 an amending bill may be introduced to extend the temporary exemption from 2 July 2007 until 2 July 2010. That is the danger with the way the bill was drafted. I believe it is reasonably suspicious when a key date is chosen to be after an election. One could argue that if the Labor Government loses the election, it would be in the hands of the Coalition as to whether it would enforce 2 July 2007 as the exemptions expiry date. I suspect that, given the Coalition's record on the smoking issue, that would be very much in doubt.

As I have looked through the debates on the smoking issue I have noted that each piece of legislation has been strongly opposed by the Coalition. I recall the Coalition's ferocious opposition to the first bill I introduced to prohibit tobacco advertising. I believe it was only when the Coalition ascertained that the majority of members of the House were in favour of the passage of the bill that the Coalition changed its tune and said it would support it. The bill would have been passed with or without the Coalition's support; with the Labor Party and the crossbench members we had sufficient members to pass it. However, until that point there had been strong criticism of the bill, particularly by the member we might call the health spokesman, the Hon. Dr Brian Pezzutti, who, as members know, was a heavy smoker even though he was an anaesthetist specialist. He opposed the bill, but it was subsequently passed.

In 1997 I introduced the Smoking Regulation Bill. After some debate, that bill also was passed by the upper House. However, before it was passed the Opposition moved amendments designed to water down the effectiveness of the bill. As recorded in *Hansard*, the Hon. John Hannaford, the then Leader of the Opposition in this place, said:

The Opposition supports a ban on smoking in indoor areas where food and beverages are consumed, and proposes the following amendments to Reverend the Hon. Fred Nile's Smoking Regulation Bill.

He went on to outline the amendments, which were ultimately moved and which severely watered down the bill. The then Leader of the Opposition continued:

Exemptions will be granted to venues with equipment which complies with clean air standards. These will take into account acceptable air quality standards. In other words, the health factor will determine the success or otherwise of the application for exemption, not the comfort factor.

The then Leader of the Opposition proposed something that most of us thought could not work. He sought to argue that somehow the use of airconditioning in a large room would make one part of the room smoke free and the other part of the room could be used as a smoking area. I believe it was never possible to develop airconditioning that would do that, but that is what the Opposition proposed at that time. The Opposition's amendments were supported by the Labor Party and subsequently passed.

Many attempts have been made to pass strong legislation to deal with the harmful effects of tobacco smoke, but on each occasion the legislation has contained loopholes. We are now dealing with the loophole of temporary exemptions, which will expire, according to the legislation, on 2 July 2007. However, we do not have it set in concrete from both sides of politics, the Coalition and the Labor Party, that following the next election that date will be strictly enforced. Even if the Coalition and the Government do not support the bill, it may be helpful if they were to place on record in this debate their wholehearted support for the dates stipulated and give an assurance that the dates will be implemented in accordance with the legislation.

As members know, I have introduced other bills to try to reduce the harmful effects of tobacco smoke. They are the No Tobacco Products on Display Bill and the No Tobacco Smoking in Cars Bill, which will be debated in due course. Unfortunately, our system of dealing with legislation on a priority basis means that it can take some time to get bills before the House. I do not usually like to use a contingency motion to do that but we may consider that because of the importance of those bills.

The other matter of concern relates to loopholes. A policy has been developed of using the so-called 75/25 per cent figure to create a new enclosed room, a room that has three walls and a roof, which becomes an open area where smoking will be permitted. I note that this loophole was obviously strongly desired by the Australian Hotels Association [AHA]. In June 2005 the AHA gave its members the green light to build smoking rooms almost 75 per cent enclosed, without the approval of Parliament that should have been required for a regulation defining "enclosed" under the Smoke-free Environment Act. The AHA argued that since these venues had invested capital in these fake outdoor areas, the Parliament should then rubberstamp the regulation when it came before Parliament. That happened, even though we sought to disallow it.

So, we have fake claims of open areas when normal commonsense dictates they are enclosed areas with three walls and a ceiling. I admit that if an area has walls and no ceiling it may be possible to argue that it is an open area, but once there is a ceiling, which traps the smoke in that room, then it cannot be an open area. It always seems that powerful organisations such as the AHA find ways to somehow get around the law. We have strong occupational health and safety laws, which are designed to make the workplace safe by eliminating second-hand tobacco smoke, but these loopholes in the legislation then allow it. I call on all members to ensure that what we are doing is consistent and makes sense.

The Hon. Dr Arthur Chesterfield-Evans referred to some of the health dangers to smokers and non-smokers caused by passive smoking, but in this case we are looking at the issue of the impact of passive smoking on non-smokers. Earlier in the House today we discussed whether we should debate matters relating to health in this State and the pressure on the health system. One of the major pressures on the health system is smoking-related illness. Every year 6,500 people die in New South Wales as a result of smoking and 18 people die every day in New South Wales from smoke-related diseases. The important point is that 150 people per day are admitted to hospitals in New South Wales due to smoking-related illnesses. It would relieve a huge pressure on our hospital system if there were 150 fewer people a day going into New South Wales hospitals.

Also, we are trying to balance the budget and working out what can be done, what cannot be done and where to make cuts. We even have a dramatic cut to our own parliamentary budget. But what of smoking costs? Smoking costs New South Wales \$7 billion each year and \$21 billion per year nationally. Health statistics clearly indicate that smokers are four times more likely to suffer sudden cardiac arrest causing death and 10 times more likely to die of bronchitis and other related breathing diseases. So, this is a serious health issue for the individuals who are suffering from smoking-related diseases, it is having a serious impact on our economy, on our State and national budgets, and it is increasing the pressure on New South Wales hospitals, particularly New South Wales public hospitals.

I ask members of this House to give serious consideration to supporting this bill to remove the loophole for the exemptions forthwith. It would mean also that we would be consistent with what was proposed by both sides of politics: that these exemptions will be removed on 2 July 2007. After the next election we could have a new government, in which case how can we guarantee those exemptions will be removed and there will not be an amending bill? It would bring the matter to a head if we could vote now to remove the exemptions. It may take some weeks or months to implement the legislation but it would come into effect before the next election. It is my worry that next March the election will put a big question mark over all the legislation and over all the timetables as to what an incoming government would do.

Even if the Labor Government is re-elected, it could say that under further consideration it is extending the exemptions to 2010. I can see arguments for an extension put up by the Australian Hotels Association and others and, unfortunately, a government could give in to that pressure. Let us take the pressure off the government: make the decision now, so it cannot be an election issue; it will be dealt with today, and that is the finish of it. Let us remove those exemptions and save the health of the people of New South Wales.

The Hon. JAN BURNSWOODS [3.06 p.m.]: I speak briefly on the Smoke-free Environment Amendment (Removal of Extensions) Bill. The Hon. Dr Arthur Chesterfield-Evans, as we know, has been campaigning on this issue for a very long time, and he and I have had very many conversations about it. On a number of occasions the Standing Committee on Social Issues, of which we are both members, has come close to holding an inquiry similar to the one that was recently carried out by the joint select committee, but that has not happened. I pay tribute to the Hon. Dr Arthur Chesterfield-Evans because the cause he has fought for all these years, since the famous campaigns of BUGA UP, has done him credit, and I know how seriously he takes the issue.

As Reverend the Hon. Fred Nile has just pointed out, this is an issue that is very important; it is literally a matter of life and death for many people in New South Wales in terms of the amount it costs us as a community to deal with smoking-related diseases and illness and in terms of the appalling death rate. To repeat what Reverend the Hon. Fred Nile just told the House: the figures at the moment are that 18 people a day die in New South Wales from smoking-related illnesses and 150 people a day are admitted to hospital. Those facts alone should give us reason to pause and think.

It is a difficult issue and I understand the way in which the committee dealt with different recommendations, debated them and changed them as they were discussed. For instance, in relation to the question of banning advertising at point of sale and the changes that have occurred in that respect, there has been another side to the argument that the display of some of the horror photographs has a countervailing effect and that the issue could be argued each way. Probably like most members in this House, I know people who have died essentially from smoking. That is one reason why most of us have a personal interest in this issue.

Recently I saw stories in the media about a hotel buying a nearby house so that complaints will not be made about the polluted air that will spread from the outdoor area of the hotel once the new rules come into effect. That demonstrates what money can do and how we have got to a fairly ridiculous situation when it comes to defining "outdoors" given the ability of, particularly, hotels, clubs and restaurants to manipulate these rules. That is certainly one of my fears.

Reverend the Hon. Fred Nile has referred to the fact that there is an election approaching, and we are all very conscious of that fact. However, as a community we have been fiddling with this issue since 1950 when the link between cigarette smoking and lung cancer was demonstrated beyond question. It always amazes me that many people speak so much about the evils of so-called illicit drugs yet we spend so much money, pay so much attention and indulge in so much breast beating in relation to illegal drugs when we know that legal drugs like tobacco and alcohol do far more harm to individual people, cause far more deaths and cost the community a great deal more money. I congratulate the Hon. Dr Arthur Chesterfield-Evans on his fight over several decades and I shall leave my comments there.

The Hon. JENNIFER GARDINER [3.11 p.m.]: The New South Wales Opposition has had the opportunity to examine the Smoke-free Environment Amendment (Removal of Exemptions) Bill, which has been re-presented by the Hon. Dr Arthur Chesterfield-Evans of the Australian Democrats. At present under the Smoke-free Environment Act 2000 certain areas are exempt from prohibition on smoking in enclosed public places. The object of the bill is to remove this exemption so that smoking will be prohibited in all enclosed public places. The Opposition has examined the bill and is unable to support it.

Mr IAN COHEN [3.12 p.m.]: All members of the Greens will speak on the Smoke-free Environment Amendment (Removal of Exemptions) Bill as it deals with an important issue that we take most seriously. From the outset I congratulate the Hon. Dr Arthur Chesterfield-Evans on his tenacity in driving these issues in this Parliament. His success, or lack of success, is only measured by the failure of the major parties to take note of what is obvious by the debate this afternoon in the House—and has been obvious many times over—that there is a massive health problem associated with tobacco smoking.

The Hon. Dr Arthur Chesterfield-Evans has highlighted these issues in his career, both prior to and during his time in the House. I admire his efforts and I am keen to see these issues promoted, having been an original member of BUGA-UP and an active anti-tobacco campaigner. I wonder at the morality of any government or major political party that allows this situation to continue when the evidence is so blatant. One needs only talk to any medico or go to the local hospitals to see the impact of smoking on health.

This bill seeks to do what one would have assumed the original Smoke-free Environment Act should do, that is, to provide a smoke-free environment in enclosed places. Unfortunately, the Act does not do this. It exempts certain parts of registered clubs and licensed premises under the Liquor Act 1982. The presence of such exemptions in the Act completely undermines its intent to provide smoke-free environments in enclosed public areas. It is an absolute joke that an area that is 75 per cent enclosed under this legislation can be called unenclosed and therefore be an area where smoking is permitted.

I have already spoken on this motion during the disallowance of the Smoke-free Environment Amendment (Enclosed Places) Regulation 2006 moved by the Hon. Dr Arthur Chesterfield-Evans. I supported his call then to remove such ludicrous exemptions and I support him now. He should be commended for his tireless work in his campaign against smoking. Any indoor areas should remain smoke free. Indeed, there are

good arguments for outdoor areas to be smoke free too. We should not accept the definition of an enclosed area to be anything other than completely open.

I should add that even in open areas we feel the impact of passive smoking. These days I use airports all too frequently, and when I walk outside the terminal building, which is smoke-free, I am hit by the strong smell of tobacco smoke from people smoking on the pavement. There should be some sort of control on smoking in some open public places. I am a regular public transport commuter and each morning I am overwhelmed by smoke at my local bus stop when there is no wind blowing. People waiting for the bus are in the immediate proximity of smokers, and are subject to passive smoking. There is also the fact that when the bus arrives, inevitably the smokers stub their cigarettes out on the footpath and jump on the bus so we have accumulated littering problem around the bus stops.

If the Government had the will, it would also make bus stops, where people necessarily must stand together, smoke-free zones, even though they are outdoor areas. There is no doubt that smoke impacts on other people in such locations, whether an outdoor area or a bus shelter with three sides and a roof. Another annoying factor is that people stub out filtered cigarette butts, which become a pollutant both visually and in the environment. Much has been said about the impact of millions and millions cigarette butts in the environment.

Indoor areas should remain smoke free. Indeed, there are good arguments for outdoor areas to be smoke free as well. We should not accept a definition of an unenclosed area to be anything other than completely open. According to the Australian Medical Association tobacco smoking is the largest single preventable cause of death and disease in Australia, constituting more deaths and hospitalisations than alcohol and illicit drug use combined. It is clear that tobacco smoke can affect individuals even in open spaces. This has been recognised and has led to certain councils enforcing smoke-free areas in open-air areas such as children's playgrounds and beaches.

The proposed unenclosed areas, where the legislation would allow smoking and which can be 75 per cent enclosed, include beer gardens. These are sections of pubs in which children are allowed. Indeed, it is not uncommon for families to go out for a pub meal and enjoy sitting in a beer garden. These areas can be 75 per cent enclosed and would therefore be smoky, either exposing children to smoke or excluding families from such venues. I have mentioned that the area inside an airport is smoke free but outside the airport building the smoke can be appalling.

According to thousands of studies published over the last few decades, passive smoking increases the risk of cancer in people who have never been smokers. It is associated with increased risk of coronary heart disease, acute heart disease and adverse effects on the respiratory system. By allowing smoking in partially, or even mostly, enclosed areas, the Government is allowing hospitality workers to be exposed to smoke. The Government is essentially forcing workers to become passive smokers, despite the overwhelming evidence of adverse health effects. This is totally unacceptable discrimination. If smoking is unacceptable in the Minister's office—that is, in his workplace—why should it be acceptable in the workplace of hospitality workers? Recently we saw the Government disregard the workers in Parliament House when it tried to implement its own working conditions. The Australian Hotels Association is a big donor to both major political parties.

The Hon. AMANDA FAZIO: Conditions that you will enjoy well.

Mr IAN COHEN: Conditions that we all share—conditions that I thought were an essential part of running an effective business. I acknowledge the interjection by the Hon. Amanda Fazio, but I cannot see how that argument justifies the Government's position in terms of the conditions of employment within Parliament House or in terms of passive smoking in public areas and in hotels. From my perspective, it simply shows that the Government is more interested in getting the support and largesse of certain elements of the hospitality industry than in caring for the health and wellbeing of the people of New South Wales. The Government is robbing the poor and giving to the rich. The Government is still providing passive support for the tobacco industry despite the massive cost to the public health system. The taxpayers are meeting those costs, yet somehow the tobacco and liquor industries can continue to abuse the system and abuse people's health. Obviously, the Government has a cosy relationship with the hotel industry.

Each year 54,000 hospital admissions are caused by tobacco consumption, creating a huge drain on the public health budget. There are 6,500 smoking-related deaths in New South Wales every year; more than 2,000 of these from lung cancer. A proportion of these illnesses and deaths are suffered by non-smokers, including victims of passive smoking. On the many occasions the issue has been raised in the House both major parties—

there is nothing clearer—have refused to acknowledge that and take effective action against a health threat that is affecting many thousands of people in our community. Until both major parties take action, they deserve the derision of the people of New South Wales. Once again I commend the Hon. Dr Arthur Chesterfield-Evans for his attempts to remedy the situation. He is acting as any good doctor should—in this case, as a person representing the people. He is doing a commendable job. The Greens support the Smoke-Free Environment Amendment (Removal of Exemptions) Bill.

Ms SYLVIA HALE [3.22 p.m.]: As my colleague Ian Cohen said, the Greens support this bill. I pay tribute to Dr Arthur Chesterfield-Evans, who is a long-time antismoking campaigner and activist. As a doctor he has seen the damage that smoking can do to someone's health, and on many occasions he has described to members of this House in graphic detail the debilitating effects of smoking. This bill is part of an ongoing campaign to save lives by reducing the incidence of smoking, and the Greens support Dr Chesterfield-Evans and other campaigners in achieving this end. As I said in this House when we debated the Government's Smoke-Free Environment Bill in November 2004, the current law does not go far enough. During that debate the Greens proposed amendments to prohibit smoking in all enclosed public spaces as of 2004.

At the time, the Government argued that the ban had to be phased in. The Greens amendments were supported by crossbench members but not by the Government, no doubt because it was already in negotiations with the pubs and clubs industry to come up with a spurious definition of "open space". We now know that the Government has no intention of imposing a complete ban on smoking in indoor public areas of pubs and clubs; donations from its mates in this industry are just too great. The Government's regulations allow a room that is up to 75 per cent enclosed to be defined as "open space". A few large windows and a set of concertina doors now turn a room into an outdoor space.

The notion is ludicrous and means that many bars, if not most, will remain smoking areas. As we speak, owners of pubs and clubs are undertaking building works to enlarge windows and doors so that their bars can remain designated smoking areas. This development represents an outrageous capitulation to the hotel industry. The Government has chosen to put access to the rivers of money that flow from political donations ahead of the health of pub workers and patrons. Thousands of New South Wales residents will die from smoking-related diseases because Morris Iemma's Government cannot get its snout out of the donations trough. In the past five years individual pubs, clubs and associated companies have donated more than \$2.5 million to the New South Wales branch of the Australian Labor Party.

The Australian Hotels Association, the industry's peak lobbying organisation, has donated a further \$502,000. In total, that is more than \$3 million in political bribes paid to the New South Wales branch of the Australian Labor Party. But the story is even more revealing. Of the \$502,000 donated by the Australian Hotels Association in the past five years, \$267,700 was donated in the 2004-05 reporting year. The last State election occurred in March 2003, so political donations associated with that election would have been made in 2003. The years 2004 and 2005 were outside the election cycle, but 2005 is the year the Government was negotiating with the industry on the scope and extent of the smoking ban in New South Wales. It was in 2005 that the Australian Hotels Association gave the Government \$267,000 in bribes.

What did the association get in return? A Clayton's definition of "non-smoking"; the non-smoking you have when you can still smoke! The definitions developed by this Government in cahoots with the hotel industry will allow smoking to continue in the majority of bars. It is a definition that counts the lives of every worker in bars and clubs across the State as worthless—a definition that says that the profits of your boss and political bribes to this Government are more important than your health.

Reverend the Hon. Dr Gordon Moyes: Shame!

Ms SYLVIA HALE: I acknowledge the interjection of Reverend the Hon. Dr Gordon Moyes; it is indeed shameful. From a personal level—putting politics aside—I cannot understand how anyone can live with their conscience and condone the agreements entered into with the hotel association and support the definition of "non-smoking areas" put forward by the Government. Workers and bar patrons will continue to die in their thousands as a direct result of this deal between the Government and the hotel industry. There is certainly no lack of evidence of the detrimental health effects of smoking. The figures have been cited and I will not repeat them here in detail. Suffice it to say that more people will die from tobacco-related causes than from breast cancer, melanoma, diabetes, suicide, road deaths, leukaemia, cirrhosis, falls, AIDS, murder, narcotics, drowning and maternal deaths during childbirth combined.

Some 54,000 hospital admissions each year in New South Wales are caused by tobacco consumption, creating a massive drain on the State's health budget. There are 6,500 smoking-related deaths in New South Wales every year, more than 2,000 of which are from lung cancer alone, and, most poignant of all, 97 bar staff die in New South Wales every year from the effects of passive smoking. That is directly attributable to this Government condoning the continuation of smoking in what are, to all intents and purposes, enclosed areas.

It is now 2006. Already there have been more than 150 preventable deaths since we last debated this issue in 2004. Were it not for this Government's weasel words and weasel definition, some of those 150 lives could have been saved. By July 2007, when this Government's pretend smoking ban comes into effect, another 145 bar workers will be dead. To avoid these deaths, we should pass this bill today and make it law immediately. This bill would save lives.

The Greens are committed to improving people's overall health and wellbeing. Smoking leads to illness, cancer and premature death. For this reason we discourage smoking and support any legislation that reduces the incidence of smoking. Tobacco is a dangerous drug and some have argued that it should be banned altogether. The fact that tobacco use is legal while various other drugs are banned highlights the fact that the legislation in this State bears little relationship to the harm done by different substances. Tobacco is a highly addictive, cancer-causing drug. This is a proven fact, yet tobacco remains legal.

The bill may help some smokers kick the habit. Introducing a ban on smoking in all indoor public areas will result in some smokers moving outside to smoke, thereby smoking less and hopefully over time quitting altogether. I understand it is hard for people addicted to nicotine but the inconvenience for smokers being asked to smoke outside is of a vastly lower magnitude of importance than the potential suffering of passive smokers who may develop lung cancer or emphysema. If passed, this bill would produce a positive result for smokers and non-smokers alike.

The 2004 Smoke-free Environment Act contains explicit exemptions in addition to the dodgy definitions. The Government says it plans to remove these exemptions by mid-2007, except for one: the private gaming room at Star City Casino. Presumably, any new casinos or high-roller rooms could apply for exemption as well. When the legislation was being debated last year the Hon. Henry Tsang said:

This exemption does not, in any way, diminish the responsibility of the casino, or any other licensed premises, owes to its employees under occupational health and safety legislation, to provide a safe work environment.

His statement was completely unrealistic and disingenuous. How on earth can Star City Casino ensure that its employees, working in a room full of smoking high-rollers, will not suffer the adverse health impacts associated with passive smoking? Was the Hon. Henry Tsang suggesting that these staff wear gas masks at work?

[Interruption]

The Government knows full well that Star City Casino will be unable to guarantee its workers a healthy, smoke-free working environment. With this exemption the Government demonstrates yet again that it is more concerned with shoring up the profits of its gambling industry mates than with protecting the health of casino workers.

[Interruption]

Mr Tsang says they can choose to work there. That is like the Clayton's offer the Federal Government makes when it says employers can offer Australian workplace agreements to employees. The Federal Government's view is that if employees do not like it, they can walk away from it. For members of this Government that argument apparently does not apply for industrial relations, but it applies when it comes to casino workers. It is an instance of total hypocrisy.

The Hon. Peter Primrose: Point of order: I do not wish to intervene in this debate but I believe the honourable member should address the Chair.

The DEPUTY-PRESIDENT (The Hon. Patricia Forsythe): Order! I uphold the point of order. Ms Sylvia Hale shall address the Chair and do her best to ignore interjections.

Ms SYLVIA HALE: The Government tried to soften criticism of the special dispensation to Star City by promising a review in 12 months. We have yet to learn whether this review has taken place and, if so, what

its results have been. I imagine if the review had concluded with an improvement in the health of the workers in the high-rollers room the Government would have been trumpeting that result. Certainly Star City Casino would have been trumpeting it! However, we have heard nothing further of this review.

The bill would have the effect of immediately removing all exemptions and dodgy definitions and would apply to all indoor bars and public areas, including Star City Casino's high-rollers room. It would mean the health of staff in pubs and clubs would be protected from cancer-causing passive smoking while at work. Compared to governments overseas, New South Wales has been very slow to act on this issue. These laws have been introduced in places such as Ireland and New Zealand. Smokers have adjusted relatively quickly and the effect has not been nearly as bad as the hotel industry's dire predictions would have us believe. Indeed, non-smoking patrons have returned to bars in larger numbers because they now know they can enjoy a smoke-free social environment. If Ireland and New Zealand can do it, why can New South Wales not do it? Here the Government has chosen to pander to protests from the Australian Hotels Association and its bleating about lost profits.

An added side effect of the bill would be that it might even assist people experiencing gambling problems. Most poker machine rooms are also designated smoking areas. If people go outside to smoke, they take a break from gambling. There is a high correlation between smoking and gambling, and this is why the clubs and gambling lobby have been so keen to allow people to smoke in poker machine areas. If the punter stops gambling to have a cigarette, even if it is for five minutes, the profits of the gaming operator is decreased. The gambling lobby is indescribably amoral. It has designed artificial environments where people can smoke, eat, drink and gamble, cut off from outside stimulation and even natural light. The last thing it wants is for gamblers who smoke to be forced to leave the machines.

I know that some smokers who like to go into a bar for a beer and a cigarette do not support a full ban. They have voiced concerns about having to leave premises and go outside to smoke. However, in fairness, is it really too much to ask? People are already doing it in many workplaces. Most smokers realise this is not an unreasonable request to protect the health of innocent bystanders sharing the same space. It is well known that passive smoking is bad for everyone—smokers and non-smokers alike. Many smokers already choose not to smoke around non-smokers, especially children.

This legislation allows smokers to continue smoking outside but designates shared inside space as smoke-free. The bill cannot be enacted soon enough. Every day that smoking is permitted in enclosed areas there will be more deaths and a higher incidence of debilitating smoking-related diseases. The Greens strongly support a full ban on all indoor areas where people work and socialise. We support the bill. I urge other members of the House to join us in the campaign for a genuinely smoke-free environment.

Ms LEE RHIANNON [3.40 p.m.]: Together with my Greens colleagues and the Hon. Dr Arthur Chesterfield-Evans, I strongly support the Smoke-free Environment Amendment (Removal of Exemptions) Bill. I congratulate the Hon. Dr Arthur Chesterfield-Evans on the work he has done over the years. He has been courageous, informative and instructive on bringing greater health to a large number of people in this country. Great advances have been made in informing people about the dangers of smoking and restricting smoking. I can remember when people smoked everywhere. It is a great credit to people such as the Hon. Dr Arthur Chesterfield-Evans and Mr Ian Cohen, who were in BUGA UP [Billboard Utilising Graffitists Against Unhealthy Promotions], for the work they have done over the years to alert people and authorities to the dangers.

I join with others in recognising their important work because the diseases that are caused by tobacco smoking are horrendous and diverse. The incidence of such diseases could be reduced if people understood the consequences of drawing on a cigarette. I will note some of the diseases associated with the inhalation of toxic substances. Those toxic substances are hot gases, which directly irritate and harm mucosa; tar, which contains substances that cause cancer; and carbon monoxide, which inactivates the oxygen-carrying capacity of red cells and is directly toxic to cells, especially those lining both the airways and the blood vessels. Another toxic substance is nicotine, which resets the nervous system's excitability and the tone in the blood vessel walls. It is carried in the tar fraction and is responsible for addiction. A further toxic substance is particulate matter, which is deposited as soot inside the body. Those five ingredients, which are inhaled both actively and passively, cause many diseases. I want to put on record the diseases so that members know the enormity of the effects of the tobacco industry.

Although many members know of the problems, I understand that the major parties will not support this bill. I am deeply disappointed about that irresponsible attitude. The diseases caused by tobacco smoking include input cancers—cancer of the lips, mouth, pharynx, larynx, bronchi and lung, which result from the tar and hot gases meeting the tissues directly. Cancer of the oesophagus and stomach occurs from the swallowing of tar-laden saliva. Lung damage can result in emphysema, which is caused by direct damage to lung tissue, deposition of particulates, and airway damage leading to an inability to remove secretions leading to chronic bronchitis. Arterial diseases occur as a result of the tar, nicotine and carbon monoxide crossing from the lungs into the bloodstream. The tar and carbon monoxide may directly damage the blood vessel walls and change the clotting cells so that they stick to the blood vessel walls. Although it is difficult to hear the details, it reminds us of the enormity of this problem.

The arterial effects of smoking are caused by reduced blood flow, complete blockage of arteries or the weakening of the blood vessel walls. It is not surprising that many people end up losing their limbs, particularly their feet and lower parts of their legs, because of circulation problems. Smokers can suffer stroke, skin ageing and heart disease. Our kidneys regulate blood pressure. Damage to the arteries has a compounding effect, as the kidneys produce hormones that increase the body's blood pressure to maintain kidney blood flow. Smoking affects the uterus. Women who smoke usually have smaller babies who are prone to a range of neonatal problems. Reduced blood flow has an impact on male impotence. As I said, in smokers gangrene can occur in the legs and is also common in the fingers. Fractures heal more slowly and peptic ulcers are common in people who smoke.

Some of the direct toxic effects include leukaemia. As the tar fraction affects dividing blood cells leukaemia can become more aggressive. There is an increase in foetal abnormalities of babies of smokers. An increase in fractures is common, particularly of the hip and vertebrae of older smokers, due to acid-based effects where calcium is mobilised. Output cancers are caused by tars as they leave the body in secretions. The unpleasant smell on the skin of smokers is due to the tars excreting from sweat glands. All secretions are filtrates of the fluid outside the cells, which is concentrated. Therefore, the cells lining the secretory glands are exposed to higher tar concentrations. This results in cancer of the urinary bladder, pancreas, breast, cervix and prostate. People who have a smoker's smell cannot get rid of it with a shower because it is secreted through the cells of their skin.

The addictive component of tobacco is nicotine. The trying of tobacco smoking during the temporary period that adolescents believe in its image-giving properties allows time for a resetting of nerve outputs. By definition, an addictive substance gives a withdrawal syndrome, which will occur as the nicotine level falls. Nicotine supposedly relieves stress because it removes the stress of the withdrawal syndrome—which is a factor that keeps people smoking—but it does not actually relieve stress.

If cigarettes were introduced today, I believe they would be declared illegal under the Dangerous Goods Act. The marketing of them would also be illegal, I suggest, under the Trade Practices Act. Clearly, they were not illegal when they were introduced and we do not have retrospective legislation. The fact they have not been declared illegal is testament to the enormous power of the tobacco industry. When the United States Federal Trade Commission set up its consumer protection legislation, tobacco was specifically excluded. Again that shows the power of the tobacco industry. I understand it was considered necessary to exclude tobacco from that legislation because the tobacco industry would not be able to operate under such laws.

In Australia over many decades the tobacco industry has made donations to the major parties. These days Labor, to its credit, does not accept donations from the tobacco industry. That was a step taken by Mark Latham. Unfortunately, the Liberal Party and The Nationals continue to take this tainted money. It is interesting to note that donations from the tobacco industry have had an unsavoury history. For example, they were mentioned in the *Age* tapes of the Coombe-Ivanov affair and the WA Inc. royal commission. There is plenty of reading for people who are interested in tracking through the dodgy practices of this industry. As I said in my opening remarks, the achievement of restricting tobacco smoking is credited to a range of organisations that have been active in alerting the population to the effects of smoking. Part of the responsibility lies with the medical fraternity. Largely, the response of the medical system has been to marshal evidence.

Following a decade of research on the harmful effects of tobacco without significant government response, the Royal College of Physicians produced a report on tobacco and marshalled evidence about its harmful properties. That was in 1962. The United States Surgeon General did the same in 1964. Understandably, they did not lobby—that was not their job; their job was to assemble the facts and to present the evidence. I imagine that many of them thought that it was an overwhelming case and that it should introduce

some sense into the industry. The British Royal College of Physicians and the United States Surgeon General made their contribution, but we needed activism to focus the spotlight on the issue.

A number of groups strongly advocating the rights of non-smokers emerged in the 1960s. They were far more politically savvy than the health groups, which gradually and reluctantly embraced the activists' political sophistication as the evidence of the harm caused by exposure to tobacco smoke became known. An important paper was published in a 1981 edition of the *British Medical Journal* demonstrating that passive smoking considerably increased the incidence of lung cancer. That was 25 years ago. I was interested to hear Ms Sylvia Hale's comments about the problems facing workers at Star City because of the Government's unwillingness to do something about passive smoking. That problem was recognised 25 years ago but people, particularly workers, are still dying because of government inaction.

Billboard-Utilising Graffitiists Against Unhealthy Promotions [BUGA UP] was a critical group that took an innovative approach to protesting and fighting tobacco companies. The group—which was in a David-and-Goliath situation—was unique to Australia. Anyone going up against the tobacco industry is taking on a powerful force. BUGA UP used some creative strategies. Given their ages, most honourable members would remember having seen their work on signs around the city. One often did a double take and realised that people must have been out late at night creatively repainting billboards to send a powerful antismoking message. In essence, the non-smokers' rights groups and our right to breathe unpolluted air were the major drivers in the campaign against tobacco.

Tort law was extremely important in campaigns against the tobacco industry. However, in Australia the prosecution of BUGA UP activists crystallised the moral dimension probably more clearly than elsewhere else because the tobacco companies, who were telling lies, were being supported by the law, and the activists, who were telling the truth, were being prosecuted. In fairness, BUGA UP would not have had such extensive public support if it had not been widely known that tobacco killed many people. That fact was noted more in the breach than in the observance.

A combination of activism, medical documentation and some famous litigation has been critical to informing people and changing the law. Unfortunately, we have now hit a roadblock with the major parties in this State, which have a lack of vision and political will to stand up to the very powerful tobacco industry. Honourable members who intend to vote against the bill need to keep in mind the health consequences of smoking and why we need to change the law. When they vote against this bill they will be ensuring that smoking continues at a rate that will result in suffering and death. That is a harsh thing to say, but we must face the fact that it is crunch time with the tobacco industry. Unfortunately, there is not enough will in this Parliament to do the right thing.

The Hon. HENRY TSANG (Parliamentary Secretary) [3.55 p.m.]: Mechanisms exist within the Act for phasing out exemptions in hotels, clubs and nightclubs. Smoking bans are being phased in to allow time for the public to adapt to the bans and for the building of additional outdoor areas such as balconies and beer gardens.

The New South Wales Government's smoke-free legislation was the result of extensive consultation with proprietors and other stakeholders. For licensed premises, the phase-in period ends on 2 July 2007, at which time all enclosed public places, with the exception of the casino's private gaming area, will be smoke-free. The special exemption enjoyed by the casino's private gaming area extends beyond 2 July 2007 on the basis that it allows the casino to remain competitive with other Australian casinos in attracting international high-rollers. An annual review of the exemption will be undertaken to determine whether the exemption is justified on the grounds of maintaining parity with smoking restrictions in casinos in other States and Territories.

In response to Ms Sylvia Hale's personal attack on me, saying that I said staff would be issued with masks, I have never said anything of that nature. The 2004 legislation made it clear that nothing in the Smoke-free Environment Act abrogates an employer's obligations under occupational health and safety regulations. Like other workers, all workers at the casino have rights and are protected by WorkCover. Smoking is banned at the gaming tables in the casino's high-rollers room as part of a voluntary agreement between the casino and the relevant trade union. In fact, smoking is allowed only in a small area in the room away from staff. Employees also have the right to refuse to work in the high-rollers room and to be assigned to other areas under an agreement between the union and the casino. In practice, of course, there is no shortage of staff who wish to work in the high-rollers room.

In summary, this private member's bill will not achieve any long-term benefits but will cause substantial short-term disruption for business. The Government has demonstrated its commitment to the prevention and reduction of tobacco-related harm through the New South Wales Tobacco and Health Strategy 1995-99 and the New South Wales Tobacco Action Plan 2001-04. Current Government strategies are set out in the New South Wales Tobacco Action Plan 2005-09 and in the Government's comprehensive submission to the Joint Select Committee on Tobacco Smoking. The Government does not support the honourable member's ill-conceived bill, which seeks to frustrate a long process that has been the subject of extensive discussion with the stakeholders and robust debate in this House and in other places. The Government opposes the bill.

Debate adjourned on motion by the Hon. Henry Tsang.

WESTERN SYDNEY ARTS STRATEGY

The Hon. AMANDA FAZIO [4.00 p.m.]: I move:

That this House notes the commitment of the Government to arts in Western Sydney as demonstrated by the Strategy for the Arts in Western Sydney, which was a direct response to the Government's 1995 election commitment to achieve greater equity in arts funding for the communities and arts practitioners of Western Sydney.

It is with great pride that I move this motion, notice of which was originally given on 24 February 2004. Since that time the ministry for the Arts has been incorporated in the Department of the Arts, Sport and Recreation. I am proud to be a member of a government that provides extensive support for the arts throughout the whole of New South Wales. In 1995 we went to the people of New South Wales with a commitment to achieve greater equity in arts funding for the communities and arts practitioners of Western Sydney. In November 1999 the Ministry for the Arts, in conjunction with the Office of Western Sydney, launched the Strategy for the Arts in Western Sydney. To quote from the New South Wales Ministry for the Arts and the New South Wales Government's Office of Western Sydney, "A Strategy for the Arts in Western Sydney" states:

The social benefits of energetic local activity include the establishment of valuable networks, the improved consultation between community and government, development of community pride, a reduction in social isolation and improved understanding of different cultures or lifestyles. The economic advantages include better design and planning of public facilities, and the attracting of further resources to the community. For the arts sector itself, the benefits include an increase in support for and involvement in arts activities by the community.

The strategy implements the Government's commitment to providing people living in Greater Western Sydney with a choice of quality performing arts, music, art exhibitions, and cultural heritage sites. The Government recognises that people in Western Sydney are entitled to the same choice and enjoyment of the arts as those in other parts of metropolitan Sydney. I wish this had been the case when I was young and lived in Western Sydney.

I was brought up in and lived at Cabramatta until I was 22 years old. We were certainly not fortunate enough to have had such a strong emphasis on the arts in Western Sydney in those days. In fact, we were pretty well left out—even if we had an interest in the arts, as I did. There are now many established cultural and artistic programs in the Western Sydney region, ranging from galleries, museums, annual festivals, and professional and amateur performance companies, through to energetic and productive community-based and multicultural arts organisations.

The Western Sydney Arts Strategy encourages cultural development through new, targeted forms of structural support and increased opportunities for community participation in the arts. Partnerships between local and State Government, the private sector, and arts and community organisations communities are critical to the strategy. The Government's goals in implementing the strategy include encouraging locally determined arts and cultural activity, assisting artists to achieve their full potential, and increasing the participation in the arts by the people of western Sydney.

The Government wishes to ensure the development of regional arts infrastructure and co-operation. We also hope to strengthen the emerging arts industry in Western Sydney, and to provide support and encouragement for the many and diverse cultural expressions of the region. This is reflected in the substantial increase in Government funding to Western Sydney. Over the past four or five years the Government has allocated more than \$25 million to the implementation of the strategy and for major capital funding for arts infrastructure in Western Sydney.

Western Sydney is home to the largest number of the indigenous people of our State. Historically it has been, and continues to be, the destination for many of our newly arrived citizens. There are many artists among the communities of the region but their work goes unrecognised. The Government recently published "The Arts in Western Sydney", a 2006 progress report on the New South Wales Ministry for the Arts Western Sydney Arts Strategy. It found:

The strategy has provided an effective framework for enhancing cooperation and developing a strong culture of collaboration within Western Sydney. The State Government's substantial investment in Western Sydney has contributed to redressing historical imbalances between the West and "the rest" and has created a foundation for continued development.

The success of the Western Sydney Arts Strategy would not have come about without the strong partnerships that exist between the State Government, local government, local community organisations and arts practitioners. Since the Government launched the Western Sydney Arts Strategy there has been a significantly and impressively greater commitment from local government in this region for arts funding. A joint investment in cultural infrastructure has fostered the growth of increasingly robust arts organisations of local, State and national significance, an increased level of confidence within the arts sector of the region, and increased regional co-operation. With the assistance of the strategy, many of the arts activities in Western Sydney offer models and benefits for the whole State.

The 14 constituent local government areas covered by the strategy are Auburn, Bankstown, Baulkham Hills, Blacktown, Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Holroyd, Liverpool, Parramatta, Penrith and Wollondilly. The demographics of Greater Western Sydney were taken into account from the outset when the strategy was being developed. These factors have provided a critical context for the formulation and implementation of the strategy. At the 2001 census, 1.673 million people lived in the Greater Western Sydney region, representing 42 per cent of the population of Sydney and 27 per cent of the population of the State. Western Sydney has the fastest-growing population in the State, with the third-largest economy in Australia. Western Sydney is home to the largest urban Aboriginal population in Australia, and the cultural diversity of the region is well documented.

The aims and achievements of the Western Sydney Arts Strategy are, first, to encourage arts and cultural activity that is locally determined and helps communities to grow. The Ministry for the Arts released Cultural Planning Guidelines in 2004. Western Sydney has been at the forefront of cultural planning within the State. The Ministry for the Arts established a Western Sydney Local Government Arts Incentive Fund in 2001 to broaden partnerships with councils. Providing dollar-for-dollar matched funding, both cash and in kind, the fund has encouraged councils to invest in the development and promotion of the arts in their areas. Up to July 2005 the fund has disbursed a total of \$2,098,111 to councils in Greater Western Sydney. The Western Sydney Local Government Arts Incentive Fund has also provided a strong impetus for cultural planning within the region.

The New South Wales Heritage Office completed a survey of heritage in Western Sydney. The resulting report provided a valuable resource for the future management of Western Sydney's cultural heritage. Engaging the corporate sector in broad cultural development, including support for the arts, is still a high priority for the region. Artswest is commencing work in this field, following funding for a position at the organisation. The Western Sydney Local Government Arts Incentive Fund will be continued, prioritising applications that address identified areas of ongoing need.

Opportunities will be provided for councils with stable and well-developed programs and facilities, to which they have made a significant and sustained financial commitment, to negotiate annual or triennial whole-of-council funding agreements. To this end, as part of the third cultural accord with local government, a pilot program offering one consolidated grant across all ministry programs will be trialled with two Western Sydney councils. In the future the option to negotiate tripartite funding with the Federal Government for organisations already receiving significant Federal funding will be explored.

A further aim of the Western Sydney Arts Strategy is to assist artists in Western Sydney to achieve their full potential. The Ministry for the Arts Western Sydney Artists Fellowship was created to support the development of new work by Western Sydney artists. Grants of between \$5,000 and \$25,000 were offered under the program. Priority has been given to visionary or ambitious activities that have shown the potential to offer long-term cultural development in the region. Between 2001 and 2005 a total of \$384,613 has been disbursed through the Artists Fellowship Program. In total, 18 fellowships have been awarded at an average of \$21,000 each.

A number of flexible multipurpose spaces across Western Sydney have been enhanced through the Government's 2002 major capital infrastructure package, providing a range of improved facilities to support artists in the region. These include the Joan Sutherland Performing Arts Centre in Penrith, Blacktown Arts Centre, Campbelltown Arts Centre and Fairfield School of Arts. Redevelopments in Bankstown, Hawkesbury and Liverpool are in progress, and the Penrith Regional Gallery and The Lewers Bequest was due for completion in June this year. An artist residency program will soon commence at Margaret Farm, near Penrith. Funding has been provided for two indigenous contemporary art curators, one at Campbelltown Arts Centre and the other at Penrith Regional Gallery and The Lewers Bequest.

The Ministry for the Arts will formulate an Indigenous Arts Development Strategy for Western Sydney. It will incorporate an audit of indigenous arts activity, existing and potential organisational capacity and resources, and provide detailed recommendations for action. The strategy will form a key part of the ministry's overall strategy for indigenous arts development across the State. Support for venues to create opportunities for emerging and disadvantaged artists, including those with overseas professional careers but who are still emergent in Australia, in the region will be given increased emphasis in the ministry's funding and advisory programs.

The ministry will encourage opportunities for the development of low-cost, accessible spaces for artists. At present the ministry is working with Parramatta council to source low-cost studio spaces. The Western Sydney Artists Fellowship will focus on particular art forms from year to year, commencing with literature and music in 2007. The ministry will investigate a means by which Western Sydney Artists Fellowship recipients can be promoted, and seek the views of all fellowship applicants on the ongoing needs of artists in the region.

A further aim of the Western Sydney Arts Strategy is to increase participation in the arts by the people of Western Sydney. Through the strategy, the landscape of the arts in Western Sydney has been reconfigured. The investment made by councils in cultural life has increased dramatically and has been a vital ingredient in the development of Western Sydney arts infrastructure. Organisations and individuals who were previously at a disadvantage in securing funds have had access to support through the grants programs attached to the strategy.

Over the period of the implementation of the strategy, the State cultural institutions and festivals have increasingly undertaken activities within the region, generally in collaboration with Western Sydney cultural facilities and organisations. Entrepreneurial Western Sydney organisations are developing partnerships with Sydney CBD-based organisations, and some CBD organisations are developing strategies to extend their reach into Western Sydney.

The strategy has enabled key Western Sydney cultural organisations to develop both national and international partnerships to produce contemporary cultural projects that have resonance with their communities. These investments have increased access to high quality professional art activity for audiences in the region. The department commissioned a Western Sydney Audience Development Strategy for the Arts in partnership with the Australia Council for the Arts. The New South Wales Government has allocated \$1.9 million for the period 2003 to 2007 to implement an arts in education strategy, called ConnectEd Arts, across the State. Specific Western Sydney initiatives will be developed as part of this program. Western Sydney schools in areas of high socio-economic disadvantage will be given priority, as will the involvement of Western Sydney artists and arts organisations.

The department will investigate the establishment of outreach positions or programs based in the major arts organisations—such as the Casula Powerhouse Arts Centre, the Campbelltown Arts Centre, the Joan Sutherland Performing Arts Centre, the Penrith Regional Gallery and The Lewers Bequest, the Blacktown Arts Centre and the Parramatta Riverside Theatres—to address the developmental needs of emerging and disadvantaged artists. Options for implementing some of the recommendations in the Western Sydney Audience Development Strategy involving other partners, such as the Australia Council for the Arts, will be explored.

A further aim is to support and nurture the arts industry in Western Sydney. A major capital infrastructure package of \$14.9 million was announced in 2002, enabling the most substantial advances in physical infrastructure for the arts in Western Sydney on record. This was accompanied by specific provisions for operational funding over three years for some facilities. Local government provided matching funding for the capital works. The major capital infrastructure package has arguably represented the most important and strategic intervention by the State Government in Western Sydney. The following works have been completed or are proceeding. The Campbelltown Arts Centre opened in June 2005. The new \$10 million facility is a

centrepiece for contemporary multidisciplinary arts in Sydney's south-west. The New South Wales Government contributed \$3.32 million to the centre for a 180-seat performance studio, rehearsal and workshop spaces, café and gallery space.

The Joan Sutherland Performing Arts Centre has a \$6.4 million State Government grant that has doubled the size of the centre and provided a new home for the Railway Street Theatre Company. The extensions consist of a new 380-seat theatre, to be named the Q Theatre; 23 music studios instead of nine; two recital rooms and two orchestral rooms; a box office; administration area; foyers; restrooms; and bar. The redeveloped centre has been operational since September 2005.

The New South Wales Government contributed \$700,000 to convert a former Anglican church into an impressive contemporary multi-arts space, the Blacktown Arts Centre. It has offered local and regional artists, including those from new migrant communities, the opportunity to promote and display their professional skills. At the Parramatta Riverside Theatres the New South Wales Government provided \$1.8 million for an improved foyer, entrance and courtyard, new lighting and sound equipment. The works were completed in 2004 and the enhanced courtyard area has provided a new outdoor performance area. Riverside is now a regular part of the Sydney Festival program and has its own dynamic program.

Penrith Regional Gallery and The Lewers Bequest were granted \$1.65 million for work to commence on a new gallery, café, research library and archive. In the Bankstown City Council area new accommodation is being provided for three arts organisations—the Bankstown Arts Hub, the Urban Theatre Projects, Bankstown Youth Development Service and Citymoon Youth Theatre. The New South Wales Government is working with the Bankstown City Council to finalise the location for the new centre, funded with a grant of \$1.5 million. At the Hawkesbury Regional Museum the New South Wales Government has provided \$1.5 million for the construction and fit-out of a new regional museum at Windsor. The discovery of Aboriginal artefacts on the proposed Baker Street site has delayed construction of the new museum, which will join the original museum via a landscaped courtyard.

I refer to the Liverpool Police and Community Youth Club. Funds have been provided for a band room, disc jockey booth and a music recording studio to provide young people of the region with a professional recording centre. This will help develop employment skills, with training programs to teach young people about producing and recording music. At the Fairfield School of Arts \$60,000 was granted to Fairfield City Council towards building improvements, enabling the relocation of the Powerhouse Youth Theatre to the space provided. The Casula Powerhouse Arts Centre is a joint initiative with Liverpool City Council. The New South Wales Government invested \$7.2 million towards a major refurbishment of the centre and the work is due for completion in 2007.

Up to July 2005 the Western Sydney Capital Infrastructure Program, a separate ongoing annual program, has disbursed more than \$1 million to local government and non-government organisations [NGOs]. A key outcome under this program is the establishment of the SWITCH Multimedia and Digital Arts Access Centre at the Information and Cultural Exchange, which opened in February 2005. SWITCH offers a space where communities and artists can make digital sound and music, web and graphic design, and screen-based arts. It takes these facilities to the young people.

The Ministry for the Arts will examine issues affecting creative industry development in Western Sydney and options for broader-based financial support for creative initiatives. The department will work with Artswest and the Australian Business Arts Foundation to actively support activities within the region to encourage engagement between the arts and commercial sectors. The department will encourage regional artform development strategies in literature, public art and music. The department will maintain its close relationship with Western Sydney Regional Organisation of Councils, with a future focus on implementing the arts components of WSROC's Regional Cultural Strategy. The department will give priority to Western Sydney NGOs that demonstrate outstanding leadership in arts development for the region and the State. The department will commission the formulation of arts development indicators through a pilot program involving key Western Sydney organisations.

A further aim is to encourage regional cultural development. The department's program manager for Western Sydney liaised extensively with a broad range of agencies and clients in Western Sydney throughout the implementation of the strategy. The role entailed acting as a broker to facilitate the development of projects, participating in a number of arts advisory committees in Western Sydney, assisting with the recruitment of positions, implementing strategic initiatives and encouraging regional and sub-regional co-operation. The

Ministry funded WSROC for the management and implementation of its Regional Cultural Strategy, released in March 2005. Regular meetings of local government cultural planners have occurred through WSROC's Regional Cultural Planning Co-ordination Project and the Local Government Association of New South Wales and the Shires Association of New South Wales. The Ministry is represented on the steering committee for the WSROC project and attends meetings convened by the associations.

In 2002 the Second Cultural Accord between the department and the Local Government Association of New South Wales and the Shires Association of New South Wales was signed by the then Premier and Minister for the Arts and the presidents of the Local Government Association of New South Wales and the Shires Association of New South Wales. It covered the period to 2005. The second accord gave particular priority to Western Sydney. The Western Sydney Arts Strategy recommended that the Ministry for the Arts, now the department, include more people from Western Sydney on its policy and funding advisory committees and on the boards and trusts of the arts portfolio. To date, the appointment of Western Sydney representatives on artform committees has proved successful. Western Sydney representatives will continue to be appointed to artform committees.

The Third Cultural Accord covers the 2006-2008 triennium and will maintain and further develop the working partnership between State and local government. It aligns with both the ministry and the associations' strategic plans. This will enable both organisations to achieve their objectives in partnership. The Third Cultural Accord recognises the significant commitment that both local government and the State Government have towards cultural development.

The following principles underpin this commitment. Local Government and the State Governments are complementary partners in the development of arts and culture at a local level and local government has primary responsibility for the planning, development and operation of cultural facilities at the local level. Local and regional cultural planning is integral to the establishment of shared priorities for governments and communities, and for the effective integration of State Government support for cultural activity at the community level. Local government and the State Government continue their commitment to the development of contemporary indigenous culture. Local government and the State Government will advocate for all spheres of government to work together to develop and provide up-to-date, easy to use and accessible public library and information services for their communities.

The department and the associations will work together on a number of initiatives designed to further these principles. A Cultural Development Standing Committee with representatives from both the associations and the New South Wales Ministry for the Arts will oversee the implementation of the third accord. The Ministry for the Arts will support Community Cultural Development New South Wales and WSROC to discuss with representatives from local government, cultural institutions and arts officers, areas of ongoing need in relation to cultural development, and to identify potential strategies to address these issues.

The ministry will work with the organisations in Western Sydney to investigate more effective ways to offer support to culturally and linguistically diverse artists. I would like to specifically mention Artfiles, which is the first and only comprehensive arts directory in Australia. The Artfiles book and web site profile the talents of Western Sydney artists, from graphic designers and photographers to hip-hop and aerosol artists. Over 1,300 artists and arts groups are listed in Artfiles. Local indigenous artists and arts groups feature prominently in the directory. Over 60 per cent of the artists listed are from non-English-speaking backgrounds, with substantial numbers from Arabic speaking, Chinese, Vietnamese and Turkish backgrounds, highlighting the enormous contributions that these communities make to our quality of life.

By publishing Artfiles, ICE [Information and Cultural Exchange Incorporated] has helped to increase employment and participation for artists. In 2002 Artfiles undertook a study that revealed that up to 60 per cent of artists listed in the directory received some benefit, either paid work or participation in artistic projects. Also, the directory has proved useful for artists to make contacts, develop their skills and work collaboratively. It is important that organisations such as ICE are providing such significant support for artists in Western Sydney.

ICE is helping to enrich our community and our culture by working to address and alleviate social and cultural inequalities and provide opportunities for socially excluded communities to access information and the means for cultural expression. Of course, in Western Sydney our strategy is but one part of the State Government's overall arts strategy for New South Wales. We also have a very strong regional arts strategy to cover non-metropolitan and areas outside of the classic Newcastle, Sydney and Wollongong region. Visitors to major country towns will find that regional galleries are supported by the State Government and, in the main,

are conducted with the assistance of local government. These regional galleries provide a gathering point for people who are interested in the arts to get together. Regional galleries provide the forum where local artists can exhibit and sell their work, whether paintings, embroidery, jewellery, pottery or photography.

I know from my travels around New South Wales that there are excellent regional arts galleries in towns such as Grafton, Coffs Harbour, Port Macquarie, Armidale, Tamworth, Taree, Goulburn, Orange and many more. Regional galleries not only showcase local art and provide a focal point for people interested in arts locally, they also cater to travelling exhibitions, co-ordinated by the department, which go the whole round of the regional gallery circuit in New South Wales, providing access to people in Western Sydney and in regional areas.

In addition, the State Government supports organisations such as Opera Australia and Opera for Schools Program, which travels throughout New South Wales, not just the suburban areas of Sydney. Although today I am focusing specifically on the Western Sydney arts strategy, I am also proud of the Government's overall regional arts strategy, which has done so much to provide arts in areas outside of Sydney. Some of the regional arts galleries that are supported in country areas are magnificent. I opened the extension of the Coffs Harbour regional gallery in 2003, which is a prime example of a gallery that provides a focal point for the local community. I particularly note the support of some of the Independent members on Coffs Harbour council and commend them for supporting that gallery.

The prevalence of artistic opportunities for people in rural and regional New South Wales matches those that now exist in Western Sydney as a result of the Western Sydney art strategy. I was interested in the arts at high school, and if we begged hard enough our art teacher would take us to an excursion to the Art Gallery of New South Wales, but really there was no other option. The New South Wales Government has funded arts programs, thereby enabling the development of skills of people associated in all regional galleries, whether they are in Western Sydney or in country areas.

Recently I visited the New England Regional Arts Museum at Armidale and was informed that one of its curators will be attending the Museum of Contemporary Arts in Sydney on a mentoring program. Those sorts of links can be established when the Government supports the arts, not just in central Sydney but also across the whole of New South Wales. The Western Sydney arts strategy has been an overwhelming success and has greatly enriched the cultural landscape of Western Sydney. It provides a model for arts development that can be used to enhance further the development of regional arts infrastructure throughout New South Wales. I commend the motion to the House.

The Hon. DON HARWIN [4.25 p.m.]: The Hon. Amanda Fazio gave a detailed and thorough speech and I note her personal passionate commitment to the arts. We have discussed those matters on a number of occasions. However, as with everything from this tired old Labor Government, the strategy for the arts in Western Sydney is short on substance and long on hyperbole and spin. The strategy relies heavily upon the initiatives of local councils and the legacy of the former Coalition Government. These achievements come in the context of an arts budget that has been savagely cut by a government struggling to obscure the true extent of its financial mismanagement.

The strategy for the arts in Western Sydney seeks to give the impression that the Labor Government in New South Wales is actively supporting the arts in Western Sydney through involvement and investment. It is the usual mixture of mirrors and spin that we have come to expect as this Government's approach to an issue. In reality, the Government's achievements for the arts in Western Sydney have been limited and its contributions superficial. It is actually local government that is responsible for most of the investments and initiatives that the State Government is trying to take credit for in relation to the arts in Western Sydney.

A recent review of the strategy entitled "The Arts in Western Sydney: 2006 Progress Report", published earlier this year by the Ministry of the Arts, is surprisingly candid about this point. The progress report notes that in recent years there has been "a significantly and impressively greater commitment from local government in this region for arts funding". It also acknowledges that the State Government's funding has been distributed to projects that were "all originally established by local government".

Rather than drive the development of arts programs in Western Sydney, this Government has been content to stand on the shoulders of the area's local government authorities. By making contributions to existing arts development and infrastructure projects that have already been initiated by local government, the State government believes it can take credit for achievements that are not entirely its own. The truth is that this

Government has not assumed a leadership role in relation to the arts in Western Sydney. Its funding and investments have simply followed the lead assumed by local government. Even aside from the issue of funding, this Government has taken a secondary and superficial role in the support of the arts in Western Sydney.

While local government and local arts bodies have been responsible for initiating and driving the arts development agenda in the region, this Government has assumed a passive role with limited involvement. It is interesting to note that in describing the Government's role, the review of the strategy published earlier in the year frequently uses such words such as "facilitating", "participating", "assisting" and "encouraging". The recent report on the strategy reveals a government trying to exaggerate its contribution to the arts in Western Sydney through hyperbole and spin, with few concrete results for which it can honestly take credit and even fewer projects that it can claim to have initiated. Despite this poor record of achievement, or perhaps because of it, the Government continues to try to use the strategy to denigrate the contribution of the last Coalition Government to the arts in Western Sydney. Indeed, a recurring element of the strategy is the attempt to perpetuate the myth of the last Coalition Government's alleged neglect of the arts in the region.

The motion before the House refers to achieving "greater equity" in arts funding for Western Sydney. In their forward to the recent review of the strategy, the Minister for the Arts and the Minister for Western Sydney refer to "redressing historical imbalances" in the level of arts funding for Western Sydney vis-a-vis the rest of the State. The review itself subsequently refers to a "legacy of under-development". These statements are a cynical denial of the significant contributions of the last Coalition Government to the arts in Western Sydney. They belie the fact that many of the grants programs and infrastructure programs included in the strategy are simply continuations of programs and projects either initiated or sustained by the State's previous Government.

The arts in Western Sydney and other regions of the State received significant support from the Greiner and Fahey Coalition governments, with substantial credit belonging to the then Minister for the Arts, Peter Collins. It was the passion and dedication of Peter Collins that led to the creation of a fully autonomous Ministry for the Arts by the last Coalition Government in June 1988, and during the first months of the last Coalition Government both the Film and Television Office and the Arts Advisory Council were established. I note that Minister Collins included in the first membership of the Arts Advisory Council a representative from the Arts West Foundation to ensure that the interests of the arts in Western Sydney were represented.

Under the Coalition Government, Carnivale was expanded to include more events in Western Sydney, and a major arts fund was established specifically to support arts initiatives in Western Sydney. During the term of the Greiner and Fahey governments the Ministry for the Arts helped the Australian Theatre for Young People present a professional production for workshop participants in Parramatta for the first time, and dedicated between 25 per cent and 30 per cent of its theatre program budget for professional theatre companies in regional areas. It was through this program that both the Riverside Theatre in Parramatta and the old Q Theatre in its former location in Penrith received financial support.

The last Coalition Government in New South Wales also dedicated one-third of cultural grants funding to regional areas; such a grant enabled the Eleanor Dark Foundation to establish Varuna in the Blue Mountains as the State's first writers centre. For the arts in Western Sydney, the most striking legacy of the last Coalition Government—conveniently, I did not hear any mention of it in the Hon. Amanda Fazio's speech but I should not be surprised—was of course the Casula Powerhouse Arts Centre, opened in October 1994.

The Hon. Amanda Fazio: I did mention it.

The Hon. DON HARWIN: I apologise if I did not hear the honourable member. I walked in late and the honourable member may have mentioned it before I arrived. If she did, I apologise. A striking example of the successful adaptation of former industrial buildings for new purposes, the centre was established as a contemporary multiarts facility and rapidly positioned itself as a leading arts and cultural development organisation for the Western Sydney area. It was a significant and visionary investment in the infrastructure of the arts community in Western Sydney by the last Coalition Government. Indeed, while I was working for Peter Collins I remember well all the work that went into development of the centre. My friend Kate Fitzpatrick, who was working there at the time, did a lot of work on the Casula Powerhouse Arts Centre, as did Stephen Duffield. That project was a great credit to Peter, his staff and the last Coalition Government.

The extension of the Casula Powerhouse Arts Centre by the current State Government as part of the strategy for the arts in Western Sydney is a clear example of how several key aspects of Labor's funding priorities for the arts in the region are following the initiatives laid down and the infrastructure built by the

previous Coalition Government. It is clear from the recent strategy review document that most of the arts development projects in Western Sydney over the past decade have either been the initiatives of local government or the continuation of projects that existed under the previous Government.

This tired old Labor Government has brought very little to the agenda that is new. This is hardly surprising, given the level of arts funding in recent State budgets. I note the irony of debating a motion praising the Government's support for the arts in Western Sydney only months after the Government drastically slashed funding for the arts in the State budget. The total budget for Arts New South Wales—the renamed ministry—in 2006-07 has been cut by \$24.5 million or 8.9 per cent, compared with the revised 2005-06 budget. This overall budget includes employee salaries which were subject to a 4 per cent increase. The actual operating budget for Arts New South Wales in the current financial year has been reduced by a massive 9.4 per cent. The operating budget, including employee-related expenses for the State Library, has been slashed by a staggering 16.93 per cent in this budget.

Australian Museum's operating funds have been cut from \$12.1 million to \$10.7 million, which represents a 12.32 per cent reduction. The operating expenses for the Historic Houses Trust and the budgets for both the Museum of Applied Arts and Sciences, better known as the Powerhouse Museum, and the New South Wales Film and Television Office have all been reduced for the second consecutive year. These institutions are among the cornerstones of arts and culture in our State, and they are paying a heavy penalty for the Labor Government's long-term financial mismanagement. The impact of these budget reductions will be felt across the State, including in Sydney's western suburbs.

Every year the State Library distributes grants and subsidies to public libraries across Western Sydney and New South Wales. As well as playing an extremely important role in the educational, economic and social needs of local communities, public libraries are also important art and cultural centres. This year's budget allocates \$24.5 million under the Public Library Subsidies and Grants Program. This represents a 2 per cent reduction in funding allocated from the previous year. This Labor Government's contribution to public library funding is the lowest of any government in Australia. While the national average is 46 per cent, this Government funds only—wait for it—9 per cent of the funding for public libraries in New South Wales. The next lowest level of contribution is the 18 per cent provided by the Government of Western Australia.

This is a completely inadequate level of funding and one that severely impacts on the capacity of local libraries to meet the needs of local communities, including those across Western Sydney. The Coalition is committed to reversing this longstanding neglect of public libraries in our State. A Coalition government would increase funding for public libraries by 21 per cent per annum for each of the next four years. This represents a substantial and ongoing commitment to a key part of our State's arts infrastructure—one that has been neglected by this Government. It is clear that the Government's much-vaunted strategy for the arts in Western Sydney is simply the spin and hyperbole approach to an issue that we have come to expect from this tired old Labor Government.

Clearly, the strategy is bereft of original ideas and does not represent the Government taking an active leadership role. Local government and local arts bodies are driving the arts and cultural development agenda in Western Sydney. They are the ones initiating new programs and contributing increases in funding levels. The so-called strategy is simply the Government's attempt to take credit for the achievements of bodies and organisations at a time when it is implementing massive cuts to the arts in the State budget. This motion is another example of shameless spin by this Government and does not merit support.

Mr IAN COHEN [4.38 p.m.]: I speak on behalf of the Greens on the motion moved by the Hon. Amanda Fazio about the arts in Western Sydney. I note the information provided by other Hon. Don Harwin and the other perspective he placed on the issue. Certainly, the Greens, along with all participants in this place, recognise the importance to all Australians of a rich and lively cultural life. We recognise that the arts are an integral part of people's lives, and acknowledge the importance of community participation. The growing recognition by the State Government of the significance of the arts and our cultural heritage is welcomed.

Government funding decisions need to give more equitable consideration to the diverse cultural needs of all regions and communities, such as Western Sydney. For this reason, the Government's Western Sydney arts strategy should be commended. It is important to emphasise the grass roots rather than the elite, the community rather than the bureaucracy. The Greens uphold the rights of all Australians to universal access to the arts by removal of barriers to participation—financial, physical and cultural. It is encouraging to see the New

South Wales Government investing funds into arts programs in Western Sydney. I understand the grants are intended to assist local councils in the undertaking of arts projects consistent with their cultural plans.

The Greens are concerned that some aspects of the arts funding process, such as application forms for funding being overly complicated and requiring different criteria for each agency, and one-off project funding, can work against long-term artistic community and business planning. I hope these factors are taken into consideration in the Western Sydney arts strategy. I also acknowledge the contribution made by indigenous people and the need to protect their artistic property rights as well as the contribution made to the arts by our multicultural community. The issue of funding to public libraries is of acute importance if we are going to see cultural flowering in areas such as Western Sydney, in country towns and many other areas of the State. My hometown of Byron Bay is suffering from lack of funding and lack of a proper venue for an adequate library. These are the things that make a community tick.

The Greens support any enhancement of artistic appreciation. A rich cultural life and artistic endeavour should be encouraged and hopefully will be encouraged more by whatever government is in office. The Greens like to see more of that activity and endeavour in our community. With those comments, we support any project that focuses on Western Sydney and allows its wonderful potential to be realised.

The Hon. MELINDA PAVEY [4.41 p.m.]: The Hon. Amanda Fazio's motion notes the commitment of the Government to arts in Western Sydney. I do not know whether it is a fair assessment to say that the New South Wales Labor Government has shown a commitment to arts in Western Sydney compared to the record of the former Greiner-Murray and Fahey-Armstrong governments. It is relevant to point out today the complete lack of funding and commitment to regional art facilities across New South Wales. It is appropriate to highlight that 1.88 per cent of the New South Wales arts budget finds its way to regional New South Wales. I will go into a lot more detail about that. The Hon. Amanda Fazio acknowledged the many beautiful art galleries across regional New South Wales, and there are very many. Our best artists reside in regional New South Wales. Because of its natural beauty and topography, regional New South Wales is an inspiring place to become involved in the arts.

When my husband and I started our business and renovated the cafe at Coffs Harbour, one of the first things we did was to put in proper art work hanging racks so we could encourage local artists to hang their artwork for free. We sold a lot of artwork for them. We did not take commissions—a lot of artists were surprised we did not—but we felt it was part of our community obligation to give young artists a chance to exhibit their work. Aside from the benefit to the artist, we felt it was also a benefit to the cafe to have interesting artwork changing on the walls all the time. I am happy to report that Fiona Bennell, who was the winner of the Country Energy Annual Art Competition last year, first hung her artwork in our premises. I am proud of that, because these days her artwork goes for quite a lot of money.

A great contributor to regional art in the Coffs Harbour community is Steve Bush, who, in partnership with a local artist, Nicholas Keyshells, started the John Gordon Gallery on the jetty strip at Coffs Harbour. I like to refer to it is our little piece of Tribeca in Coffs Harbour. It is a really great art venue and gallery and regularly holds art openings. The diverse people in the Coffs Harbour community are often in attendance—Wendy Matthews, Jack Thompson, George Negus—as well as the artists themselves. A lot of art work comes from the Northern Territory into that art gallery. A sign of a sophisticated, wonderful, vibrant community is a great art movement in that community. My hometown of Coffs Harbour certainly has that.

Port Macquarie also has some great art facilities. On many occasions I have attended the local Zonta club art openings, and I have officiated over that on a couple of occasions. A lot of people are involved in art in regional New South Wales. The art gallery at Cooma is one of the best art galleries I have been to in regional New South Wales. Susan Mitchell, who has been an inspiration for that art gallery, is a friend of mine. On too many occasions at that art gallery I have been tempted to take some home, but luckily my suitcase is never a big enough, let alone the family finances.

What is happening in the art movement in regional New South Wales has not been helped by the New South Wales State Labor Government. It is virtually happening on its own. As I pointed out, the New South Wales budget for the arts portfolio is around \$191 million, covering the Art Gallery of New South Wales, the Australian Museum, the Historic Houses Trust, the New South Wales Film and Television Office, the Ministry for the Arts, the Museum of Applied Arts and Sciences, the State Records Authority and the Sydney Opera House Trust. We have been able to calculate from the New South Wales arts annual report that around \$3.5 million only out of that \$191 million is going to regional New South Wales. A similar amount is finding its

way into Western Sydney. Although I represent The Nationals, in no way do I think that 50 per cent of arts funding should go to the regions. Many country people enjoy the facilities of the Sydney Opera House, the art galleries, the Museum of Modern Art and the New South Wales Art Gallery—but 1.88 per cent is not fair.

As my colleague the Hon. Don Harwin has pointed out, local government is more and more bearing the responsibility and costs for investments in local art communities. As the honourable member read from the recent review, "The Arts in Western Sydney: 2006 Progress Report", there is "a significantly and impressively greater commitment from local government in this region for arts funding". It is acknowledged that councils are bearing a greater load of the responsibility for promoting arts, which is another example of cost shifting by this Government.

The motion refers to achieving greater equity in arts funding for Western Sydney. Regional New South Wales also needs greater equity in arts funding. I shall highlight the many exciting contributions made by the former Coalition Government up until 1995. Former Minister Peter Collins deserves recognition for the work he did in this regard, including creating a fully autonomous Ministry for the Arts. During the first month of the last Coalition Government the Film and Television Office and the Arts Advisory Council were established. I reiterate the point that was made by my colleague earlier that the total budget for arts in New South Wales in 2006-07 has been cut by \$24.5 million, or 8.9 per cent, compared with the revised 2005-06 budget. In real terms, the Government has cut funding to the arts by 8.9 per cent. That is a significant cut, and that is why councils and local communities are bearing more of the costs.

I thank the Hon. Amanda Fazio for moving this motion; it has given us the opportunity to research and crosscheck to show just how badly the Government is performing in this area—which is in stark contrast to the great work that is done at the local level. There are many grassroots activities such as the Byron Bay Writers Festival, the Bluegrass Festival, and the Bellingen Global Carnival. The local communities, not the Government, deserve to be acknowledged for their hard work. A flimsy little cheque here and there is not what is required. What is required is more dedicated, determined and strategic planning by the Government. The annual report lists funding to the Ballina shire, and Bombala has received \$50,000 for the construction of a community theatre and cinema complex. I am disappointed that there is no funding for Queanbeyan, which has a thriving arts community. There is not a lot for Port Macquarie either, but luckily it has a strong dedicated community working for it. In the past couple of weeks I have had reason to travel through Armidale. I did not see the Hon. Amanda Fazio at AgQuip. On my way back from Gunnedah—

The Hon. Amanda Fazio: Point of order: My point of order relates to relevance. My motion relates to the Western Sydney arts strategy. In my closing remarks I referred to regional arts, only in an attempt to pre-empt the criticism that I knew would come from the Hon. Melinda Pavey. For the honourable member to now speak about individual funding arrangements for one rural and regional art gallery is well beyond the scope of the motion, which congratulates the Government on its Western Sydney arts strategy. I ask that the Hon. Melinda Pavey be called to order and directed to speak to the motion.

The Hon. Don Harwin: To the point of order: While I would not disagree with some of the comments of the Hon. Amanda Fazio, her arguments fall over in two important respects. First, as the mover, the Hon. Amanda Fazio opened the door and talked about regional funding, not just regional galleries. Second, the motion refers to equity in arts funding for the communities.

The Hon. Amanda Fazio: For the communities and arts practitioners of Western Sydney.

The Hon. Don Harwin: Had the Hon. Amanda Fazio allowed me to conclude, she would have heard me say that insofar as one community is being discussed in relation to equity, necessarily that opens the door to discuss equity for every other region in the State. The comments of the Hon. Melinda Pavey are foursquare within the standing orders as being relevant to the debate. In any case, traditionally a degree of latitude is extended by the Chair to members contributing to debate on a private member's motion and the Hon. Melinda Pavey should be permitted to continue.

The Hon. Amanda Fazio: Further to the point of order: My second contribution to the point of order is that the motion refers to the funding of arts in Western Sydney as demonstrated by the Strategy for the Arts in Western Sydney. That strategy was administered by the New South Wales Ministry for the Arts and is now incorporated within the Department of Arts, Sport and Recreation. The gallery to which the Hon. Melinda Pavey refers is not, and was never, funded by the department and is therefore outside the scope of the motion. That

gallery was funded by the Department of Lands because of an unusual quirk when it was set up. I again ask that the honourable member be drawn back to matters relevant to the motion.

The Hon. Don Harwin: Further to the point of order: Debating any matter while taking a point of order is always out of order, and on that basis the comments that were the basis of most of the Hon. Amanda Fazio's second bite of the cherry were out of order. In any case they were wrong. However, that is a debating point so I will not take the matter any further. The second contribution by the Hon. Amanda Fazio was a second point of order and in no way related to her first point of order. Further, her comments were out of order because she was debating a point. On that basis they should be completely disregarded.

The Hon. Jan Burnswoods: To the point of order: I strongly support the points made by the Hon. Amanda Fazio. I was about to take a point of order focusing on a slightly different aspect of irrelevance.

The Hon. Don Harwin: A ruling should be made on the Hon. Amanda Fazio's first point of order, and then her second point of order, before the Hon. Jan Burnswoods takes a third point of order. I invite the Chair to exercise her role as Chair and make a ruling rather than allow this charade from the Hon. Jan Burnswoods to go any further.

The Hon. Jan Burnswoods: The point of order taken by the Hon. Amanda Fazio was about relevance. I was going to take a point of order about the irrelevance of the comments of the Hon. Melinda Pavey at the time the Hon. Amanda Fazio took her point of order. The Opposition finds the subject of arts funding in Western Sydney hilarious.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! The member will state her point of order.

The Hon. Jan Burnswoods: I am speaking to the point of order of the Hon. Amanda Fazio. It is very difficult to talk over the hilarious giggling from the Opposition. Just prior to the Hon. Amanda Fazio taking her point of order on relevance, the Hon. Melinda Pavey was talking about whether she had seen the Hon. Amanda Fazio at AgQuip. That is proof that the Hon. Melinda Pavey had strayed far beyond the important issue of funding for the arts in Western Sydney. She is wasting the time of the House talking about whom she saw at AgQuip, apart from the fact she did not mention that she did not talk to members of the Liberal Party who were at AgQuip.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! No point of order is involved with regard to the relevance of the comments relating to AgQuip. With regard to the point of order taken by the Hon. Amanda Fazio, in her contribution the member certainly made reference to regional galleries and regional areas of New South Wales. However, I do not recall any reference to funding in that regard. I ask the Hon. Melinda Pavey to confine her remarks to the substantive motion, which related to the arts in Western Sydney. The member may make some reference to regional galleries, but should not comment on any funding arrangements for those galleries.

The Hon. MELINDA PAVEY: The New England Regional Art Museum is a prime example of a beautiful institution created by local people.

The Hon. Tony Kelly: That's mine.

The Hon. MELINDA PAVEY: Is it?

The Hon. Tony Kelly: It is the only one in the State owned by the Department of Lands.

The Hon. MELINDA PAVEY: Does the Minister intend to waive the money it owes?

The Hon. Tony Kelly: I have been waiving its money for a long time.

Pursuant to sessional orders business interrupted.

SPECIAL ADJOURNMENT

The Hon. HENRY TSANG (Parliamentary Secretary) [5.00 p.m.]: I move:

That this House at its rising today do adjourn until Tuesday 5 September 2006 at 2.30 p.m.

ADJOURNMENT

The Hon. HENRY TSANG (Parliamentary Secretary) [5.01 p.m.]: I move:

That this House do now adjourn.

HEALTH SERVICES

Reverend the Hon. FRED NILE [5.01 p.m.]: I will address serious issues affecting the supply of health services to the people of New South Wales. There is a disparity between resources and infrastructure afforded inner city areas as compared with the growing western suburbs and outback areas. The Government has been slow in providing adequate infrastructure in support of the high growth areas in Sydney's south west and in some outback areas.

A disparity also exists between public demand for surgery and the supply of medical specialists, surgeons, operating theatres and recovery beds as a result of budgetary constraints. Operating theatres, specialists and surgeons are being underutilised. Because of these budget constraints, surgeons—for example specialist plastic surgeons—have been allocated only two half days and one full day of surgery a month at Liverpool and Nepean hospitals, during which they are expected to cram in all the work required of them. The President of the Australian Medical Association said yesterday that medical staff are making mistakes because of the intense pressure placed on them.

Questions have also been asked about manipulation of waiting lists. This issue is raised year after year and there is now confusion about what cases should be included on the lists. The Government redefined "cosmetic surgery" and "therapeutic surgery" and then proceeded to remove cosmetic surgery patients from waiting lists. Honourable members may think that cosmetic surgery simply means having a nose reconstruction procedure, but that is not correct. Patients who have suffered terrible facial injuries and those who cannot breathe through their nose now come under the cosmetic surgery umbrella. Despite having already waited for treatment for up to four years, those patients are no longer on waiting lists.

Persons with serious infections in their knee joints are no longer classified as knee reconstruction surgery patients but as cosmetic surgery patients. As a result, many patients with painful conditions who have been waiting for procedures for a long time have suddenly vanished from waiting lists. Patients who have serious but non-life-threatening injuries are increasingly being sent home and are therefore also not included on waiting lists. Patients with severe trauma to limbs and hands are being bandaged up and sent home to wait several days before treatment or surgery. Patients with broken jaws, constantly bleeding from the mouth, can expect to spend five or six days at home waiting for treatment. Again, they do not make it onto waiting lists.

Hospitals are using locums and new graduates to undertake emergency case management and they are diagnosing patients as either not needing care or being beyond care. Once again, that results in their being removed from waiting lists. Senior surgeons are concerned that given the nature of the locums' relationship with hospital administrators—who are in a position to provide work and career-advancing opportunities—it could be in their best interests to reduce the number of patients on waiting lists wherever possible. The apparent use of junior clerks for the collation and coding of medical procedures and operations for statistical analysis is also a concern. Major surgery is often incorrectly coded as a minor procedure by those who do not actively take part in the surgery. For example, a 12-hour micro-surgery operation was recently coded as a minor skin graft at one hospital.

The inflexibility of the Surginet data management system is also a problem. This computer program determines the average time a surgeon should take to perform any given procedure. As a result, surgeons are being limited in the time they are given to operate, and that becomes problematic when surgery is being understated or miscoded, or an operation is more complex and falls outside the standard deviation. That impacts on the waiting lists and pushes everyone back.

Some serious matters need to be addressed in the State's health system. It is argued that responsibility for health care should be transferred to the Federal Government. This is a serious situation and there may be a case for a royal commission into the hospital system conducted by a joint Federal-State body. It would be independent of political parties, it would deal with facts, and it could make recommendations about how to improve the public hospital system in this State and in other States.

GENERAL SIR JOHN MONASH

The Hon. KAYEE GRIFFIN [5.06 p.m.]: On Wednesday 21 June 2006 I had the pleasure of representing the Premier at the Inaugural General Sir John Monash Commemorative Service held in Sydney. The service was conducted by the Spirit of Australia Foundation at Scots College in Bellevue Hill. Students from six schools attended the ceremony to pay tribute to one of our best-known war heroes. The 2nd/17th Royal New South Wales Regiment Catafalque Party and the Scots Cadets took part in the service.

John Monash was born on 27 June 1865 in Melbourne to a Prussian-Jewish family. He was educated at Scots College from 1877 to 1881 and was dux in his final year of school. After leaving school he went to the University of Melbourne, where he studied law, arts and engineering. In 1884 Monash's military career began after he joined the university's company of the 4th Battalion of the Victorian Militia. Following that he moved to the North Melbourne Battery of the Metropolitan Brigade of the Militia Garrison Artillery. He reached the rank of Colonel by 1913 and was then appointed to command the 13th Infantry Brigade.

With the outbreak of the First World War in 1914, Monash was transferred to active service and in 1915 he took command of the 4th Infantry Battalion. It was during this command that Monash served in Gallipoli. In 1916 he was promoted to Major-General. By that time he was in command of the 3rd Division of the Australian Imperial Forces, which was serving in France. In 1918 Monash succeeded General Birdwood as the Australian Corps Commander. Here Monash devised a highly successful plan of attack during the famous Battle of Le Hamel. The plan would see allied forces regain control of an area that was occupied by German forces. He led his troops with great skill and his efforts did not go unnoticed.

After the capture of Mont St Quentin and Peronne, Monash was knighted by King George V in recognition of his role in the Battle of Le Hamel. His knighthood was conferred on the battlefield on 12 August 1918. He was the first to receive that honour in more than 200 years. The result of the Battle of Le Hamel was clearly the greatest achievement of his military career. The battle was described as the first modern battle in which tanks, artillery, air force and infantry worked collectively as part of an organised campaign. Monash was a great commander because of his meticulous planning and organisational skills.

At the conclusion of the war, General Sir John Monash returned to Australia and became the Director General of the Repatriation and Demobilisation Department. His responsibility was to oversee the return of Australian troops from Europe. After the Armistice he was assigned the task of repatriating 160,000 troops. That was done in less than eight months and was considered a remarkable achievement. After his role as the director general finished, Monash decided to resume his engineering career. He took on the role as General Manager of the State Electricity Commission of Victoria and later became the chairman of the commission.

Monash excelled in this role, and under his direction the State Electricity Commission was instrumental in developing Victoria's brown coal reserves into electricity. This result dramatically increased the State's power supply and meant that Victoria no longer had to rely on what was seen as a very expensive and unreliable power supply being provided by New South Wales. The task was arduous but Monash again demonstrated his brilliant strategic mind and aptitude for dealing with these challenges.

On Thursday 8 October 1931 General Sir John Monash died of coronary heart disease. The then Premier, the Hon. Edmond Hogan, emotionally announced to the Victorian Parliament that General Sir John Monash had passed away. The following day Sir John Monash's body was taken to Parliament House in Victoria to lie in State. A large crowd of up to 250,000 mourners queued for hours to pay their respects to this man. On the Sunday after his death the funeral procession began through the streets of Melbourne. The horse-drawn gun carriage that carried his coffin was draped in the Australian flag, and on top of General Sir John Monash's coffin was placed his cap and sword. The newspapers of the day reported that mourners gathered around as far as the eye could see, hoping to catch a last glimpse of the great man's final parade.

The service held by the Spirit of Australia Foundation ensures that future generations are aware of the legacy of Sir John Monash. His reputation is not only as a great soldier but also as a scholar, engineer and public servant. I was pleased to represent the Premier at this service commemorating one of Australia's finest role models.

KANYINI FILM SCREENING

The Hon. PATRICIA FORSYTHE [5.11 p.m.]: Last week I was privileged to attend a screening of the film *Kanyini*. The screening was sponsored by the Macquarie Bank Foundation, with proceeds from the film going to the Mutujulu Foundation. *Kanyini* is a deeply moving story directed by Melanie Hogan and narrated by former Indigenous Person of the Year Bob Randall. "Kanyini" in Pitjantjatjara means "connectedness". It is the essence of Aboriginal culture. The film is based on Bob Randall's personal journey. Bob is one of the custodians of Uluru and is a member of the stolen generation. But this is not a bitter film; rather, it is wise. Uncle Bob has a voice that is both strong yet calm, and the film is both Bob's story and that of indigenous people, especially those from Central Australia.

The film draws on early black and white footage of Aboriginal families living in the bush before they were overwhelmed by our so-called modern culture. It is the story of indigenous ways clashing against materialist ways and values. It is not a story of progress. What is overwhelming is that in the black and white footage we see happy, healthy children and families, but that is not the modern picture of the people around Uluru. It is not the modern picture because, as Uncle Bob explains, there has been the loss of connectedness.

I understand Kanyini to mean "to have, to hold, to care". For Aboriginal people it is through care and responsibility—to the land, the family, their stories, their dance, their songs—that they are bound together. History shows that we took Aboriginal people from their land and children from their families, and that we imposed new mores—with no thought that we were taking their identity or, most important, their self-worth. Clearly, unless we understand what informs Aboriginal culture, we will never be able to walk with them to a shared and positive future.

I bring this film to the attention of the House for two reasons. Firstly, I was struck by a comment made to me at the screening by another wise Australian, Nick Greiner. He said, "Patricia, this film should not be seen merely by the likes of you and me and this audience; it belongs in our schools and wherever we can challenge ignorance." Secondly, last week at the History Summit, which was organised by the Federal Government to focus on the future direction of the teaching of our history, there was importantly a recognition that the story of indigenous Australians has to be taught to all students. The Prime Minister told the summit:

I don't think you can have a proper teaching and comprehension of Australian history without a proper understanding of indigenous history and the contribution of the indigenous experience to Australia's development and the Australian story.

The Federal Minister for Education, Science and Training, the Hon. Julie Bishop, said:

We need to think honestly about how we bring this inheritance to life and weave it into the national story.

The Federal Government must be congratulated on organising the summit. As the House knows, my first career was as a history teacher. Despite having a degree in history, at no time was I taught or asked to teach anything about our indigenous history or culture. How refreshing it is to hear the words of the Prime Minister and the Federal Minister for Education, Science and Training. Writing in *The Australian* this week on the communiqué issued at the end of the summit, Jackie Huggins, who is the co-chairwoman of Reconciliation Australia and a distinguished indigenous academic, noted that all Australians, and especially our children, should know that indigenous culture is one of the world's oldest surviving cultures and that we should all be proud of that culture. She wrote:

The teaching of our shared history is the key to reconciliation because it allows us to understand each other and to build healthy, respectful relationships. It discourages the denigration of indigenous culture that allows people to stereotype us ...

History teaches us that we must learn the lessons of the past to prepare for the future. *Kanyini* is one small step towards that understanding, and last week's History Summit, I hope, represents a giant step towards the future. I hope the Board of Studies will give consideration to recommending *Kanyini* as a teaching resource and part of any review of the teaching of history in New South Wales schools.

UNITED STATES AMBASSADOR TO AUSTRALIA, MR ROBERT McCALLUM

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.15 p.m.]: The new United States Ambassador to Australia, Robert McCallum, finally arrived last week and took no time to set the agenda for his tenure. There has been no United States Ambassador for 19 months—which some might think is quite an insult for an ally that has followed United States foreign policy as slavishly as Australia has. It is clear that now that McCallum has

arrived he intends to push the hard-line Bush agenda and to continue the tradition of the United States interfering in Australian politics that was evident in the last incumbent.

Members may recall the last United States ambassador, Tom Schieffer, who challenged the then leader of the Labor Party, Mark Latham, over Latham's pledge during the 2004 election campaign to bring the troops home from Iraq. In his first media appearance on his arrival, McCallum defended Schieffer's actions in Australia, saying he had done nothing wrong. McCallum said:

I don't necessarily accept that Ambassador Schieffer was in any way trying to interfere with the internal politics of the Commonwealth of Australia.

Well, if that is not interfering, I do not know what is. Of course it was interference—and of the worst kind. The ambassador sought to stifle debate in Australia on an issue that was sensitive to the United States. McCallum went on to firmly set out the same agenda for his tenure by defending the United States treatment of David Hicks and the war in Iraq. Mr McCallum was asked whether the United States was complying with international law by keeping David Hicks in Guantanamo Bay for more than 4½ years with no formal charges and no trial in sight. He said:

The rule of law, international established law, the law of war, allows the detention of enemy combatants during the course of the hostilities. There is still a war on terror.

Quite apart from the fact that Guantanamo Bay has about as much legitimacy in United States law as Nauru has in Australian law, it has not yet been proved in court that Hicks was a combatant—and, of course, in law an undeclared war is not technically a war. So to use the phrase "war on terror" does not actually make any difference. McCallum, though a well-paid lawyer, seems to have a very selective respect for the law. He should know the law well. He had been a tobacco company lawyer for R. J. Reynolds with Alson and Bird, as I pointed out in my adjournment speech of 9 May. But he became acting United States Deputy Attorney-General and, as described in an article in the *Age* of 11 June, William Birnbauer wrote:

The man George Bush wants as the next US ambassador to Australia took "aggressive actions" to destroy a multibillion-dollar fraud case against tobacco companies, according to the US Government's top prosecutor in the case.

Robert McCallum, the US Associate Attorney-General, was said to have undermined the case once it became apparent that prosecutors could win.

The claims were made by Sharon Eubanks, who led the US Justice Department's nine-month prosecution against the tobacco firms. Last week an internal Justice Department inquiry found no wrongdoing by Mr McCallum, clearing the way for him to become the US ambassador in Canberra.

Controversy has dogged Mr McCallum over his role in slashing the penalty the Justice Department sought to impose on tobacco companies from \$US130 billion (\$A174 billion) to \$US10 billion. He was also accused of pressuring three witnesses to tone down their testimony in relation to the penalty.

In an exclusive interview, Ms Eubanks said: "Robert McCallum definitely was not supportive of the trial team's efforts ... He took aggressive actions to destroy our efforts when it became clear that we had firm legal bases for seeking much more meaningful remedies from the court.

"I should be clear about this: Robert McCallum directed the position taken on remedies sought by the United States. It did not matter to him what the evidence actually demonstrated and supported, rather, it was only the bottom line that mattered to him—the lower the better."

Ms Eubanks made her comments to *The Sunday Age* and a TV documentary team consisting of Melbourne filmmaker Terry Carlyon and this journalist. A second former Justice Department lawyer, Brett Spiegel, backed Ms Eubank's version of events.

Mr McCallum was appointed to a senior Justice Department post by Mr Bush and had oversight of the tobacco case.

Mr Spiegel said the department's political appointees had undermined the trial team.

"We were working under an administration whose inaugural ball was paid for by (tobacco company) Philip Morris. You're getting some mixed signals when you have that situation."

So here we have an ambassador who was the United States Deputy Attorney-General and who apparently undermined a law case started by President Clinton against big tobacco. But he was cleared by an internal departmental inquiry, the Justice Department's Office of Professional Responsibility. The office found that he did not "engage in professional misconduct or exercise poor judgement". No doubt Bush also controls the people who carried out the internal departmental inquiry. As I pointed out before, members should be aware also

of how Mr McCallum became Ambassador to Australia. He went to Yale University and has been friends with George Bush since he was 19; they were in the same fraternity at Yale, called the Skull and Bones Society.

McCallum says that while in Australia he has three priorities: to support, maintain, and advance the close relationship between Australia and the United States in military and intelligence matters; to further the free trade agreement between the two countries; and a "public diplomacy" role to convince Australians that the United States really does love them. He plans to put the views of United States pharmaceutical companies, which want greater access to Australian markets under the free trade agreement. It might be noted that pharmaceutical industry profits are way above industry norms, and that the Australian Pharmaceutical Benefits Scheme [PBS] delivered Australians the cheapest drugs in the world, effectively by bulk-buying for the whole country. The PBS was watered down by John Howard by putting a drug industry person on its innermost group after furious lobbying by the United States pharmaceutical company Pfizer.

It is not surprising that McCallum would be pushing this agenda, as he has been pushing the agenda of the tobacco industry for a long time. It is very disappointing that the United States has appointed such an ambassador here—and someone has to say so.

PACIFIC HIGHWAY UPGRADE

The Hon. ROBYN PARKER [5.20 p.m.]: The Legislative Council member for Vacluse, the Minister for Roads, Eric Roozendaal, has obviously taken some media training in the past few weeks and has a new style of mumbling, almost whispering, into the microphone when asked questions. But it does not matter because his decisions, his actions, and his arrogant ways reverberate very loudly in the areas where I work—Port Stephens and Maitland. His inability to rein in the Roads and Traffic Authority [RTA], his riding roughshod over the local community, and his lack of political consultation are quite breathtaking.

When I asked the Minister today about the Pacific Highway upgrade and the link between the F3, Heatherbrae and Raymond Terrace, his reply was that when political decisions are made there are always winners and losers. There are winners and losers, and when this Government is turfed out in March 2007 we will see who the losers are then. The people of Port Stephens cannot cop this arrogant disregard for their issues any longer. The road may well be a very important and very vital road—there is no denying that—but in the middle of a consultation process the absolute arrogance of making a decision about a preferred route without even consulting the council, without having a meeting or a briefing with the council and councillors, is just breathtaking.

Without even consulting and talking to business owners in the area, a preferred route announcement was made this week. Fortunately we have a great council in Port Stephens, led by Mayor Craig Baumann—an outstanding candidate for Port Stephens, who will provide outstanding representation. He drew this to my attention yesterday. He said that despite requests to the RTA and the Minister there has been no consultation: this preferred route has been announced with a consultation period of only a couple of weeks for people to respond.

There has been no consultation with businesses such as Weathertex, which employs hundreds of people, yet this road is going to cut right through their area. It is going to divide the industrial zone at Heatherbrae and it is going to make it very difficult for some of the businesses. These are businesses that inject millions of dollars into the local economy. There are proposals for industrial zones in this area and we need to make sure that this route is the correct one. Surely the council has relevant information about it at its fingertips. One would think the Minister for Roads, mumbling and whispering away, is obviously hiding from the fact that he does not care. This road has been called a missing link by the Minister. I think he is the missing link.

We have seen many examples of this attitude in Port Stephens over the past few years. Former Ministers for Roads Costa and Tripodi, and now the Legislative Council member for Vacluse, Minister Roozendaal, have disregarded the people who live in Hawks Nest and Tea Gardens. The dual carriageway of the Pacific Highway is going right past their intersection and the refusal by Minister after Minister, and now Premier Iemma, to provide a proper flyover instead of an upgrade intersection, is just beyond belief. This area attracts at least 1,000 vehicles a day over the holiday period, towing boats and caravans, and yet Minister after Minister fails to listen.

Other communities such as Bulahdelah and Karuah have flyovers, but the people of Hawks Nest and Tea Gardens are totally disregarded. It looks to me as though this Minister is going to wait until there are

fatalities—how many fatalities we do not know—before a commonsense flyover is built. The Federal Minister for Roads, Jim Lloyd, has asked for a flyover; he has said that Federal money is available and that it should be applied now along with State Government funding while the dual carriageway is being built rather than years and years later.

So there is co-operation from the Federal Government; it has funded part of this road. Surely this Government and this Minister could make a commonsense contribution of about \$16 million. The Liberal-National Coalition will certainly do this. We are listening to people. We do not think there are winners and losers in Port Stephens; we think they are all important. Community consultation is vital. This State needs a government that provides better services and better infrastructure, a government that consults people and listens instead of mumbling away into a microphone and letting the RTA run the show.

WESTEND ESTATE WINERY

The Hon. HENRY TSANG (Parliamentary Secretary) [5.25 p.m.]: I wish to report to the House the successful marketing of Riverina wines into China. The Hon. Catanzariti and I had the great pleasure to host a lunch today for Westend Wines, a Griffith-based winery, to celebrate its move into the Chinese export market. Members may be aware that Westend wine has been named by the New South Wales Wine Industry as the 2005 wine of the year, and that that wine is currently served at Parliament House. Bill Calabria, the celebrated winemaker and owner of Westend Wines, signed his first order of wine to China, consisting of three containers, with more to follow. This is great news for a wine-producing sector struggling with an oversupply of grapes and low prices.

What is different with this deal, however, is that it is not just about entry into an emerging wine market. In this case Westend signed a very important contract with a Shanghai-based company led by Mr Yongang Zheng, who, as an equity partner in Westend, helped the company establish an export market with a well planned distribution network right through China. Until now this has been one of the biggest problems with wine export to China. Quite a few companies have managed to gain a foothold into the Chinese market, but without a strong local network it proved quite difficult. This is therefore an investment strategy for both companies, with strong prospects of mutual benefit.

Mr Zheng's partnership with Westend will help the company with its export to China and at the same time expand its production and operations in Griffith. Mr Zheng also noted that his investment of \$US1 million was his first step in the wine sector in Australia and China and, more importantly, that he was looking forward to expanding his operations after this deal. Mr Zheng would like to set up the distribution network initially in Shanghai and Xinjiang Province and to include more agricultural produce from the Riverina and New South Wales. Bill Calabria and Westend's bold move will provide confidence to everyone in the industry who is finding it difficult at the moment. Its success will pave the way for other sectors to reap the benefits of an established market.

I would like to give credit to the role played by my colleague the Hon. Tony Catanzariti. I remember that when he became the Chair of the Standing Committee on State Development he invited me to the Riverina, even though he knows I have a soft spot for the Hunter region. Indeed, the Hon. Tony Catanzariti gave me the chance to understand the potential of the Riverina. With his help I was able to bring Mr Zheng and his colleague Mr Victor Yu to the Riverina and, as a result, \$1 million was invested in the infrastructure. The investors are grateful for the contribution of the Hon. Tony Catanzariti. The Minister for Primary Industries, the Hon. Ian Macdonald, and the Minister for Regional Development, the Hon. David Campbell, attended today's lunch. The Hon. David Campbell stated:

The NSW Government has supported and encouraged Westend Estate's move to open trade with China.

A Heads of Agreement for the import and distribution of the Westend Estate products to China was signed with Shanghai-based businessman Yonggang Zheng in February this year.

And the partnership was formalised today, with a contract signed at Parliament House ...

The Hon. Tony Catanzariti stated:

The contract signifies a move into a potentially enormous market in China and formalises an investment partnership with both companies.

Westend Estate's partnership and investment from Shan Shan Holdings will help the winery increase production.

This is good news and I pay tribute to them.

LIGHTNING RIDGE HOUSING

Ms SYLVIA HALE [5.30 p.m.], by leave: I visited Lightning Ridge on 24 and 25 July during the recent parliamentary break. My day started with a meeting at the neighbourhood centre with a group of community workers, activists and volunteers, who quickly made me aware of their concerns about the absence of social housing in Lightning Ridge and the impact this was having on the town's residents. According to Worlds Apart, a 2001 survey by the National Centre for Social and Economic Modelling, almost 25 per cent of Lightning Ridge's residents and more than 40 per cent of its children are living in poverty. Housing is in short supply.

The Department of Housing either does not know or, more probably, does not want to know how many people are living in Lightning Ridge. The Australian Bureau of Statistics figures are inaccurate. Many people are living in shanties or camps on the Grawin, Glengarry and Sheepyards opal fields, where Walgett council asserts no-one lives. The Department of Housing is using the inaccurate figures as an excuse for not providing social housing. Despite a long history of community pleas for the provision of public housing, former Walgett councillor Joan Treweek told me of a meeting with Helen Morgan and Mark Byrne from the Office of Community Housing in Orange, who said that the department had "no commitment to public housing in Lightning Ridge".

The department claims there is no demand for public housing, as people do not register to go on the waiting list for housing. Ollie Chiu, a women's refuge co-ordinator said, "It's an insult to ask people to fill in forms to go on a waiting list for housing that doesn't exist." Private rental housing is not readily accessible either. I spoke to real estate agent Danielle Osborne, who confirmed the extent of the problem. She said that in the previous week she could find rental properties for only three of the 10 people who were looking for them. Unlike the camps, private rental housing would have water and power connected.

Ollie Chiu pointed out a camp in the centre of Lightning Ridge less than 40 metres from powerlines. Country Energy says its charge for connecting power to that camp is \$10,000. An elderly woman who owns a camp wants to return there because she can no longer afford the \$150 she pays for private rental accommodation in Lightning Ridge but obviously she will never be able to come up with the \$10,000 for the power connection. She faces a future without power for heating, cooling or refrigeration—a sure recipe for ongoing health problems.

I visited a camp at Three Mile. It was scrupulously neat and tidy despite the mud and unsealed roads. I was shocked that a young, single mother was expected to raise two young children there, living in a dwelling with no water, no sewerage, and no power. With rising oil prices she expected the cost of running her generator and buying water to skyrocket. She regularly paid \$20 in taxi fares to go into town to stock up on food and supplies but shortly before I arrived the taxi had an accident and, short of walking into town, she was stranded.

I was shown another camp where a man had been found dead, a casualty of isolation, appalling housing, and neglect. I was told of young people who had come to mine opals but now, a number of years on, as they age, find themselves trapped and unable to afford to move elsewhere. Dental care is beyond the reach of most of these people but without it they suffer pain, ongoing infection, increased risk of heart disease and pregnancy problems.

I travelled to Lightning Ridge via Dubbo by train and bus. I enjoyed the trip because it gave me a chance to see country and towns I had not seen before. But I was shocked when told about the increased number of people diagnosed with cancer who have to go to Sydney for treatment but cannot afford the plane fare. For them, unable to afford the cost of accommodation in Sydney, the 11-hour trip home on the train and bus after chemotherapy must be a nightmare.

A brighter note was my visit to Barriekneal Housing Limited. Established in 1978, it had succeeded in obtaining funding to build or purchase 29 properties in Lightning Ridge and has plans to acquire more. Barriekneal meets part of the needs of the indigenous community for suitable housing and is integrated into the town. Significantly, it is a case of there being none so blind as those who will not see. Some months ago the Minister for Housing visited Lightning Ridge, but although she went to Barriekneal she refused to meet with community activists, who were keen to talk to her about conditions in the camps and the urgent need for public housing. Lightning Ridge needs funding and needs essential infrastructure, which would allow its residents to make permanent, long-lasting changes.

Motion agreed to.

The House adjourned at 5.34 p.m. until Tuesday 5 September 2006 at 2.30 p.m.
