

LEGISLATIVE COUNCIL

Tuesday 14 November 2006

The President (The Hon. Dr Meredith Burgmann) took the chair at 2.30 p.m.

The Clerk of the Parliaments offered the Prayers.

The PRESIDENT: Order! I acknowledge that we are meeting on Eora land.

ASSENT TO BILLS

Assent to the following bills reported:

Bail Amendment (Lifetime Parole) Bill
 Business Names Amendment Bill
 Crimes Amendment (Apprehended Violence) Bill
 Crimes (Forensic Procedures) Amendment Bill
 Election Funding Amendment Bill
 Fair Trading Amendment (Motor Vehicle Insurance and Repair Industries) Bill
 Passenger Transport Amendment Bill
 Professional Standards Amendment (Defence Costs) Bill
 Road Transport Legislation Amendment (Drug Testing) Bill
 Succession Bill
 Crimes (Administration of Sentences) Amendment Bill
 Firearms Amendment (Good Behaviour Bonds) Bill
 Electricity Supply Amendment (Greenhouse Gas Abatement Scheme) Bill
 Ports Corporatisation and Waterways Management Amendment Bill
 Crown Lands Legislation Amendment (Carbon Sequestration) Bill
 Road Transport (General) Amendment (Intelligent Access Program) Bill
 State Revenue Legislation Amendment (Tax Concessions) Bill
 Criminal Procedure Amendment (Sexual and Other Offences) Bill

POLICE INTEGRITY COMMISSION

Report

The President announced the receipt, pursuant to the Police Integrity Commission Act 1996, of the annual report for the year ended 30 June 2006.

The President announced further that, pursuant to the Act, it had been authorised that the report be made public.

Ordered to be printed.

OFFICE FOR CHILDREN

Report

The President announced the receipt, pursuant to the Annual Reports (Departments) Act 1985, of a report for the period 3 April 2006 to 30 June 2006.

Ordered to be printed.

CHILDREN'S GUARDIAN

Report

The President announced the receipt, pursuant to the Children and Young Persons (Care and Protection) Act 1998, of the annual report for the year ended 30 June 2006.

The President announced further that, pursuant to the Act, it had been authorised that the report be made public.

Ordered to be printed.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE

Report

The President announced the receipt, pursuant to the Commission for Children and Young People Act 1998, of the annual report for the year ended 30 June 2006, together with two children's versions of the report entitled "Feedback 2006".

The President announced further that, pursuant to the Act, it had been authorised that the report be made public.

Ordered to be printed.

CHILD DEATH REVIEW TEAM

Report

The President announced the receipt, pursuant to the Commission for Children and Young People Act 1998, of the annual report for the year ended 31 December 2005, together with a summary.

The President announced further that, pursuant to the Act, it had been authorised that the report be made public.

Report ordered to be printed.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The President tabled, pursuant to the Independent Commission Against Corruption Act 1988, the annual report for the year ended 30 June 2006.

The President announced further that, pursuant to the Act, it had been authorised that the report be made public.

Ordered to be printed.

MINISTRY

The Hon. JOHN DELLA BOSCA: I advise the House that on 26 October 2006 the Hon. Eric Michael Roozendaal, MLC, was designated as a Senior Minister. I inform the House further that on 8 November 2006 the Hon. Reba Paige Meagher was appointed as Minister for Aboriginal Affairs, and Minister Assisting the Premier on Citizenship.

CLERK ASSISTANT COMMITTEES

The PRESIDENT: I inform the House that Mr Warren Cahill, Clerk Assistant (Committees), has accepted an offer of voluntary redundancy effective from 31 October 2006.

CLERK ASSISTANT—PROCEDURAL SUPPORT AND USHER OF THE BLACK ROD

The PRESIDENT: I inform the House further that on 8 November 2006 Mr Stephen Reynolds was appointed Clerk Assistant—Procedural Support and Usher of the Black Rod.

GRETLEY MINE DISASTER**Production of Documents: Order****Motion by the Hon. Duncan Gay 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 the following documents in the possession, custody or control of the Minister for Mineral Resources, the Department of Mineral Resources, the Attorney General or the Attorney General's Department:

- (a) any document which discloses legal advice relating to the liability of the Department of Mineral Resources or the decision not to prosecute the Department of Mineral Resources, in relation to the Gretley mine disaster in 1996,
- (b) the "skeleton tracing" map of 1909 as catalogued in the State archives as MS28/7067; Gretley Inquiry: Exhibit 17.17,
- (c) all documents in relation to any investigation into the liability of United Mining Support Services (UMSS) liability in relation to the Gretley mine disaster including, but not limited to, any advice to the Government as to why the UMSS should not be prosecuted, and
- (d) any document which records or refers to the production of documents as a result of this order of the House.

POWERCOAL CABLE SNAP**Production of Documents: Order****Motion by the Hon. Duncan Gay 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 the following documents in the possession, custody or control of the Minister for Mineral Resources, the Department of Mineral Resources, the Attorney General or the Attorney General's Department:

- (a) any document which discloses legal advice relating to the liability of the Department of Mineral Resources or the decision not to prosecute the Department of Mineral Resources, in relation to the PowerCoal cable snap on 6 May 1999, and
- (b) any document which records or refers to the production of documents as a result of this order of the House.

TABLING OF PAPERS**The Hon. Henry Tsang tabled the following papers:**

- (1) Annual Reports (Statutory Bodies) Act 1984—Reports for the year ended 30 June 2006:
Building Insurers Guarantee Corporation
Fair Trading Administration Corporation Rental Bond Board
- (2) Report of Independent Transport Safety and Reliability Regulator entitled "Implementation of the NSW Government's Response to the Final Report of the Special Commission of Inquiry into the Waterfall Accident—Reporting Period July-September 2006", dated October 2006.

Ordered to be printed.**TABLING OF PAPERS NOT ORDERED TO BE PRINTED**

The Hon. Henry Tsang tabled, pursuant to Standing Order 59, a list of all papers tabled in the previous month and not ordered to be printed.

The following paper was ordered to be printed:

Report of Department of Community Services on review of the Adoption Act 2000, dated October 2006.

GENERAL PURPOSE STANDING COMMITTEE NO. 1**Report: Budget Estimates 2006-2007**

The Clerk announced the receipt, pursuant to standing orders, of report No. 30, entitled "Budget Estimates 2006-2007", dated October 2006, together with transcripts of evidence, tabled documents, correspondence and answers to questions on notice.

The Clerk announced further that, pursuant to standing orders, it had been authorised that the report be printed.

Reverend the Hon. FRED NILE [2.38 p.m.]: I move:

That the House take note of the report.

General Purpose Standing Committee No. 1 has an important role to play in conducting budget estimates inquiries into the portfolio allocations for The Legislature, the Premier, Industrial Relations, Treasury, and Education and Training, but particularly for The Legislature. The committee sought a great deal of information about the impact of reductions to the parliamentary budget on services and staffing levels, about changes to the Parliament's Food and Beverage Services, and about strengthening Parliament's autonomy over its own budget.

During the examination of the estimates for the Premier's Department questions were raised about compensation issues in relation to the Lane Cove Tunnel, counterterrorism preparations, the registration of political parties for the forthcoming State election, the Strategic Projects Unit, and the New South Wales draft State Plan. Under Industrial Relations, the committee followed up on initiatives relating to workplace deaths, injury and safety, including the introduction of counsellors and workplace inspections. Under Treasury, the committee dealt with the State infrastructure plan, monitoring infrastructure project delays and road tolls. Under Education and Training, we dealt with the accreditation of teachers, religious education in State schools, the qualifications of school counsellors, attendance by Aboriginal students in State schools, and assistance for students in drought-affected rural and remote areas.

Debate adjourned on motion by Reverend the Hon. Fred Nile.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of the report entitled "Financial Audit: Volume Three 2006: Total State Sector Accounts", dated October 2006.

The Clerk announced further that, pursuant to the Act, it had been authorised that the report be printed.

LEGISLATION REVIEW COMMITTEE

Report

The Clerk announced the receipt, pursuant to the Legislation Review Act 1987, of the report entitled "Legislation Review Digest No. 16 of 2006", dated 10 November 2006.

The Clerk announced further that, pursuant to the Act, it had been authorised that the report be printed.

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Government Response to Report

The Clerk announced the receipt, pursuant to standing orders, of the Government's response to report No. 16, entitled "Pacific Highway Upgrades: Final Report", tabled 11 May 2006.

The Clerk announced further that, pursuant to standing orders, it had been authorised that the response be printed.

GLADESVILLE HOSPITAL SITE

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 18 October 2006, documents relating to the Gladesville Hospital received on 1 November 2006 from the Director General of the Premier's Department, together with an indexed list of documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

FUNERAL INDUSTRY**Production of Documents: Return to Order**

The Clerk tabled, pursuant to the resolution of 18 October 2006, documents relating to the funeral industry received on 1 November 2006 from the Director General of the Premier's Department, together with an indexed list of documents.

FORESTS NSW AND BORAL TIMBER**Production of Documents: Return to Order**

The Clerk tabled, pursuant to the resolution of 18 October 2006, documents relating to Boral Timber received on 1 November 2006 from the Director General of the Premier's Department, together with an indexed list of documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

CRONULLA RIOTS REPORT**Production of Documents: Return to Order**

The Clerk tabled, pursuant to the resolution of 25 October 2006, documents relating to the police report into disturbances following Cronulla riots received on 1 November 2006 from the Director General of the Premier's Department, together with an indexed list of documents.

LANE COVE TUNNEL PROJECT DEED**Production of Documents: Return to Order**

The Clerk tabled, pursuant to the resolution of 19 October 2006, documents relating to the Lane Cove Tunnel Project deed received on 2 November 2006 from the Director General of the Premier's Department, together with an indexed list of documents.

HUNTER AND OUTER SUBURBAN RAIL CARS**Production of Documents: Return to Order**

The Clerk tabled, pursuant to the resolution of 18 October 2006, documents relating to Hunter rail cars received on 8 November 2006 from the Director General of the Premier's Department, together with an indexed list of documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that the documents are available for inspection by members of the Legislative Council only.

M5 EAST TUNNEL FILTRATION**Production of Documents: Return to Order**

The Clerk tabled, pursuant to the resolution of 18 October 2006, documents relating to M5 East tunnel filtration received on 8 November 2006 from the Director General of the Premier's Department, together with an indexed list of documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that the documents are available for inspection by members of the Legislative Council only.

SPIT BRIDGE WIDENING**Production of Documents: Return to Order**

The Clerk tabled, pursuant to the resolution of 18 October 2006, documents relating to Spit Bridge widening received on 8 November 2006 from the Director General of the Premier's Department, together with an indexed list of documents.

MALDON-DOMBARTON RAIL LINE**Production of Documents: Return to Order**

The Clerk tabled, pursuant to the resolution of 25 October 2006, documents relating to Maldon-Dombarton rail line received on 8 November 2006 from the Director General of the Premier's Department, together with an indexed list of documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that the documents are available for inspection by members of the Legislative Council only.

STATE BUDGET FINANCES**Production of Documents: Return to Order**

The Clerk tabled, pursuant to the resolution of 19 October 2006, documents relating to State finances received on 9 November 2006 from the Director General of the Premier's Department, together with an indexed list of documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that the documents are available for inspection by members of the Legislative Council only.

TUNNEL FILTRATION**Production of Documents: Report of Independent Legal Arbiter and Documents Reported to be Not Privileged Made Public**

The PRESIDENT: I inform the House that on 24 October 2006 the Clerk received from Ms Lee Rhiannon a written dispute as to the validity of a claim of privilege on documents lodged with the Clerk on Thursday 20 June 2006 relating to a further order for papers regarding tunnel filtration. According to standing orders, Sir Laurence Street, being a retired Supreme Court judge, was appointed as an independent arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk released the disputed documents to Sir

Laurence Street, who has now provided his report to the Clerk. The report is available for inspection by members of the Legislative Council only.

PETITIONS

Freedom of Religion

Petitions praying that the House reject legislative proposals that would detract from the exercise of freedom of religion, and retain the existing exemptions applying to religious bodies in the Anti-Discrimination Act, received from the **Hon. Greg Donnelly**, **Reverend the Hon. Fred Nile** and the **Hon. Melinda Pavey**.

Same-sex Marriage Legislation

Petitions opposing same-sex marriage legislation, received from the **Hon. David Clarke**, the **Hon. Greg Donnelly** and **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**.

Alcohol Advertising

Petition stating that the advertisement of alcoholic beverages has an adverse impact upon youth and requesting that the House support the Alcoholic Beverages Advertising Prohibition Bill, received from **Reverend the Hon. Fred Nile**.

Family Rights and Responsibilities

Petition praying that the House respect rights and responsibilities of parents by taking stronger action against child abuse and rejecting increased control of use by parents of corporal discipline in the home, received from **Reverend the Hon. Fred Nile**.

BUSINESS OF THE HOUSE

Withdrawal of Business

Private Members' Business item No. 103 outside the Order of Precedence withdrawn by the Hon. Greg Pearce.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Orders of the Day Nos 1 to 4 postponed on motion by the Hon. Tony Kelly.

CHARTER OF BUDGET HONESTY (ELECTION PROMISES COSTING) BILL

Second Reading

The Hon. MICHAEL COSTA (Treasurer, Minister for Infrastructure, and Minister for the Hunter) [3.00 p.m.], on behalf of the Hon. John Della Bosca: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Charter of Budget Honesty (Election Promises Costing) Bill provides an impartial framework for costing election promises in the lead-up to New South Wales election.

The Bill ensures that the New South Wales Treasury will be made available to cost the election promises made by both the Government and the Opposition.

Those costings will include a four-year forward projection encompassing both capital and recurrent commitments.

The costings will be publicised, allowing the electorate and the media to judge each side's credibility and to see how its promises stack up.

With the bill in place, parties will no longer be able to promise the world, as the Opposition has done, while failing to say how they will pay for it.

The onus will be on the Opposition to say how it will pay for its \$25 billion of unfunded promises.

Election promises must be costed and they must be credible.

The people of this State deserve and demand no less.

The voters are more economically literate than ever before and they will not be conned by a fistful of dollars.

That is why we need to rebuild the community's faith in the political process through this measure.

We need to demonstrate that we can deliver what we promise.

That is the fundamental principle behind the bill.

Another key purpose of the bill is to ensure the sound and prudent management of the State's finances.

The New South Wales Government is, by any measure, a serious enterprise, with a \$43 billion budget and the largest work force in the nation.

A key element of sound financial management is the robust costing of future funding commitments, providing greater certainty about what government can and cannot afford to do into the future.

That means governments can plan in advance for future costs, such as rising school enrolments or an ageing population.

It also means that governments can plan better for unexpected shocks without having to cut frontline services.

A robust process for costing future commitments also allows governments to demonstrate fiscal responsibility to the business community, to the community and to the ratings agencies.

Having been placed on credit watch in 1991 we must ensure that New South Wales' triple-A credit rating is never again put in peril.

The bill will also ensure the New South Wales Government's ability to adhere to the long-term plan laid out in the State Infrastructure Strategy, which is predicated on prudent and affordable levels of borrowing.

The borrowings under the State Infrastructure Strategy have been supported by the international ratings agencies on the proviso that we restrain outlays and limit revenue growth.

Reckless election promises could seriously undermine our ability to service the prudent debt levels planned for the next decade, and the people of New South Wales, the ratings agencies and our lenders are all entitled to know whether rash election promises will harm our ability to pay our way.

The other main principle underlying this bill relates to expertise. The bill proposes that the pre-election costings be undertaken by the body best equipped to do them: the oldest government agency in the State, the New South Wales Treasury.

Costings must be done by those who are best qualified and informed to do them, and nobody has more expertise in costing election promises and managing the State's finances than the New South Wales Treasury.

Costing of a road or a promise to hire extra police for example is the bread and butter of Treasury work—knowledge and expertise built up over 180 years.

In past years this job has often been farmed out to external consultants, very much a second-best option.

That is not only because the Treasury has unrivalled specialist knowledge of public sector finance but also because private sector consultancies have a direct financial interest in delivering the news a political party wants to hear and because the consultants must rely on the assumptions and documentation provided by that party which may be incomplete or one-sided.

That hardly provides the community with overwhelming confidence in the integrity of the advice given.

I would also add that using Treasury to provide the costings puts the Government and Opposition on an equal footing giving both a powerful incentive to be frank and transparent.

The costings process will operate in the following fashion.

The bill requires the Secretary of the Treasury at the time of the last half-yearly budget review before an election to publicly identify the amount of money available to meet future spending commitments for the current budget year and the forward estimates, in other words, to establish the financial envelope available to the next Government to fund its policies.

If the total cost of a party's commitments exceeds that envelope the party must then explain how it will meet the difference, for example, through new revenue sources, adjusting priorities or expenditure cuts, all of which must themselves be properly costed.

The bill provides for the Premier or the Leader of the Opposition to request the Secretary of the Treasury to prepare costings of publicly announced or proposed policies.

This arrangement will commence 60 days before an election.

A request for a costing may be withdrawn at any time prior to its completion.

A party that requested a costing may publicly release the costing at any time.

Once the policy is released, the bill requires the parties to advise the Treasury that the policy has been released.

And Treasury—on being so informed—must release the costing and the original request.

Importantly, the bill provides that if the Secretary of the Treasury considers that the costing has been misrepresented in public, the Secretary may issue a public statement to correct any misrepresentation.

The bill also provides that the overall impact on the budget of a party's promises is properly identified, in the form of a budget impact statement.

This statement will include a summary of the financial impact of each costed policy and the net financial impact of all the costed policies.

The statement for each party will be prepared in consultation with each relevant party.

Treasury will provide the Premier and the Leader of the Opposition with a draft budget impact statement and a list of their policies as incorporated into the forward estimates 15 days before polling day. They will have 48 hours to confirm their list of policies and after Treasury reviews the final lists the Secretary of the Treasury will publicly release the final budget impact statements five working days before the election.

A consolidated set of the Treasury costings will also be released with the statement.

The bill empowers the Secretary of the Treasury to issue guidelines to govern the preparation of costing requests, Treasury costings and budget impact statements.

To ensure confidentiality, the bill also makes it a punishable offence for the Secretary of the Treasury or any Treasury officer to disclose costing information or documents prior to their public release.

The bill also includes explicit safeguards against political interference.

The provisions of this bill are largely similar to those contained in the Commonwealth Charter of Budget Honesty Act introduced by the Howard Government in 1998.

However, it differs in two important respects.

First, it allows the Leader of the Opposition to have access to the Treasury to cost a proposed policy prior to its announcement.

This allows the Opposition to assess the financial impacts of a proposed policy and provides the opportunity to delete that policy or amend it prior to release.

Secondly, it provides a mechanism to assess the overall financial impact of the policies presented by each of the major parties.

This will enable the electorate to gauge the overall fiscal responsibility of the competing parties, not just their individual policy costings.

In the past the Opposition has called for independent costings of policies by the Treasury during an election campaign free from political interference.

That call is spot-on.

The legislation being introduced today does precisely that.

The days when you can promise anything and put it on the taxpayers' credit cards are over.

This bill marks a new era of prudence and accountability because it is time this process, and this legislation, was brought into practice.

I commend the bill to the House.

The Hon. GREG PEARCE [3.00 p.m.]: It is interesting that the newly promoted senior Minister, the Minister for Roads, is not in the Chamber for this debate. We all remember the embarrassment that that Minister suffered when he was forced, along with the Treasurer, to run from the Chamber when they were exposed on their idiotic list of Coalition promises. We remember the headline in the newspaper: "Promises that make a rabbit run". Well, that is what this bill is all about. Whilst there have been long-held conventions about costing Government and Opposition promises before an election, this is simply another stunt by the Government to try anything it possibly can to tell the people of New South Wales lies about what the Opposition is promising and is not promising in the lead-up to the election. The whole exercise in calling this bill "Charter of Budget Honesty" is both ironic and ridiculous. The truth about this Government is that it has clocked up 86 new taxes or changes—more than one every week—since Morris Iemma became Premier and Michael Costa became Treasurer, leaving New South Wales families and businesses more vulnerable to hardship and the New South Wales economy devastated by the highest State taxes and now the effects of the drought.

The Hon. Michael Costa: Table them!

The Hon. GREG PEARCE: The Treasurer says, "Table them!" He has tabled them all. They are his taxes; they are his increases. I draw the Treasurer's attention to today's *Daily Telegraph*, which speaks about the tax increases. For Morris Iemma and Michael Costa, it is nothing but extra taxes every time they get a chance, costing every man, woman and child in New South Wales an additional \$100 a year. Over the past year there were 24 new tax measures, 55 fee or charge hikes, and increases to nine other government charges, including public transport. That is the sort of performance we get from this Government—as well as its blatant lies about Opposition promises.

This bill will not deliver budget honesty. It is simply another attempt by the Government to pull the wool over the eyes of the people of New South Wales. As we have all seen most recently, the people of this State are now realising that they have had enough of the Government and that New South Wales deserves better. The New South Wales Coalition will give the people of this State a better government after 24 March next year.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.03 p.m.]: The Charter of Budget Honesty (Election Promises Costing) Bill is simply an excuse for the Government to cost, at taxpayers' expense, the Opposition's promises. In the course of this Parliament the New South Wales Government has shamelessly used the benefit of incumbency to give itself an unfair advantage. Indeed, the Federal Government is no better. The New South Wales Government carefully watches the photocopies of the crossbench. Indeed, Malcolm Jones, who lacked the backing of a party to counsel him and presumably had done work as a tax agent—to see whether you can get away with it or whether it is knocked back—was done for using a secretary for some mail outs and some stationery. Meanwhile, the Government spends tens of hundreds of millions of dollars of taxpayers' money on advertisements basically saying what a wonderful job it has done. While the Opposition has only one person in each of its offices, the Government has entire departments, and it is extremely difficult for us to find out how many minders and spin doctors the Government has, what they cost and what they can do.

The bill confirms a process that the New South Wales Government learned from the Federal Government, a process introduced in 1998 in line with International Monetary Fund fiscal reporting guidelines. The New South Wales Government now wants to use the Treasury to cost Opposition promises so it can then criticise the Opposition as part of the election process. I am pleased that there has been, at least in my lifetime, some change from the wild promises of the past in that the promises are now costed—except, of course, the way the costings are used and the shameless use of incumbents.

Each of the old parties, Liberal and Labor—with the Nats hanging on like a little tail on a dog—assume that there is only Tweedledum and Tweedledee in this electoral process. The whole process is stacked so that the gerrymander in the lower House gives the major parties far more seats than they ever have primary votes. So, rather than have any policies, the major parties criticise each other. They do not have to be any good, they do not have to have real policies, they do not have to please the people of New South Wales; they just have to be better than each other. So all they do is criticise the other major party. We have seen it in the United States elections. We have seen the United States tactics where they managed to criticise John Kerry for not being a very good war hero, despite the fact that George Bush had been virtually a draft dodger. Here we see the Government workshoping slurs on Peter Debnam, basically because that is how it seeks to get over the fact that it is in such terrible difficulty with its ministries and its Ministers.

This bill, which will enable the Government to cost Opposition promises so it can criticise the Opposition, has a potential upside. But the Government and generally the Opposition in this place are too stupid

even to take a good idea when they are given one. Most of the thinking in this Chamber is done by the crossbench; that is where the ideas come from. This ridiculous Government criticises, and says an idea is not possible, and then about a decade later, when it gets the courage, it brings in the policy as if it were its idea. Sadly, the poor old Opposition has not even managed to pinch the ideas from the crossbench; it is too conservative. I believe that the ideas suggested by the crossbench should also be costed. As long ago as 2002 I suggested that the Government go down this path, and also allow minor parties to have the same access to Treasury resources as is offered to the Government and, effectively, through the Government to the Opposition.

The Hon. Greg Pearce: But you can't form a government, so there's no point.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I acknowledge the interjection. You have rigged the system so it is virtually impossible for the crossbench to get anywhere, or to have any influence. The Liberal and Labor parties have corrupted the system so they get far more than they have justified—

The Hon. Greg Pearce: It's a system that's been there for hundreds of years.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I acknowledge the interjection that the system has been there for hundreds of years. It is marginally better than a monarchy. Although, according to Harry Evans, the Clerk of the Senate, John Howard has an elected monarchy in Canberra. That is probably true. The major parties have a 93-person rubber stamp in the other Chamber, and then they bully the upper House. They rig the voting system with their optional preferential above-the-line voting system to give themselves more seats in this House than they have primary votes. Now the major parties say we cannot have election promises costed because we cannot form a government—which, of course, is thanks to their gerrymander. They use this as justification for getting their snouts in the trough of taxpayer resources. They are costing their promises but not costing the promises from the crossbench, which should be costed in the interests of an intelligent look at what possibilities there are for good governance in New South Wales. I will move an amendment in Committee to allow costing of crossbench promises.

I would like Treasury also to track the amount of money the Government spends on government advertising in the 12 months prior to an election, although it is probably beyond the leave of the bill. People may have noticed the plethora of advertisements running at the moment extolling the virtues of this Government. A figure of \$6 million has been put on this advertising, and that does not include the cost of making the advertisements; it is merely the cost of airtime to show them on television. The Federal Government is just as guilty of this—in fact, it has squandered more money than this Government. While I agree with the principle that election promises should be costed, if taxpayers may have to pay for them they should be costed in a neutral way, irrespective of where the ideas come from. The Government and the Opposition are abusing this bill as a benefit of incumbency or as a benefit of being a large party.

Ms LEE RHIANNON [3.10 p.m.]: The Greens support the Charter of Budget Honesty (Election Promises Costing) Bill. The Greens believe government should be as open and as transparent as possible. There is an increasing amount of cynicism and distrust of members of Parliament and political parties in New South Wales.

The Hon. Michael Costa: No thanks to you.

Ms LEE RHIANNON: I acknowledge that interjection from the Treasurer.

The Hon. Michael Costa: Food subsidies.

Ms LEE RHIANNON: This is another example of how the Treasurer distorts and lies about things time and time again. Our position on pollies' perks has always been very clear: our entitlements should be transparent. Information on how we use that money should be made available to the public—it is public money—and where money is not used it should go back to the public purse. For the Treasurer—who is always banging on about money—to disagree with that is a bit hard to believe, but then logic does not seem to go with the Treasurer.

Our freedom of information laws are being eroded. A number of high-profile members of Parliament and government bureaucrats have been caught out making a quick scramble to the corporate sector, and political donations are rife and too often hidden. It is important that we as members of Parliament act to restore public confidence in the democratic process. After the events of the last month, that is needed now more than ever.

Being transparent in costing election promises is a key plank in democratic accountability. This bill will hopefully quell the predictable election-eve stoush about who is promising what and sketchy back-of-the-envelope calculations about what those promises will cost. I hope that this bill will also stop parties from promising the world in a crude attempt to win votes.

The Hon. Michael Costa: Have you left the Greens?

Ms LEE RHIANNON: I acknowledge the Treasurer's interjection. Again, he seems to have a problem with logic and rational debate. I would like the Treasurer to respond to a couple of questions I have. The Greens believe that election promises should be costed as independently as possible. This bill provides that Treasury will cost promises from both major parties. Given the history of the Australian Labor Party politicising the public service, we wonder whether there should not be a separate independent unit in Treasury that costs election promises.

I would like the Treasurer to respond to my question about the impartiality of the costing process and the possibility of establishing an independent unit within Treasury for the purposes of costing election promises. I urge the Treasurer to take the question seriously and not just belittle members who ask such questions. If he does not agree he should state that and put his arguments. This bill requires Treasury to prepare and publicly release a budget impact statement five days before polling day. Also, I would like to hear from the Treasurer why the Government decided on five days. Ideally, there should be a longer period before the election for the public, the media and economic commentators to access, pick over and understand the costings of different policies.

I note that this bill restricts the costing of election promises to only Labor and the Coalition. The Greens believe that minor parties should be given the capacity also to have election promises fully costed. We believe that this would allow minor parties to participate more fully in the political process and would reflect the growing interest in and votes for minor parties. At the moment, the electoral system is biased against minor parties. An increasing section of voters who do not vote for major parties do not get full representation because of the bias in the system. Making these costings available to minor parties would help rectify that situation to a small extent. As we know, the major parties dismiss our policies as not costed or realistic.

The Hon. Michael Costa: You are hiding them at the moment.

Ms LEE RHIANNON: We have never hidden our policies. All our policies are on the Web.

The Hon. Michael Costa: No, they are not. You have to go and specifically ask for them.

Ms LEE RHIANNON: No, you do not. The policies are on the Web, as they have been for years. We can now see the inability of the Treasurer to use a computer and a web site.

The Hon. Michael Costa: You have taken them off.

Ms LEE RHIANNON: All our policies are there, unlike Labor and Coalition web sites, where one is hard-pressed to find a policy: they are not there. I am very proud of our policies and their ready availability.

The Hon. Michael Costa: No, they are not. You have to contact somebody to screen them.

Ms LEE RHIANNON: You do not have to contact anybody to screen them. The Treasurer has just run off and got advice, and again he has got the wrong advice. Our policies are there. The Treasurer should bring in his laptop and we can talk about it and get it in *Hansard*.

The Hon. Michael Costa: I do not have to. What about your coal policy? You hid that one. You can't get that one.

Ms LEE RHIANNON: Most definitely they are all on the web site. Again the Treasurer is showing how he is willing to tell lies. Through his interjections he has just lied to the House. Our policies are there, they always have been, and as we revise them we put them on the Web.

The Hon. John Ryan: Ask him about their ministerial press releases that disappear.

Ms LEE RHIANNON: A good point. One cannot even get ministerial press releases through the library these days.

The Hon. Greg Pearce: Watkins does not have any; they have all been hidden.

Ms LEE RHIANNON: They have all vanished. They are not boxed; they are not in the library; they are not on web sites. It is just a cosy arrangement between the Ministers and their favourite media outlets. The Greens have campaigned strongly for open and accountable government: something we will continue to do. We believe this bill is a small contribution towards that. We believe political donations should be disclosed and we have established a web site called "democracy4sale". As the Treasurer has shown that he has trouble with information technology, I would be very happy to show him this very valuable web site.

The Hon. Michael Costa: I have read all about the Swedish donations.

Ms LEE RHIANNON: The Treasurer is now talking about Swedish donations. Heaven knows what is going through the Treasurer's head now. The web site provides material in a readily accessible form and people can research who is making political donations. We have campaigned against polmie perks, and our bill to provide a review of freedom of information laws has now gone to the lower House. The Greens believe that this bill will improve the democratic process in New South Wales and we are very pleased to be able to vote for something sensible the Treasurer has brought forward.

Reverend the Hon. FRED NILE [3.17 p.m.]: The Christian Democratic Party is pleased to support the Charter of Budget Honesty (Election Promises Costing) Bill. It is probably the first time the word "honesty" has appeared in the title of a bill. I do not recollect seeing that previously. I had the same debate with Parliamentary Counsel when I put up my bill to prohibit gambling and wanted the word "greed" included in the title. That was eventually agreed to and it became the Gambling (Anti-Greed) Advertising Prohibition Bill.

The Charter of Budget Honesty (Election Promises Costing) Bill will enable the Government and the Opposition to retain and release independent costings by the Treasury of their election promises. It is obvious that the public has a right to know what these promises will cost because the public is meeting the cost. If they are exorbitant promises it will mean increased taxation and other measures to pay for those promises. There must be transparency and accuracy with respect to the promises, which must be early and prompt. I do not believe five days is sufficient. I would suggest that the time should be 21 days before an election so that the media and the public can examine the cost of those promises and there can be intelligent debate about it. One reason for the legislation is to ensure uniformity in assessing the costing of promises.

The Government's promises are costed by Treasury and I understand that, on occasions, the Opposition has engaged private accounting firms for that purpose. I am not questioning those accounting firms, but in the interests of uniformity the same criteria, measurements and assessment must apply. In order to ensure accuracy it is proper that Treasury should assess the promises of both the Government and the Opposition. To date there has been no question of the independence of Treasury or the honesty of its officers and I assume that will continue, and that when Treasury makes these assessments it will be done in a non-party-political way and relate only to factual financial matters. I also question whether it is necessary to place the burden on the taxpayer by requiring Treasury to assess the promises of minor parties. Will that include all the Independents? Some candidates may make outrageous promises, the assessment of which could involve a great deal of time and expense. The promises may not have any substantial basis, or be impossible to implement even if they do have such a basis.

Such promises cannot be implemented by minor parties and that is a reality that all of us in the upper House have to accept, as do members in the other place. For example, unless there were to be a revolution in voting practices, it would certainly be impossible under the current system for the Australian Democrats to take office following the next election. In fact, it is likely that the Hon. Dr Arthur Chesterfield-Evans will himself not be elected under the present polling arrangements. In that event there would be little point in assessing his promises. I am always conscious of wasting taxpayers' money and that is why I question the fact that we have such a multiplicity of demands for the tabling of papers. Such requests should be kept to a minimum, and used only when absolutely necessary and not merely as a fishing exercise, because it is using up more and more of taxpayer funds. I believe that as members of Parliament we have a responsibility to assess how taxpayer dollars are being spent as a result of the actions of this House.

The bill requires Treasury to publicly release, with the half-yearly budget review, a statement of the amount of uncommitted funds that are available to meet any future expenditure commitments during the current

and following three financial years. I believe that is a valuable aspect of the bill because quite often pressure is put on the Leader of the Opposition to make a commitment. I note that that is happening in the Federal arena at the moment and that Mr Beazley will not make any commitment because he claims he does not know what the budget position is. It is a step in the right direction to remove that excuse by enabling the real budget position in regard to uncommitted funds to be made available to the Opposition. Obviously, the Government has that information but it must be made available also to the Opposition.

The matter should also have a degree of confidentiality to ensure that the figures are released at an opportune time and not leaked by someone involved in the machinery, perhaps a member of the Treasury staff. The bill makes it a criminal offence to breach that confidentiality. That is an important provision in order to ensure that Treasury officers do not disclose information concerning the costings it has prepared until the time required by the legislation. If the promises of the minor parties were to be costed, would the policies of the Greens be assessed? For example, if the Greens were to be successful in having coalmines banned in this State or in having the building of dams banned would an assessment be made of the cost of such action to the State and to the economy? It would be an interesting exercise, but I do not believe that it would be a justifiable use of taxpayers' money. Therefore, I do not support the proposed amendments.

The Hon. Dr PETER WONG [3.24 p.m.]: I congratulate the Government on having presented the Charter of Budget Honesty (Election Promises Costing) Bill 2006. I listened to the debate with interest while I was upstairs and I appreciate the argument put by many honourable members, both inside this House and outside Parliament, that perhaps we should have political donation transparency. I am aware that some members of Parliament, including members of the Opposition, were aware of and concerned about donations from big developers. I think it is a step forward that will help to make the election process as transparent as possible. I support the bill.

The Hon. MICHAEL COSTA (Treasurer, Minister for Infrastructure, and Minister for the Hunter) [3.25 p.m.], in reply: I thank honourable members for their contributions to the debate. Clearly, there were some components of the contributions with which I do not agree, but I will not politicise the issue by pointing to the inconsistencies in the Opposition's claims about the Government's taxation position, other than to say that since the Iemma Government has been in office it managed to cut taxes worth about \$484 million in 2006-07 and those taxes will, over the forward estimates period, reflect a total of \$3.2 billion. As for the 86 alleged taxes that we have increased, I challenge the Opposition to detail what they are so that I can respond. It would appear that the Opposition's spokesperson on finance has looked at the forward estimates, noted the increase in revenue and somehow calculated that as being increased taxes, not understanding that government revenue comes from a number of sources.

The State's buoyant economy is one reason for the increase in revenue—as is the case with the Commonwealth Government, which has announced a \$9 billion increase in its revenue position compared to its estimate at the time of the Federal budget. The Charter of Budget Honesty (Election Promises Costing) Bill 2006 will see New South Wales Treasury independently prepare costings of election commitments from both the Government and the Opposition. These new laws will place fiscal discipline on both parties and enable the transparent assessment of their ability to fund their election commitments. The legislation is based on Federal laws introduced by the Howard Government but will go further than the Commonwealth's laws by allowing parties to test their commitments before they are released. The legislation will ensure that the New South Wales Treasury's independence is preserved, with information between each party and Treasury to remain confidential.

As I said, the New South Wales economy is strong and by international standards we have a sound fiscal position, exemplified by the fact that we have the highest international rating possible, that is, a triple-A credit rating. It is important that we maintain that triple-A credit rating. I said I do not want to politicise this issue but there was a period in the past when the State was put on credit watch. The intention of this bill is to provide a sensible, transparent framework for the parties to conduct themselves in the forthcoming election. As the Premier outlined in his second reading speech, under this bill Treasury will announce the level of uncommitted funds with the half-yearly review prior to the election. Policies may be submitted for costing from 60 days before the election and will be costed under guidelines issued by the Treasury Secretary. Two weeks before polling day Treasury will provide party leaders with consolidated costings of their own party's commitments and the Premier and Opposition leader will have two days to amend their policies before submitting a final list to Treasury.

Treasury will release policy costings at the request of the submitting party. However, the final consolidated costings documents will be released on the Monday prior to the election. Strict privacy provisions

will apply to ensure both sides of politics can use the system effectively. In addition to costing individual commitments, Treasury will provide consolidated costings of the total impact of each party's promises on the budget and on the State. The new laws will mean voters will go to the polls armed with impartial and reliable advice about the financial impact of the major parties' policies. These new laws will give New South Wales the most transparent and objective election costings arrangement in the country. This will ensure that in the lead-up to polling day voters are fully informed of the true financial impact of each party's commitments.

During the course of the second reading debate comments were made about particular aspects of the bill. I think the Greens made a comment about five days being the cut-off point. That has been included to enable the parties to campaign almost up until election day, with the ability change their policies once they have been subject to costing. Any attempt to bring that date forward would constrain the ability of parties to be open and transparent about the way they go to the people about particular policy issues.

As to the question of the impartiality of Treasury, I can only say that the New South Wales Treasury has a proud tradition of serving governments of different political persuasions impartially, and I expect that it will continue to do so. However, there are protections in the bill relating to information that may be made available, and there is action that can be taken to ensure the transparency of the process and the statutory guarantee of confidentiality during the Treasury costings process. That is the reason for the bill being drafted in this way. In addition, as was referred to in one contribution to the second reading debate, the bill makes it a punishable offence for a Treasury official to release any information received in relation to a request for a costing or a document produced by Treasury as part of the costing exercise, except in those circumstances specifically authorised by the Act. I think the people of New South Wales can be proud of the overall framework. It provides a new level of transparency and a new level of sophistication in the policy debate leading up to the election. With those comments, I commend the bill to the House.

Motion agreed to.

Bill read a second time.

Suspension of Standing Orders

Motion by the Hon. Dr Arthur Chesterfield-Evans agreed to:

That standing orders be suspended to allow the moving of a motion forthwith that it be an instruction to the Committee of the Whole that it has power to consider amendments relating to the extension of the bill to minor parties.

Instruction to Committee of the Whole

Motion by the Hon. Dr Arthur Chesterfield-Evans agreed to:

That it be an instruction to the Committee of the Whole that it has power to consider amendments relating to the extension of the bill to minor parties.

In Committee

Clauses 1 to 4 agreed to.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.35 p.m.], by leave: I move Australian Democrats amendments Nos 1 to 3 in globo:

No. 1 Page 2. Insert after line 27:

5 Extension of Act to minor parties

- (1) This Act extends to the Treasury costing of the policies of a minor party, being a registered political party under the *Parliamentary Electorates and Elections Act 1912* that is represented at any time during the pre-election period by a member of either House of Parliament.
- (2) For that purpose, a reference in this Act:
 - (a) to the Opposition includes a reference to any such minor party, and
 - (b) to the Leader of the Opposition includes a reference to a leader in Parliament of any such minor party.

- (3) Treasury costings, and budget impact statements of costed policies, are to be prepared under this Act separately for each such minor party.

No. 2 Page 7, clause 15. Insert after line 4:

- (2) The Secretary of the Treasury is required to issue guidelines setting out the methodology to be used in the preparation of Treasury costings.

No. 3 Page 1, long title. Omit "and the Opposition". Insert instead ", the Opposition and the minor parties".

The essence of the amendments is that the Act extends to Treasury the costings of the policies of a minor party, being a registered political party under the Parliamentary Electorates and Elections Act that is represented at any time during the pre-election period by a member of either House of Parliament. The key reason for the amendments is that we have, as I said, a gerrymandered system by which the Government got 42.69 per cent of the primary vote at the last election, 61 per cent of the seats and 100 per cent of the power. Therefore, the lower House is effectively a rubber stamp for what happens in Governor Macquarie Tower. In the 1999 election the Government got 37 per cent of the primary vote and the crossbench got 35 per cent. At that stage the huge difference between the Government's vote and the amount of power it got suggested the dysfunction in democracy in New South Wales. That is a feature of the Westminster system.

There are some bad sides to this. As I said briefly during my contribution to the second reading debate, the fact that the Government concentrates on simply workshoping different ways of slandering and slagging Peter Debnam says that all the Government needs to do is belittle the Opposition, or the Opposition belittles the Government, and it can basically win because the system is a duopoly. I believe that the good ideas in this Parliament come from the crossbench. It is true that in the past people have promised the world, but should they do that it would be fairly easily for Treasury to say, "This is absurd." It may be a serious proposition to build a railway or have an alternative to prisons, which would have alternative resource allocations. The crossbench received 35 per cent of the primary vote in 1999—it was down a bit in 2003 because of the way the Government slagged the upper House and changed the voting rules. A lot of good ideas are coming from the crossbench, and the taxpayers of New South Wales have a right to know what those ideas would cost.

Indeed, if the Government and the Opposition were honest they would agree that they do not have a monopoly on knowledge and ideas for the people of New South Wales. If they had suggestions logically worked through by the minor parties and costed by Treasury they could consider other possibilities, apart from the two mainstream ideas, which I think are tragically close together. The taxpayers of New South Wales, who are fairly long-suffering, waste huge amounts of time being fed government propaganda that costs hundreds of millions of dollars. Surely Treasury could spend a little money on costing alternatives. Then if those alternatives are cost-effective and good, once the Government took office after the election—it might have been caught a bit short on good ideas in the pre-election period—it could seriously consider those costed alternatives. The taxpayers of New South Wales deserve the maximum range of options and that those options be considered seriously.

If people are elected to this Parliament presumably they are elected because a percentage of people in New South Wales believe that they have something to contribute. I do not believe their ideas should be nobbled because they are defined, more or less, as irrelevant and considered not worth costing. It is absurd to suggest that it is expensive for an accountant to run a ruler over a series of propositions when so much money is wasted with a 93-person rubber stamp—that is, the other Chamber—and when we consider the Government's propaganda and waste. It arguing over the cents while the dollars are being wasted.

My amendments are reasonable. After all, the taxpayers of New South Wales are paying for this. This bill is not some sort of Government honey pot to cost and then to criticise the Opposition's promises. It is a way of looking at the costing of policy options that the people of New South Wales might seriously consider at the elections. Although the gerrymander means it is unlikely in the short term that Labor or Liberal will not form a government and an opposition—although in time that may change—it does not mean that serious policy options should not be considered. I ask that my amendments be seriously considered and supported.

The Hon. MICHAEL COSTA (Treasurer, Minister for Infrastructure, and Minister for the Hunter) [3.40 p.m.]: The Government opposes the amendments moved by the Hon. Dr Arthur Chesterfield-Evans for practical purposes. It would be a huge waste of resources to be costing policies that have no prospect of being implemented. That is the issue at hand.

The Hon. Dr Arthur Chesterfield-Evans: You frequently pinch our ideas when you can get away with it.

The Hon. MICHAEL COSTA: I listened to the Hon. Dr Arthur Chesterfield-Evans' nonsense in peace, so he should listen to my illuminating comments in peace. The honourable member asserted that he had good policy. If his policies are so good, the major parties may pick them up and then they will be costed. The reality is most of the policies do not fall into that category. The Greens made some comments about dishonesty in the representation of their policy position. I refer the Hon. Lee Rhiannon to the 3 October press release she issued on the Greens' coal policy. It stated clearly at the bottom, "The Greens' coal policy is available on request." I spent a number of weeks chasing up that policy on the Internet; I was not able to get it off the Internet. I got it from another source. I read it out at the annual general meeting of the Hunter Business Chamber. The next day the policy appeared on the Greens web site because I had disclosed all of the policy in the public domain. There is no virtue in the fact that the Greens are more transparent than anyone else.

This bill is about maintaining the sound fiscal position of the State. There will be some elements within the budget process that we could typically describe as uncommitted components of that process. They will be disclosed at the mid-term review. Clearly, both major parties will be making their commitments based on what is affordable in the State, and we are providing the resources of Treasury to ensure that in the hurly-burly of the election campaign we do not lose sight of the fact that both major parties have a responsibility to the community to work within a sound fiscal framework. That is the reason for all of this.

The honourable member asks about costing minor parties' policies. How does one cost the Greens' coal policy? I will read sections of it and I ask the honourable member how to cost it. It states, "Bring about the end of the fossil fuel-based economy." I do not know who in Treasury will be able to cost that preposterous statement. It continues, "The Greens are committed to phasing out the coal industry and its replacement with a job rich, clean energy economy." How does one cost that promise? There is no substance to it. It is a broad-based statement without any detail. It is more ideology than a genuine commitment. It would be a waste of government resources to ask a Treasury official to cost that proposal. The Greens oppose the development of any new coalmines or the expansion of existing coalmine facilities. They oppose the expansion of coal handling infrastructure.

How does one cost that? Does one cost it in the misery on the workers in this industry, on the basis of the impact on their families or on the misery of the economies that support those workers and industries with service jobs? One cannot cost these things. It is a bonkers policy that would bankrupt the State. I do not intend, and I am sure the Opposition would agree, to have Treasury officials costing silly policies like that. They are meaningless, they are ideologies, they are rubbish. The amendments moved by the Hon. Dr Arthur Chesterfield-Evans should be dismissed for what they are. This is a vanity proposition based on the fact that the crossbenchers have the standing of the major political parties. I accept that some members of the crossbench make good contributions to debate. However, it is not about the value of the crossbenchers; it is about their ability to form government and the seriousness of their policy. The Hon. Dr Arthur Chesterfield-Evans will sit in this Parliament for another six days—and he has suddenly discovered fiscal responsibility!

The Hon. Greg Pearce: Five days.

The Hon. MICHAEL COSTA: That is even better. He will sit here for another five days. He has finally discovered fiscal responsibility. Up to this point he was coming in here with policies and propositions that were absurd. He did not request that any of them be costed. He told us we did not know how to manage the economy and that all of his policies, if implemented, would give us economic and social nirvana. Five days from his exit—a welcome exit for most of us—he has discovered fiscal responsibility. The Government rejects these amendments as nonsense.

Ms LEE RHIANNON [3.46 p.m.]: Some of the Treasurer's contribution was useful. We have heard, in his own words, that he is still to the right of John Howard on the very serious issue of climate change.

The Hon. Michael Costa: I hope so. I will be the last one standing.

Ms LEE RHIANNON: It is very serious that the New South Wales Labor Government has a Treasurer who says he is sceptical about the seriousness of climate change.

The Hon. Michael Costa: Why? Burn me at the stake. Get a Moscow trial going.

Ms LEE RHIANNON: How ridiculous! When the Treasurer was speaking he had a go at the Hon. Dr Arthur Chesterfield-Evans for interjecting. He is now saying some of the most insulting things one could

imagine. He cannot control himself. He is again being abusive and he does no service to himself, his faction, his party or his Government.

The TEMPORARY CHAIRMAN (The Hon. Kayee Griffin): Order! I remind all members that interjections are disorderly at all times.

Ms LEE RHIANNON: I repeat: The Treasurer's comments were useful. They showed that he has not changed, and one feels he has an inability to change on these key issues. I challenge the Treasurer about costing the minor parties' policies. Of course, we are not asking for a costing on not building a new coalmine or not building a new coal-fired power station. It is ridiculous that he would even suggest that is what we are putting forward. No-one is saying one costs everything in one's policy, just certain aspects that one brings forward. The Treasurer talks about delivering misery to the Hunter. But that is what he will be doing by locking this State, particularly the Hunter region—an area he is supposed to represent—into the coal industry. The Treasurer did not come forward with any figure on the jobs. I am not surprised because he would be embarrassed by those figures.

The Hon. Michael Costa: Eight thousand jobs in the lower Hunter, direct, and tens of thousands—

The TEMPORARY CHAIRMAN (The Hon. Kayee Griffin): Order! Again I remind members that interjections are disorderly at all times. Ms Lee Rhiannon will direct her comments through the Chair rather than to other members.

Ms LEE RHIANNON: The figures on the coal industry are something a Treasurer of New South Wales could not be proud of. Just in jobs, leaving out the climate change impacts, the coal industry in the lower Hunter provides only 2 per cent of employment. Across the whole of the Hunter it is 8 per cent, and it is dropping. In the past decade, because of this Government's narrow view of the opportunities in the Hunter, we have been losing jobs because it has not got behind clean green manufacturing. Manufacturing renewable technology would not only provide jobs growth in the Hunter but would also link in with and increase export opportunities.

The Hon. Michael Costa: You need coal to make steel. Has nobody told you?

Ms LEE RHIANNON: Of course we know that. The Greens are not talking about shutting the coal industry down. Once again I say that. Sometimes I think the Minister knows it. One wonders how rational he is. He needs a lesson in finding policies so let us spell it out for him once and for all. Greens policies can be found at www.nsw.greens.org.au. At the top on the menu bar is the word "Policies". People can click on that word to see a whole list of policies and read the ones they want.

The Hon. Dr Arthur Chesterfield-Evans: As opposed to Government press releases; they are hidden.

Ms LEE RHIANNON: Yes. It would be very useful if the Government put forward its policies in the same useful way.

The Hon. GREG PEARCE [3.51 p.m.]: These amendments are not about whether the minor parties have decent policies. The amendments proposed by the Hon. Dr Arthur Chesterfield-Evans require Treasury costings and budget impact statements of costed policies to be prepared under the Act separately for each minor party. Clearly, such an open-ended requirement cannot be supported.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.51 p.m.]: It needs to be put on the record that in 91 per cent of cases the Opposition agrees with the Government: where there are no divisions, the Government and the Opposition agree 91 per cent of the time. When the two agree, the statistics show that 43 per cent of the time the Greens disagree with them and 41 per cent of the time the Democrats disagree with them. They are the real Opposition parties in this Chamber.

The Hon. Don Harwin: Point of order: The Hon. Dr Arthur Chesterfield-Evans is not talking to the amendments. He is making general remarks that are not appropriate.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: To the point of order: We are talking about good governance in New South Wales. If there is to be good governance there must be alternatives. If the two major parties vote together there are not alternatives. I am pointing out the validity—

The TEMPORARY CHAIRMAN (The Hon. Kayee Griffin): Order! I uphold the point of order. The Hon. Dr Arthur Chesterfield-Evans should confine his remarks to the amendments.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Yes. I am merely looking at the statistics.

The Hon. Duncan Gay: It was inaccurate anyway.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I am pleased that the Deputy Leader of the Opposition has been reading my press releases so assiduously.

The Hon. Duncan Gay: It was so inaccurate we had to.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: The figures were absolutely correct. I should not acknowledge the interjection. The point is that if we are to have good governance in New South Wales we need more than one point of view. Tweedledum and Tweedledee agree 91 per cent of the time, and that is why these promises should be costed.

The Hon. MICHAEL COSTA (Treasurer, Minister for Infrastructure, and Minister for the Hunter) [3.53 p.m.]: I need to respond. The fact of the matter is that the honourable member does not understand the bill. The bill is about forward estimates and fiscal responsibility. We cannot cost just one policy, the policy he chooses. We have to cost all the policies as the bill proposes and that is what the Opposition and the Government are prepared to enable if the minor parties choose to use the process. All of the policies can be put up for costing so that we can produce a consolidated budget position going forward so that people understand the impact of those policies.

The minor parties cannot pick and choose which of the policies should be costed and then claim whatever they want on uncosted policies. That is absolute nonsense. That is why the amendment does not make sense in its present form. I do not want to waste the time of the Chamber. There is no surprise in the fact that the two major parties agree on many issues. It is to be expected in a well-functioning democracy that the policies of the major parties will coalesce around the major themes. We do have significant differences on issues, and that has been reflected in debates in the Chamber.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [3.54 p.m.]: The Hon. Dr Arthur Chesterfield-Evans referred to his press release. The problem is that using overly simplistic figures results in a distorted picture. He referred to votes that were taken in each House such as on the first and second readings of bills. He did not include what happens in the Committee stage, which we are in at the moment. Various amendments to bills are discussed. Whilst we might agree with the bill in principle we may have different points of view on particular aspects. It is quite dishonest for a Democrat—who supposedly aims to keep the bastards honest—to put out a set of figures that are dramatically dishonest.

Reverend the Hon. FRED NILE [3.55 p.m.]: I have already indicated that for the reasons that have been given by other speakers and the reasons that I gave also the Christian Democratic Party does not support the amendments moved by the Australian Democrats. There has to be a costing of promises covering every portfolio—health, education and so on—so that people can judge the result should the parties putting forward the policies become the government. That would never happen with the party of the Hon. Dr Arthur Chesterfield-Evans in a million years, so it is a wasted exercise.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.56 p.m.]: It is a bit rich for the Treasurer to say that we do not have a complete set of policies so it would be ridiculous to cost them when he just said that he will not test any of them anyway. The Democrats have taken pride in having more detailed policies than virtually any other party. That has been our track record for the last 30 years. It is ridiculous to suggest that as we do not have a full set of policies there is no point in costing any that we have. To pick up the point of the Deputy Leader of the Opposition, the research that was done in my office showed that Liberal and Labor frequently vote together, in just under 91 per cent of cases. That is the point I am making about these two similar parties competing for the middle ground in the electorate.

Ms LEE RHIANNON [3.57 p.m.]: I seek clarification from the Treasurer, quite seriously. I understood that he just said that all the policies will be costed, with the emphasis on the totality, whereas on page 6 of his speech he stated that a request for a costing may be withdrawn at any time prior to its completion.

The Hon. MICHAEL COSTA (Treasurer, Minister for Infrastructure, and Minister for the Hunter) [3.57 p.m.]: There is no inconsistency. The idea of the process is to allow the parties to develop policy in a fiscally responsible way. Clearly, if somebody puts forward a particular policy and they get back confidential costings and they recognise that that policy is more costly than they thought they might seek to adjust it. There is no inconsistency with that. That is precisely—

Ms Lee Rhiannon: You said "all".

The Hon. MICHAEL COSTA: No. We will release budget estimates. I take it that Ms Lee Rhiannon understands now.

Question—That the amendments be agreed to—put.

The Committee divided.

Ayes, 6

Dr Chesterfield-Evans
Ms Hale
Mr Oldfield
Ms Rhiannon

Tellers,
Mr Breen
Mr Cohen

Noes, 32

Mr Brown	Miss Gardiner	Mr Pearce
Ms Burnswoods	Mr Gay	Ms Robertson
Mr Catanzariti	Mr Hatzistergos	Mr Roozendaal
Mr Clarke	Mr Kelly	Mr Ryan
Mr Colless	Mr Lynn	Ms Sharpe
Mr Costa	Mr Macdonald	Mr Tsang
Ms Cusack	Mr Mason-Cox	Mr West
Mr Della Bosca	Reverend Nile	Dr Wong
Mr Donnelly	Mr Obeid	<i>Tellers,</i>
Ms Fazio	Ms Parker	Mr Primrose
Mr Gallacher	Mrs Pavey	Mr Harwin

Question resolved in the negative.

Amendments negatived.

Progress reported from Committee and leave granted to sit again.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

POLICE WORKPLACE SAFETY

The Hon. MICHAEL GALLACHER: I direct my question without notice to the Minister for Industrial Relations. Is the Minister aware of the 2004 prosecution of NSW Police by WorkCover following the serious injury of Sergeant Mark Johnson, who was deliberately hit by a vehicle while undertaking speed detection duties at Noraville? Is he aware that the Industrial Relations Commission found that NSW Police failed to ensure the health, safety and welfare at work of all its employees while undertaking radar speed detection operations contrary to the Occupational Health and Safety Act? Further, is the Minister aware that

NSW Police failed to maintain a work system for speed detection operations that was safe and without risk to the health and safety of police and that it failed to adequately instruct and train police officers? What action, if any, has either the Minister or WorkCover initiated since this decision to protect our police officers while they undertake speed checks, particularly given the tragic death of yet another officer on the F3 on Saturday evening?

The Hon. JOHN DELLA BOSCA: I am sure all honourable members would acknowledge that our essential services personnel, particularly those on the front line, often deal with difficult and dangerous situations. Danger sometimes lurks in seemingly innocuous and routine procedures undertaken by those personnel. The Leader of the Opposition referred to the specifics of historical prosecutions relating to the safety of police officers. I am sure honourable members will join me in conveying condolences to the family of Senior Constable Peter Wilson, who was fatally struck by a vehicle while conducting speed checks on the F3 on 11 November 2006. WorkCover is making preliminary inquiries about the incident and it will focus on the work systems in place and whether those work systems may have influenced the course of events that resulted in Constable Wilson's death.

It would be inappropriate for me to go into further details on this matter at this time while inquiries are under way. However, I make the obvious point that occupational health and safety is vital for people working in risky occupations, such as policing, and more generally in occupations where relatively routine operations can lead to a fatal accident. Obviously the purpose of WorkCover's investigations generally—rather than simply focusing on these events—is to get to the bottom of these matters, and, if required, prosecute or in some way ensure that the events that occurred are not repeated. Another purpose is to ensure, through improvements in work systems, the future safety of officers and people in similar workplace circumstances.

STATE PLAN

The Hon. CHRISTINE ROBERTSON: My question without notice is addressed to the Minister for Health. How will the New South Wales State Plan benefit the health of the people of New South Wales?

The Hon. JOHN HATZISTERGOS: The New South Wales State Plan heralds a new direction for the health system by setting specific and challenging targets, and clear priorities for the kind of health system we want to have in 10 years time. This comprehensive plan will be complemented by the forthcoming State Health Plan, which will map in greater detail how our new direction will be achieved. The Government consulted widely on the draft State Plan and received responses from some 4,000 groups and individuals. It is no surprise to me that health ranked as people's number one priority in the community consultations.

The health priorities in the State Plan are improved access to quality health care; improved survival rates and quality of life for people with potentially fatal or chronic illness; improved health through reduced obesity, smoking, illicit drug use and risk drinking; improved health for Aboriginal people; improved outcomes in mental health; and reduced avoidable hospital admissions. The State Plan also outlines the many actions that will help us to achieve our targets—both the actions we are already undertaking and the new directions we need to take.

We do not control all the factors that will determine our success. Clearly, in an area like health we also require the Commonwealth Government and the broader community to play their part. Across all our priority areas we have set ourselves robust targets—targets that will require a concerted effort on behalf of the Government, our hardworking doctors, nurses and allied health professionals, and the community. For example, in order to achieve our priority of improving access to quality health care we have set ourselves the target of achieving the national benchmarks for timely access to emergency departments and surgical treatment by 2008. These improvements will come in the face of rapidly increasing demand.

To address our priority for improved survival rates and quality of life for people with potentially fatal or chronic illness, we will improve average life expectancy by reducing the number of potentially avoidable deaths for people under 75. In 2003 there were 175 such deaths per 100,000 people. Our target is to reduce that rate to 150 deaths per 100,000 people by 2016. I give further examples of our targets for improving health through reduced obesity, smoking, illicit drug use and risk drinking. Our target is to continue to reduce smoking rates—which are already the lowest in Australia—by 1 per cent per year to 2010 and then by 0.5 per cent per year to 2016. Our target is to reduce risk drinking to below 25 per cent by 2012. Our target is to hold the rate of illicit drug use for people aged 14 and over at below 15 per cent. Our target is to halt the growth in childhood obesity by maintaining it at 25 per cent until 2010 and then reducing it to 22 per cent by 2016.

One final example: As part of achieving our priority of improving outcomes in mental health we have set a target of reducing readmissions within 28 days. These are ambitious targets but they are achievable. These targets will shape the very fabric of our health system as it evolves over the next decade.

BARWON-UPPER DARLING RIVER BLUE-GREEN ALGAE

The Hon. DUNCAN GAY: My question without notice is directed to the Minister for Primary Industries. Is the Minister aware that the Barwon-Upper Darling river system is under a code red because of blue-green algae bloom? Is the Minister further aware that up to 200 stock and domestic water users now cannot use this water? Given that the catchment management authorities wrote to the Minister regarding this potential problem last month, what emergency procedures and financial assistance are being put in place to provide domestic potable water and reasonable-quality stock water for the businesses and households affected by this blue-green algae bloom?

The Hon. IAN MACDONALD: I am pleased that the Deputy Leader of the Opposition has asked a question about the Murray-Darling, particularly the Barwon-Upper Darling. The situation is that we have a crisis of low inflows into the river system. As the honourable member would be aware, we have already put in place emergency provisions in relation to pumping small amounts of water into the Bourke region. The honourable member would also be aware that we have a problem with a lack of inflows due to Cubby Station and other developments on the river.

The Hon. Rick Colless: What about the fact that there's a range? There's no water in the river past Cubby anyway.

The Hon. IAN MACDONALD: I am getting to that.

The Hon. Duncan Gay: Answer the question! Don't blame other people!

The Hon. IAN MACDONALD: The Hon. Rick Colless raised the situation of Cubby Station. That is outrageous; 500 gegalitres of water are held up there, with a floodplain harvesting. It is having an enormous impact on the Barwon. That river holds about 16 per cent of the inflows into the Barwon, and Cubby Station and the other developments up there have a big impact.

The Hon. Duncan Gay: What are you doing in your patch? Get on with it! Stop blaming people!

The Hon. IAN MACDONALD: Well, you tell the Hon. Rick Colless to stop interjecting!

The Hon. Duncan Gay: No wonder Richard Torbay's going to get the job from you!

The Hon. IAN MACDONALD: That is a great admission by the Deputy Leader of the Opposition that he will not be getting it.

The Hon. Michael Gallacher: We'll get it after the election.

The Hon. IAN MACDONALD: I hope we can quote the Deputy Leader of the Opposition—no matter what happens after the election, he will not be the Minister for Agriculture. Under the historic first-step decision in November 2003, the Murray-Darling Basin Council agreed that 500 gegalitres of new water would be returned to the Murray to reduce the site—

The Hon. Duncan Gay: What are you going to do for these people?

The Hon. IAN MACDONALD: Let me get on with it. I am telling you the problem.

The Hon. Duncan Gay: We know what the problem is. We want the answer!

The Hon. IAN MACDONALD: You are getting the answer. I will answer it the way I want to answer it. So we have a problem in the Barwon. Last week at the Water Summit Cubby Station was again raised with the Federal Government. I thought the Deputy Leader of the Opposition would be interested in that, so I decided I would say a few words about it. I hope he joins with me in agreeing that we need to do something about

returning the environmental flows into the New South Wales river system. Yes, we do have some significant problems along the Barwon, and we are working on them. We are working with the local community—

The Hon. Duncan Gay: What are you going to do for these people right now? Look at me and answer the question, stupid!

The Hon. IAN MACDONALD: I am not going to look at you. The situation is that we are working with the local community to work out how to make provision for water, given that we have some difficulties with both water supply and a lack of water. The fact is that we have no inflows into those rivers due to the drought—

The Hon. Duncan Gay: What are you going to do for these people?

The Hon. IAN MACDONALD: We are working to solve those problems along the river.

MEDICAL RADIATION PRACTITIONERS REGISTRATION

Ms SYLVIA HALE: I address my question to the Minister for Health. Will the Minister confirm that he is in receipt of advice from his department on the matter of registration for medical radiations practitioners? When will the Minister commence the registration of medical radiations practitioners? Given that an application for registration was lodged with his department three years ago, will the Minister agree that as New South Wales has the largest number of medical radiations practitioners in Australia it is unacceptable that New South Wales is the only State that has not registered, or is not in the process of registering, medical radiations practitioners?

The Hon. JOHN HATZISTERGOS: I understand the issue of registration of radiotherapists is under consideration by the Department of Health and the radiotherapists have made a submission.

Ms Sylvia Hale: Has the department given its advice to the Minister?

The Hon. JOHN HATZISTERGOS: The member has asked a question and I will answer it. The matter is under consideration. On the broader question, I can advise the honourable member that the practice of radiotherapy is not totally unregulated in New South Wales. Indeed, the Department of Environment and Conservation has an important role to play in terms of that practice. In relation to other aspects of the question, I should inform the honourable member that, as she ought to know, the issue of national registration of health practitioners is something that States and Territories have currently committed themselves to achieve by 2008. No doubt, the issue of all health practitioners being part of that scheme will be something that will be debated and considered in that context.

WORKCHOICES LEGISLATION HIGH COURT DECISION

The Hon. KAYEE GRIFFIN: My question is directed to the Minister for Commerce, and Minister for Industrial Relations. Would the Minister inform the House about today's decision of the High Court?

The Hon. JOHN DELLA BOSCA: As honourable members would be aware, today the High Court announced its decision on the validity of WorkChoices. But today's decision is about the constitution; it is not about the fairness of these laws.

The PRESIDENT: Order! I call the Hon. Melinda Pavey to order for the first time.

The Hon. JOHN DELLA BOSCA: WorkChoices is as unfair today as the day it was rammed through the Senate. Five judges of the High Court have determined that the Howard Government has the constitutional power to make these laws; two judges believe it does not. Justice Callinan said this decision has "the capacity to obliterate the powers of the State". He described WorkChoices as an "act of unconstitutional spoliation". For those not familiar with the term "spoliation", it means, one, plundering; two, the destruction of a document—in this case Australia's Constitution; three, the taking of privileges by someone not entitled to do so.

The Iemma Government made a stand—and it was a stand that had to be made—to protect the hardworking families of New South Wales. Today's decision will not divert us from our duty to protect the vulnerable. This far-reaching decision of the High Court has shown that the Iemma Government is now the only thing standing between John Howard and Peter Debnam and their agenda for New South Wales' families. They

are proud of a system that allows dismissal at will; cut-rate Australian workplace agreements with no penalty rates; longer working hours; sick leave and holidays cashed out; and take-it-or-leave-it bargaining with no fairness at all.

The Hon. Duncan Gay: How much of taxpayers' money paid for the Government's political ideology? How much did it cost us?

The Hon. JOHN DELLA BOSCA: It is actually the Opposition's political ideology. The Howard Government has now been given the green light for further use of the Corporations Powers, and we all know the member for Vaucluse will never stand up to the Prime Minister. The New South Wales Government will continue to legislate, campaign and design measures to protect younger workers, injured workers, front-line public sector workers and all the people we can protect from the Howard-Debnam race to the bottom.

Already the Iemma Government has introduced new legislation to protect front-line public sector workers such as nurses, TAFE teachers and ambulance officers. And we are pressing ahead with legislation to protect young people and injured workers. We will maintain the State industrial relations system, the award safety net, real minimum wages and the independent umpire, that are a feature of a fair, balanced and efficient system. Our opponents have a nonsensical industrial relations policy. They have pledged to hand over "the bulk of New South Wales powers". They have pledged to hand over millions of New South Wales families, and they have confirmed that that they are "in lockstep" with John Howard. Yet, they claim they will keep the New South Wales system for front-line public sector workers.

It is an acknowledgment that WorkChoices is an unfair, divisive and unbalanced system that risks the delivery of vital public services. Surely everyone deserves the protection of the New South Wales Government. No-one believes the Opposition will keep a system with awards, judges and a court that will order the reinstatement of the thousands of front-line workers Peter Debnam plans to sack. Even with the split decision today, a million New South Wales' workers are still protected by our State system with its award safety net, decent minimum entitlements and a strong, independent umpire. The Iemma Government will stand up to Canberra. We will continue to do all in our power to protect New South Wales' families. We know the Opposition and its leader do not have the spine to do so.

INTERNET CHILD PROTECTION

Reverend the Hon. FRED NILE: I wish to ask the Minister for Industrial Relations, representing the Attorney General a question without notice concerning the need to protect children from paedophiles. Is it a fact that lowering the age of consent from 18 years to 16 years for males has made it easier for adult paedophiles to seduce and sexually abuse children?

The Hon. John Ryan: No.

Reverend the Hon. FRED NILE: Is it a fact that the Internet is being used by adult paedophiles to solicit children for meetings when pretending to be a child? Will the Government urgently raise the age of consent to protect the children of New South Wales, especially young boys? Will the Government also take urgent action to protect children from those who use the Internet, such as paedophiles, and also protect children from pornography?

The Hon. JOHN DELLA BOSCA: In respect to the first part of Reverend the Hon. Fred Nile's question, I do not know that is the case; indeed, I do not believe it to be the case per se. I heard an interjection from the other side of the Chamber that confirmed the view that it is not necessarily the case. I do not know that there is any evidence for the case that the honourable member is making out.

It is an apparent truth—and there are a lot of anecdotal indications of this, as well as some celebrated cases in recent times—that the Internet is being used periodically by people who want to prey on vulnerable people, and that includes, obviously, paedophiles preying on children and young people. Of course, this Government is committed to doing everything in its power and will continue to prosecute the issues in relation to preying on young people, whether it is through the Internet or through any other means. I will refer this matter and the other parts of the member's question to the Attorney General for a detailed answer.

WORKCHOICES LEGISLATION HIGH COURT CHALLENGE COSTS

The Hon. GREG PEARCE: My question is directed to the Minister for Industrial Relations. After the Minister's earlier admission of the futility of the Government's challenge to the High Court, what action has the

Minister taken to make public the total cost of the High Court challenge mounted against the Commonwealth's WorkChoices legislation by his Government and the union movement? What action has the Minister taken to ensure that in future the New South Wales union movement is not able to again hijack government policy and force the Minister to take action against the interests of the community?

The Hon. JOHN DELLA BOSCA: This is an extraordinary outburst by a person capable of extraordinary outbursts.

The Hon. Duncan Gay: How much did it cost?

The Hon. JOHN DELLA BOSCA: I have just tried to explain to those dunderheads over there that not only has the High Court delivered a death blow to the welfare of New South Wales families—

The Hon. John Ryan: Point of order: I cannot help but notice that the Minister is debating the question. Regardless of what he thinks of the merits of the question, he is clearly debating the question. I think answering the question as to how much the case cost is far more relevant than worrying about whether the question should have been asked.

The Hon. JOHN DELLA BOSCA: To the point of order: The member did not ask me how much the case cost.

The PRESIDENT: Order! I remind the Minister that the question must not be debated.

The Hon. JOHN DELLA BOSCA: The simple fact of the matter is that the High Court challenge cost approximately \$380,000. That is the estimate I have at the moment of the cost of prosecuting the case. The Opposition has dobed itself in: it supports WorkChoices. Now it can live with the consequences of it. The Opposition might think it won in the High Court today but it did not: it lost itself the next election. Opposition members can laugh on the other sides of their faces in March. The fact of the matter is that they are participating in the destruction of the family lifestyle and living standards that Australians have adhered to for generations. The Deputy Leader of the Opposition can talk about how much the case cost and my political ideology, but the fact of the matter is we are defending Australian political ideology; we are defending the heritage that his Party is based on—his party supported compulsory arbitration from its inception.

The Hon. Duncan Gay: But you have wasted your money—our money. It has been a waste of money.

The Hon. JOHN DELLA BOSCA: No we have not. We are defending the very principles on which the whole Australian character and the heritage of a fair go were based, and the Opposition, too late, will eventually come to understand that. Of course important constitutional matters need to be prosecuted. They need to be prosecuted by the States and they have been prosecuted in the past. In terms of the effects it will have on the lifestyle and living standards of Australian families this decision is the most important since the Second World War. This is a very important case. It will, of course, set the future of the Federation. But I want to concentrate solely on industrial relations, and I leave this thought with the Opposition: The High Court judges made no decision about the fairness of the WorkChoices laws. They took no view about social ethics; they took a view about the Constitution.

The Hon. Duncan Gay: You still wasted our money.

The Hon. JOHN DELLA BOSCA: No. We did not waste any money. We spent money well testing the fact that a Commonwealth government is attempting to unscramble—and may well succeed in unscrambling—the Federation. But it will not succeed in the long term in its push on the workplace. The Commonwealth Government and the Debnam Opposition will not prevail. They will not be able to prevail at the ballot box on this question because history shows us that the Australian people will not cop this kind of assault on fairness and decency.

VOLUNTEERISM

The Hon. PENNY SHARPE: My question is for the Minister for Emergency Services. Will the Minister outline the Iemma Government's commitment to encouraging the spirit of volunteerism in New South Wales?

The Hon. TONY KELLY:Volunteers make up an important part of the fabric of our society. People rolling up their sleeves, contributing their time and skills, and simply having a go help to make this nation great. We saw no better example of that than in 2000, when over 46,000 volunteers gave around five million hours of their time helping the New South Wales Government to run what is still known the best Olympics ever—with apologies to members in the House who may be of Greek decent! The spirit of volunteerism runs deep in New South Wales and it is timely that the State Plan recognises the value of volunteers and their contribution to the State. As the new minister for volunteering, I look forward to working with the community to encourage and support those who offer so much of their time and resources to help others.

As a volunteer in the Neurea Rural Fire Brigade I know first hand of the great work that volunteers do on behalf of their communities. From fighting bushfires and managing Crown reserves to looking after the aged and infirm, volunteers rightly deserve our support. The lemma Government's State Plan recognises this vital role and undertakes to foster the spirit of volunteerism and help to boost volunteer numbers across the State. Encouraging people from different cultural and non-English speaking backgrounds to become volunteers will help reach out to a whole new section of the community. In accordance with the State Plan I will attempt to raise the profile of volunteer organisations, encourage the many programs, organisations, and initiatives already in place to foster volunteers and help to match the groups with people willing to offer their time for the community.

As Minister for Lands and Emergency Services I fully understand the important role played by our volunteers. The New South Wales Rural Fire Service has a team of more than 70,000 volunteers; the State Emergency Service has about 10,000; the Volunteer Rescue Association has 3,100; the Royal Volunteer Coastal Patrol and The Australian Volunteer Coast Guard Association have a combined almost 2,000; and the hugely successful Community Fire Unit Program is based on more the 300 community fire units, with 5,700 volunteers to help to protect communities on the urban bush interface. Many of our Crown reserves, showgrounds, community halls and recreation reserves are managed by more than 3,500 volunteers across country New South Wales who continue to help to provide important recreational and social opportunities for many country towns. These are but a few of the vital roles fulfilled by volunteers in our community. I look forward to working with many of these groups to help to foster their work and, importantly, to find ways to encourage more people to become volunteers.

JUNEE HOSPITAL SERVICES

The Hon. DAVID OLDFIELD: My question is directed to the Minister for Health. Whilst I acknowledge the Minister's advice that Junee Hospital is not on permanent ambulance bypass, how frequently is Junee hospital placed on bypass so that emergency patients are sent to Wagga Wagga Base Hospital due to no doctors being on duty or on call? If all five doctors servicing Junee hospital participate in a roster system, why was no doctor on duty on 24 August? I acknowledge the Minister's plan for a new multipurpose service at Junee Hospital, but what will he do specifically to restore the confidence of Junee's residents in their local hospital?

The Hon. JOHN HATZISTERGOS: I believe I answered this question fairly comprehensively on a previous occasion but, to the extent that there is any additional material that has not been responded to, I will take the question on notice and obtain an answer for the honourable member.

FAIRFIELD HOSPITAL WAITING LIST

The Hon. JOHN RYAN: My question is directed to the Minister for Health. Why has Fairfield Hospital told Mabel Rogerson, a 90-year-old Yennora resident, that she must wait 12 months for day surgery to remove a lump from her wrist that is causing her considerable discomfort and distress? Why do Department of Health guidelines not allow professionals at Fairfield hospital to take into account the age of a patient when deciding who takes priority on surgery waiting lists? Why is our health system so awful that a 90-year-old has to wait that length of time for something so simple?

The Hon. JOHN HATZISTERGOS: It is not my practice to comment on individual cases. The honourable member is provided with stationery, stamps and a telephone that he is able to use, and frequently does, to make inquiries on behalf of individual patients. I would remind him, however, that the waiting-list policy has been developed not by me or by the Department of Health but by the surgical services task force, which comprises very senior clinicians led very ably by Dr Pat Cregan. Professor Brian McCawn also serves on that task force.

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

The Hon. JOHN HATZISTERGOS: Any persons who feel they have been disadvantaged by that policy are entitled now to contact the hotline that we have established and to examine whether there are alternatives that can be— *[Time expired.]*

DROUGHT ASSISTANCE

The Hon. TONY CATANZARITI: My question is directed to the Minister for Primary Industries. Given the worsening drought conditions across New South Wales, what is the State Government doing to assist farmers to survive the worst drought on record?

The Hon. IAN MACDONALD: I commend the honourable member for his ongoing interest in the plight of our farmers and regional communities. Honourable members should make no mistake: our farmers are doing it tough. Bone-dry conditions continue to have a stranglehold across most of New South Wales. The drought is grinding on and the New South Wales Government remains steadfast in its commitment to helping our farmers, spending around \$250 million on drought assistance measures thus far—\$30 million this year alone—as we wait for rain. Some areas, such as Griffith, Hay, Hillston, Grenfell, Parkes, Cowra and Narrandera did not receive one drop of rain in October—not one drop! This had a massive impact on the winter crop, pastures for grazing livestock and, of course, water supplies.

The truth is that October was a horror month for this State's farmers and now we are looking down the barrel of a long, hot summer. It was the hottest October on record for statewide average maximum temperatures. In fact, 60 of the past 70 months have seen above-average maximum temperatures across the State. The recently announced November drought figures tell the story, and it is a story that we are becoming all too familiar with. The area in drought is 93.6 per cent, up from 89.3 per cent, while the area experiencing marginal conditions is 4.1 per cent, down from 8 per cent. The state of the New South Wales winter crop is a clear indicator of how bad things are in the bush. The Department of Primary Industries has slashed harvest predictions by half in response to the worsening conditions. Current harvest predictions are 3.23 million tonnes. This is a far cry from a decent New South Wales winter crop. In a good year more than nine million tonnes are harvested.

As harvest gets under way the Iemma Government is renewing its efforts to ensure that farmers access available assistance and management advice. So far, the State Government's total commitment to drought-ravaged communities is \$250 million. There is always more to be done to assist our farmers in these dire circumstances, and we are getting on with the job. Recently I announced the extension of the operating hours for the New South Wales drought hotline. This is a crucial service that directs farmers and their families to the right place for assistance, as well as providing the latest drought information. To help ensure that those affected by drought can access the information they need at times that suit their busy schedules, the hotline's hours have been extended into the evening, on top of the current workday program.

The rural mental health line also remains open and provides a vital service for people in need of mental health advice and assistance. The Government, through the New South Wales Department of Primary Industries [DPI], is also co-ordinating a donations register through the drought hotline in an effort to further assist farmers. DPI staff will register donation pledges, and welfare organisations will access the register to arrange the receipt and distribution directly with the donor. The latest initiatives were announced by the Premier in Wentworth. The additional support includes funding for six additional mental health workers, 15 mental health workshops in rural communities, 50 mental health first aid training sessions for front-line service providers across the State, and development of a mental health resource package. A suite of additional support measures will bolster the amount of assistance for our rural communities.

The State Government has extended the Drought Support Workers Program until June 2007. It has extended access to the Emergency Household Support Program, which helps farming families to meet basic, everyday household expenses such as utility bills. It has provided additional funding to support the continuation of Farm Family Gatherings and Drought Workshops. The Government has also waived the 2006-07 water charges for Lachlan irrigators because of unique low water allocations. We have waived the Wild Dog Destruction Board fees for farmers in the Western Division for 2007 and deferred the pest insect levy for this financial year in recognition of the extended drought. On top of all this, the Department of Primary Industries remains active in helping farmers and their families. Extension staff are working closely with farmers and private advisers to help farmers make informed drought management decisions. Farm family gatherings have been organised by the department's team of drought support workers. *[Time expired.]*

RED LIGHT CAMERAS

Ms LEE RHIANNON: I direct my question to the Minister for Roads. Considering that today's State Plan as it relates to road safety states that "given our ongoing progress in improving road safety and the comprehensive strategies already in place, there are no proposed new directions", and that the plan lists red light cameras as the Government's number one "action we are already committed to", will the Minister confirm that the program to fund red light cameras has been suspended for some years, although a large proportion of crashes at signalised intersections are due to people running red lights and that the Roads and Traffic Authority estimates that the average cost of a fatality is \$1.7 million and \$126,000 for an injury crash? When did the Government last install a red light camera at a new location? Will the Government be allocating more to this lifesaving program in the future?

The Hon. ERIC ROOZENDAAL: As honourable members would be well aware, the latest budget for the Roads and Traffic Authority [RTA] was a record \$3.3 billion. We are committed to improving road safety and encouraging the community to recognise that the major causes of accidents and fatalities in this State are speed, alcohol and fatigue. In addition, we are spending hundreds of millions of dollars on improving road safety and on improving roads. Whether it is the Pacific Highway or the orbital network, there is an overall commitment to improving road safety. Last year's toll was the lowest since World War II, but it was still more than 500 people. That is five hundred families and 500 lives. It is not a joking matter, and it should not be treated in a flippant way.

As for red light cameras, of course they continue to operate. We have a number of approaches to improving road safety, whether it be the new school zones safety package that was announced—the roll-out has begun at more than 100 sites before the end of this year—the additional advertising about road safety that will be on air soon, or the new Young Drivers Education Program, which is organised and conducted by the Rotary organisation, and supported by the Government, to ensure that more students receive support. The program involves taking students out of school for a day to have them meet rescue workers, police and victims. The Government has taken a number of initiatives with regard to road safety, and we will continue to do so.

Ms LEE RHIANNON: I ask a supplementary question. Will the Minister inform the House when the Government last installed a red light camera at a new location?

The Hon. ERIC ROOZENDAAL: Obviously I do not know the details of the installation of every red light camera, fixed speed camera or set of flashing lights, or where the new wire safety is on the more than 233 kilometres of dual carriageway on the Pacific Highway. I am happy to take that particular point on notice and come back with a more detailed answer.

HILLSTON GROUNDWATER LICENCES

The Hon. RICK COLLESS: My question is addressed to the Minister for Primary Industries. Is the Minister aware that proposed cuts to groundwater licences in Hillston are largely based on second-rate science? Is he further aware that 24,000 megalitres or 20 per cent of the average annual recharge to the Hillston aquifer will be reserved for the environment, although there is no scientific evidence that a wetland or swamp in the region depends upon bore water rising to the surface? Will the Minister give the people of Hillston a guarantee that groundwater cuts have been based on the best science available for determining annual recharge, rather than just best estimates? Is the Minister also aware that many irrigators in the Hillston area have traditionally used groundwater as a back-up water source for permanent plantings such as citrus orchards?

The Hon. IAN MACDONALD: It appears that every time Opposition members do not like a decision they challenge the science that was the basis of the decision. I am happy to defend the science relating to groundwater issues across the State. These issues have been raised with me by local irrigators and others on a number of occasions. We are currently examining a couple of aspects relating to groundwater throughout the Lachlan area. It is irresponsible of members of the Opposition to bag the science in the hope that we will reject the scientific approach we have taken, without any evidence that even slightly suggests that the science is inaccurate or misleading. We are always willing to look at scientific methods. I understand that there was relevant and appropriate scrutiny of these particular scientific assessments, and I stand by them. However, I will take the honourable member's question on notice and give him further detailed information to help him clarify the issues in his own mind.

YOUNG DRIVERS

The Hon. GREG DONNELLY: My question without notice is addressed to the Minister for Roads. Will the Minister update the House on changes to rules for young drivers?

The Hon. ERIC ROOZENDAAL: Speed remains the biggest killer on New South Wales roads and is a factor in about 40 per cent of all fatal crashes. Over the past 10 years there has been an overall downward trend in the number of young drivers involved in fatal crashes. But there is always more work to be done. Last month I announced further changes to the New South Wales graduated licensing scheme. These latest reforms include increasing the mandatory period of supervised driving for learner drivers from 50 to 120 hours, introducing a requirement for 20 hours of night supervised on-road driving for learner drivers—this is an Australian first—increasing by 100 per cent the current six-month minimum period for which all learner drivers are required to have their L plates from 6 to 12 months, extending the maximum validity of learner licences from three years to five years, and automatically suspending and confiscating the licence of any learner or provisional driver caught exceeding the speed limit by 30 kilometres an hour or more. These changes to the learner licensing scheme will come into force on 1 July 2007. I have also directed the Roads and Traffic Authority to convene an expert advisory panel upon which the NRMA will be represented to examine passenger restrictions for provisional licence holders.

The New South Wales Government takes road safety very seriously and has a proud record of strengthening licensing requirements for young drivers. The graduated licensing scheme, which was introduced in 2000, required novice drivers to pass four tests and to undergo three licensing stages before obtaining an unrestricted driver's licence—a dramatic change from the time I got my licence, when only one year of provisional licence driving applied. To support the new scheme, free workshops will be conducted across New South Wales to help parents to encourage their learner driver children to become safer drivers.

Last year the Government introduced restrictions prohibiting P1 licence holders from driving certain vehicles—V8s, non-diesel turbocharged or supercharged cars, high-performance six-cylinder cars and cars with engine modifications. In the first 12 months of operation, more than 211 P-plate drivers were fined for illegally driving high-performance vehicles. At the same time we introduced a 12-month passenger restriction for any P-plate driver whose licence is reinstated following a period of disqualification. As at 13 September 2006, 1,374 P-plate drivers have had this passenger restriction imposed following a disqualification for a driving offence. In the first four months of operation, 47 provisional licence holders were issued with penalty notices for driving contrary to their one-passenger restriction.

With regard to drink-driving, we have introduced a zero blood alcohol limit for all learner and provisional drivers. I am advised that this year the RTA will spend more than \$10 million on road safety awareness campaigns. The "Heaven and Hell" television commercial focuses on speeding-related crashes by highlighting the consequences of speeding. As with several RTA campaigns, its focus is on young male drivers. The "Slo-Mo" television commercial also delivers a straightforward message about stopping distances relative to speed. The RTA is also currently developing a new urban speeding campaign, and I look forward to providing the House with the details of this campaign in the near future.

PAEDOPHILE PROTECTION ALLEGATION

The Hon. Dr PETER WONG: My question without notice is directed to the Minister for Finance, representing the Premier. On 19 September this year I asked the Minister what the Government had to say about allegations concerning the protection of a powerful paedophile ring operating throughout New South Wales and Australia? Will the Premier finally admit a problem exists in New South Wales and will he announce a royal commission into institutional child abuse in New South Wales?

The Hon. JOHN DELLA BOSCA: I will take that question on notice and refer it to the Premier for an answer.

LANE COVE TUNNEL TRAFFIC PROJECTION COMPENSATION

The Hon. CHARLIE LYNN: My question without notice is directed to be Minister for Roads. Given that the Lane Cove Tunnel has not yet opened and until the tunnel is opened there is no way of knowing whether traffic projections will be met or will not be met because of delayed service works, on what basis has the

compensation figure of \$25 million been formulated and how does the Government justify wasting taxpayers' money by paying this amount to Connector Motorways?

The Hon. ERIC ROOZENDAAL: The Lane Cove Tunnel and expanded Gore Hill Freeway have to be integrated properly into the surrounding road network. The Lane Cove Tunnel integration group has not finished its work and negotiations are ongoing. There is no final figure yet, and that is why negotiations are continuing.

The Hon. Charlie Lynn: So, it is not \$25 million?

The Hon. ERIC ROOZENDAAL: I am not prepared to speculate on a final figure. No final figure has been presented to the Government for consideration. I welcome the announcement that the project is ahead of schedule and construction should finish around the middle of December. The opening date has not been finalised as systems like fire controls and emergency response exercises need to be tested first. The tunnel company believes it will be open to traffic in early 2007. That is ahead of the May contractual opening date.

I want this tunnel opened as soon as possible. Sydney needs the Lane Cove Tunnel and we want to make sure it works properly. The \$1.1 billion Lane Cove Tunnel and expanded Gore Hill Freeway have to be integrated into the surrounding network with a minimum of inconvenience and disruption to motorists, businesses and local residents. We have learnt lessons from the Cross City Tunnel, and I make it clear that one does not just open a \$1.1 billion piece of road infrastructure and the very next day introduce numerous road service changes. That was recognised by a parliamentary inquiry chaired by Reverend the Hon. Fred Nile. The construction period has been difficult for motorists and we want to make sure that the roadwork that takes place after the tunnel opens runs as smoothly as possible for motorists. In that regard it makes sense to wait until the Lane Cove Tunnel and expanded Gore Hill Freeway are operating.

There will be teething problems. This huge project interconnects with the network in many places. We need to work out many of the problems before we start the road service changes. It is about making it easier for motorists, the local community and public transport users. One of the lessons learnt from the Cross City Tunnel was that we need to work harder to make smooth the transition process. We need to work with motorists on the road changes. That is why in June the New South Wales Government established the Lane Cove Tunnel Integration Group, which is working with the company, local councils and other agencies to make the project's transition into the existing road network as smooth as possible. The Premier's Department, the RTA, State Transit Authority and Connector Motorways are represented on the group.

The integration group will work to minimise for motorists, local residents and businesses the inconvenience that will result from the opening of the tunnel and the associated changes to the service of the road network. The relationship between the New South Wales Government and Connector Motorways is continuing in a harmonious and co-operative manner towards the opening of this \$1.1 billion project. When the Lane Cove Tunnel and the expanded Gore Hill Freeway open they will complete the Sydney orbital network and give Sydney a world-class ring road system.

NATIVE VEGETATION CONSERVATION

The Hon. HENRY TSANG: My question is addressed to the Minister for Natural Resources. What is the Government doing to encourage innovation in native vegetation conservation?

The Hon. IAN MACDONALD: This week a conservation project in the Western Division won a gold award in the 2006 Premier's Public Sector Awards. The innovative Enterprise Based Conservation Program is the way of the future and deserves to be commended. It encourages the conservation of areas through regular payments to landholders who undertake specific conservation activities. It establishes conservation as an alternative enterprise. It allows landholders to diversify their incomes and be rewarded for sustainably managing their natural resources on their properties. This is a win-win situation for the environment and the local landholders.

I congratulate the 10 landholders who are participating in the program and the New South Wales Department of Natural Resources for successfully managing this important program. The 10 landholders have worked hard, conserving a variety of landscapes, threatened species and their habitats, riverine corridors and Aboriginal and European cultural heritage across their properties, which comprise roughly 70,000 hectares of the Western Division. The Enterprise Based Conservation Program was just one of the many projects funded

under the West 2000 Plus Program. The Iemma Government and the Commonwealth Government together committed \$12.44 million over seven years under the West 2000 Plus Program, a structural adjustment program for the Western Division.

The program has achieved, and continues to achieve, a great deal for the Western Division, and many have benefited from retraining, diversification of farm businesses and conservation projects funded under West 2000 Plus. Although it officially ended two years ago, it is still having a positive impact, and the Enterprise Based Conservation Program is a good example. This is just another example of the good work being done by the Iemma Government in conjunction with landholders to assist landholders in difficult times. The program shows that even in the middle of the worst drought in 100 years, production and conservation activities can take place concurrently on properties. It is also important to point out the property vegetation plan [PVP] developer—the computer-based decision support tool that assists in producing property vegetation plans—was also commended under the Premier's public sector awards.

I am pleased this new approach to native vegetation management has been recognised in this way. As of this week, 85 PVPs have been approved across New South Wales. Despite early teething problems the system is making a difference. The ministerial review committee recently noted in its consolidated report that the system is working. The committee is made up of farming representatives, conservation groups, catchment management authorities and scientists. Their endorsement is welcome. The Government will continue to listen to rural communities and respond to their needs, unlike the Deputy Leader of the Opposition and his Nationals running mate.

CENTRAL COAST WATER SUPPLY

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: My question is directed to the Treasurer. New South Wales is enduring the worst drought in 100 years but the Hunter Water Corporation's total water storage, according to its web site on 8 November, is at 82.9 per cent of capacity and water restrictions will not be introduced until dam levels fall to 60 per cent. Why are there no water restrictions in the Hunter area? Could the Central Coast be supplied with water piped from the current Hunter catchment area? Why does a new dam need to be built at a cost of more than \$300 million when only 1.5 per cent of water on the Central Coast is recycled, demand side management options have not been trialled and Hunter Water Corporation apparently has plenty of water, which could be piped to the Central Coast?

The Hon. MICHAEL COSTA: I assume the question has been asked to me as either a shareholding Minister for the Hunter Water Corporation or alternatively as Minister for the Hunter. The answer is pretty clear: water restrictions in the Sydney metropolitan area are related to different levels of storage within our dams and water storages. The same applies in the Hunter. That is the reason for the present position. But the good news is that just this week the Government announced significant changes in the supply of water, including a dam to be built in the Dungog region, the Tillegra dam. As somebody just said, it is the first dam to be built in 30 years. The Government will also construct a water grid, as the Premier announced, to supply water to the Central Coast. Of course, that is of great benefit to the environment, if that is the honourable member's concern, because it will mitigate against the need for portable desalination, which was one of the strategies the Central Coast was looking at.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I have a supplementary question. Will the Minister please comment on the 1.5 per cent reuse rate and the lack of demand side management?

The Hon. Don Harwin: Point of order: That is clearly not a supplementary question; it is a new question.

The PRESIDENT: Order! I remind members that a supplementary question can only seek to elucidate an answer given by a Minister.

The Hon. Dr Arthur Chesterfield-Evans: To the point of order: These elements were both in my question.

The PRESIDENT: Order! The member must not canvass the President's ruling.

KINGS HIGHWAY SAFETY

The Hon. MELINDA PAVEY: Is the Minister for Roads aware that 52 serious accidents, including three fatalities, have been recorded so far on the notorious Kings Highway this year and during October 193

motorists were caught by police committing various offences including 96, or 49.7 per cent, for speeding? Is the Minister also aware that the 2005 NRMA audit found a total of 877 crashes occurred between 1995 and 2004 and identified 16 major black spots on the highway? How many deaths, serious accidents and statistics are needed before the Minister will inject serious money to upgrade the Kings Highway to provide a safe road for motorists?

The Hon. ERIC ROOZENDAAL: I am advised that the NRMA insurance company compiled a list of locations based purely upon insurance claim data. Many of the crashes in the NRMA list did not involve any injuries and police were not called. The Roads and Traffic Authority focuses most of its resources on protecting people, by upgrading locations where casualties and fatalities occur. The Government focus is on the safety of drivers and their passengers while the NRMA insurance list is more concerned with vehicle damage.

The Hon. JOHN DELLA BOSCA: I suggest that if members have further questions, they should place them on notice.

DEFERRED ANSWERS

The following answers to questions without notice were received by the Clerk during the adjournment of the House:

CAPE BYRON MARINE PARK GREENS CAMPAIGN

On 26 September 2006 the Hon. Jon Jenkins asked the Minister for Primary Industries a question without notice regarding the Cape Byron Marine Park Greens campaign. The Minister for Primary Industries provided the following response:

The Cape Byron Marine Park has a new zoning plan and a public educational awareness phase has begun to advise the community of the new laws and requirements. It is anticipated that it will take some time for individuals and groups to understand the new laws.

As organised events require a permit to be issued at no cost by the Marine Parks Authority I have referred the matter to the Marine Parks Authority. I have been advised that it is a minor operational matter only. I understand that the Manager of the marine park will be following up the matter and will inform the group that in future a permit will be required for organised events within the marine park.

GENDER CENTRE INC. AND NOEL CROMPTON

On 26 September 2006 Reverend the Hon. Fred Nile asked the Treasurer a question without notice regarding Gender Centre Inc. and Noel Crompton. The Minister for Justice provided the following response:

- (1) I am advised that South Eastern Sydney & Illawarra Health Service has confirmed Noel Crompton was admitted as a private patient in the Prince of Wales Public Hospital. I am further advised that an invoice was issued to Noel Crompton for payment prior to admission as a self-funded patient. Payment has been confirmed.
- (2) I am advised that the Gender Centre Inc. receives \$238,199 under the Supported Accommodation Assistance Program. This is a joint Commonwealth and State funded program.
- (3) The Department of Community Services Service Agreement 2006-07 forms the legal basis for Department's funding arrangements. The Agreement outlines performance monitoring and review requirements in line with the Department of Community Services' funding policies and against the accompanying Service Specifications covering project specifics.
- (4) This question would be best directed to the Gender Centre Inc.

LANE COVE TUNNEL PEDESTRIAN CROSSINGS

On 26 September 2006 Miss Lee Rhiannon asked the Minister for Roads a question without notice regarding Lane Cove Tunnel pedestrian crossings. The Minister for Roads provided the following response:

As you are aware, on 14 June 2006, I announced the RTA would investigate options for additional pedestrian facilities, including a shared pedestrian cycle bridge across Warringah Freeway in the vicinity of Falcon Street.

I am advised the RTA identified a number of options to improve pedestrian and cycle facilities to link with existing and proposed cycle and pedestrian paths.

These options were examined and further developed in close consultation with North Sydney Council and a community focus group comprising local residents and business owners, representatives from Bicycle NSW and pedestrian groups.

A Review of Environmental Factors, incorporating a preferred option for the new pedestrian bridge, will be released shortly.

Following consideration of submissions, the RTA will finalise project details and detailed design will begin.

CROSS CITY TUNNEL PROJECT DEED CONDITIONS

On 28 September 2006 the Hon. Greg Pearce asked the Minister for Roads a question without notice regarding Cross City Tunnel project deed conditions. The Minister for Roads provided the following response:

I am advised:

The RTA has not received any such notice.

WATER ENTITLEMENTS TEMPORARY TRANSFER

On 28 September 2006 the Hon. Rick Colless asked the Minister for Natural Resources a question without notice regarding the temporary transfer of water entitlements. The Minister for Natural Resources provided the following response:

This question should be directed to the Hon. David Campbell, MP, in his capacity as Minister for Water Utilities.

RURAL FINANCIAL COUNSELLORS FUNDING

On 28 September 2006 the Hon. Charlie Lynn asked the Minister for Primary Industries a question without notice regarding rural financial counsellors funding. The Minister for Primary Industries provided the following response:

For many years, the NSW Department of Primary Industries has provided \$26,000 pa to help the Nature Conservation Council for its Fisheries and Marine Networker position. This position provides input on fisheries management through forums such as Commercial Fishing Management Advisory Committees, the Fishery Management Strategy Working Group and the Advisory Council on Recreational Fishing.

Funding for rural financial counsellors has nothing to do with the Nature Conservation Council.

The Rural Financial Counselling Service Program is an Australian Government program that previously required local communities to match Federal funding on a dollar for dollar basis. Despite not being a signatory to this program, the NSW Government subsequently provided grants of up to \$25,000 per counsellor per annum to assist local communities in meeting this requirement. More over, due to the potential fund-raising difficulties that rural communities encountered during the drought, the NSW Government provided additional special grants of up to \$25,000 per counsellor to services in the years 2002-03 to 2005-06 to further assist them in meeting their community funding commitments under the program.

The Australian Government is restructuring this program and unilaterally decided to abolish the requirement for matching community funding under its new program. That is, the Australian Government took it upon itself to remove the very basis on which the special NSW drought grants were provided. It is also proposing that the NSW Government become a signatory. The Australian Government has only asked, and the legal agreement that we will sign only stipulates, that the NSW Government maintain its level of funding at \$25,000 per counsellor per annum. This is precisely what we are doing, up to a total of \$840,000 per annum.

The Australian Government itself undertook to make up any funding shortfall arising from its decision to remove the community co-funding requirement, and I have a letter dated 31 May 2006 from Minister McGauran to that effect. Therefore, any shortfall in rural financial counsellor funding is clearly the Australian Government's responsibility.

The NSW Government has not withdrawn any of its standard funding for rural financial counsellors and remains willing to pay this.

This commitment is in contrast to that of the Commonwealth which, after promising to make up for the community contributions that they abolished, has now capped its funding at an amount that appears to be insufficient to make up for the lost community contributions.

Therefore, any shortfall in rural financial counsellor funding is clearly the Australian Government's responsibility.

BATEMANS BAY GAME FISHING CLUB CROWN LAND LEASE

On 17 October 2006 the Hon. Catherine Cusack asked the Minister for Lands a question without notice regarding the Batemans Bay Game Fishing Club Crown land lease. The Minister for Lands provided the following response:

The Batemans Bay Game Fishing Club has held a licence to occupy 4.5 square metres of Crown land for a fish gantry since December 2000.

In 2004 Parliament passed reforms to the Crown Lands Act setting a new minimum rent, linked to CPI, representing the average administration costs faced by the Department in managing Crown leases and licences across NSW.

As of December 2006, the Club will pay the statutory minimum rent of \$373 per annum—little over \$7 per week.

This was phased in over a 3 year period to allow the club time to adjust to the new minimum rent.

There are provisions with the Crown Lands Act that enables me to consider applications for rental relief if groups or individuals are experiencing financial hardship.

WOLLONDILLY SHIRE COUNCIL MAYOR NO CONFIDENCE MOTION

On 24 October 2006 the Hon. Charlie Lynn asked the Minister for Justice, representing the Minister for Local Government, a question without notice regarding the Wollondilly Shire Council Mayor no-confidence motion. The Minister for Local Government provided the following response:

I note that the Councillors of Wollondilly Shire Council re-elected Councillor Phil Costa as Mayor in September this year.

The Local Government Act states that the role of the mayor is to: exercise the policy-making functions of the governing body of the council between meetings of the council; exercise such other functions of the council as the council determines; preside at meetings of the council; carry out the civic and ceremonial functions of the mayoral office.

These functions cannot be modified by a council.

It is not my role to interfere in the day-to-day operations of local councils. Consequently, the Local Government Act does not confer on me the power to instruct Councillor Costa to stand aside—that is a matter he will have to determine in good conscience.

The council can change its method of electing a Mayor so that the electors of its area elect the Mayor rather than the councillors. Wollondilly Shire Council could do this by obtaining the approval of its electors at a constitutional referendum.

Questions without notice concluded.**CLERK ASSISTANT COMMITTEES**

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [5.04 p.m.]: I move without notice:

1. That this House expresses its appreciation of the service to the Legislative Council of Mr Warren Cameron Cahill, Clerk Assistant Committees.
2. That this resolution be communicated to Mr Cahill by the President.

It is with great sadness that the House today says farewell to Warren Cahill. Warren has been a fixture of the Parliament for close to two decades, having commenced work here as a researcher in the Parliamentary Library. But I suppose he will be best remembered for his 14 years as Usher of the Black Rod. Shrouded in the mist of the Middle Ages, the position of Usher of the Black Rod was established in the fourteenth century—basically to act as a strong arm for the King in Parliament. Warren obviously relished this role in its modern guise, being the only Usher of the Black Rod to have escorted a Minister from the House—none other than former Treasurer Michael Egan. Mr Egan reportedly claimed to have been "intimidated and terrified" by Mr Cahill, who had approached him in a threatening manner. Echoing past tussles between Parliament and the monarchy, the former Treasurer sued Warren, along with the former President, for assault, battery and false imprisonment. But besides this, Warren has acquitted himself admirably in all of his roles, most recently as Clerk Assistant Committees.

All members of the House would admit that the committee system presents some of the most stressful situations in the smooth running of the upper House. When Warren first took on the role I think there were only two committees: the Standing Committee on State Development and the Standing Committee on Social Issues—the good old days did somebody say? He has overseen the expansion of the committee system from two to the present nine standing committees. Last year more than 30 inquiries were undertaken, 21 reports were tabled and close to 100 hearings were held.

While I have some questions over whether some of these inquiries were genuine or just political stunts, nevertheless it is testimony to the people and professional skills of Warren. His procedural advice as well as the support and monitoring he has given to committee staff have always been greatly appreciated. All of us will remember Warren for the calm way he carried out his duties, always ready with a quick answer and always with a smile. I think I speak on behalf of all of us when I say that his departure will be a great loss for this House. I am surprised that he finds it easier to work in the Solomon Islands than he does in this House. I wish Warren all the best in his new role.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [5.08 p.m.]: I suspect there will be a number of speakers from this side of the House but I have the honour of being the first to pass on our congratulations and our thanks to Warren for the support that he has given virtually all members of the House who were here during the period when he was the Usher of the Black Rod. I too remember that vicious assault on Michael Egan! I am surprised that Michael Egan did not apply for victim's compensation as a result! He was

permanently scarred as a result of the way he was thrown down the stairs! Be that as it may, there is no doubt that Warren has been a great worker for the Parliament.

I will always remember Warren as a great defender of the staff. Whenever I would come to see him in the context of wanting to expand a committee or to get a committee off the ground I was told about the limited resources and that staff were being heavily overworked, which of course they are. Warren was the first one to ensure that it was not an easy task for the Opposition to establish committees without proving that the committee was urgent and important. I also acknowledge the presence of Michael Wilkinson in the Chamber. It is good to have friends back in the House when we are recognising the contribution that Warren made, not only in his latter role and as Usher of the Black Rod but prior to that as a Clerk in the Chamber.

We have missed Warren since he went to the Solomon Islands in September last year. A few moments ago I was speaking to one of the other Clerks. I thought it was much longer ago: it seems a long time since he was here. I will not mention the names of some of his friends whose restaurant has not been the same without him. They often ask me how he is.

It has not been the same since his departure. They are finding it a little more difficult to put food on the plates. Hopefully Warren has an opportunity to see them before he continues his career working in parliaments beyond our Australian shores. Warren, thank you for the job you have done.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [5.10 p.m.]: I also acknowledge Warren Cahill. Having taken on and beaten vicious former Treasurer Michael Egan, the Solomon Islands would be a pushover. I was amazed to hear the reference to "Cameron". We wonder how he would look in the Cameron tartan and a sporran. I am sure they would be worn well. All honourable members have enjoyed working with Warren. On a couple of occasions in exasperation I called him a "bureaucrat's bureaucrat".

The Hon. Amanda Fazio: That's not an insult.

The Hon. DUNCAN GAY: I agree with the Deputy-President. It certainly was not an insult. Warren knew how to run this place properly and he certainly did. I had a lot of interaction with him when I was the Deputy-President and, as honourable members will remember, I was Acting-President nearly as much as I was Deputy-President during that period. It was great to work with Warren. My fondest memory proves what a decent bloke he is. I recounted a story to Ian Pringle outside earlier about a bushfire going through Crookwell, which thankfully did not go through my property. The first phone call I received that night was from Warren and his partner offering Kate and I accommodation. I still remember and cherish that thoughtfulness. It was an act of decency that one would expect from him. Well done, good luck and we will miss you.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.12 p.m.]: I acknowledge and thank Warren Cahill for his good work in this Parliament. He has always given good advice on committees and done good work. His advice on procedures was extremely helpful and it was always provided efficiently without being officious or bureaucratic. That is not a line that many people manage to walk. He always had a very good humour and a certain style. He carried the Black Rod as if it were a badge of honour; it was done with panache. Some people simply cannot do that—one either has it or not, and Warren has it. That is very important. His ability to remove difficult members from this House is legendary and it will stand him in good stead in dealing with any problems he may face in the future. We wish him well.

Reverend the Hon. FRED NILE [5.13 p.m.]: On behalf the Christian Democratic Party, and particularly the Reverend Dr Gordon Moyes—who is in hospital at the moment—I add our appreciation to Warren Cahill for his service to this Parliament, and particularly as Usher of the Black Rod. We all remember the drama he experienced in trying to escort our former Treasurer—

The Hon. Duncan Gay: And your former colleague Marie.

Reverend the Hon. FRED NILE: Yes, and Marie Bignold from this Chamber. He is a very brave man, who has carried out the orders of the House and given obedience. I have particularly appreciated the help he has provided on committees and the advice he has offered over many years. He has often helped us to untangle webs with his knowledge of the procedures of the Parliament and the committee system. I understand he has had a very happy time in the Solomon Islands and that he will return there. He is very brave man and we wish him every happiness and satisfaction in his new full-time role.

The Hon. JOHN RYAN [5.15 p.m.]: It is an enormous pleasure to join the House in wishing Warren Cahill well. Mention has been made of some of the high points of his career and it is important to remember that special moment when he had to walk backwards out of this Chamber to summon the other House to hear a speech from Her Majesty. We humiliated him further by having him dressed in stockings and shiny shoes. Undoubtedly the House has been enormously modernised since that event. However, as has been said, Warren carried out his duties with great panache and style. It was certainly a memorable event.

Like other Clerks of this House, Warren's knowledge of committee and House procedures is encyclopaedic. I saw his enormous patience tested to its limit during the Orange Grove inquiry. I am sure he must have internally groaned as we scheduled yet more hearings and experienced even more drama. Warren endured all of that, but no doubt it was excellent preparation for whatever has occurred to him in the Solomon Islands. We all wish you well, Warren.

I agree with my leader's comment that Warren was always a good advocate for the staff. However, he was in no way difficult and we were led to understand the staff position without in any way being made to feel uncomfortable. In fact, I think Warren often had the job of informing many of us of difficult things without ever making us feel uncomfortable. He has been enormously polite and professional. He is a character of this House who will be remembered long after he has left. We are sorry to see him go, but we are sure that he will bring enormous distinction to any position he fills as he has in upholding the traditions and practices of this House.

The Hon. AMANDA FAZIO [5.17 p.m.]: I place on record my thanks to Warren Cahill. When I came into this place as a new member and when I was elected as Chairman of Committees and Deputy-President I found his advice invaluable. He was a very reliable, frank and helpful person. I think the fact that he has decided to return to the Solomon Islands is an indication of a tradition in this House and this Parliament in general of providing assistance to emerging democracies, particularly those in the South-East Asian region. That is something of which we should all be proud. We are confident that Warren will provide good advice and very good value to the Parliament of the Solomon Islands because of his skills and abilities and the exemplary service he has provided to the Legislative Council. His is a brave decision, and it demonstrates Warren's commitment to the specialised role of parliamentary clerk. I wish him well and hope that he has a very happy future. I am sure that the service he provides to the Parliament of the Solomon Islands will be valued as highly as his service to this Chamber.

The Hon. RICK COLLESS [5.18 p.m.]: I join with my colleagues in wishing Warren Cahill well. The Hon. Amanda Fazio and I arrived in this place on the same day and Warren was one of the people who made the transition from the real world into this place so much easier by familiarising us with all the procedures and intricacies. I thank him for that. I represented this Parliament at an Anzac Day service at Hellfire Pass in Thailand and Warren asked me if I would lay a wreath on behalf of his family in memory of his father, Richard Cahill, who served at Hellfire Pass with my uncle Malcolm Knocker. It was not until I got home and I spoke to Warren and his family that I realised his father was a good friend of my uncle's. It is those connections that personalise the relationships that Warren had with many honourable members. Warren, I wish you all the very best in the Solomon Islands and hope to catch up with you at some time—perhaps over there. Well done and thank you.

Mr IAN COHEN [5.20 p.m.]: With pleasure and a degree of sadness I acknowledge the wonderful service of Warren Cahill in this House. I do so on behalf of the Greens. There are now a few more of us since we first became a party in this place. I must say, Warren, over the entire time I have been a member of this place you have undertaken your duties not only with great efficiency but with a quietly devilish sense of humour that is very endearing. I am sure many would feel that you were a friend in this House—I certainly felt that—and that you were there to protect us as representatives, to protect the institution, and to serve the principle of democracy in a most effective and efficient way. I certainly appreciated the times, and the banter and jokes we shared together. I have learned a great deal from your wisdom and advice.

Whilst some of us have called you "strong arm", on the day we saw you remove the Treasurer from this House, in my view it was done with such a degree of brevity that probably it was one of the few times in the House when the Treasurer was actually serious. There was not a smile on his face; he took the situation very seriously. It was an interesting example of the action of tradition in this modern-day Parliament. That was certainly an interesting time.

I might be wrong, but I think you rather delighted in the pageantry of the place, including the shiny shoes and uniforms. I hope you get the same degree of satisfaction, or more, when you go to the Solomon

Islands and undertake what is very important work. I know I speak on behalf of all the Greens in this House, and I am sure all members, in saying it is work that is so important in supporting areas such as the Solomon Islands. I can only congratulate you on moving to greener pastures.

The Hon. JOHN HATZISTERGOS (Minister for Health) [5.22 p.m.]: I also wish to briefly pay tribute to Warren. I have had the opportunity, not so much in this Parliament but in the previous Parliament, to take advice from Warren in relation to a large number of committees on which I have served, including estimates committees, standing committees and ad hoc committees. On all occasions I found his wisdom valuable, and his advice courteous and obliging. I think his personality always made it easier to take those bits of advice that sometimes you are reluctant to acknowledge the force of. I take this opportunity to wish Warren all the best in his new position. He will be sorely missed. The fact that he is going to the Solomon Islands, however, means that some other part of the world that is not far from us will have the benefit of his wisdom and experience. I certainly wish him well.

The Hon. CHARLIE LYNN [5.23 p.m.]: I also pass on my congratulations to Warren. In a place like this it is a great challenge to earn the respect and trust of members from all parties within the Parliament. I think Warren has achieved that, because all the contributions that have been made today are extremely genuine contributions. To walk that fine line and maintain the dignity that the position called for was certainly a challenge, but Warren did it. He was able to give good, impartial advice to all those who sought it—and some who did not seek it—to ensure that this House maintained its impartiality. I have no doubt that Warren has been well trained in his new role in the Solomon Islands. I was a member of the hospital waiting list committee in the days when Warren had to give advice to both the Hon. Dr Brian Pezzutti and the Hon. Patricia Staunton. It was quite a time. If he could handle that—and he did—he can handle anything the Solomons can throw at him.

Warren is the bureaucrats' bureaucrat; there is no doubt about that. Every time he came to my office, I knew that all my claims were out of date, they were on the wrong forms, and they were not correctly supported by receipts. But he could get that message across to me and still have a laugh in the process, and then send me back to the drawing board. It was great. Warren, I have enormous respect for you. I think you have fulfilled your role here tremendously well, and I wish you well. As one member said, to go to an area where Australia really has a role to play in bringing democracy to our friends in Melanesia and assisting them in any way will be a very rewarding experience for you and a great challenge. I think you are well equipped for that challenge, and I wish you well.

The Hon. JENNIFER GARDINER [5.26 p.m.]: As the chairman of one of our committees in this and the previous Parliament, I also join with all the speakers in commending Warren Cahill for his exemplary service to this Parliament, and particularly to the committee system. Over the years that Warren and the present team of Clerks have been in place, they have seen the committee system develop into an extraordinarily important and, in many ways, dominant part of the role we play as legislators, particularly in this House of review. Warren was always one of the Clerks who helped us, as Opposition members, assist in bringing the Executive Government of the day to account. That remains one of our core functions. Certainly, as the Hon. John Ryan said, the famous—or, some might say, infamous—Orange Grove inquiry took some of the powers of this House to the limit. But I think it is true that we won all the battles with the Executive Government on that inquiry, in terms of getting the information that we thought the Parliament and the people of New South Wales deserved.

Warren, I thank you very much for your patience, your tolerance, and your extraordinary capacity to cope with a lot of stress during that inquiry, as did the other members of the staff of the committees that served us. I must say that you do look more relaxed than you did at that stage. I hope that augurs well for your future in your new role. Congratulations on your past service to this House and this Parliament, and best wishes for the future.

The PRESIDENT: I would also like to say a few words. Warren Cahill was born on 29 May 1955 in Brisbane, the son of Ona and Richard Cahill. Prior to his parliamentary career he worked as a teacher and history tutor-researcher at the University of Queensland, and spent several years working in the private sector in England and Japan. Warren joined the Parliament in 1987 as a senior officer in the research services section of the Parliamentary Library. He was appointed as Usher of the Black Rod on 17 June 1991, and subsequently as Clerk Assistant Committees.

Warren was the Usher until September 2004, making him the longest-serving Usher of the Black Rod in New South Wales since the Second World War and the fourth-longest serving since 1856. As Usher, the twin

peaks of his career were probably greeting the Queen and throwing out Michael Egan. Warren organised many openings of Parliament, particularly in the era of President Max Willis, but the biggest was in 1992 when he met Princess Di, Prince Charles and the Queen for the first royal opening since 1954. When Michael Egan was ejected by Warren on 27 November 1998 the Treasurer claimed to be intimidated by the big, beefy, burly Usher of the Black Rod. In his letter on retirement Michael Egan expressed his admiration for the parliamentary staff:

... with the exception of the violent and vicious Warren Cahill. Please remind Mr Cahill that he now has a record and a second offence should see him behind bars.

Warren's role as Clerk Assistant Committees became increasingly important as the Legislative Council committee system in this period became the most active in the history of the council, with the establishment of standing committees such as the law and justice committee and the five general purpose standing committees. The position grew with him, encompassing the members' entitlements area and procedural advice in the Chamber.

Warren left the Legislative Council in September 2005 for a six-month position in the National Parliament of the Solomon Islands, working for the United Nations Development Program, which was extended at the request of the Solomon Islands Government. He has now been offered, and has accepted, a four-year contract to work with the Regional Development of Parliaments in the Pacific, a role that I believe is crucial to the development of democracy in that area and a role in which I know he is already excelling and will continue to excel. Warren will be sorely missed by all those who have had the privilege to work with him, and that includes me. I invite all friends of Warren to join us in Dr Redfern's Waiting Room for refreshments.

Motion agreed to.

CHARTER OF BUDGET HONESTY (ELECTION PROMISES COSTING) BILL

In Committee

Consideration resumed from an earlier hour.

Clauses 5 to 12 agreed to.

Clauses 13 to 18 agreed to.

Title agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Orders of the Day Nos 6 and 7 postponed on motion by the Hon. Tony Kelly.

POLICE AMENDMENT (MISCELLANEOUS) BILL

Second Reading

The Hon. ERIC ROOZENDAAL (Minister for Roads, and Minister Assisting the Minister for Transport) [5.37 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

I am pleased to introduce the *Police Amendment (Miscellaneous) Bill 2006*.

This Bill is evidence of this Government's commitment to ensuring the integrity of police officers and giving police the power and resources to fight crime and maintain order in this State.

The Bill aims to make a great policing organisation, which is already the best in Australia, even better.

The provisions contained in this Bill have arisen from two separate processes.

Schedule 1 of the Bill provides for the implementation of the recommendations of the Police Integrity Commission's report on Operation Abelia regarding the testing of police officers for illegal drugs and steroids.

Schedule 2 of the Bill includes legislative proposals arising from the statutory review of the Police Act 1990 which sought to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.

The proposed reforms target six key areas. They will:

- Enhance NSW Police's capacity to test police officers for the illegal use of drugs and steroids;
- Emphasise the law enforcement role of police in NSW with the restoration of the title NSW Police Force;
- Bring greater consistency in the employment conditions of police officers and those of the public sector generally;
- Remove the bureaucratic and unnecessary requirement to categorise complaints against police;
- Allow a regulation to be made to place on police trainees the same responsibility for confidentiality as applies to members of NSW Police Force; and
- Increase penalties for persons impersonating a police officer.

As members may be aware, between 2003-2005 the Police Integrity Commission (PIC) conducted Operation Abelia, which was an investigation into drug use by NSW Police officers. The Abelia Report was tabled in Parliament in November 2005.

It should be noted that the Police Integrity Commission found no evidence of widespread drug use in NSW Police and that it further noted that the NSW Police Drug and Alcohol Policy has been and continues to be a model for other law enforcement agencies.

The Report made 64 recommendations proposing policy, procedural and legislative change to strengthen NSW Police's ability to minimise illegal drug use by police officers. This Bill brings forward legislative amendments to support these recommendations.

I can also report that the statutory review of the Police Act 1990 concluded that the policy objectives of the Act remain valid, and that the terms of the Act generally remain appropriate for securing those objectives. The review did recommend a number of legislative changes to improve the operation of the Act, having regard to its policy objectives, many of which are included in this Bill.

The Police Amendment (Miscellaneous) Bill 2006

I now move to the detail of the Bill.

SCHEDULE 1

Schedule 1 of the Bill includes amendments arising from the Police Integrity Commission's Operation Abelia report.

Mandatory Testing Incident

Firstly, the Bill clarifies the nature of incidents for which drug and alcohol testing will be mandatory for the officers involved.

The phrase "mandatory testing incident" is defined in the Bill and complements existing NSW Police practice. Currently the legislation covers incidents involving the discharge of a police firearm, deaths in custody and police motor vehicle pursuits.

The Bill will include those occasions where a person is killed or seriously injured as a result of the application of physical force by a police officer or where a person is killed or seriously injured in an incident involving a police vessel or aircraft.

Recall to Duty Testing

The Bill also provides for the targeted testing of police officers who are off duty, enabling them to be recalled for duty for the purpose of testing. Any officer who uses illegal drugs, whether on or off duty, is in conflict with their oath as a constable.

The current regime, however, is unable to detect illegal drug use by police when they are off duty.

There are in-built safeguards in the Bill to ensure that this power is not abused. The testing will only occur on police premises. The manner in which officers are targeted for this testing will be determined by the Commissioner.

The direction to return to duty for testing can only be made by a police officer of or above the rank of superintendent.

The Bill also provides that an off duty police officer who genuinely and reasonably cannot comply with the direction—for example, if that officer is seriously ill, is interstate or has child care responsibilities—will not have to comply with the direction. The officer will not remain on duty after the test has been carried out.

Targeted Steroid Testing

The Bill also inserts a new provision to allow NSW Police officers to be tested for steroids on a targeted basis.

NSW Police is concerned that excessive long-term abuse of non-prescribed steroids can lead to heightened aggression with a corresponding loss of self control. This is a potentially significant problem for police officers who are frequently placed in situations where aggression may exacerbate or escalate a dangerous situation.

The new provision will ensure that this testing will only be undertaken on a targeted basis determined by the Commissioner of Police: for example when there is substantial evidence that the officer is abusing steroids.

This Bill, by facilitating the introduction of a vastly improved drug testing regime, confirms the Government's strong commitment to ensuring that NSW Police officers continue to have the respect and confidence of the community.

SCHEDULE 2

Schedule 2 of the Bill contains the provisions that are being introduced as a result of the Report on the Review of the Police Act.

Name of NSW Police Force

Firstly, I am pleased to advise members that the Government has decided to replace the current name of NSW Police by the more descriptive title of NSW Police Force.

Members may recall that NSW used the name Police Force until the Greiner Government officially changed the name to Police Service under the Police Service Act in 1990.

The name change was intended to reflect the social function of the organisation and encourage community based policing.

By 2001 the Labor Government had found that the name "Police Service" no longer reflected community and police expectations.

Under this Government, community based policing had become well established.

For example, Local Area Commanders had considerable autonomy in the management of local issues. Specialist Crime Prevention Officers were working with the community in developing crime prevention and community safety strategies.

Other specialists, such as Youth Liaison Officers and Police & Community Youth Club officers were also building important links with the community.

Most importantly, the Government's focus on frontline policing meant that police were spending less time behind desks and more time working in the communities they serve.

Therefore, as the use of the name "Service" was no longer necessary the then Minister for Police, Michael Costa, announced on 16 December 2001 that the name of the Police Service would be modernised to "NSW Police". This was consistent with the approach taken by most other Australian jurisdictions.

Whilst "NSW Police" became the organisation's formal name, the Government also acted to restore the term Police Force to popular currency.

The term Police Force was recognised by this Government as one of which police were justifiably proud, with a strong history, and one that reflected the community's expectations and the Government's priority of highly visible frontline policing.

This Government has been implementing policies to satisfy the community expectations of a visible, pro-active and effective police body.

We have also been listening to the views of front-line police.

The official restoration of the name "Police Force" through this Bill will reflect the existing community desire for a strong policing presence to reduce crime and other anti-social activity.

It will be part of the process of ensuring that strong proactive policing is not only done but is seen to be done.

The Bill also makes consequential changes to the name of the executive service of the police from NSW Police Senior Executive Service to the NSW Police Force Senior Executive Service.

Mission of NSW Police Force

This Bill will amend the current legislative statement of the Police Force's 'mission'.

NSW Police has recommended that its 'mission', spelt out in section 6(1) of the Act, be rewritten to express the same intent, but in simpler and clearer terms.

This proposal has been incorporated in the Bill to say:

The mission of the NSW Police Force is to work with the community to reduce violence, crime and fear.

Removal of Reference to Protective Security Group

The Bill will remove reference to the Protective Security Group.

The Protective Security Group was created in 1998 to undertake the functions of the former Special Branch plus a number of additional counter-terrorism activities.

However, following the September 11 and Bali attacks, NSW's counter-terrorism capability was reviewed and the Counter-Terrorism Coordination Command was created to investigate suspected terrorist acts and provide dignitary protection and related services. It effectively took over the role of the Protective Security Group.

This resulted in the disbandment of the Protective Security Group in April 2003 which, in turn, made provisions of the Police Act relating to it redundant. It is therefore proposed to omit those provisions.

Determination of Police Force Senior Executive Positions

NSW Police Senior Executive Service currently comprises the persons holding the positions referred to in Schedule 2 of the *Police Act*.

Section 34 of the Act provides that the Governor may, by proclamation, amend Schedule 2 by inserting the description of any position, or by omitting or amending any such description.

The submission by the Public Employment Office of the Premier's Department to the Police Act Review observed that the Governor had been removed from the process of determining and altering the Schedule of Senior Executive Service positions under the *Public Sector Employment and Management Act (PSEM Act)*.

Section 65 of that Act now provides for the Minister, instead of the Governor, to designate positions in the NSW Senior Executive Service. A list of SES positions has been placed on the Premier's Department website.

The Public Employment Office suggested that the Police Act be amended to enable Police Senior Executive Service positions to be designated by the Minister for Police.

The Police Act Review endorsed this recommendation.

It is therefore proposed to amend section 34 of the Police Act to give the Minister authority to determine NSW Police SES positions on the recommendation of the Commissioner of Police.

It is intended that the list of NSW Police Force Senior Executive Service positions will be included on the NSW Police Website, because the Premier's Department website only lists SES positions under the PSEM Act.

As Schedule 2 to the Police Act, which currently contains the list of Police Senior Executive Service positions, will no longer be used, it is proposed to omit it from the Act.

Recognition of Commissioned Officers

It is proposed to reintroduce the granting of commissions by the Governor.

Prior to 1996 commissioned officers (i.e. police officers of the rank of Inspector and above) were appointed by the Governor of New South Wales on the recommendation of the Police Board.

Reforms resulting from the Royal Commission into the NSW Police Service sought to ensure that the Commissioner would be responsible for the day-to-day management of NSW Police.

Consequently, the *Police Legislation Further Amendment Act 1996* made the Commissioner responsible for the appointment of all police officers and the practice of the Governor issuing commissions ceased.

The granting of commissions by the Governor was, and remains, highly valued by commissioned officers. The granting of the commission is viewed as a meaningful symbol of having attained the status of a senior officer and provides an opportunity for officers to reaffirm their commitment to the responsibilities of the office.

The reintroduction of the granting of commissions by the Governor would be a welcome return to a proud police tradition and its ceremonial nature will further enhance the respect afforded to commissioned police officers.

Removal of Category 1 and Category 2 distinction for complaints

This Bill proposes to remove the requirement for NSW Police to classify complaints against police officers as either 'Category 1' or 'Category 2' complaints. This process of categorisation has become redundant.

A Category 1 complaint is defined in section 121 of the Police Act as a complaint:

- that is of a class or kind that the Commissioner for the Police Integrity Commission and the Ombudsman have agreed should be referred to the Commission, or
- that the Commissioner for the Police Integrity Commission has requested should be referred to the Commission.

A Category 2 complaint is defined as a complaint that is not a Category 1 complaint.

Category 1 complaints generally contain more serious accusations than Category 2 complaints. Hence they are referred to the Police Integrity Commission.

The Police Integrity Commission already has access to the NSW Police complaints data base, which enables it to look at every complaint against NSW Police and take over the investigation of any complaint it chooses, irrespective of whether it is classified as Category 1 or Category 2. The proposed amendment will merely formalise this more efficient process.

The removal of the categories will also mean that police officers will no longer need to categorise complaints in the field. This amendment removes an unnecessary bureaucratic hurdle for police dealing with complaints.

A cognate amendment will be made to the *Police Integrity Commission Act* to require the Police Integrity Commission to advise NSW Police of the complaints that it decides to investigate. NSW Police will immediately cease its investigations of the complaints which the Police Integrity Commission advises it is investigating.

Removal of the statute of limitations for bribery offences

This Bill proposes to remove the current two year statute of limitations on bribery offences under section 200 of the *Police Act 1990*.

Section 200 states that a member of NSW Police who receives or solicits any bribe is guilty of an offence. Further, a person (including a police officer) is guilty of an offence if that person gives or offers a bribe to a police officer, or for an improper purpose makes any collusive agreement with a police officer.

The section also provides that proceedings for an offence against the section may be taken within 2 years after the act or omission alleged to constitute the offence.

Prior to 1996 the offences were summary offences with a maximum penalty of 50 penalty units or imprisonment for 12 months, or both.

However, in 1996 the Act was amended to provide a new maximum penalty of 200 penalty points or imprisonment for 7 years, or both, for offences under section 200. Offences under section 200 were also made indictable.

Normally an indictable offence does not have a restriction or limitation of time in which prosecution of that offence must be commenced. Such time limitations normally only apply to summary offences.

As the offences under section 200 are now indictable offences, there is no justification for retaining the 2 year limitation on the commencement of prosecutions in relation to those offences. This Bill rectifies this situation.

Increased penalties for impersonating a police officer

The impersonation of a police officer has the potential to have very serious consequences.

Many people when faced with a person who is wearing a police uniform, or claiming to be a police officer, would feel obliged to comply with any requests or instructions given by that person provided that they seemed reasonable. This could have serious consequences.

I am deeply concerned that persons impersonating police officers for criminal purposes can do considerable harm, both as a direct consequence of their criminal activity, and as a result of the loss of trust and the decline in co-operation by members of the community with the police if they are uncertain that they are dealing with authentic police officers.

The impersonation of a police officer also has the potential to have very serious consequences in the current climate of increased security risk.

The proposed amendment will retain the existing level of fine, which is a 100 penalty units, but increase the maximum custodial penalty for the existing offences from 6 months to 2 years in circumstances where the person has worn a police uniform, or impersonated a police officer without authorisation but has not attempted to exercise any powers of police.

However, the Bill will also introduce a new, aggravated, form of these offences which will be a indictable offence with a maximum penalty of 7 years imprisonment. This offence will be charged where a person has impersonated a police officer and purported to exercise some power, or powers, of a police officer. The offence will apply whether or not the person wears a police uniform or insignia.

The aggravated offence for the impersonation of a police officer will be included in the *Crimes Act 1900* because it is an indictable offence but will be able to be dealt with summarily. This will be in accord with the Government's general legislative drafting policy of incorporating all indictable offences in the *Crimes Act*.

Use of Confidential Information by Police Trainees

Concerns have been expressed by NSW Police about the possible risk of police trainees leaking confidential police information.

Police trainees may become aware of confidential information during their training. However, clause 46 of the *Police Regulation*, which outlines police treatment and use of confidential information, does not apply to Police trainees because they are not members of the NSW Police.

The current legislation provides little scope for action against a trainee who divulges confidential police information.

This deficiency would be fixed by amending clause 46 of the *Regulation* to include police trainees. However, the *Police Act* does not currently allow regulations to be made in respect of police trainees.

The Bill proposes to address this legislative gap by providing the power to make regulations in relation to students of policing, including the use of confidential information.

The application of clause 46 of the Regulation to police trainees would allow the Commissioner to reject an application by a trainee to become a police officer if that trainee has divulged confidential information.

Knowledge of this sanction would also serve as a deterrent to trainees seeking employment within NSW Police from inappropriately dealing with confidential information.

Review of Act

The Bill introduces a further requirement for the Minister for Police to review the *Police Act* as soon as possible after the period of 5 years from the date of assent to this amendment Act.

SCHEDULE 3

Schedule 3 of the Bill contains amendments to other Acts. They include the previously mentioned amendment to the *Crimes Act* relating to the offence of impersonating a police officer.

Amendments relating to the police complaints system will be made to the *Police Integrity Commission Act 1996*.

These amendments are primarily concerned with the removal of the categorisation of police complaints. They dovetail with the cognate amendments to the Police Act.

The other amendments will be made to 34 Acts, consequential to the change in name from NSW Police to NSW Police Force.

Further reforms forthcoming

Finally, I would advise members that the Government is currently developing further reforms to the *Police Act 1990*.

The statutory review of the Act foreshadowed a range of other possible reforms, many aimed at promoting further consistency with the Public Sector Management and Employment Act. These proposals are currently the subject of further consultation between NSW Police, the Police Association, and other relevant agencies.

Members would also be aware that the Government is currently undertaking a review of the police complaints system. Recommendations for reforms to the complaints system that were included in the statutory review of the Police Act 1990 have been held over until this further review is completed.

I am pleased to assure members that this Government will continue to work to ensure that Police are equipped with the most modern and effective legislation to help them fight crime and protect our community.

I commend the Bill to the House.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [5.37 p.m.]: I speak to the Police Amendment (Miscellaneous) Bill on behalf of the Opposition. In doing so I put on the record my condolences to the Smith family on the very tragic and unfortunate death of Peter Gordon Smith, known by the highway patrol and police fraternity on the Central Coast as Gordon Smith. Gordon was a fine highway patrol officer. He was a proud Scotsman and a father of a young family. He was doing his job on Saturday night, a job that has inherent dangers, a job of making our streets safer and, unfortunately, a job that has cost him his life.

I had an opportunity to speak with him only a few weeks ago at a commemorative function for an organisation on the Central Coast. It was great to speak to him and his family about the forthcoming Highland dance spectacular set down for 2007 on the Central Coast. He was most certainly a strong supporter of not only his heritage but also the police on the Central Coast and throughout New South Wales. He will be sorely missed. On behalf of the Opposition I pass on our condolences to his family, in particular to his boys, and to his parents, who I am told as recently as this morning are being flown to New South Wales from Scotland by NSW Police. On Friday his funeral will take place adjacent to Gosford Police Station. On this sorry day we will commemorate the contribution this young officer has made.

I now turn to the Police Amendment (Miscellaneous) Bill. As honourable members may be aware, the Greiner Government introduced the Police Act 1990 to effect a change of title from "Police Force" to "Police Service". The change was made at the request of the then Commissioner of Police, John Avery, a highly respected police commissioner. The change from "force" to "service" reflected the integration of the officers of the Police Force with the civilian administration of the Police Department. Commissioner Avery advocated the name change because he believed it was necessary to encourage community-based policing. I would make the point that under this Government community-based policing is dead and buried. Honourable members have only to look at the legislation, at what the Government has done to Neighbourhood Watch and child safety throughout New South Wales, to see that there is no longer a role for the community when it comes to policing in this State.

Although at stages since 1990 the name "Police Service" has been controversial that name was a reflection of the times. A shift in the focus of policing during the last part of the 1990s and early this century has seen a push by police and the community for a return to grassroots policing and, with it, to the term "Police Force". Legislation introduced in 2002 by the then Minister for Police changed the name from "Police Service" to "NSW Police" and provided for the informal use of "Police Force". At that time Minister Costa indicated that the title "NSW Police" was consistent with the approach taken by all Australian jurisdictions other than Queensland. The Coalition supported the change of title, but for some time has been advocating the reinstatement of the title "Police Force". It is a name that police have always stood proudly by. The Coalition's policy document entitled "Re-empowering Police: Supporting our Police on the Front Line", which was released in January this year, states:

In Government the NSW Liberals/Nationals Coalition will implement the following measures to support frontline police: ... We will legislate to officially protect the name NSW Police Force.

It was one of a number of significant measures that I note the Government has at least read. On this occasion it listened to the police and the community and has actually done something positive by adopting the policy commitment that the Coalition put forward back in January of this year. To further underline the importance of this to police culture and the support that this Parliament can give to police—and, indeed, sending a loud message to those in our community who want to break the law and continue get in the face of police officers because they believe the system now encourages them to do so—I gave notice on 5 September of my intention to introduce a private member's bill. The former Minister for Police, Carl Scully, indicated months ago that he would match the Coalition's promise but it has taken until now for him, and the Government, to finally act to make the change. Regardless of whether it was or was not the formal name, police at no time walked away from the name "Police Force", under which they were proud to serve. The Hon. Ian West made the following statement in a recent edition of *Westie Wing* on the Workers Online web site:

Some of Peter Debnam's more loopy ideas include:re-name 'NSW Police' to 'NSW Police Force'.

I look forward to seeing the honourable member sitting on this side of the Chamber, voting against his Government's legislation to change the name to "Police Force". It is further evidence of the lack of discussion within the Government with regard to the future direction of policing. This is a knee-jerk response by a Government desperate for currency and relevancy. The Government has come to this decision not as a result of its own work but as a result of the work done by the Coalition. The Government now realises that we have the ear of police and is doing absolutely everything it can in its last five days in Parliament to try to cobble together some sort of image that it is doing something positive about police.

The best thing the Government can do for the police in this State is to pray that the election comes around more quickly than ever, because the police want to be rid of the Government more quickly than ever! The best gift the Government can give to police in New South Wales is the opportunity to vote. The bill amends the Police Act to make further provision for the testing of police officers for the presence of alcohol, prohibited drugs and steroids, and to allow off-duty police to be recalled to duty for drug testing. The Police Integrity Commission's Operation Abelia report, released in September last year, followed an investigation into drug use by certain New South Wales police officers. The report made recommendations proposing policy, procedural and legislative change to strengthen the ability of NSW Police to minimise illegal drug use by police officers.

In light of those recommendations the bill will enable targeted testing for steroids and targeted recall to duty in order to test for the presence of drugs, and clarify and specify the circumstances of critical incident testing. Drug and alcohol testing will be mandatory for any police officer involved in a critical incident. A "critical incident" will be when a person is killed or injured as a direct consequence of the application of physical force by police, as a result of police detention or after an incident involving police aircraft, motor vehicle or vessel. Currently, testing may occur when there is a police pursuit or a firearm is discharged by police, or in the event of a death in police custody. The Opposition will continue to support measures that will protect our police. By testing for drugs we are protecting those honest hard-working officers who are out on the street and want to know that the person beside them is not affected by some illegal substance as they go about their police duties.

It is of utmost importance that the community have confidence in police and know that, if an unfortunate situation arises when someone is killed or injured in such circumstances, police will have been tested for drugs and alcohol. Such a policy protects police and the community. I note that in the latest budget \$1 million has been committed to implement the recommendations of Operation Abelia, including increased random drug testing to 15 per cent of police. The Operation Abelia report noted that random drug testing was

introduced in September 2001 and NSW Police currently tests between 3 per cent and 4 per cent of officers each year. On average, each local area command was visited only 1.5 times during the initial three-year period. Disturbingly, the report found that some officers did not even know that random drug testing is conducted in New South Wales.

The Police Integrity Commission [PIC] recommended that the rate of testing be increased to not less than 15 per cent. But, as with so many things, the Government has failed to get the detail right. With drug testing the Government simply announced the policy with a great deal of fanfare but has failed to back it up with the goods required to do the job. Honourable members undoubtedly saw the vengabus, the fun bus, the Winnebago that was to undertake the so-called drug testing of motorists to New South Wales, but the reality is there is only one bus and a small number of officers to cover the entire State. It is complete garbage! Instead of purchasing the \$800,000 Winnebago that was parked at the back of Parliament House only a few short months ago, it would have been better for the Government to have provided every highway patrol car and every police car with the ability to conduct the roadside drug test. Unless someone is stupid enough to walk onto the bus site, which will be lit up like a Christmas tree, the opportunity for someone to be detected for drug abuse whilst driving a motor vehicle on the State's streets is severely limited.

Following the statutory review of the Police Act 1990 a number of changes were recommended to the current system. This bill enacts some of those recommendations. The bill will result in the abolition of the current distinction between category 1 and category 2 complaints about police officers. Category 1 complaints are those of a nature that requires investigation by the Police Integrity Commission. Category 2 complaints are of a nature that can be investigated by the New South Wales Ombudsman or the Commissioner of Police. Under these changes the PIC will have the ability to take over any complaint investigation. If the PIC advises the police commissioner of its intention to take charge of the complaint, the commissioner and NSW Police must immediately cease all investigations. It also rationalises referral of complaints between the police commissioner, the Ombudsman and the PIC—something that the Opposition has seeking for some time and something that rank and file members of NSW Police have been speaking to us about for some time.

Finally, the deaf Government members have heard the calls for help from police. In the last few weeks before an election campaign it has finally done something to start to help them. When it comes to complaints and getting support for cops to get out there and start locking up crooks, this Parliament has a long road to travel. We must make more reforms because at present the complaints system heavily favours crooks out there who take advantage of every opportunity to tie up hardworking, honest cops.

The royal commission was 10 years ago; we have listened to the lessons and made the changes. The time has come to let the cops off the leash so that they can get out there and in the face of crooks before we reach the point at which there is simply no ability to pull it back. Every street and suburb is subject to antisocial behaviour and open to acts of violence. The community and the cops want something done. We have a long road to travel, but we must admit that we have a problem and we are prepared to address it. At present members opposite will not address the problem. When Coalition members move on to the Treasury benches in March next year one of our primary objectives will be to show that we support our cops by getting them onto the streets and into the face of people who are destroying the lives of so many citizens in our community.

The bill makes changes to the right of appeal by former police officers. It reduces appeal options when an officer resigns after receiving a notice that they may be dismissed for misconduct. It also allows for a regulation making police trainees abide by the same confidentiality as serving police officers. This is a sensible amendment, given that police trainees are exposed to sensitive information during their training and initial employment period. Once again the Government has stuffed up the detail. We have arguably between 800 and 900 trainees at the academy. It has always been a pre-requisite that trainees had to perform on-the-job training in police stations to see what it was like to be a police officer and basically to get a feel for the job.

However, this component of 80 hours that trainees are expected to do on the job has been done away with. We need certainty from the Government that young trainees who are super keen to get out there and learn on the job are given every opportunity to do so. Traditionally, a large class of graduates come out of the academy before Christmas and are on the streets during the Christmas-New Year period learning what it is like to be a police officer. Instead, as the Government prepares for the election campaign it has done away with the December graduating class; it has pushed the graduation back to 31 January, coincidentally at the commencement of the Government's election campaign following Australia Day. What excuse were we given for pushing back the graduation of these trainees from December to January? It did not fit in with the Minister's diary! It did not fit in with Carl Scully's diary. Fair dinkum! What a joke! We have a new police Minister—get his diary out and get these police on the street!

Instead, the Government is giving the trainees annual leave. I have never heard of that before. The Government is giving the trainees leave simply to push back a graduating class of super keen constables-to-be so that it can have a stunt at the end of January, early February and send out the postcards. What is happening with the trainees is an absolute disgrace. We have been told that they are not being given the same access to training as previous trainees. Extremely important on-the-job training is absolutely not negotiable. However, the Government is not interested in that; it is only interested in the postcards that go to everyone's home in February next year showing rows of police out on the academy parade ground, giving the impression that there is a new force coming in New South Wales. There is a new force because we are getting rid of this farce. The new force is behind me, and it will take its place on the benches opposite in March next year.

The bill also removes the two-year limitation on taking proceedings for an indictable offence for bribery and corruption. It increases the penalties for impersonating a police officer, including seven years imprisonment for purporting to exercise the power or powers of a police officer. It also removes the reference to the Protective Service Group, created in 1998, whose functions have been predominantly taken over by the counter-terrorism unit. Most of these reforms are long overdue. We will be dealing with other legislation in the dying days of the Iemma-Costa Government. We will be dealing with other reforms over the next couple of days. This bill is simply yet another example of the Government finally deciding to listen to calls for help from not only the police, in this case, but the community. I can assure honourable members that we will do absolutely everything we can to ensure that these reforms are expedited through the House. We want to ensure that the police have the necessary power and support to get out there and start doing what the community wants them to do. However, the first thing we must do is something we cannot touch for another four months, and that is getting rid of this pathetic Government.

Ms LEE RHIANNON [5.55 p.m.]: The Greens will not oppose the Police Amendment (Miscellaneous) Bill, which addresses three main issues. It amends the regime for drug and alcohol testing of police officers, it makes some procedural changes to the police complaints system, and it changes the name of NSW Police, yet again. The Greens support amendments in this bill to make drug and alcohol testing mandatory when a death or injury occurs as a result of the application of physical force by a police officer or after an incident involving a police aircraft, motor vehicle or vessel. These amendments flow from the recommendations of the Police Integrity Commission's report on Operation Abelia.

I trust that this bill has built-in safeguards to ensure that this power is not abused, and I understand that the New South Wales Police Association has been consulted about these changes. The bill also amends the regime for processing police complaints. It abolishes the distinction between what are known as category 1 and category 2 complaints against police officers, and makes some minor changes to how the complaint information system is administered. Again, we need to ensure that this system is fair not only for police but also for the public, because we have certainly seen abuses on both sides when it comes to complaints about police activities.

The amendment in this bill that I find most curious is the move to change the name of NSW Police. The bill proposes to rename NSW Police as the NSW Police Force. In the state of law and order that is New South Wales and in the lead-up to an election, it must be only logical that we have a "police force" and not merely the "police". It is useful to get the timeline straight on this name-changing fiasco that has characterised New South Wales politics under both Coalition and Labor governments. Previous to 1990 we had the New South Wales Police Force. In 1990 Premier Greiner changed the New South Wales Police Force to the New South Wales Police Service. In 2001 the then Minister for Police, Mr Costa, changed the name from the New South Wales Police Service to NSW Police. Then again in 2006 the same Government wants to change the name from NSW Police to the NSW Police Force.

One must wonder whether we are in a *Yes, Minister* comedy routine with all these changes. What difference has it made? The Government's briefing to the crossbench on the latest change explains that the change is to emphasise the proactive role of police in New South Wales. It makes one wonder what they were doing before, and what the Government is trying to present to the New South Wales public. To help the police Minister, I thought I would search out a few more options for names. After all, we have had a police force before, so why not move forward? Why not try some new names, considering that there is a name change every four years, on average? I checked the thesaurus for some alternatives to the word "force". We could go with "NSW Police Power", "NSW Police Confrontation", "NSW Police Might", "NSW Police Vigour" or "NSW Police Authority".

There is no end of changes that the Government could come up with when it is hard for a way to restructure problems it has with its own Government and also its policy on police. I am not reflecting on

members of NSW Police, but it is painfully clear that this amendment is an opportunistic public relations exercise. In the second reading speech on this bill in the lower House, Mr Newell explained that the change will "be part of a process of ensuring that strong proactive policing is not only done but is seen to be done". Those key words "seen to be done" are what the name change is all about.

The trajectory from Police Service to NSW Police to Police Force clearly shows the escalation in the law and order debate in New South Wales. The names we bestow on bodies are powerful and important and they send a political message to the community. "Service" is defined by the *Macquarie Dictionary* as an act of helpful activity, which I am sure describes the type of police force that most people in the community would want. It is disappointing, to say the least, that the Government regards the police as more of a force than a service.

This may seem to some as semantics, but the bigger question is whether we envisage our police force as one dominated by the rhetoric of authority and power or one providing service and assistance to the community. There is a fundamental difference. The bill will clearly indicate the type of police force the Government wants. Remember, the name change will be a very expensive—and I would say pathetic—public relations exercise. The change of name will require amendments to be made to web sites, letterheads, signage, badges and uniforms. I urge the Minister to tell us in his reply to the second reading debate how much all this will cost. Exactly how much will this public relations exercise cost the people of New South Wales?

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! Before I give the call to the Hon. Matthew Mason-Cox I inform members that he is about to make his first speech, and I trust the usual courtesies will be extended to him.

The Hon. MATTHEW MASON-COX [6.01 p.m.]: I rise tonight to support this bill and, with the indulgence of the House, to give my maiden speech in this place. At the outset, I thank you, Madam Deputy-President, other honourable members, and the Clerk and staff of the Legislative Council for making me so welcome as a new member of this House. I am very fortunate indeed to follow the Hon. Patricia Forsythe in representing the interests of the people of New South Wales. I thank the Liberal Party for the opportunity to serve, and acknowledge the significant contribution Patricia made to the good governance of this State. I very much look forward to continuing this tradition of service.

I also acknowledge and thank those who have provided invaluable support to me in my journey so far. Some are present in the gallery tonight. In particular I refer to my wife, Wendy, my parents, Catherine Anne and Joseph, my siblings and my friends. Others, like my children, Lachlan, Clare, Samuel and Rachel, unfortunately could not be here tonight. To you all, I give my thanks for the love you have shown me, for the wise counsel you have given me and for the times we have shared together. Tonight, I wish to share with members some of my story, together with some of the things that I will strive to achieve in this place.

I was born in Wagga Wagga, New South Wales, and will always be proud to be called a country boy. As one of six children, I quickly learnt how to survive in a competitive, boisterous, ego-rich environment. You could say it was the perfect training ground for a politician. In my early years, I learnt the importance of belonging to a community whose members cared for each other. My parents were active members of their community—serving at the local church, the local school, on council and as members of local community organisations. Their actions spoke louder than words and awoke in me an abiding commitment to serve others that has led me to this place tonight. One of my early influences came from an unlikely source. It was a poem by "Author Unknown" that used to hang on a special wall in my parents' home in Wagga Wagga—the toilet wall! From memory, it read:

You may be strong
But do not find fault with the man you see
Stumbling along the road,
You have not worn his shoes
Or struggled beneath his load.

I have always appreciated the lessons this poem teaches—of putting oneself in another's shoes before reacting, of not judging another, of being humble, not proud. I do not know whether hanging the poem in the toilet was a deliberate attempt by my parents to impart wisdom, but whatever it was, it worked. As a result, I have always been careful about what I hang on toilet walls!

Another important influence was my upbringing in the Catholic Church. One of the many lessons this taught me was how wonderfully and fearfully we are made, and that no matter what happens each of us is

precious and each of us has a special purpose in life. I was educated at Chevalier College in Bowral under the care of the Missionaries of the Sacred Heart. Discipline and vigorous sporting activity were the order of the day—both leaving their mark—and I thank them for it. This was followed by degrees in Law and Commerce from the University of New South Wales.

I then graduated to work as a solicitor at Freehills and as corporate counsel with Elders IXL Limited before embarking on what has become a rite of passage for many Australians—the backpacking trip overseas. During this time I experienced the culture of many other countries but the most memorable things I learnt were, ironically, about our country.

I learnt that we are blessed with the most diverse and pristine environment on this planet and that we had better look after it. I learnt that this is by far the best place in the world to live and the only place I want to live. I came to appreciate the personal sacrifice made by our gallant military forces in the defence of our great country and the freedoms we often take for granted. I stood on the beach at Anzac Cove on the Gallipoli Peninsula and looked up in disbelief at the cliffs our troops faced when they came ashore. I walked silently among the endless fields of white crosses on the Western Front. That is why, just before dawn on Anzac Day, you will find me, head bowed, remembering the sacrifices of our fine young service men and women defending our country. Tonight, I pay tribute to them and pledge to uphold the values and freedoms they fought so selflessly to defend.

Upon returning to Australia I settled in the fine town of Queanbeyan and joined the Department of the House of Representatives as an adviser to, and later secretary of, a number of parliamentary committees. It was here I served on the child support inquiry and saw first hand the dramatic impact that government can have on people's lives. It was then I realised that I wanted to be part of the solution.

I subsequently served in senior public sector roles in the privatisation of the Federal airports and in the fast tracking of major infrastructure projects, including the \$10 billion expansion of the North West Shelf liquefied natural gas project. These experiences demonstrated to me the enormous benefits that can be attained when the private and public sectors work together in partnership. I believe this partnership is absolutely critical to the future delivery of infrastructure and services in this State and nation.

I left the public sector just before the birth of my first child. Since that time I have had the privilege of sharing the care of my children with my wife, Wendy. Together, we have also enjoyed the challenges of small business in growing our optometry and dispensing businesses in the Queanbeyan region.

I have always believed in the value of serving others and in the capacity of an individual to make a real difference in other people's lives. That is why I have served as a member of the Queanbeyan West Rotary Club and many other community organisations for many years. One of my great concerns is that my generation is less committed to each other and indeed to the ideal of public service than past generations. In the parliamentary sphere, Sir Robert Gordon Menzies expressed the same disquiet over 50 years ago when he said:

If you were to ask me what I thought was the most deep-seated fault in Australia, I would unhesitatingly reply that the old notion of disinterested public service has almost disappeared, and that politics has come to be merely regarded as a war of interests in which much loot is to be won from the defeated.

Today nothing much has changed. This war of interests continues unabated. Often the victims are good public policy and the politically weak, sacrificed to the process in the name of progress.

One of the key responsibilities of government is to, without fear or favour, determine the balance points between competing interests. In making those types of decisions, in my view, the first question for government should be whether to intervene at all, as the market itself is generally the best mechanism for allocating resources to their best use. In many circumstances, however, governments do need to intervene to address market failures and to reallocate resources to ensure that we maintain a cohesive and compassionate society. After all, we must always remember that at the end of each day we go home to live in a community, not an economy.

I believe in efficient government that pursues outcomes with the minimum of regulation. A key focus of government should be to create the right environment for business to grow and prosper. If we get this balance right, then jobs and economic security will follow, along with the investment and increased government revenue that we all require. Governments need to appreciate that business is the engine room of prosperity, not a whipping boy for bureaucracy. Governments are elected to serve, not enslave.

Government is also about leadership and nation building. Where would we be without the vision of past governments to build wonderful infrastructure such as the Snowy Mountains Scheme? Today the private sector is well equipped to play a major role in funding and building infrastructure, but it is still the government's pivotal role to decide upon priorities and regulatory imperatives.

In my view our current Federal-State system of government is failing us on a number of these fronts. Our Federal-State system suffers from a chronically blurred and confused division of responsibilities between the Commonwealth and States, resulting in massive overlap and duplication. Our Federal-State system is characterised by a lack of consensus on national goals and forward planning in key areas such as infrastructure investment and service delivery. Our Federal-State system is burdened by a burgeoning bureaucracy that continues to breed due to a lack of oversight and accountability. A recent study by the Business Council of Australia entitled "Reshaping Australia's Federation" confirmed that our current Federal system is failing our nation. It found:

There is growing evidence that the way Australia's system currently operates is becoming a major barrier to future prosperity. In many instances, Australia's 20 million people face greater regulatory diversity, overlap, duplication and barriers to movement than Europe's 457million people.

Australia currently has some 1,400 regulatory bodies overseeing Commonwealth, State and local laws and regulations. This complexity adds enormously to the day-to-day cost of doing business both within and across State borders. It is a major hurdle in attracting international investment and detracts significantly from our international competitiveness.

The cost to Australia of our dysfunctional Federal-State system is estimated to be between \$9 billion and \$20 billion dollars each year, every single year. This appalling waste of resources must stop. The blame game between governments must stop. The time has come for all governments to work together to put the national interest ahead of State interests where this is necessary to secure good policy outcomes for all Australians. It is time to forge a new federalism based on clear responsibilities for each tier of government and an outcomes-focused co-operative framework to deal with issues that require joint decision-making. The people of New South Wales and Australia deserve no less, and I pledge to use my time in this place working towards this end.

A dysfunctional Federal-State system of government contributes to a dysfunctional society. We are increasingly a society that spends our health to make money and then spends our money to restore our health. We deny the aged the right to die and deny the unborn the right to live. We champion freedom and the rule of law, yet pass law after law denying freedom. We spend billions on overseas aid yet cannot come to the aid of our own homeless and hungry. We champion the family as the cornerstone of civil society yet facilitate family breakdown at every turn. We derive our self-worth from what we achieve not what we believe, and we judge success by material standards not personal standards.

Everywhere I turn I see a crisis of meaning in people's lives. It manifests itself in many ways—mental illness, homeless people, drug dependency, high divorce rates and violence in our communities. The reality is that there are no simple solutions to these problems. I see many government departments and organisations trying to help but they invariably focus on the physical symptoms rather than the underlying problems. We urgently need to consider new approaches, new ways to offer hope and meaning to those on the margins of our society.

I am heartened that recent events have focused debate on our values, the things that bind us together and make us great as a nation: values such as mateship, respect, personal responsibility, honesty, doing your best, and treating others as you would have them treat you. Sadly, there are extreme elements of our society who would replace our values with their own, judging our values to be corrupt and immoral. To those I say: You should not be an unwilling citizen or resident of this country. Either respect our values and our laws or depart for a culture that better reflects your beliefs. It is imperative that all Australians work together to ensure a cohesive, respectful and inclusive society.

As a country born and bred member of this place I will also strive to represent the special interests of country New South Wales. The country is a great place to live and a great place to raise your family. It is home to our great wealth-producing primary industries including forestry, mining, farming and fishing. It is home to many vibrant businesses and close-knit communities that know the importance of pulling together in difficult times. This so-called one-in-1,000-year drought is proving to be one of the most difficult times in living memory. It is inflicting an unprecedented toll on farmers and the businesses and communities that rely on farmers for their employment and economic security. They all need and deserve our support.

In Australia, a farmer takes his life every four days. This tragedy is getting worse as the pressure from the drought builds. Water levels in the Murray-Darling Basin are at critical levels, farmers' water entitlements have been slashed without compensation and everyday drinking water is under threat. This crisis knows no State borders and looms as another critical test of our Federal-State system of government.

Another issue of grave concern in country areas is the relative lack of investment in infrastructure and services—a situation that is exacerbated by the wide geographical spread of population centres in country New South Wales. This failure to invest is slowly eating into the social fabric of many country communities. If it is not addressed, it risks creating a permanent underclass in Australian society. I will not sit idly by and watch this happen. Tonight I pledge to invest my time in this place to promote investment in infrastructure in country areas, to promote investment in services in country areas, and to promote business investment and innovation in country areas. In this way I will be a strong advocate for vibrant and economically secure communities in country New South Wales.

As you would be aware, Madam Deputy-President, I am the first member of this place to be sworn in under the new, modernised oath and under the New South Wales Coat of Arms. Both replaced their former royal equivalents. Given that the existing prayer read at the commencement of each sitting day pursuant to Standing Order 28 is also in the process of being modernised, I thought it appropriate to conclude with it tonight because it best sums up what I hope to achieve in this place:

Almighty God, we humbly beseech Thee to vouchsafe Thy blessing upon this Parliament. Direct and prosper our deliberations to the advancement of Thy glory, and the true welfare of the people of our state and Australia. Amen.

Thank you.

[The Deputy-President (The Hon. Amanda Fazio) left the chair at 6.25 p.m. The House resumed at 8.00 p.m.]

The Hon. PETER BREEN [8.00 p.m.]: I am pleased to follow the Hon. Matthew Mason-Cox in this debate. His thoughtful and interesting contribution was also his inaugural speech and he pointed out that governments are elected to serve. He also quoted Sir Robert Menzies, who said, "The notion of disinterested public servants has almost disappeared." I think that signifies the problem I have with this bill in relation to the change of the name from "Police Service" to "Police Force". The notion of service is one that is consistent with community policing and, just as governments should serve, it follows that public servants, such as police officers, should serve. The proposed name change is not consistent with that principle. There is nothing about the notion of service in the name "Police Force". To the contrary, the notion of a police force is an anathema to service. It implies authoritarian rule, whereas "Police Service" is understood and recognised in the concept of community-based policing.

I agree with the Leader of the Opposition that community-based policing is dead and buried under the Iemma Labor Government. It was the Greiner Coalition Government that introduced the notion of community-based policing and, consistent with that policy, the corporate name of the New South Wales Police Force, as it was then known, was changed to Police Service. Now we have come full circle with a return to the name Police Force and in his remarks the Leader of the Opposition applauded that change, which I regard as a retrograde step. The honourable member may be right when he says that community-based policing is dead and buried under the Iemma Labor Government, but in respect of this issue the Government was aided and abetted by the Opposition providing the burial plot for community policing and all the support services of an undertaker.

The death of community-based policing is reflected in the name change in the bill and, in my opinion, it is a sad day for policing and for the safety of the people of New South Wales because the bill legitimises authoritarian policing as opposed to police service. It is difficult to keep track of who is police Minister under the Carr-Iemma Government. I am trying to recall who introduced the idea of police force, as opposed to service. I think it was the former Minister, Carl Scully, who proposed the idea of the change. Mr Scully was in Lismore last August and that was the first occasion on which I heard about the change. The Minister turned the first sod for the new police station extensions at Lismore and at the ceremony he said that he wanted to change the name from "Police Service" to "Police Force". The words he used were, in my opinion, typical of Mr Scully. He said:

We are not a customer service organisation. We're not selling fruit and veg at the supermarket. We're chasing down bad guys and locking them up, and that is a police force.

The name change from "Police Service" to "Police Force" in the bill bears all the hallmarks of Mr Scully's time as police Minister and, as I said earlier, it is a retrograde step. In my opinion the change is a scandal and it

should be dropped. The other aspect of the bill that I would like to deal with briefly relates to the changes to the complaints process. The Ombudsman deals with about 5,000 complaints each year in relation to policing while the Police Integrity Commission [PIC] deals with fewer than 120 complaints. Recently the Ombudsman made a complaint about the information provided by police to the parliamentary oversight committee and Neil Mercer quoted the Ombudsman's remarks in an edition of the *Sunday Telegraph* of 29 October. The Ombudsman attacked the information provided to the oversight committee by Assistant Commissioner John Carroll, who is in charge of Police Standards—it is another name change; it is the former Internal Affairs Department.

I want to illustrate the difficulties that members of the community have when they make complaints about police officers. I made a complaint about John Carroll back in 2002. I alleged that he was one of two police officers who signed up Shorty Jamieson for murder. That complaint was detailed to Commissioner Terry Griffin. As I said, that happened back in 2002 and there were a variety of telephone calls and some correspondence between my office and the Police Integrity Commission about the complaint, which was known as Operation Cerduna. As I understood it, the file was closed and an internal report was about to be published when Justice James Wood took over as Inspector of the Police Integrity Commission. Quite magically, the complaint was reactivated within the Police Integrity Commission and became once again a current investigation.

Justice James Wood made certain remarks about the conviction of Stephen Jamieson. He was so concerned about the police investigation that he aborted the first trial and directed the police to go away and conduct a proper investigation as to who was the right "Shorty". There is little doubt in my mind as to the position of Justice James Wood on the matters that I complained about and I have no doubt that the Police Integrity Commission was also aware of His Honour's position. The investigation proceeded and I made further inquiries of the PIC. I made certain complaints about the way the investigation was proceeding, and on 21 July 2005 the PIC wrote to me as follows:

Operation Cerduna is an ongoing investigation and any information divulged to you in relation to the matter, including information in this letter, is subject to the secrecy provisions of the Act.

There was nothing in the letter that I did not already know. So I now find that I cannot even talk about the investigation except with the benefit of parliamentary privilege. So other people in the community making complaints to the Police Integrity Commission—people who do not have the benefit of parliamentary privilege—are in exactly the same position. When the bill proposes changes between the Police Integrity Commission and the Ombudsman about the way police complaints are investigated, I favour the Ombudsman's approach—that is, investigations are open, people who make complaints are kept informed about their complaints, and ultimately reports are made and published so people can see the outcome. There is no way to find out the outcome of an investigation by the Police Integrity Commission because of the secrecy provisions in the Act. When I complained to the inspector, the Hon. James Wood, about this position he wrote to me and said:

If, as a result of an application of the decision in *Shaw v Police Integrity Commission*, the Commission lacks the legislative authority to report, then the option remains of dissemination of the material gathered, to the Supreme Court, for a Part 13A Inquiry.

This case provides a further example of the desirability of the legislation establishing the PIC being amended in the way recommended by my predecessor. I support his recommendation.

His Honour recommended that Police Integrity Commission reports into matters such as Operation Cerduna should be made public. They should not be retained in the offices of the Police Integrity Commission for the erudition of other police officers but should be made available publicly. They should be presented to the Parliament and they should be available for scrutiny. His Honour supports that position, as did his predecessor, the Hon. Morris Ireland. As the bill extends the secrecy provisions of the legislation to officers in training—that is, trainees at the police academy—I am concerned about the way in which the secrecy provisions are being used.

It is certainly not within the scope of the original intention of the Police Integrity Commission Act to use the secrecy provisions in that way. Section 56 of the Act places certain restrictions on officers of the commission and in subsection (5) extends those restrictions to other people but not in the way suggested by the Police Integrity Commission, in my opinion. I do not think it was ever the intention to impose secrecy on complaints, particularly in relation to the person making the complaint. Back in 1998 the Act was amended to extend the secrecy provisions to certain reports such as the reports on the quality and strategic audit of the reform process [QSARP], which has been referred to in today's press. In an article published today, Piers Akerman said that one of the first things Mr Iemma did on taking office as Premier in August last year was to

disband the Cabinet subcommittee on police reform set up after the Wood royal commission. Mr Akerman concluded his article by stating:

The arrogance and abandon with which the Carr-Iemma Government approached the critical public policy area of police reform makes a mockery of its much-vaunted claim to be a party of management.

The reports into the operation of the Police Integrity Commission have been the subject of much debate not only in this Parliament but within the Police Integrity Commission and the parliamentary oversight committee. Back in May 2000 a Police Integrity Commission audit found that internal police investigations are biased; it pursued complaints with less vigour than criminal investigations; more than a quarter of internal inquiries into complaints against police were unsatisfactory; only 7 per cent included checks of an officer's history of complaints; juniors investigated seniors; and officers investigated colleagues working in the same area. The audit criticised decisions not to investigate 43.5 per cent of complaints as unreasonable when the offences involved stealing, corruption, drinking and drug use.

Nothing much has changed since then. The QSARP reports have come and gone. The action taken as recommended in those reports has not been taken, and many people in the community feel that the Police Integrity Commission is failing in its duty to protect the community from police corruption. The misunderstandings in the Police Force as indicated by Assistant Commissioner Carroll and alluded to by the Ombudsman confirms that the problems referred to in the QSARP reports have not been addressed. The first report in February 2001 was critical of the reform process, stating that although some real progress had been achieved it was systematically limited, fragmented, patchy, slow and in some areas had come to a halt. It disagreed with the view of the then New South Wales Commissioner of Police, Peter Ryan, that reform was near completion, and criticised Ryan for a vision that did not address the key themes developed in the recommendations of the royal commission.

I remind honourable members that the royal commission into police corruption was established after the activities of John Hatton, a former member for South Coast in the other place. He was able to achieve the important milestone of the police royal commission as a result of his position as an Independent in the other House. The work that was done by Mr Hatton and others still has not been completed by the Police Integrity Commission. I was hoping that under Justice James Wood there would be some landmark decision making, that there would be serious progress in the investigation of corrupt police officers, but with the end of Justice Wood's term of office I find myself wondering what has been achieved during his time. It is disappointing when one considers that there are so many complaints. Just on the numbers, almost one-third of New South Wales police officers are investigated or are the subject of a complaint each year. That is an enormous number. For about 14,500 police officers, more than 5,000 complaints are registered. So there is a serious problem that needs to be addressed. The bill seeks to address the problem in a peremptory and superficial way, and it is time for some serious investigation into the area of police complaints. On that basis, I think the bill falls short of its objective.

The Hon. Dr PETER WONG [8.18 p.m.]: I support the Police Amendment (Miscellaneous) Bill, which amends the Police Act 1990 to provide for a range of incidents involving the death of or injury to a person where police officers will have to undergo drug and alcohol testing. The bill also provides for off-duty police officers to be recalled to duty on a targeted basis for drug testing, and to test police officers for steroid use on a targeted basis. The Commissioner of Police will determine such testing. There is no excuse for drug use in the workplace. The bill has been drafted in response to recommendations contained in the Police Integrity Commission report on Operation Abelia. The operation had three broad objectives: firstly, to investigate allegations that some New South Wales police officers used illegal drugs, supplied illegal drugs and/or associated with suppliers of illegal drugs; secondly, to provide an informed understanding of the nature of illegal drug use by some New South Wales police officers; and, thirdly, to examine relevant NSW Police policies, procedures and training materials with a view to advising NSW Police on how and where it can intervene to most effectively minimise illegal drug use by its officers.

It should be noted that the Police Integrity Commission found no evidence of widespread drug use within NSW Police or, at least, does not feel that the problem is greater for NSW Police than any other policing agencies in this country. That is not to say that NSW Police is free of illegal drug use within its ranks. The report recommended a number of policy, procedural and legislative changes to strengthen the ability of NSW Police to minimise the illegal use of drugs by police officers.

The bill also seeks to amend the Police Act to rename NSW Police the NSW Police Force. I have heard a lot of argument today about the name of the police service. Frankly I do not share a lot of the concerns. I have a lot of respect for the Leader of the Opposition but do not agree with a couple of matters he raised during his

contribution to the debate. He seemed to suggest that somehow because the name was not NSW Police Force people had less respect for the police service. He argued that because it was a police service criminals were able to run rings around the police and lock them down so they could not do their job. The argument put forward implied that somehow by changing the name to Police Force we would see police get off their bums, get out there and start protecting the public. That is all very strange stuff.

The Leader of the Opposition seems to be arguing that the police service is not doing its job and is not protecting the public, to a certain extent because it does not have the name "force". I remember the Wood royal commission. At that time Commissioner Wood said in his interim report that the word "force" helped bring about an endemic culture of corruption. Perhaps the argument here is that the police service cannot do its job until it once again takes on all the old cultures that led to a state of endemic corruption. I support this bill. I think the name change is totally unnecessary, but perhaps it is a trade-off to the boys in the association and the unions, given that they will have to undergo a greater level of drug testing. It is perhaps not a bad thing and possibly might even help to lift the morale in the police service. However, I remind the members of the Police Force that people who were in and are still in our defence force prefer to call themselves service men and women.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [8.22 p.m.]: I do not have a strong feeling about the Police Amendment (Miscellaneous) Bill one way or the other. Drug and alcohol testing is important in a workplace if there is misadventure. We must institute a culture where drug and alcohol use is minimised in the workplace. To the extent that there has been some behavioural change with steroids, perhaps they should be included in the bill. The police—their name keeps changing—are considerably better than they were in the early 1980s. As a resident of Newtown I did not have great faith in my local police. A car was firebombed outside my back gate at 3 o'clock in the morning. I was woken by the sound of breaking glass. I then smelled some kerosene and there was a great flash of flame as the car went up. As I had taken on the tobacco industry at the International Advertisers Association conference on the forecourt of the Opera House the day before I had more than a little suspicion that it was not a coincidence.

I rang the fire brigade and the police. The fire brigade was there immediately. Interestingly, the fire brigade searched the boot first once the fire in the car was put out. It was right outside my gate in the back lane and I think there was a message in it. The police officer, who arrived smelling of alcohol a long time later, said he did not think so and said he would look up the engine number of the car on the computer. He did not want to have to look under the bonnet. It was a pretty unimpressive display. That was about 1983 or 1984. I think the police are considerably better and do quite a good job now. I noted the contribution of the Hon. Peter Breen about the number of complaints. That has not been my experience in recent times, but I suppose I am only one citizen who is not having a great deal of difficulty at the moment.

The idea of changing the name to Police Force suggests the whim of a Minister. The reason given by the former Minister for Police, Carl Scully, is not impressive. I understand the motto of the NSW Police is "We Serve." Does the motto now change to "We Force"? What are we trying to achieve? There is nothing wrong in having a police group that sees itself as a service rather than a force. It is true there are criminals. However, in a sense the job of everyone in society is to keep society peaceful by whatever means possible and the use of force is very much a last resort. As such, it would be good if we tried to look at the more restorative justice model of the way society should be working. Simply adding the word "force" to the police name is less than helpful. Be that as it may, the drug and alcohol testing provision in this bill seems to be a good idea.

The Hon. ERIC ROOZENDAAL (Minister for Roads, and Minister Assisting the Minister for Transport) [8.26 p.m.], in reply: I thank all honourable members for their contributions to the debate. A number of issues have been raised. In particular, I want to deal with the issue of the strength of the Police Force. I report to the House that with the announcement of the recruitment of an additional 750 police in March 2006 the authorised police strength will be at a record of 15,206 by 30 January 2007. I think that is an important point to underline and to emphasise to the House. NSW Police embarked on an extensive recruitment campaign. The education component, session one, commenced on 26 June 2006 and ran for 12 weeks to 18 September. Session two commenced on 25 September 2006 and will run for 17 weeks until 30 January 2007. This includes a three-week break over Christmas from 22 December until 13 January 2007. The attestation date of the 750 police is now 30 June 2007. This is not the only time that an attestation parade has fallen outside the December period. In 1995 the then Coalition Government had an attestation in February at the Opera House.

I thank honourable members for their contributions to other matters. The two reports that result in amendments to the Police Act contained in this bill identified areas in the legislation that need to be strengthened to ensure the integrity of the NSW Police Force and to help it to carry out its roles more

effectively. As the Police Integrity Commission Operation Abelia report showed, there will always be a small number of police officers who seek to use illegal drugs irrespective of the clear contravention of their duties as constables. Schedule 1 to the bill, developed in consultation with the Premier's Department, the Ministry for Police, NSW Police and the Police Association, provides for a greater range of drug testing protocols which will considerably reduce the possibility of such officers remaining undetected. The new drug testing options will remove the ability of officers to abuse steroids or to take drugs off duty. In combination with a significantly increased random drug testing regime, these will ensure there is no place for drug takers to hide in the NSW Police Force.

The amendments will give the people of New South Wales confidence that officers of the NSW Police Force will continue to be held to the high standards of integrity, probity and trust that they have conferred on them. The amendments, which arise from the report of the review of the Police Act, cover a broad spectrum of issues. In particular, the bill will officially restore the traditional name of the NSW Police Force to emphasise its visible role in proactively reducing crime. The bill will also bring in strong penalties for impersonating police officers, particularly where that person purports to exercise some power of a police officer. It will also simplify and streamline the management of complaints against police, particularly by removing the distinction between category 1 and category 2 complaints. The total package of reforms presented in this bill will give a more practical statutory basis for the employment and operational effectiveness of police in this State. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 5 agreed to.

Schedule 1 agreed to.

The Hon. ERIC ROOZENDAAL (Minister for Roads, and Minister Assisting the Minister for Transport) [8.31 p.m.], by leave: I move Government amendments Nos 1, 2 and 3 in globo:

No. 1 Page 11, schedule 2 [26], proposed section 132, lines 20–23. Omit all words on those lines. Insert instead:

- (2) The Ombudsman is not required to refer a complaint (or part of a complaint) to the Commissioner if of the opinion that it is not in the public interest to do so.
- (3) The Ombudsman may, instead of referring a complaint to the Commissioner, forward a summary or appropriate details of the complaint, if of the opinion that there are reasonable grounds for not referring the complaint.
- (4) The Ombudsman may cause a copy of a complaint (or part of a complaint) that the Ombudsman decides not to refer to the Commissioner to be sent to the Police Integrity Commission.

No. 2 Page 21, schedule 3.25 [2] and [3], lines 22–25. Omit all words on those lines.

No. 3 Page 22, schedule 3.25 [6], line 8. Omit "sections 13 (2) and". Insert instead "section".

The Government is proposing amendments to the bill to address drafting issues identified by the Ombudsman and the Police Integrity Commission [PIC]. The amendments are minor and are intended only to clarify administrative arrangements relating to these two agencies. The amendments do not represent departures from the policy contained in the bill or the current legislation. The first amendment relates to section 132 of the Police Act 1990. Currently, under this section, the Ombudsman must refer category 1 complaints about police to the Police Integrity Commission and category 2 complaints to the Commissioner of Police—category 1 complaints being those of a more serious nature. Various provisions of the bill amend the Police Act to remove all references to category 1 and category 2 complaints. Following the passage of the amendments it will no longer be necessary to categorise complaints in this way: the PIC will instead access the NSW Police complaints registration system and self-refer any complaint matters in which it has an interest.

The bill's amendment to section 132 has, however, inadvertently removed the capacity of the Ombudsman to refer to the Police Integrity Commission a complaint considered inappropriate for referral to police. The proposed amendment to schedule 2 [26] will address this by making it clear that where the Ombudsman decides it would not be in the public interest to refer a particular complaint to the commissioner the

complaint may be referred to the Police Integrity Commission instead. The Police Association has been consulted and supports the proposed amendments to the bill.

The second amendment will ensure that the Police Integrity Commission Act is able to continue to focus its attention and resources on serious police misconduct. These amendments arise from the removal of the distinction between category 1 and 2 complaints. Currently the Police Integrity Commission Act defines "serious police misconduct" by reference to conduct that is or would be a category 1 complaint if a complaint were made about the conduct. Removal of the category 1 complaint definition from the legislation therefore necessitates removal of the definition of "serious police misconduct". The bill has consequently been drafted to remove all other references to "serious police misconduct" from the Police Integrity Commission Act as a result of the removal of this definition. The Police Integrity Commission has pointed out that the removal of the term "serious police misconduct" could be interpreted as being intended to substantially broaden its role outside of its principal focus on corrupt and serious criminal conduct by police officers.

The amendments to section 3 (a) and (b) and section 13 (2) are to be removed. The provisions that set up the objectives of the Act and the principal function of the Police Integrity Commission will retain their current focus on serious misconduct and corruption. It is considered that the provisions will continue to have effect despite the absence of the definition of "serious police misconduct", given that the term is relatively self-explanatory and may be further clarified in the commission's corporate policies if required.

The Hon. GREG PEARCE [8.35 p.m.]: The Opposition accepts the explanation provided by the Government for the amendments and therefore will not oppose them.

Reverend the Hon. FRED NILE [8.35 p.m.]: As I have stated, the Christian Democratic Party supports the Police Amendment (Miscellaneous) Bill and supports the amendments that provide, among other things, that the Ombudsman will not be required to refer a complaint or part of a complaint to the Commissioner of Police if in the opinion of the Ombudsman it is not in the public interest to do so. We trust that the passage of this bill restoring the name of the NSW Police Force will improve the morale of members of the police force in this State.

Amendments agreed to.

Schedule 2 as amended agreed to.

Schedule 3 as amended agreed to.

Title agreed to.

Bill reported from Committee with amendments and passed through remaining stages.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Order of the Day No. 9 postponed on motion by the Hon. Eric Roozendaal.

NATIONAL PARK ESTATE (LOWER HUNTER REGION RESERVATIONS) BILL

Second Reading

The Hon. ERIC ROOZENDAAL (Minister for Roads, and Minister Assisting the Minister for Transport) [8.39 p.m.], on behalf of the Hon. John Della Bosca: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

Over the past decade, the Government has declared nearly 2.6 million hectares of new national parks and reserves.

Around half of these additions to the reserve system have resulted from regional forestry assessments and we have supplemented this with significant purchases of high conservation areas throughout the State.

In striking an appropriate balance between social, economic, environmental and cultural values, the Government has set a national benchmark for the involvement of all stakeholders and community groups.

This has resulted in the creation of a world-class conservation network that protects biodiversity, old-growth forests and wilderness. It has also provided secure access for the timber industry to timber resources in State Forests and for the coal and minerals industries to coal and minerals resources in State Forests, State Conservation Areas and Crown Reserves.

These conservation reserves also provide vital recreational opportunities for both local communities, visitors and tourists alike.

In fact, more than 20 million people visit and enjoy our national parks every year—that's nearly 55,000 people each and every day.

However, the Lower Hunter region has tended to have less of its high conservation value land reserved for conservation than Sydney or other parts of the State. This Bill will address this imbalance.

The final Lower Hunter Regional Strategy and the draft Lower Hunter Regional Conservation Plan were released by the Premier, Minister Sartor and myself on the 17 October 2006.

The regional strategy and regional conservation plan clearly define priority areas for development and conservation over the next 25 years and will provide the Lower Hunter community with a clear vision for the future. Local councils and local communities in the Hunter will of course be closely involved in finalising the detail of process.

The regional strategy and regional conservation plan form an integrated package and represent a truly innovative approach to development and conservation in NSW. The package has allowed the Government to address a range of key social, economic and environmental matters and deliver a balanced and sustainable outcome for the Lower Hunter community.

To offset the impacts of future development identified in the regional strategy, it is imperative that key conservation areas be secured upfront.

Implementation of Stage 1 of the regional conservation plan—which this Bill entails—is designed to secure these critical conservation areas and demonstrate the Government's commitment to delivering balanced conservation and development outcomes in the Lower Hunter region.

This Bill will transfer more than 20,000 hectares of high conservation value Government-owned land into conservation reserves.

In addition, I am pleased to confirm that a further 12,000 hectares of privately-owned freehold land will be transferred to conservation reserves to be managed by the Department of Environment and Conservation under the National Parks and Wildlife Act 1974.

This will include iconic areas at Catherine Hill Bay and Stockrington, which have been the focus of significant community conservation efforts over many years.

In order to finalise the package, the remaining elements of the Lower Hunter Regional Conservation Plan are currently on public exhibition. I expect to release the final plan later in the year.

Conservation and recreational outcomes for the local community

The permanent conservation of around 32,000 hectares of land delivers an outstanding result for the Lower Hunter community.

In fact, the Government's announcement in fact outlines the biggest conservation initiative ever announced for the Lower Hunter and nearly doubles the area of park within 50 kilometres of Newcastle.

The reservation of these lands will secure critical vegetated corridors in the Watagans, Cessnock, Karuah, Port Stephens and Tomago areas, as well as securing a green buffer between the Central Coast and Lower Hunter.

Many of these areas comprise the final vegetated links in critical habitat corridors and are irreplaceable.

The largest of the new reserves—a corridor stretching from the Watagans Ranges to Port Stephens—covers around 14,600 hectares.

This area, which has long been promoted by Members of Parliament representing their Hunter constituents, as well as by a great many Hunter conservation groups, forms the backbone of a new Conservation Corridor.

This and other areas will provide a backbone around which future additions to the reserve system will complete and reinforce these corridors.

The reservation of these areas will also conserve significant areas of threatened plant communities, endangered forest types and habitat for a range of threatened species.

The majority of these areas will be transferred into State Conservation Areas and National Parks under the *National Parks and Wildlife Act 1974* and will provide a range of additional recreational opportunities for the local community.

In particular, the Government will encourage further input from the Hunter community as it considers new opportunities for ecotourism, such as new walking and cycling trails, new camping areas, bird watching facilities and commercial cabins for short stays by visitors and tourists.

The new reserves will provide important habitat protection for migrating bird species including those species listed on China Australia Migratory Bird Agreement and Japan Australia Migratory Bird Agreements.

This will help enhance opportunities for passive bird watching in the Lower Hunter area, which is a high profile activity by a number of local community groups and is a recognised tourism asset for the Hunter.

The new Hunter Estuary National Park will also provide enhanced protection for Kooragang Island and the Upper Arm of the Hunter River, which are listed under the Ramsar international wetland protection treaty and which have internationally recognised values. Key reserves this close to the major city of Newcastle are a great achievement which will be valued by generations to come.

Protecting access to critical resources and transport corridors

The importance of ensuring appropriate access to critical natural resources, including coal, water, timber and other minerals, was recognised from the outset and is inevitable in areas as long and densely settled as the lower Hunter.

I am pleased to confirm that the reservations will not affect access to these important resources.

Areas which are currently, or are likely to have, underground mining have been classified as State Conservation Areas.

I note that the provisions of the *National Parks and Wildlife Act 1974* relating to State Conservation Areas were explicitly drafted to ensure that current and future underground mining activities and associated surface activities, including the construction of facilities, associated clearing of vegetation and land subsidence, are permissible within State Conservation Areas.

Such provisions will be particularly relevant to the current mining operations south of Cessnock, which, under this Bill, will become the Werakata State Conservation Area. The new State Conservation Area will not have any impact on the coal mine's current or future operations, including necessary surface works.

In reserving this land, the Government recognises and accepts that some level of subsidence will occur with this operation. However, with rehabilitation after the mining operation ceases, there is no reason that this area cannot continue to deliver important biodiversity outcomes.

This in fact provides an excellent example of how we can ensure quality nature conservation and biodiversity outcomes are achieved, while at the same time protecting important job-creating industries at sites where they co-exist.

I can also confirm that the reservations will not adversely impact on the fulfilment of timber supply agreements and access to merchantable resources.

I would also like to highlight an important part of the package concerning water supply arrangements for the Hunter community.

Specific legislative amendments have been designed for the circumstances of Hunter Water Corporation's operations which will protect and enhance its current and future access to all water resources. These provisions, which are contained within this Bill, are supported by the Board of the Hunter Water Corporation.

It is also acknowledged that proposals to construct a rail line between Fassifern and Hexham, if it proceeds, and to extend the F3 Freeway from Branxton to Raymond Terrace, would impact on small areas of land now being reserved by this Bill. I am advised that final routes for these transport corridors are yet to be decided.

My Department will work closely with the relevant agencies throughout the selection of the final routes to minimise their impacts. When these transport corridors have gained their final relevant approvals, I can advise that the necessary excisions will be made from the reserves to accommodate those new uses.

Funding

It is important that these new areas are managed effectively and that funds are available to establish the new infrastructure to ensure that the people in the Lower Hunter can enjoy these new reserves.

The Government will invest \$12.55 million over the next four years to establish and properly manage the new reserves.

This includes funding to enable the construction of new multiple use walking tracks, camping areas, BBQ facilities as well as undertaking essential fire prevention, weed and pest animal control work.

Funding will also be available to employ new park management staff and so ensure the new reserves are properly and effectively managed. Overall, there will be more than 20 new front line park management jobs created, with a target of 20 percent of those being Aboriginal people.

These staff will be responsible for day to day fire management, pest animal and weed control as well as maintaining the visitor facilities and infrastructure of these new reserves.

The Bill

Turning to the details of the Bill, Part 1 provides for the land transfers to occur on 1 July 2007.

Part 2 revokes certain lands as State forest and makes provision for those revoked lands to be reserved as national park or state conservation area. It also reserves certain Crown lands as national park, nature reserve or state conservation area. This part also sets apart certain lands in State forests as flora reserves under the Forestry Act 1916.

Clause 8 vests certain land in revoked State forests, and certain Crown lands, in the Minister for the Environment of the purposes of Part 11 of the National Parks and Wildlife Act 1974.

Clause 9 transfers land currently within national park, nature reserve or state conservation area to new national parks, nature reserve and state conservation area.

Clause 10 enables the Director-General of the Department of Environment and Conservation to alter boundaries of the transferred land by adjusting the land descriptions contained in the bill. These adjustments must be for the purposes of the effective management of the national park estate land and State forest land, the adjustment of boundaries to public roads, and in connection with easements.

Any adjustments made under clause 10 must not significantly reduce the size or value of the national park estate land or State forest land. The Director General of the Department of Environment and Conservation must have the agreement of the relevant Ministers to make the changes. Adjustments must be made by 1 July 2008 or, in the case of State forests and Crown lands vested in the Minister for the Environment under Part 11 of the National Parks and Wildlife Act 1974 or of the boundary of land adjoining a public road, by 1 July 2012.

Schedule 8 amends the National Parks and Wildlife Act 1974 to provide for the carrying out of development for certain purposes by or on behalf of the Hunter Water Corporation in special areas under the Hunter Water Act 1991 that are reserved under the National Parks and Wildlife Act 1974.

The amendments also provide for the joint preparation and implementation of plans of management for that land by the Director-General of the Department of Environment and Conservation and the Chief Executive Officer of the Hunter Water Corporation, and for the joint adoption of those plans by the Minister for the Environment and the Minister for Natural Resources.

Schedule 9 amends the Hunter Water Act 1991 to provide that the Hunter Water Corporation is the owner of all works on land within a special area under that Act that is part of the national park estate.

To summarise, this Bill will facilitate the transfer of Government owned land to various new conservation reserves under the National Parks and Wildlife Act 1974.

The Government lands to be transferred via the Bill include:

- Approximately 8,300 hectares of State Forest;
- Approximately 1,100 hectares of Crown land;
- Approximately 4,500 hectares of Crown land currently managed by Hunter Water Corporation; and
- Approximately 1,500 hectares of land currently managed by the Regional Land Management Corporation.

In addition, the Bill provides for the reclassification of approximately 2,900ha of State Forest to Flora Reserves under the Forestry Act 1916, which will allow for enhanced and secure conservation of these areas.

DEC will continue working with the relevant Government agencies to refine the reserve boundaries and reserve categories as necessary.

Other Safeguards

The Bill also contains important safeguards to protect the rights and entitlements of persons who may be using the lands that will be transferred or be subject to this draft legislation. These safeguards are important and provide security for people whose lands may change tenure.

Importantly, the Bill specifically excludes reservation of freehold and certain leasehold lands that may have been inadvertently included in the land descriptions in the schedules. Such lands cannot be dedicated under this Bill. This includes freehold land and lands subject to a perpetual lease, a special lease or a term lease under the Crown Lands (Continued Tenures) Act.

Similarly, existing leases issued under the Forestry Act are protected under this proposed legislation. Thus people who may be undertaking an activity under a lease on State forest may continue to do so. In other words, existing uses are protected.

Access roads and trails, in use prior to 1 July 2007 will not be reserved as national park, nature reserve or state conservation area. Rather, these roads and trails will be vested in the name of the Minister and may continue to be used for the same purposes into the future. This will ensure that people continue to have access to their properties.

The Bill also puts an obligation on the Minister to grant a right of way for a road if that road had a right of way under the Forestry Act. By 1 July 2012, the Minister must advise which of these access roads are excluded from reservation and which may be reserved.

However, the Bill also provides that the Minister must not authorise the closure of any access road to private land while that land remains in private ownership and the road is the only practical means of access.

Finally, the Bill protects Aboriginal land claims. The Bill states that any Crown land subject to a claim made before 25 September 2006 under the Aboriginal Land Rights Act is not reserved or vested in the Minister's name if it has not been determined by 1 July 2007. This ensures that the proper processes can continue and that the Aboriginal community's interests are fully protected while the claim is being considered.

The Bill also amends the Native Title (New South Wales) Act 1994 to preserve native title rights and interests in respect of a reservation or vesting of, or declaration over, land or waters by the operation of the proposed Act.

I commend the Bill to the House and table for the information of Honourable Members, colour copies of the maps that show the land described in the Schedules to the Bill.

The Hon. RICK COLLESS [8.39 p.m.]: I lead for the Opposition on the National Park Estate (Lower Hunter Region Reservations) Bill and indicate at the outset that the Opposition will not oppose it. The object of the bill is to transfer various lands in the lower Hunter region to the national park estate. The bill transfers 8,300 hectares of State forest, 1,100 hectares of Crown land, 4,500 hectares of land managed by the Hunter Water Corporation, 1,500 hectares of land managed by the Regional Land Management Corporation and 1,000 hectares of land managed by the Hunter-Central Rivers Catchment Management Authority to the National Parks and Wildlife Service [NPWS]. It creates 4,900 hectares of national park and 13,200 of State conservation area and reclassifies 2,900 hectares of State forest as flora reserve.

The package as outlined to the Opposition includes a memorandum of understanding with three major landowners in the area: Coal and Allied, Hardie Holdings and Rosecorp. Coal and Allied, which is a subsidiary of Rio Tinto, has two significant parcels of land at Catherine Hill Bay and north-east of Mount Sugarloaf totalling 3,600 hectares. Under the memorandum of understanding, about 80 per cent of that land would go to the public and Coal and Allied would retain the rest, including 50 hectares of prime land at Catherine Hill Bay. That is adjacent to land owned by Breakfast Point developer Rosecorp, which under the proposal would develop 70 hectares, and significantly more than that would go into the new conservation reserves on the Wallarah Peninsula.

The Hardie Holdings deal with the Government is considerably more controversial. In his speech during the second reading debate in the other place the shadow Minister indicated that Hardie Holdings is reputed to have been the developer for whom the biobanking scheme was created. He went on to say that the Government's memorandum of understanding with Hardie Holdings includes the controversial Sweetwater development near Branxton, which has been renamed "Huntlee". If the deal holds, Hardie will get 7,200 residential lots, 160 hectares of commercial and employment land and 300 rural-residential lots.

On this occasion the Government has bent over backwards not to upset vested or business interests that just happen to be in its heartland electorates. In this case those interests include developers, the coal industry, the forestry industry, small-scale private landholders and the Hunter Water Corporation. The Government has demonstrated double standards because its policy would be somewhat different if it concerned farmers and other private rural landholders. The Government has done a trade-off under the label of conservation, saying that 30,000 hectares of public and private lands will now be secured in State conservation areas and national parks to enable the big end of town to develop that land at no real cost to developers. On the other hand, farmers who wish to farm areas or to remove woody weeds or invasive scrub normally find that they are penalised. For example, earlier this year a Cobar farmer was told that he could clear 500 hectares if he gave an offset of 50,000 hectares. That is a ratio of 1:100. Yet, after making an application dealing with the most overcleared part of New South Wales—the Cumberland Plain—a developer was granted approval to develop 600 hectares in return for an offset of 800 hectares, which is a ratio of 1:1.3. That was the Lend Lease site at St Marys, the old AFI site.

My colleague the shadow Minister for forestry provided another example when this bill was debated in another place. It related to a farmer in the Murrumbidgee who wanted to clear a very small area of land—less than 100 acres. The land was not totally wooded but contained remnant vegetation that had to be cleared for farming. The trade-off offered to the farmer by the Government was to set aside almost 500 acres as part of a quid pro quo. The Government worked out a formula. The farm itself was only 400 acres, yet the required reservation was greater. That is not the only example of that sort of thing happening. If the farmer had wished to go ahead and clear the land, he would have had to buy the reserved land to fulfil the conditions imposed by the Government. This bill demonstrates that the Government has one rule for the big end of town and another for farmers.

The proposed 12,000 hectares of forest to be put into the national parks and conservation system sounds very clean and green. However, in reality the majority of the areas which have now been reserved for national parks and conservation and which are being heralded as a great conservation outcome for the people of the lower Hunter and New South Wales were already reserved in one form or another. They were reserved as forest management zones or flora and fauna reserves in State forests.

The only timber in State forests that is loggable is about 4,000 cubic metres of standing timber, and that is not much. The people of New South Wales must be told that they are being deceived by the Government. Lands in State forests which were never going to be logged and which were properly managed by State Forests as part of the State Forest estate and set aside as flora reserves or conservation areas in any event are now being heralded by the State Government as reserved despite the fact that under the comprehensive regional assessment [CRA] process they were already reserved. The Minister responsible for national parks did not want the majority of this land and the land that has the 4,000 cubic metres of standing timber on it during the Regional Forest Agreement-CRA process. At that time the land was not worthy of conservation, yet now it is being heralded as a conservation outcome for New South Wales.

I note with some concern that the Minister did not provide answers to the Coalition's questions in another place about the 12,000 hectares that will be put into the national park estate, that is not addressed by the legislation and that is currently owned by developers. I call on the Government to inform the House what guarantees will be given to ensure that the land will be handed over, and I ask the Government to explain why we are handing over 12,000 hectares of State forest as a quid pro quo for developers. The Coalition also has concerns about the \$30-a-hectare management fee that is paid to the NPWS. That is not nearly enough to manage this land for the eradication of feral animals and noxious weeds and the reduction of fire hazards. We have already seen fires out of control in national parks that have escaped onto neighbouring private property.

It was interesting to hear the Minister in his speech in reply offering the usual Government line that this will encourage tourism. Tourism was offered to towns like Baradine as the panacea for all their ills following the decimation of the timber industry in the Brigalow Belt South bio-region. According to the Government, tourism would save the towns that depended on the timber industry. Well, the tourists have not arrived and Baradine is slowly dying. The local hardware store has closed and more businesses are on the brink of closing. The RSL club has closed its doors. The only signs of prosperity in the town are the shiny new NPWS four-wheel drive vehicles parked along the main street. The people of Baradine are angry that their heartland has been ripped out to be replaced by shiny new four-wheel drive vehicles with NPWS logos. The NPWS personnel do not spend any money in the town; they live in Coonabarabran and Baradine as suffered as a result. I reiterate the need for the Minister to identify the 12,000 hectares and to provide a timetable for the handover from the private owners.

Mr IAN COHEN [8.48 p.m.]: I speak on behalf of the Greens on the National Park (Lower Hunter Region Reservations) Bill. Like the Hon. Rick Colless, I offer lukewarm support for it. I have some empathy for the matters he raised. There are many concerns in different areas, although my concerns come from a different perspective than that given by the member. Nevertheless, the differences are apparent and the Government has displayed a degree of hypocrisy in this regard. The bill marks a clear divergence from the principle of creating national parks for the protection of the environment and long-term conservation protection to that of creating them as a trade-off for massive development.

The bill seeks to transfer more than 20,000 hectares of land to the national park estate. That is certainly welcomed by the Greens. It is a substantial amount of land and this move is not to be scoffed at. However, the Lower Hunter Regional Strategy will see more than 5,000 hectares of high conservation value land destroyed, so this is really a bittersweet victory. Members of the conservation movement have been lobbying for the reservation of this area for a long time, and I commend them for their dedicated efforts.

These areas are already publicly owned, with areas of State forest, Hunter Water land and Crown land being transferred to the national park estate. As the Hon. Rick Colless said, more and more areas are being protected. So we are not getting a net gain. The same applies to the biobanking legislation. It is of real concern that although we see a change of label on a map of land tenure in terms of the responsible department, we are not necessarily seeing gains. Having said that, I acknowledge that 20,000 hectares is a substantial amount of land to be added to the national park estate. However, more and more we find a sleight of hand with regard to the exchange of land tenure. There is no increased protection, there is simply a change of label, and that concerns me greatly.

While the extra level of protection through reservation is a welcome step, the land should have been protected from development in any event, regardless of the regional strategy. In addition to the area to be reserved under the bill, planning agreements with three major landholders allow for 12,000 hectares of private land to be protected in return for development approval in highly sensitive bushland areas. The reservations will see two green corridors in the region—the Wattagan to Stockton corridor and the Wallarah Peninsula corridor. Conservation areas will be established at Karuah, Werakata, the Ellalong Lagoon and Belford.

I understand that over the next four years the Government will invest just over \$12 million for the management of the new reserves. The Wattagan Ranges to Port Stephens corridor is the largest of the new reserves. The corridor is important for providing habitat for migratory bird species and local threatened species. It will protect areas of dry sclerophyll shrub forests, estuarine and saline wetlands, heathlands and rainforests. Karuah Nature Reserve and Worimi Nature Reserve will see an additional 3,000 hectares, with paperbark swamp forests and coastal wetlands being protected. This will protect habitat for birds listed under migratory bird international agreements.

An extension of just over 2,000 hectares to the Werakata National Park will provide a corridor linking ranges to the east and west, with protection for woodland vegetation. A parcel of 1,200 hectares will be added to Wallarah National Park, including bushland surrounding Catherine Hill Bay, and 1,300 hectares of new reserves will be created near Branxton and Elderslie, protecting endangered ecological communities. A conservation area of over 500 hectares will include Ellalong Lagoon, areas of the endangered Hunter Lowland redgum forest, and small areas of the endangered river-flat eucalypt forest on coastal floodplains. In addition, 6,000 hectares will be added to Wollemi and Yengo national parks.

These additions are welcome. However, the Lower Hunter Strategy, of which the reservations are a part, is an appalling play into the hands of developers. The stated purpose of the regional strategy was to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing, employment and environmental needs of the region's population over the next 25 years. The draft strategy had forecast a population growth of 125,000 until 2031 as a prudent middle position. However, the strategy the Government has announced involves a population growth of 160,000. This will place increasing pressures on the area's natural resources, water and energy supplies.

The final population target is an increase of more than 50 per cent on the predictions of the Government's own demographers, and that is a massive population increase. The green movement constantly hears interesting debate about the carrying capacity of particular areas, whether nationally or globally, or in New South Wales alone. So often we hear debate comparing pure population position with the design of buildings and amenities that will allow a greater population. The tragedy is that under the present planning Minister and State Government there is not enough control over the type of development that takes place, and therefore these population increases will have a considerable impact on future environmental sustainability.

However, Frank Sartor, in the saddle of the planning ministry, is forging ahead. In the past the Minister has said that he will somehow "pull the State of New South Wales up economically through development". I believe this is a dangerous direction for the New South Wales Government to take. It seems to have gone totally against its own planning principles and against the principles of ecologically sustainable development. Instead it is pandering to the property developer lobby. In its draft strategy the Government had set itself a "maintain or improve" test for preserving biodiversity. The final strategy is clearly failing to meet that objective.

The strategy has also failed to consider climate change. It will result in urban sprawl, leaving residents car dependent. Moreover, it will allow development in areas that will be susceptible to sea level rises in the future. A number of sites that are marked for development are heavily vegetated, and the development of these sites is likely to lead to a loss of biodiversity. They include North Raymond Terrace and areas near Morisset, Rathmines, Wallsend and Cardiff. These sites were included in the draft strategy but, despite lobbying from conservation and community groups, they have been left in the final strategy. This is disappointing to say the least. Moreover, the final strategy includes additional sites, including Sweetwater and Catherine Hill Bay, which ranked very poorly in the Government's own assessment of suitable locations for further residential development. Other sites in the strategy are poorly located with regard to access to public transport. The Ananbah site is a prime example, being totally inaccessible by public transport.

Catherine Hill Bay was ranked by the Department of Planning as the second last of the 91 sites considered to be appropriate for development. The Minister has ignored his department's advice, and seemingly pushed the site to the top. This beautiful area has significant heritage and conservation values. Rosecorp and Coal and Allied want to develop this quiet village, and the planning Minister is acquiescing in their requests. The Greens support the reservation of areas of the lower Hunter to the national park estate. The New South Wales Labor Government has had a strong history of national park reservations. But the shift towards trading conservation is an appalling precedent. Areas of high conservation value should be protected in their own right, rather than used as a trade-off for development. The Greens will not oppose the bill as we support certain aspects of it. However, we are very concerned about what we regard as trading-off precious environment and a substantial move towards pandering to the development lobby, rather than holding up conservation values, which was the hallmark of the early stages of this Labor Government.

The Hon. ROBERT BROWN [8.57 p.m.]: It seems that both the Hon. Rick Colless and Mr Ian Cohen have only lukewarm praise for the National Park Estate (Lower Hunter Region Reservations) Bill. The Shooters Party will not oppose the bill. However, it simply amazes me that the State Government is, yet again, placing land that is poorly managed by State Forests in the hands of the National Parks and Wildlife Service. There are some good aspects to the bill. Some of the land that the Government proposes to include in the conservation area will benefit the lower Hunter, but there does not appear to be any reason given for transferring the 8,300 hectares of State forest, notably the Wattagan State Forest in the west of the State, to the National Parks and Wildlife Service. State Forests currently manages that area most properly. As the Hon. Rick Colless pointed out, the original regional forest assessments indicated that the National Parks and Wildlife Service did not seem to be interested in that land. The Shooters Party will not oppose the bill but I am amused that the Government is pandering to yet another green grab for more land.

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [9.00 p.m.], in reply: I thank all honourable members who have spoken in support of the bill, which I commend to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

WESTERN SYDNEY PARKLANDS BILL

Second Reading

Debate resumed from 26 October 2006.

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [9.00 p.m.], in reply: I thank honourable members for their support for the bill. I particularly thank the Hon. Greg Pearce and Reverend the Hon. Fred Nile for their constructive and sensible contributions. As the Minister said in the other House, these parklands fall under the control of the Minister for Planning because the land was accumulated for the parklands through the Sydney Regional Development Fund, which is an instrument of the Minister for Planning. Indeed, 589 hectares of privately owned land within the parklands boundary will be acquired over time by the fund and transferred to the park.

In response to some of the comments made by Ms Hale, the trust has the power to prepare a plan of management for the parklands. The plan of management would incorporate the principles and objectives set out in the Western Sydney parklands management vision. The bill allows for the Minister to exhibit the draft management plan and to consider comment on the draft. The bill gives the trust powers to set up consultative committees, and there is nothing to prohibit the trust consulting with these committees in developing the management plan.

It is envisaged in the bill that the trust will develop a business plan for the parklands, but there is no requirement, or current intention, to pursue charges for park users or to require sporting clubs to pay onerous charges. The bill's objectives include promoting public access to recreation, which includes sporting use and passive recreation. The bill does not require the trust to be involved in carbon sequestration schemes; it provides only that the trust has the power to be involved if the opportunity arises. The management vision of the parklands highlights the need for a minimum of 780 hectares for a restored habitat and biodiversity corridor within the parklands. It is envisaged that the trust's capacity to be involved in carbon trading schemes may assist in creating this biodiversity corridor.

The bill enshrines the lungs of Western Sydney in legislation, ensuring their long-term viability. It goes some way towards addressing the long-term disparity in open space between Western Sydney and other parts of Sydney. It represents a landmark for the region and a wonderful legacy for our children's children. This great initiative will signal great progress for the people of Western Sydney. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee**Clauses 1 to 6 agreed to.**

Ms SYLVIA HALE [9.05 p.m.], by leave: I move Greens amendments Nos 1 and 2 in globo:

No. 1 Page 4, clause 7 (2). Insert after line 17:

- (d) a person nominated by Blacktown City Council, a person nominated by Fairfield City Council and a person nominated by Liverpool City Council,

No. 2 Page 4, clause 7. Insert after line 25:

- (5) If a nomination referred to in subsection (2) (d) is not made by a council within such time as the Minister allows, the Minister may appoint a person whom the Minister considers suitable to represent that council in place of a person required to be so nominated.

The purpose of these amendments is to add to the members of the trust representatives of Blacktown City Council, Fairfield City Council and Liverpool City Council. There is no suggestion that those council members should replace the five members nominated by the Minister; it is merely to say that, given that these substantial parklands are situated in the areas of these three councils and will obviously have a considerable impact on those council areas if for no other reason than the amount of traffic they generate, it is appropriate that the councils be represented on the trust.

Greens amendment No. 2 provides that if the councils fail to nominate within the time allowed by the Minister the Minister may appoint a person he or she considers suitable. When the crossbench was briefed on this legislation I asked the Minister why there was no council representation. He said that he wanted experts on the trust. This is a common justification for removing elected representatives from government bodies and replacing them with people the government no doubt knows will do its bidding. As I said, these amendments will allow the Minister to keep his five appointed positions. They will make space, however, for three local government nominees. These are thoroughly reasonable amendments.

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [9.07 p.m.]: The Government opposes the amendments. Local government representation on the trust board was discussed with council representatives on the stakeholder alliance when the details of the trust were being prepared. Council representatives recognised that the parklands have a regional user catchment that services the majority of Western Sydney, not just the communities of the three local government areas in which they are located. For example, the Equestrian Centre, Eastern Creek Raceway, Western Sydney Regional Park and Nurranginy Reserve all attract users from well outside the immediate local government areas. For this reason it was seen as being impractical to have representation from all affected Western Sydney councils on the board. The most equitable system is what is being proposed: to allow the trust to set up an advisory committee with representation from any Western Sydney councils that have an interest in parklands facilities.

Mr IAN COHEN [9.08 p.m.]: I support the quite reasonable amendments of Ms Sylvia Hale. The idea of not allowing council representation surprises me. I understand that councils that could be affected were not involved in any of the negotiations, and that is rather unfortunate. I draw a parallel with the Cape Byron Trust, which has operated in the Byron shire for quite a few years. There have been a number of attempts to disband that trust, which has very strong community support. I could not imagine that trust being as successful as it has been in recent times without local council representation on its board. They are part of the community. They are elected representatives and I am surprised that the Government would refuse to allow local council representatives to be members of the trust.

Often in the Legislative Council we have different representatives working together in the committee structure. It can work and it does work. Government, Opposition and crossbench representatives often work together in a different type of environment on committees and I think these trusts could be an example of interested bodies and people with expertise, government representatives and also local council representatives working together for the benefit of people in the western suburbs. I believe Ms Sylvia Hale's amendment is a very reasonable one and worthy of support.

The Hon. GREG PEARCE [9.10 p.m.]: I have listened to the arguments from two members of the Greens, who, unfortunately, have not articulated a single argument in favour of the amendments. The trust, which follows a model that has been successful in other circumstances, is intended to manage the parklands

rather than to be some sort of philosophical playing field for various representatives of different sections of the community. It simply does not follow that there should be a list of various other people who ought to be potential members of the trust. The Coalition is, of course, always sceptical of this Government's intentions when it establishes boards such as this but, unfortunately, the Greens have not made out a single argument in favour of the proposed amendments and we do not support them.

Mr IAN COHEN [9.11 p.m.]: I would like to make one comment. I think both members of the Greens have put forward a reasonable case and there is a lot of popular support for the position that we are attempting to express in this Committee. I would suggest to the previous speaker that he reserve that sort of denigration for the Government. His combative attitude across the Chamber is not productive. He does his argument an injustice by denigrating people in this way.

Amendments negatived.

Clauses 7 agreed to.

Clauses 8 to 33 agreed to.

Ms SYLVIA HALE [9.14 p.m.], by leave: I move Greens amendments Nos. 3, 4, 5, 6 and 7 in globo:

No. 3 Page 20, clause 34. Insert after line 9:

- (4) Despite any other provision of this section, land described in schedule 3 does not vest in the Trust if it comprises the whole or any part of land that is reserved or dedicated under the *National Parks and Wildlife Act 1974*.

No. 4 Page 20, clause 35. Insert after line 18:

- (3) Land is not authorised to be included in schedule 3 by order under this section if it comprises the whole or any part of land that is reserved or dedicated under the *National Parks and Wildlife Act 1974*.

No. 5 Page 21, clause 36 (5), lines 11 and 12. Omit "the *National Parks and Wildlife Act 1974* or".

No. 6 Page 21, clause 37 (1) (a), line 18. Omit "the *National Parks and Wildlife Act 1974*".

No. 7 Page 21, clause 37 (2) (a), lines 27–30. Omit all words on those lines.

As I said in the second reading debate, the Greens are concerned about clauses 36 and 37 of the bill, which allow land currently gazetted as national park to have its status as a national park revoked if it is included in schedule 3 of the Act. In the view of the Greens, and that of the environment movement I believe, designation as a national park is designation in perpetuity. Land that is designated national park has a higher level of environmental protection than land reserved under this bill. Revoking a national park designation should occur only in exceptional circumstances and by decision of the Parliament by way of a specific Act.

This measure waters down the current level of protection for New South Wales national parks and we believe it should be amended. As I have said, the Greens support innovative mechanisms to rehabilitate degraded land in Western Sydney. A better model, however, is to isolate the functions of the trust that will administer the Western Sydney parklands from the National Parks and Wildlife Service managed lands. High conservation value lands that are protected by national parks, nature reserves and regional parks should be excluded from the scheme. The trust should be allowed to manage rehabilitation sites and intensive recreation areas, and the National Parks and Wildlife Service should continue to manage the high conservation value areas.

The proposed trust will cover the existing Western Sydney Regional Park and other public land in Western Sydney that form a general green belt. The trust has broad functions, some of which relate to nature conservation but others that include maintaining open space and permitting agriculture and forestry, provision of transport, and commercial and retail facilities. It is, I must say, of some concern that there are no objects in this bill and no management principles set down for the trust lands. There is no independent assessment of plans of management, nor is public consultation provided for during the preparation of the plan of management. As I have said, alarmingly, the bill undermines the permanent protection for existing National Parks and Wildlife Service reserves by allowing any other National Parks and Wildlife Service reserve added to trust lands to be revoked upon a publication of the addition in the *Government Gazette*. This then removes the protection of these reserves.

These reserves, as I have said already, currently cannot be revoked without an Act of Parliament. So we are sidestepping that requirement. It is certainly unclear, and the bill does nothing to make it clear, as to how or whether trust lands can be disposed of. It is unclear how the preparation of the plan of management for the Western Sydney Regional Park intersects with the plan of management process for the trust lands. It is certainly true that the trust is unlikely to have expertise in managing endangered ecological communities. One could ask whether the Kemps Creek site, which the Government promised to protect as a National Parks and Wildlife Service reserve, will be added to the trust. Will the St Marys Regional Park, the former Australian Defence Industries site, which has not yet been formally reserved, be added to the trust lands? We do not know. In summary, this is another assault on the core conservation reserve system and a further move away from the internationally recognised system for conservation reserves.

The Government has done this already with the establishment of the community conservation areas in the Bragalow Belt South Bioregion and the Nandewar region in 2005. The purpose of the Greens amendments is to revoke those parts of the bill that allow for the addition of national parks reserve lands to the trust via gazettal. I suggest that that is a sufficient reason for the Hon. Greg Pearce to consider supporting the Greens amendments. If the honourable member wants more arguments and reasons, I am sure my colleagues will be only too happy to oblige.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [9.20 p.m.]: I support these amendments. It is good to put together several pieces of land. If there is a protection level of national parks and the national park components are incorporated, I believe they should retain that level of protection. Any parkland should have some recreational use, and some of it should have a higher conservation value in terms of flora and fauna. It would seem to be a good idea to make that distinction. I support these amendments, and I hope that the Government will also support them.

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [9.21 p.m.]: The Government opposes these amendments, which are unnecessary. Schedule 3 to the bill does not vest any land currently reserved or dedicated under the National Parks and Wildlife Act 1974 in the trust. Under the bill, the Western Sydney Regional Park remains reserved under the National Parks Act. Under the bill, the Kemps Creek Nature Reserve remains under the control of the Department of Environment and Conservation and will not be vested in the trust. Clause 31 (6) of the bill already provides that neither the whole nor any part of the Western Sydney Regional Park can be transferred to the new Western Sydney Parklands Trust.

Mr IAN COHEN [9.21 p.m.]: I support the amendments moved by Ms Sylvia Hale. The Minister talked about nature reserves. I understand nature reserves to be reserves in the national park estate under the Department of Environment and Conservation, which is a higher classification than national parks in terms of protection and scientific value. It is important to recognise that these areas should and do get a higher level of protection. The Greens strongly support the notion of public parklands, and there is much in this bill to be commended. No doubt Western Sydney is crying out for open space and greater opportunities for recreation, and this bill will go some way towards achieving that. However, it is important to recognise that the amendments moved by my colleague Ms Sylvia Hale are significant.

In terms of these amendments, there is a potential for the legislation to create a loophole whereby the Western Sydney Parklands Trust, or the trust, will be able to revoke areas of national park without requiring an Act of Parliament. According to the National Parks and Wildlife Service revocation of land policy, areas of national park can only be revoked by an Act of Parliament relating to each specific area to be revoked and only then "as an avenue of last resort and only where appropriate". It appears that the Government is trying to argue that this bill represents such an Act. It does not. This legislation delegates power to the trust to revoke areas of national parks where it sees fit.

The National Parks and Wildlife Service policy makes it clear that it is Parliament's role to determine each revocation on its merits and then only as a last resort. It is flying in the face of that policy to delegate that responsibility to a trust whose functions also include permitting agriculture and forestry and providing commercial and retail facilities. How can a trust be trusted to reconcile such potentially conflicting roles and objectively determine whether any potential revocation of national parks is appropriate and an avenue of last resort? The National Parks Association has grave concerns about this aspect of the bill. My office received a letter from the association about a fortnight ago. The association has not been consulted on this bill despite the serious potential impact it may have on national parks.

The association's concerns—the concerns are shared by the Greens and various environment groups—are as follows: There are no objects of the bill, no independent assessment of plans of management, no management principles for trust lands, no public consultation during the preparation of the plan of management, lack of clarity over how or whether trust lands could be disposed of, concern about what level of expertise the trust will have in managing endangered ecological communities and, most importantly, any other National Parks and Wildlife reserves to be added to trust lands can have their national park status revoked merely by publication in the *Government Gazette*. This issue can only be resolved by removing any references to "revocation of national parks" in this bill.

National parks are areas of high conservation value and are recognised as such for that reason. They are intended to exist forever. They should not be at the whim of a body whose membership and potential conflicts of interest are not yet known. I can see no good reason that they were included in the first place and plenty of good reasons that any reference to them should be excised from the powers granted to the Western Sydney Parklands Trust. I urge the Committee to support the amendments moved by Ms Sylvia Hale. I hope that there is sufficient argument in that particular position on the Greens amendments to keep the Hon. Greg Pearce entertained.

The Hon. GREG PEARCE [9.25 p.m.]: I thank Ms Sylvia Hale and Mr Ian Cohen for addressing these amendments in a little more detail. The Opposition's concern is that the Greens do not seem to understand the legislation. Amendment No. 3, which relates to the land in schedule 3 being transferred to the trust, has effect when the legislation commences. As the Minister pointed out in his contribution, schedule 3 contains some 399 lots of land, which are specifically identified by folio and deposited plan numbers, to be transferred to the trust. According to the Minister, none of that land is subject to the National Parks and Wildlife Act. Amendment No. 2 is simply nonsense. The Greens have not done their homework in terms of checking the land. I have no reason to disbelieve the Minister on this occasion, and if he has misled the House on this point I am sure the Greens will have him for dinner. Amendment No. 1 is irrelevant.

Amendment No. 4, which relates to the transfer of additional land, does not on its face seem to include National Parks and Wildlife Act land. It refers to land that may only be transferred if it is land of a government agency, including vacant Crown land, and the appropriate consent has been obtained to the land being included in the order. Therefore, I am a bit mystified—and perhaps this explains why the Greens moved these amendments—as to why references to the National Parks and Wildlife Act are included in the bill. Perhaps the Minister could explain why the bill contains those references because, under section 34, which deals with schedule 3, no land is affected, and under section 35 it seems that no land of that nature would be included because of such provisions. If the Minister could explain why the references to the National Parks and Wildlife Act land have been included in the bill it might clarify things and the Greens amendments may not be necessary.

Ms SYLVIA HALE [9.28 p.m.]: As the Hon. Greg Pearce pointed out, schedule 3 contains hundreds of references to folios, titles and whatever. If the Minister has mistakenly included land that is dedicated under the National Parks and Wildlife Act the Greens amendments make it perfectly clear that it should not be included and therefore removes from the Minister the onus of worrying about whether he has included National Parks and Wildlife land. Similarly, Greens amendment No. 4 merely reiterates that point. So, given that the whole purpose of the Greens amendments is to clarify the position as the Minister maintains the position to be, I expect the Hon. Greg Pearce and the Opposition to support us in our attempt to bring light and clarity to the situation.

Question—That the amendments be agreed to—put.

The Committee divided.

Ayes, 5

Mr Breen
Dr Chesterfield-Evans
Ms Rhiannon

Tellers,
Mr Cohen
Ms Hale

Noes, 21

Mr Brown	Ms Griffin	Ms Sharpe
Ms Burnswoods	Mr Kelly	Mr Tsang
Mr Catanzariti	Mr Lynn	Mr West
Mr Clarke	Reverend Nile	
Mr Colless	Ms Parker	
Mr Donnelly	Mrs Pavey	<i>Tellers,</i>
Miss Gardiner	Mr Pearce	Mr Harwin
Mr Gay	Ms Robertson	Mr Primrose

Question resolved in the negative.

Amendments negatived.

Clauses 34 to 37 agreed to.

Clauses 38 to 53 agreed to.

Schedules 1 to 5 agreed to.

Title agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

WATER INDUSTRY COMPETITION BILL

CENTRAL COAST WATER CORPORATION BILL

Bills received, read a first time and ordered to be printed.

Motion by the Hon. Tony Kelly agreed to:

That standing orders be suspended to allow the passing of the bills through all their remaining stages during the present or any one sitting of the House.

Second reading ordered to stand as an order of the day.

MOUNT PANORAMA MOTOR RACING AMENDMENT BILL

Second Reading

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [9.42 p.m.], on behalf of the Hon. Ian Macdonald: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

I take great pleasure in introducing the Mount Panorama Motor Racing Amendment Bill to the House. The bill is proposed to amend certain provisions of the *Mount Panorama Motor Racing Act 1989*.

The purpose of this bill is to increase to five, the maximum permissible annual number of events using the whole Mount Panorama motor racing circuit under the *Mount Panorama Motor Racing Act 1989*. By promoting increased visitation to the area, this measure will assist the Bathurst Regional Council, the owner of the circuit, in developing a significant local tourism resource.

The bill will also increase the penalties for two offences to a maximum of 100 penalty points each. This measure will ensure that the penalties are commensurate with the seriousness of the offences, and indicate the determination of the New South Wales Government to promote the maximum standard of safety at motor racing events, as well.

Mount Panorama at Bathurst is one of the sacred places of motor racing in Australia. It is a national treasure for motor racing. It is one of the major motor racing circuits in the world, and its special character sets it apart.

It is perhaps unfortunate that our deliberations today follow soon after the recent tragic passing of Peter Brock, one of Australia's greatest sporting heroes, and a major figure in motor racing for three decades. Much of his achievement occurred at Mount Panorama, and for many he will be regarded as the King of the Mountain forever. I expect there to be a special poignancy about this year's SuperCheap Auto 1000 km event in particular, coming so soon after the accident. It is wonderful news to hear that a perpetual trophy will be awarded to the winners of the 1000 km race, named the Peter Brock Trophy.

Since 1938 when it was a dirt track, there has been motor racing at Mount Panorama, and most of the significant Australian motor racing identities have competed there and created a strong tradition. There are few comparable circuits in the world. The physical beauty of the location is staggering.

For many years the mountain was a Mecca for Australian motorcycle racing as well, with a special mystique, a long tradition, some significant heroes and its own folklore. Many motorcyclists regarded the pilgrimage to the Easter races as the high point of their year. Sadly for that tradition the motorcycles are gone now—safety concerns have really made it impossible at the speeds that modern bikes can achieve.

But the cars are still there every year, and thousands of Australians, not just from New South Wales, make the trip in October to see the big V8 race, currently under the name of the SuperCheap Auto 1000, and the other events during the five days. This is the major annual tourism event for the Bathurst area.

At Easter there is the International Festival of Motor Sport, also over five days, with a variety of motor sport events and entertainment off-track. On-track events include a 12-Hour Production Race, Historic Touring Cars, Aussie Racing Cars, the Australian GT Championship, Hot Laps and a 'Legends' Race.

The New South Wales Government contributed \$10 million in 2002/03 on a one-for-one basis with the Commonwealth Government to assist Bathurst Regional Council, who contributed \$4 million, in developing the facilities at Mount Panorama as part of the Mount Panorama Regional Tourism and Recreation Strategy. This initiative focuses on the Mount Panorama precinct as the most significant asset among the area's tourism attractions.

Mount Panorama has been a tourist drawcard for more than half a century. It is estimated that 2.5 million Australian viewers watch the annual V8 Race, and can be seen in some 700 million homes in 54 countries. About 300,000 people drive the circuit every year.

The Government contribution to Mount Panorama has seen the development of larger pit bays, corporate suites, a state of the art control tower, 400 camping sites, spectator mounds, amenities blocks, and an enhanced pedestrian bridge over the pit strait.

Mount Panorama is estimated to contribute \$27 million a year and 630 jobs to the regional economy, \$46 million and 810 jobs to the New South Wales economy and 1500 jobs to the national economy.

International visitor numbers are expected to rise from 75,000 to 100,000 bed nights a year with the redeveloped facilities.

What a bonus for Bathurst!

Part of the special character of Mount Panorama is due to the circuit also being a public road. Unlike other venues in New South Wales, it is not regulated according to the provisions of the Motor Vehicle Sports (Public Safety) Act 1985, which applies to motor racing grounds on enclosed land.

The amendments proposed in this bill will assist the Bathurst Regional Council in promoting Mount Panorama and their beautiful area generally, through an increase in the number of motor racing events which they will be permitted to hold each year. The current Mount Panorama Motor Racing Act allows for only two race meetings on the full circuit per year, and the proposed amendment will increase the limit to five per year under the Act.

This will promote greater use of the facilities at Mount Panorama, and increase the flow of tourism to the area with a corresponding financial benefit.

The new arrangement will provide the Bathurst Regional Council with the opportunity to conduct up to five motor racing meetings under the Act, subject to the provision of public safety reports by the New South Wales Police and scrutiny of the circuit and facilities by the relevant motor sports organisations. This is in keeping with current practice, with an enhanced role for the Council. It will be important for the Council to maintain a close working relationship with Police to ensure that the specific public safety requirements of motor sport events are properly addressed.

Being designated "authorised officers", Council officers will be important participants in the process of implementing and monitoring safety standards.

The provisions relating to penalties under the existing Act have also been addressed. They are primarily intended to act as a deterrent to foolish or impulsive acts, and to communicate the seriousness of the safety issues at this unique racing circuit.

Some of the existing penalties for quite dangerous behaviour were inadequate, and have been increased significantly. For example, should anyone drive a vehicle unlawfully onto the circuit during a race, the penalty could be 100 points, or currently \$11,000. This is appropriate because motor racing events need to be made as safe as possible for all concerned. Similarly, any attempt to place obstacles on the track will attract a penalty of 100 points. Some other lesser penalties will be implemented in the Regulation which will be amended to accompany this Act. Those penalties have been reviewed and, in many cases, will be increased.

Certain administrative matters are addressed in the bill to acknowledge and support the role of the Bathurst Regional Council in fostering activity at Mount Panorama. The important role of the Police will continue, in fulfilling the requirement for public safety reports to be provided to Council and to New South Wales Sport and Recreation. This contribution by the Police is crucial to ensuring adequate provision for public safety.

In the period following the passage of this bill, it will be important to ensure that local concerns are heard and addressed. The current arrangement for an Advisory Committee comprising representatives of Council, New South Wales Sport and Recreation, Police and local residents, will also continue, and I am confident that this consultative mechanism will promote cooperation as well as recognition of the interests of local residents in the preparations for motor racing events at Mount Panorama.

The Council will also meet regularly with residents, and maintain channels of communication with the Mount Panorama Residents Committee. As the frequency of motor racing events increases, this consultative process will assume a greater importance as local people and Council assess the impacts.

I am confident that the amendments proposed in this bill will assist in ensuring a safe environment on and around the Mount Panorama circuit, as well as promoting the further development of motor racing in New South Wales and at Bathurst in particular, while also enhancing the prospects for tourism in the area.

I commend this bill to the House.

The Hon. MELINDA PAVEY [9.42 p.m.]: I lead for the Opposition in the debate on the Mount Panorama Motor Racing Amendment Bill. From the outset I inform the House that the Liberal Party and The Nationals will not oppose the bill. Mount Panorama is considered one of our treasured national icons and the home of motor racing in Australia. In 2008 it will celebrate its seventieth anniversary. Mount Panorama is the only motor racing circuit in Australia that is a public road outside major events. It is home to the Bathurst 1000, which attracts more than 100,000 spectators for the four days of racing.

[Interruption]

I acknowledge the interjection from the Shooters Party representative, something about there being an inferior event on the Gold Coast. The Supermoto KTM Cup is the latest addition to the Mount Panorama calendar. It brings motorcycles back to that challenging course. The late Peter Brock holds the record for the most wins and most starts at Bathurst, and will be remembered as one of the best racing car drivers Australia has produced. All members contributing to the debate will no doubt relate their own Peter Brock story. Unfortunately, I never met Peter Brock but someone very close to me has raced with Peter Brock: my husband's sister's partner, Max Ulrich. That is a connection and a very proud connection. Max competed in Targa Tasmania with Peter Brock.

I rang Max during the outpouring of grief on the passing of Peter Brock and asked what sort of bloke Peter Brock really was. He said that Peter was one of Australia's finest gentleman. He said that even with the big racing schedule in Targa Tasmania but no matter where they were and no matter what time of day it was at the end of the day Peter Brock was always available to give autographs and spend time with the fans at the event. That is a true sign of a champion. Sometimes champions today who are in the limelight do not give the people who adore them the time and recognition that they as fans deserve. Peter Brock had always done that and for that we should be grateful. All Australians appreciated his persona and that is why he was loved by so many, even people who did not particularly like racing.

Mount panorama was turned into a shrine at this year's Bathurst 1000 after the tragic death of Peter Brock in the rally crash in Perth. Tributes were inscribed on the walls at the newly named Brock Skyline, the highest point of the mountain circuit. It was a chance for many fans to remember Brock and hail the king of the mountain. The Mount, as it is affectionately known, injects approximately \$45 million into the New South Wales economy, a big part into the economy of regional New South Wales around Bathurst. We look forward to seeing the economic effects that will flow from the vision of this legislation to provide three additional annual racing permits. The maximum number of events will increase from two to five annually. We welcome the Government's decision to finally allow the Bathurst regional council to further utilise the facility. However, as was raised by my colleague in the other place, the shadow Minister for Gaming and Racing, the Hon. George Souris, the Coalition is concerned that residents who are directly affected by events at the Mount were not consulted properly in this process. Members of the Mount Panorama Residents Committee simply want to make sure that they are filled in on any new proposals.

The Hon. Amanda Fazio: Yes, they were.

The Hon. MELINDA PAVEY: Unless the Hon. Amanda Fazio was involved in that consultation process and can directly refute what I am saying, I suggest—

The Hon. Amanda Fazio: You were not either.

The Hon. MELINDA PAVEY: I have been speaking through other people to the committee members and they are concerned that they were not consulted. Unless the Hon. Amanda Fazio was there sitting on the committee and knows that people were consulted she has no right to be interjecting on that point. Members of the Mount Panorama Residents Committee simply want to make sure that they are filled in on any new proposals. I remind the Minister for Sport and Recreation that it is imperative that she communicate comprehensively with the committee to ensure residents views are heard and well understood.

Despite the efforts of the council, eight families still do not have guaranteed alternative access to their properties and eight additional families have to cross their neighbour's property. The residents committee does not want to obstruct events at Mount Panorama but they do seek compassion and understanding from the race organisers. I am pleased that the Minister has stated that a representative of the people who live on the mountain will be on the new advisory committee. I acknowledge her undertaking that the residents will be kept informed and that attempts will be made to deal with their concerns.

Turning to other substantive parts of the bill, the Minister may issue an annual permit for up to five events to Bathurst council and may withdraw or vary the permit system subject to breaches of the annual permit or the Minister may issue individual permits for each of the five events. The bill requires a general safety inspection to be carried out by NSW Police prior to the issuing of the permit. In addition, the annual permit requires a safety inspection prior to each event. The Opposition seeks an amendment in relation to the Minister's delegation of various functions to the director general. The shadow Minister for Gaming and Racing in the other place, the Hon George Souris, raised this delegation of authority with the Minister, Sandra Nori, but unfortunately, as can be evidenced by the Minister's failure to participate in a number of important events in the last couple of weeks, she is off her game. She is simply not on her game.

The Hon. Amanda Fazio: She never was on her game.

The Hon. MELINDA PAVEY: I acknowledge the interjection of the Hon. Amanda Fazio—

The Hon. Amanda Fazio: I never said—

The Hon. MELINDA PAVEY: I just acknowledged the interjection as both pertinent and relevant. It is the most truthful thing that has ever come from her lips and I congratulate her for it.

The DEPUTY-PRESIDENT (The Hon. Christine Robertson): Order! I remind members that interjections are disorderly at all times.

The Hon. MELINDA PAVEY: I note that although the Minister gave a commitment to the Hon. George Souris that she would formalise the delegated authority in the other place that has not happened. If it had not been for the Hon. George Souris raising this issue we would not have this amendment before us. I know of two recent important functions that the Minister for Tourism and Sport and Recreation has failed to attend, and I am sure there are many I do not know about. I will not hurry my contribution, because it is important to put on the record that she failed to attend Netball New South Wales' annual dinner on 4 November.

The Hon. Dr Arthur Chesterfield-Evans: For goodness sake!

The Hon. MELINDA PAVEY: She is also Minister for Women. This is relevant because netball attracts the greatest female sports participation in New South Wales. I do not appreciate that interjection from the Hon. Arthur Chesterfield-Evans. The Minister also failed to attend this week's Sydney schoolgirls' function organised by Women in Sport, which was attended by 800 schoolgirls and others, including people such as Louise Sauvage. The Minister also failed to move an amendment to this legislation naming the position within the department that would have the delegated authority. The Opposition feels that the language is too vague and that it is simply not appropriate for the Minister to be able to delegate to any unspecified officer in the department.

Excessive and unnecessary devolution of responsibility should not be allowed. As the Hon. George Souris said, that results in responsibility simply being passed down the chain of command, absolving the Minister and the director general of accountability. The Opposition's amendment will clarify and limit the positions within the department to which authority can be delegated. It is more comprehensive and specific than

the amendment proposed by the Government. I acknowledge the work of the Hon. George Souris, the former Minister for sport and the next Minister for sport. The Hon. Sandra Nori is off her game and not capable of doing the job she is being paid to do by the taxpayers of New South Wales.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [9.53 p.m.]: The Bathurst Regional Council's work to maintain this race meeting has been exceptional. I am unashamedly probably one of the longest-standing supporters of this event in the House.

The Hon. Tony Kelly: I am not sure about that. I went to boarding school next door to it.

The Hon. DUNCAN GAY: Maybe, but I am a motorsport tragic. I went there for the first time 40 years ago. The Minister indicates that it is 40 years since he started attending the race. We go back to the days of Bo Seton in the GT Cortina, GT500s, Rauno Aaltonen in the Mini Cooper S and the Flying Finns. Studebaker Larks, which were used by the police at the time, were also competing. Our police officers were putting their lives on the line because as the Larks came down Conrod Straight their wheels tended to come off. They called it Conrod Straight because it was an unrestricted stretch and the Larks would pop their conrods as they roared down. A chicane has now been constructed. It was funny because although the wheels were coming off no-one was hurt. It would not have been funny if there had been any injuries. The Mount Panorama race has become one of the great events on the motorsports calendar, not only in Australia but also throughout the world. It rates with Daytona and Sebring. It is one of the classics. I remember a day when the bloke they called Gentleman Jim Richards—a wretched New Zealander—

The Hon. Robyn Parker: Careful!

The Hon. DUNCAN GAY: —soft-pedalled around the track in the rain. I hear the bleating of New Zealanders in the Chamber.

Mr Ian Cohen: If I said that about you, you would be offended.

The Hon. DUNCAN GAY: I am not a New Zealander, which is probably why I would be offended. The race is a great event and the council has taken it to the next level. The Mount Panorama Motor Racing Amendment Bill has bipartisan support, and so it should. It is important to Bathurst not only because of the extra income it brings in but also because the entire community supports it. It has grown from a club event—almost a hillclimb—into an event that is part of the international motor racing calendar. I hope that the consultations with the numerous people whose homes are in the middle of the track and who are virtually locked in during the event are fruitful. They face an onerous situation because there is only one access point near McPhlamy Park and it can be difficult for them to get in and out. I congratulate the council for the work it has done. The next honourable member for Bathurst, Susan Williams, is sticking up for the community. She and I will be there next year for the event.

Mr IAN COHEN [9.57 p.m.]: I speak on behalf of the Greens to the Mount Panorama Motor Racing Amendment Bill. I have given some thought to this bill and I will briefly put a different perspective.

Reverend the Hon. Fred Nile: What about a pushbike course?

Mr IAN COHEN: That is not a bad idea. I acknowledge the interjection from the Hon. Fred Nile: a pushbike course has a great deal going for it. I will explain my general agreement with the honourable member's suggestion in a moment. Mount Panorama Motor Racing Circuit, located in Bathurst, will celebrate its seventieth anniversary in 2008. Well before it became a gathering place for motor racing enthusiasts, the mount was an important part of the local Wiradjuri tribal culture. Early European settlers also used the mount for agriculture—planting crops and orchards. Mount Panorama Scenic Drive was opened to the public in 1938 and became the home of motor racing in Australia. However, more than 40 private residences are located around the circuit, including inside it. The circuit is a public road and private businesses also operate on the mount. Several local sporting associations use the mount as a base for their activities, including the Sporting Shooters Association, Bathurst Rifle Club, Bathurst Gun Club, Panorama Motorcycle Club and the Bathurst Light Car Club. Historically, the racetrack has been used for a wide variety of racing categories, including everything from open-wheel racers to motorcycles.

The DEPUTY-PRESIDENT (The Hon. Christine Robertson): Order! Members will reduce the level of conversation.

Mr IAN COHEN: Thank you, Madam Deputy-President. I appreciate that there is no interest. Tighter contemporary safety standards—which the Greens applaud—and the unusual shape of the track have made it the near-exclusive province of closed-bodied racing cars. The Mount Panorama Motor Racing Amendment Bill seeks to increase the number of motor racing events that may be held annually at the circuit from two to five. I understand that this proposal has strong support from the community and business sector around Bathurst because the races bring in many tourist dollars. Bathurst Regional Council, the owner of the track, hopes that use of the track will be maximised after it and the State and Federal governments inject millions of dollars into its upgrade. It is reasonably and understandably hoped that the upgrade will boost tourism revenue.

Of the 40 resident families around the track, five do not have alternative access to their homes during race time. They must rely on scheduled breaks or access to their neighbours' properties to enter and exit their homes. It is pleasing that the legislation provides for an advisory committee, which is to include members of the public and residents. Debriefings to be held at the end of major events will give an opportunity for residents to voice concerns and to raise any issues they may have. The bill also seeks to increase penalties to reflect the seriousness of offences and to promote the maximum safety standards. This is welcome, as motor sports, by their very nature, are already rather dangerous events, so any additional safety precautions are to be commended.

I wish to raise a number of other issues concerning the venue and this type of entertainment. It has been raised in the House that four young people from my area were killed on a road recently. There was another fatal accident on the Pacific Highway in my immediate area. There is obviously a major problem with youth, in particular, driving powerful cars. I do not make any comment about motor racing events, because I am sure they are the subject of investigation; I simply comment in general terms.

We have many sporting events in our country, and we have a great sporting tradition. From my perspective, and from the perspective of a healthy lifestyle and what is considered to be good in the Australian environment, the sporting prowess of Australians is something to be admired; we are a very strong sporting nation. But one of the most important things about those who are at the top of the sporting ladder and are creating a great example for young people in our community is the level of excellence they attain. Runners or swimmers, as they engage in their sport, make powerful statements to the youth in our society so they may emulate that excellence to some degree. I cite the World Cup, for example. Kids will go out and kick a soccer ball. We all know the importance of the health benefits of sport and of a team working together. Although young people may never reach the Olympic level of fitness that these star athletes reach, it is a positive thing to see young people enthused by such activities and sport. We see a whole pantheon of sports activity that Australia excels in.

Motor racing is a very dangerous pastime. Indeed, I think one of the people involved in the accident that occurred near my home went with his father to the Brocky memorial. He was very attached to motor racing. I recall getting a car when I was 17, and speeding and doing some pretty silly things, as I am sure most members of this House did. I remember the impact that the Mount Panorama, Bathurst, race had on me. We all watched it. Cooper S's were big when I was a kid watching the race. Indeed, my brother got one. When I look back, that type of thing translates into an extremely dangerous pastime. Where do we stand when we are making legislation in the House? Do we simply—

The Hon. Duncan Gay: It was a one or two-litre motor car.

Mr IAN COHEN: I acknowledge the comment by the Deputy Leader of the Opposition. The Cooper S was a particularly small but very fast motor car that was, in some ways, ahead of its time.

[Interruption]

The Deputy Leader of the Opposition is correct in commenting that those cars were production models; they were not hotbeds. Young people had the opportunity to buy these pieces of equipment, inspired by the prowess of the drivers. What we are seeing on our roads today is, in part, a result of this type of activity. Young people watch motor races on television, they get inspiration from them, and they go out and race. I do not suggest that that is the only cause. Obviously testosterone is a factor, sometimes alcohol is involved, and there is the excitement that young people get involved in.

Reverend the Hon. Fred Nile: Marijuana.

Mr IAN COHEN: That makes them slow down, if anything. I emphasise that I do not support driving under the influence of any drugs. It is important to acknowledge that any drug can have a negative impact on people's driving ability. But there is also the same sort of excitement that car races like this can create a situation that inspires, in the same way as a star athlete will get a young person running, swimming, playing water polo, playing soccer, having aspirations to be a great athlete, and doing things that are physically beneficial. But we also have to look at the situation where car racing in itself—

The Hon. Duncan Gay: What was Peter Brock's car number? 05? Does that mean anything to you?

Mr IAN COHEN: I acknowledge the comment by the Deputy Leader of the Opposition. But the fact of the matter is that we have an encouragement of speeding and what is considered on the open road as very reckless behaviour in high-powered and very dangerous machinery—

The Hon. Melinda Pavey: And people die surfing.

Mr IAN COHEN: I acknowledge the comment by the Hon. Melinda Pavey. Whilst I acknowledge that that is the case and that people can die in any sport, I believe there is a certain objective danger in a speeding car that is very different from the danger posed by someone emulating a big-wave rider by going out to a break three feet high and riding a surfboard along the way, with all the attendant exercise and input that comes from enjoying that pastime—in the same way that there are many other pastimes, including football, soccer and many other sports. I make that comment to the House because I believe it is important to start to look at the situation in our community where fast cars and glamour—

The Hon. Melinda Pavey: If you can work out how to take testosterone out of boys, you've got the solution.

Mr IAN COHEN: It is interesting that the Hon. Melinda Pavey raises that point. I have with me a *Daily Telegraph* article entitled "Va-va vroom booms at Motor Show—and there's the cars". What is selling? Women scantily dressed in red. I will show this to Reverend the Hon. Fred Nile. If he gets too excited, he might race off home. The point is that this is sex and glamour selling red dresses and fast, red cars. I simply make the point that this is the sort of culture we are living in—

The Hon. Duncan Gay: Green cars aren't slower than red cars.

Mr IAN COHEN: I find it quite interesting that people can ridicule something I am raising—

The Hon. Duncan Gay: You are way outside the leave of the bill as well.

Mr IAN COHEN: Indeed, that may well be. But we are talking about a track and any event that has a massive impact on young people in our community. We are talking about an event that, I believe, leads directly to an increased level of carnage on our roads by young people. I believe there is a connection between motor racing. Young people are relating to the speed of cars on those tracks, and they emulate that on the road.

The Hon. Melinda Pavey: You did it yourself.

Mr IAN COHEN: I acknowledge the interjection by the Hon. Melinda Pavey. As a young person, I did do it myself. When I look back, in part I was encouraged by my family watching those races back in those days. I put it to members that there is that aspect, there is the glamour that is constantly advertised in the newspapers, and there newspaper headlines such as "Holden eyes Hummers for Aussie market". We live in a car culture. So often we see young people driving cars that are way beyond their financial means. We see young people going deeply into debt because they see that the best way they can show off is to drive a fancy car, often at speeds far beyond what is a safety factor—

The Hon. Duncan Gay: The most dangerous car in this Parliament was the one Richard Jones used to drive.

Mr IAN COHEN: I know his car had an oil leak, and that was a real worry. I think the interjection is a little unfair, given that Richard Jones is not here today. I certainly will not defend his car, but it did have an oil leak.

The Hon. Rick Colless: What about your fish and chip-powered kombivan?

Mr IAN COHEN: I acknowledge the interjection by the Hon. Rick Colless. I do run a diesel vehicle on recycled fish and chip oil.

The Hon. Melinda Pavey: They do not do that at Bathurst.

Mr IAN COHEN: It would not do particularly well in the Bathurst 500. Cars are for transport. I would like to see other values developed to better transport ourselves in vehicles. I would love to see as much emphasis put on education in road safety as there is on the glorification of fast and dangerous motor vehicles. I thought it was appropriate to raise this issue because so often we argue in a very narrow confine and fail to take responsibility for the way we promote various activities. I question the promotion of motor sports, particularly when these days young people have such ready access to high-powered motor vehicles. I will not cause the House to divide on the second reading of the bill, but I indicate that I do not support it.

The Hon. RICK COLLESS [10.10 p.m.]: I make a brief contribution to the debate on the Mount Panorama Motor Racing Amendment Bill to contradict some of the statements made by Mr Ian Cohen, particularly with regard to the safety of motor racing. The many safety features present in family cars today such as four-wheel-braking systems, disc-braking systems, independent stability control, seat belts, have all been introduced as a result of the motor racing industry. They have all been built into motor vehicles as a result of research undertaken to make racing cars safer for racing car drivers. They are being built into our Holdens and Falcons—and even kombivans that are powered by fish and chip oil!

Mr Ian Cohen: It does not save the lives of young kids.

The Hon. RICK COLLESS: I dispute that. I suggest that the safety features that are in our cars today as a result of the motor racing industry have saved far more lives on Australian roads and roads throughout the world than have been lost on those same roads as a result of young people trying to emulate racing car drivers. Many lives have been saved as a result of improved safety features being built into cars following research undertaken by the motor racing industry.

The Hon. CATHERINE CUSACK [10.12 p.m.]: I speak on the Mount Panorama Motor Racing Amendment Bill. I acknowledge my colleague the Hon. Melinda Pavey's connection with car racing as a result of her husband's sister's partner having once driven with Peter Brock—although not at Bathurst. However, I would also like to place on record my connection with the Bathurst race, through my father, Greg Cusack, who was, in his day, a very well-known motor car racer and who, in fact, achieved a second placing at Bathurst. I just telephoned him to find out what year that was. Initially I thought he said that it was the year 1800, but what he was trying to tell me was that he was driving a Fiat 1800 and that he could not remember the year. That is pretty typical of my dad: he is very low-key about his achievements as a motor car racer.

My father's achievements include the Australian Hill Climb champion, driving a Brabham Repco V8—and he won both the sedan and the open category; and the Australian Formula 2 champion, driving a Brabham 1500, for which he won a magnificent trophy. Indeed, I remember that at one point in my life the trophy was taller than I was! My father also participated very successfully in the Round Australia rallies. In fact, he actually won the rally one year, I believe in a Volkswagen, but was unfortunately relegated to second place after a protest relating to a specific race rule. Eddie Perkins was awarded the race that year but in recognition of the unfairness of the situation he invited my father to share the first prize with him, and that was a start in the Monte Carlo Rally. They participated in the race and it was a great experience for them both.

My father does not talk very much about his racing career and I often wish I knew more about it. Last year he was invited by Roger Ealand to participate in Speed on Tweed, which is a great event commemorating that era of Australian motor racing legends. One of dad's former cars was at the event and he was able to drive it around the track. He also signed autographs at the event. My children and I were amazed that so many people recognised my dad and that people actually queued to get his autograph. One woman who brought her son up to dad to get his autograph said to him, "What would you regard as your greatest achievement?" Dad's reply was that he married the right woman. The response took the woman by surprise, but, again, it says all there is to say about my dad.

Afterwards I spoke to him about his racing and the fact that there is much interest in that era—my mother has kept boxes of fan mail that my father received during that time—and he said in a fairly quiet way that he was just glad to be alive and to have survived that experience because so many of his racing colleagues were killed. It is true that recently some drivers have tragically lost their lives while racing, but there are far

fewer deaths associated with car racing today compared with car racing back in the 1960s. I recall my father being involved in a shocking accident in Longford, Tasmania. He was not expected to survive. He had a very lengthy period of recovery and it was nearly two years before he was finally able to walk again. But walk he did, and we are most thankful for that. It was an incredibly dangerous period for motor sport and I am sure the drivers of that era are very pleased that things are much safer today.

On that point, and in response to Mr Ian Cohen, I acknowledge the amazing amount of work done by people of dad's generation—including David McKay, the well-known motoring journalist—because of their passion for road safety and greater driver education.

The Hon. Duncan Gay: David and Peter McKay were instrumental in that regard.

The Hon. CATHERINE CUSACK: As my colleague says, they were instrumental in that regard. Indeed, I do not think it would be unfair to say that following their racing careers they dedicated their lives to achieving that goal. David McKay passed away last year. He was a good friend of my father and I had spoken to him often about road safety. He was bitterly disappointed that we had not been able to do more. The David McKays, the Peter Brocks and great motor racing greats—

The Hon. Duncan Gay: And Peter McKay.

The Hon. CATHERINE CUSACK: —and Peter McKay, tried to use their role-model status to communicate safer driving values to young people. I do not think it is correct to say that if, all of a sudden, motor racing was taken away, young people would stop speeding in their cars.

Mr Ian Cohen: I did not say that.

The Hon. CATHERINE CUSACK: The member said that motor racing is generating a culture that is causing people to speed. I think it is quite the reverse. Much conscious effort is undertaken by the drivers of racing cars to enhance road and driver safety. These guys have lightning reflexes, and only very special people can participate and survive in such sports. Their desire to give back to their communities in this way is and has been highly commendable. I pay particular tribute to David McKay and the work that he undertook. He was a very special man, and I believe he had a greater impact than perhaps he felt. The fruits of his efforts will continue after his death, and we all hope to see the implementation of greater road safety initiatives in the State to save young lives.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [10.18 p.m.]: I always have mixed feelings about motor racing. I note the protests of Bathurst residents whose lives are made fairly difficult at those times of the year when racing cars take over what is normally a street circuit. Motor racing certainly has some of the problems alluded to by Mr Ian Cohen. A more dangerous form of sport than, say, cycling or surfing—which involve physical activity—is glorified. I believe that, with the growing obesity problem, the Government ought to support sports that involve more physical endeavour than driving.

While it is true that motor racing drivers may be reasonably fit, generally a person who drives cars fast is not any fitter for having done so and does not get any physical benefit from driving fast. Indeed, that person takes a risk. The history of tobacco advertising has been closely associated with motor racing and it was the last sport to get exemptions through Bernie Ecclestone—whom I have always found to be a very odious fellow. He was completely in favour of tobacco promotion and has done immense harm to world health by promoting Formula One racing, the last major world event to still be promoting cancer. Indeed, Bernie Ecclestone threatened to move events to countries that were more conducive to tobacco sponsorship and tobacco advertising in sports. Of course, we all remember the Peter Jackson Nissan Skyline, the Marlborough Holden, the Benson and Hedges BMW and the John Player Special cars, which all promoted tobacco in various forms.

Certainly there have been some misapplied resources, and the money that motor racing seems to require—people liken involvement in motor racing as "sitting there, tearing up \$100 notes"—has meant that the participants will take money from anywhere. The tobacco advertisers were happy to take advantage of that and did immense damage for quite some years. And Bathurst was well involved in that situation. The Hon. Rick Colless made the point that technology in cars has resulted in fewer deaths. It is true that crashes have led to considerable changes in vehicle design and, indeed, in road and road barrier design. There is no doubt that some of the features that give greater stability to cars have come from design features in motor racing.

This has been a bad year for accidents: other members have alluded to the death of a driver at Bathurst and the recent death of Peter Brock. I am a little on the crossbenches, so to speak, with regard to motor racing. I recall a very enthusiastic flatmate who was involved in the technology of motor racing. He was an excellent designer and mechanic. In addition, my office is full of motor racing enthusiasts who were very keen to give me a speech, which I must now deliver, about the importance of the Mount Panorama circuit.

Mount Panorama held its first race in 1938 with an Easter Sunday motorcycle race meeting, but racing did not resume until 1947 because of World War II. After that time the Easter races for bikes and cars became very popular and the Australian Grand Prix was held on the circuit in 1947, 1952 and 1954. The race for which the mountain is most famous is the October race. It was originally a race of five classes based on engine capacity. It is interesting to note that the first three great races were in fact held at Phillip Island from 1960 to 1962.

Bathurst held its first race in 1963 and the event has held been there ever since. The original name of the race was the Armstrong 500, and it has always been named after its major sponsor. The capacity categories were replaced by classes based on money in 1962 and did not change back to engine capacity until 1972. The original idea of the race was that it be a proving ground for ordinary cars than anyone could buy for the road. However, in 1985 Group A sports cars were allowed to race and that completely changed the philosophy. A Jaguar won the race in 1985, a Commodore in 1986, the Ford Sierra Turbo in 1988 and 1989, and 1991 and 1992 saw the ultimate Group A race car—the Nissan GTR, known as Godzilla—win. Turbo cars were subsequently banned in order to restore the race to a battle between Holden and Ford. In 1995 the race became exclusively an event for V8 super cars, which bear no resemblance to road cars other than that the same body shell is used. None of the engines used in the event are available for road cars.

That prompted organisers to return to the original concept of the Bathurst race, a 24-hour race. The event catered for 10 classes and was a mixture of race cars and road cars. Because of the expense associated with holding the event and the relatively modest crowds the race was held only twice, in 2002 and 2003. A Holden Monaro won the race on both occasions. The bill proposes five race meetings a year instead of the present two races. Both Federal and State governments have spent a lot of money upgrading the track and pit facilities so that using the track more often certainly makes sense from an economic point of view. In addition, it is an important tourism drawcard for Bathurst and, I believe, for the whole State. The Bathurst Regional Council is fully supportive of the bill so the Australian Democrats support it. However, I believe the interests of the residents must be preserved in all of this, as they are the people who are inconvenienced by the race.

Reverend the Hon. FRED NILE [10.24 p.m.]: The Christian Democratic Party supports the Mount Panorama Motor Racing Amendment Bill. This simple bill will increase from two to five the maximum number of motor sports permissible annually at the Mount Panorama circuit and provide for stronger penalties relating to certain offences. Road accidents, speed and the Mount Panorama circuit have been blamed as giving encouragement to young people to speed dangerously. However, I would suggest that modern computer games are a greater contributor to the problem. Modern computer games are based on participants driving speeding cars, having accidents, avoiding police cars or driving into police cars, and so on. I believe such games have a harmful effect on impressionable and hyped-up teenagers. In my view they are far more dangerous than any event held at the Mount Panorama racing circuit—they are calm and placid compared to what is depicted in computer games.

As has been said already, the Mount Panorama races began in 1938 when it was a dirt track. The concern expressed by residents causes me to wonder how many built their homes on the boundaries of the racetrack after 1938. Those who did certainly knew what they were getting into at the time they built there. There are few comparable circuits in the world. Many people have earned their reputations at Mount Panorama, including the late Peter Brock, who was known as the King of the Mountain. The circuit was used for motorcycle races, but they were phased out because of the speed that can be achieved by modern bikes. However, the racing cars are still there. Thousands of Australians go to Mount Panorama in October to see the big V8 race, which is currently called the Supercheap Auto 1000, and other events over five days.

It is a major annual tourism event for the Bathurst area. An international Festival of Motor Sport is held over five days at Easter, involving a variety of motor sporting events and entertainment off track. On-track events include a 12-hour production race, historic touring cars, Aussie racing cars, the Australian GT Championship, hot laps and legends race. There is no doubt that Mount Panorama has become a major tourist attraction and draws large crowds. It is estimated that 2.5 million Australian viewers watch the V8 race on television each year. It can be seen in some 700 million homes in 54 countries, and about 300,000 people drive

the circuit every year. The New South Wales Government contributed \$10,000 in 2002-03 to match a similar contribution by the Commonwealth Government to assist Bathurst Regional Council, which contributed \$4 million, to develop larger pit bays, corporate suites, a state-of-the-art control tower, 400 camping sites, spectator mounds, and an enhanced pedestrian bridge over the pit strait.

Mount Panorama is estimated to contribute \$27 million and 630 jobs a year to the regional economy, and \$46 million and 810 jobs annually to the New South Wales economy. Any increase in the number of events will obviously have an important impact on the New South Wales economy and help to stimulate tourism. We are pleased to support the bill.

The Hon. ROBERT BROWN [10.29 p.m.]: I will be brief because it is late. The Shooters Party supports the Mount Panorama Motor Racing Amendment Bill. I am pleased that the Government is doing something to support local regional councils, and Bathurst Regional Council is to be congratulated on the work it has done at Mount Panorama. As Mr Ian Cohen said, there are rifle ranges smack bang in the middle of Mount Panorama—just another example of different sports in regional areas sharing facilities. I dare say that motor racing can be dangerous; indeed, it is much more dangerous than hunting or target shooting. However, it is a bit of a long bow to try to draw a parallel—as Mr Ian Cohen did—between motor racing sports and road deaths of young males.

I have some experience in motor racing. I received my CAMS [Confederation of Australian Motor Sports] P licence in about 1967. I tried Formula V but I did not do very well. I had a go at super kart racing. I have not raced motorbikes but I have prepared and built side-car outfits, and all of them frightened me to death. My experience with motor racing is that rather than encourage me to speed on the roads it absolutely convinced me that it was a stupid thing to do. That was because I understood the great difference between a machine that is built to race on a racing track—remembering that vehicles on a racing track all travel in the same direction—and hot cars on a suburban street. I have owned some hot cars; I had some brilliant machines. Mr Ian Cohen said that cars are for transport. That is not quite correct. Volvos are for transport!

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [10.31 p.m.], in reply: I thank all honourable members, particularly the Hon. Robert Brown, for their contributions to the debate. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 4 agreed to.

The Hon. MELINDA PAVEY [10.34 p.m.]: I move:

Page 5, schedule 1 [12], proposed section 12A (b), lines 30 and 31. Omit all words on those lines. Insert instead:

- (b) the General Manager, Sport and Recreation, Department of the Arts, Sport and Recreation or such other member of staff of that Department as may be prescribed by the regulations instead of the General Manager.

Frankly, the Opposition is doing the work of the Government by moving this amendment. During the second reading debate in the other place the Hon. George Souris sought a commitment from the Minister for Tourism and Sport and Recreation that the bill specify that the Minister can delegate to the Director General of the Department of Arts, Sport and Recreation. The Opposition felt that the language of the bill was too vague and that it is simply not appropriate that the Minister should delegate powers to any specified member of the department. The amendment clarifies the people in the department to whom a power may be delegated for the purpose of the Act in forthcoming regulations. It is more comprehensive and specific than the amendment foreshadowed by the Government. I congratulate the Hon. George Souris on doing the Government's work.

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [10.35 p.m.]: I simply want to clarify a point. The Government's foreshadowed amendment predated the Opposition's amendment. However, having said that, the Government will support the Opposition's amendment.

Amendment agreed to.

Schedule as amended agreed to.

Title agreed to.

Bill reported from Committee with an amendment and passed through remaining stages.

RACING LEGISLATION AMENDMENT BILL

Second Reading

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs), on behalf of the Hon. Ian Macdonald [10.37 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

- The Racing Legislation Amendment Bill 2006 has two objectives.
- The first is to provide in the Racing Administration Act 1998 that it is an offence to publish New South Wales race fields unless they have been first authorised by the relevant controlling body of racing.
- The second is to amend the proprietary company bookmaker provisions in the Thoroughbred Racing Act 1996 and the Greyhound and Harness Racing Administration Act 2004 to the extent that such provisions were found by the Federal Court to be invalid.
- The main purpose of the race fields proposal is to address the issue of wagering operators 'free-riding' on New South Wales racing events. Some operators do not contribute to the cost of staging racing events but they use them as a platform for their gambling services from which they profit.
- The object of this bill is consistent with the Government's racing policy, which is to encourage the ongoing viability and future economic development of the racing industry and ensure that lawful gambling is conducted with integrity.
- The racing industry is a very important part of our economy and our sporting culture. Its contribution to regional New South Wales is particularly significant.
- The racing industry provides a substantial economic contribution to the economy of New South Wales, including employment opportunities for 50,000 people across the State.
- The racing industry also enjoys an enthusiastic following in the community both at the participant level and also with those that keenly follow the form or enjoy the spectacle of racing.
- At this time of year—that is, Spring Carnival time—the racing industry stages many wonderful showcase events. The industry attracts hundreds of thousands of spectators and generates many millions of dollars to the NSW economy.
- The gallops have the Epsom Handicap in Sydney and the Melbourne Cup.
- Harness racing has the Miracle Mile and all the lead up races.
- Greyhound racing has the traditional Vic Peters Memorial Classic and more recently the Paws of Thunder and Pepsi Max series of races.
- The Government congratulates Greyhound Racing NSW and the National Coursing Association on the enormous success of the recent Pepsi Max Cup and the 'Dollars or the Dog' promotion, in front of the largest crowd seen at Wentworth Park in the last decade.
- The principal source of funding for the industry comes from the distribution of TAB revenues from race day operations and from sponsorship.
- The industry is, in effect, self funding.
- Racing people are justifiably proud and independent.
- Accordingly, they have sought and been granted by successive Governments the right to manage their own strategic commercial direction and business development.

- However, the Lemma Government is committed to working with the industry to deliver practical solutions to ensure that racing has a sustainable future. This bill is another example of this commitment.
- As I said this bill proposes amendments to the Racing Administration Act to provide for authorising the publication of New South Wales race fields.
- The central provision is that it is an offence to publish New South Wales race fields unless there is prior approval from the industry or a failure to comply with any relevant conditions attached to an approval as set by the industry.
- The maximum penalties for unauthorised publication are substantial. For a corporation it is \$55,000. For a person it is \$5,500 or 12 months imprisonment, or both, for a first offence. For subsequent offences the maximum penalty is doubled.
- The Bill provides for a relevant controlling body to give approval to publish race fields. Such approval may be subject to conditions, including the payment of a fee for the right to publish race fields.
- A relevant controlling body is Racing NSW for thoroughbred racing, Harness Racing NSW for harness racing and Greyhound Racing NSW for the greyhounds.
- The relevant controlling body must, when considering whether to grant or deny approval to an application, have regard to:
- The requirement for consultation with each racing club that conducts a race meeting in respect of the approval sought. The controlling body must consult their race clubs in this process.
- They must have regard to the criteria prescribed by regulation which will be available to applicants to assist them with framing their applications and which must be taken into account during the decision making; and
- If a controlling body denies an application or imposes a condition on their approval they are required to provide written reasons for that decision.
- The obligation to obtain prior approval to publish race fields is directed principally at wagering operators. These are persons who profit from taking wagers on racing events.
- A wagering operator may publish a race field on their betting board when fielding at a race course while taking bets over the telephone or by way of the operator's Internet site—or some similar form of electronic communication.
- I repeat: this will capture wagering operators who publish race fields on the Internet.
- For obvious reasons, these provisions do not capture circumstances where race fields are published in an exclusively social setting such as in an office sweep or in an authorised manner such as in a newspaper or a magazine.
- The bill provides that such circumstances can be exempted by way of regulations. There is no intention to change the status quo except for wagering operators that profit from publishing race fields. From now on they will have to pay a fair price to the owners of that information.
- The imposition of a fee is appropriate compensation for the use of the racing industry's race fields information.
- All revenue raised through those wanting to use NSW race fields would be fed straight back into the industry.
- According to estimates from similar arrangements made elsewhere and advice I have received, the New South Wales racing industry may be able to obtain several million dollars of from this source.
- This is entirely appropriate and justified because the compilation of race fields information involves considerable effort on the part of the racing industry. For example:
 - Each racing animal must be registered and handicapped.
 - The costs of training each animal by a licensed trainer.
 - Licensed jockeys and harness drivers are engaged for each race.
 - Racecourses are maintained to ensure they are safe.
 - A race meeting is approved of on a particular date, and individual races are programmed with the consideration in mind that the race meeting as a package should be as attractive as possible to trainers and to the race going public.
 - Racing stewards supervise the race meeting.
 - Prize money is allocated according to the quality of the race.
- It is therefore fair and equitable for wagering operators that profit from using racing as a platform for their gambling services to contribute to the cost of staging a race meeting.
- To not contribute is what economists call "free-riding"—that is, the use of intellectual property to make a profit without paying the owner a fair price.

- A number of State governments have introduced, or are in the process of introducing, legislation which prohibits the publishing of race fields without prior approval from the racing industry. That approval may also be subject to a fee.
- The Bill also provides for merit review of decisions made in the circumstances where an application is denied when conditions are imposed and if an approval is cancelled or varied. Appropriate associated notice and procedural matters are set out in the Bill.
- The first level of review is to the Minister who may appoint a qualified arbitrator to assist with the review.
- The second level of review is to the Administrative Decisions Tribunal on an appeal from the Minister's decision.
- Other administrative and procedural matters are provided for in the Bill and associated regulations for the purpose of the form of the applications, the imposition of conditions on approval, the service of documents and the collection of fees.
- The proposal has been carefully developed with legal advice to take account of Constitutional requirements. We have also closely consulted the industry regarding their operational needs.
- The underlying premise is that each application for race fields approval will be handled on identical terms, irrespective of the location of the applicant.
- The detail of the regulations will be developed, as was this Bill, in consultation between the racing industry the regulator and the Government's legal advisers.
- The regulations will be developed over the next few months.
- Significantly, the Bill provides that the approval is limited to the publication of race fields and does not operate to authorise the holder of the approval to do, or omit to do, anything other than to publish race fields in accordance with the approval as granted.
- This provision makes it abundantly clear that the other provisions of the Act remain in force, and that compliance with, for example, statutory restrictions on advertising and the distribution of betting information is unaffected.
- The race fields provisions are an appropriate and lawful way of ensuring that the racing industry secures a reward for their intellectual property and that those persons that are 'free-riding' on the industry are required to pay their way.
- Each controlling body will administer the race fields provision, collect the fees and distribute the fees to their industry.
- The second matter the Bill deals with is a piece of legislative housekeeping, that is, the repeal of certain provisions of the *Thoroughbred Racing Act 1996* and the corresponding provisions now in the *Greyhound and Harness Racing Administration Act 2004*, which were found to be invalid by the Federal Court.
- The Federal Court found in the 2003 *Sport Odds* case that the requirements that a NSW bookmaker company was to have no involvement in betting activities in other jurisdictions and that the company had to be registered and be present in locations in NSW were discriminatory and protectionist.
- It is my view that the Bill does not contain any provisions that make rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers or upon non-reviewable decisions.
- The Bill has been developed with the advice of the Crown Solicitor's Office with specific regard to Constitutional matters and the establishment of appropriate merit review provisions.
- After thoroughly considering all issues relating to race fields the Government is confident that this legislation will provide a welcome boost to racing in NSW.
- I commend the Bill to the House.

The Hon. MELINDA PAVEY [10.38 p.m.]: The role of the racing industry in New South Wales is important, and it is relevant that this bill is being debated in the middle of the Spring Racing Carnival. The racing industry plays an important economic and cultural role in New South Wales and Australia. In New South Wales alone the industry employs almost 55,000 full-time or part-time workers, and it contributes an estimated \$1 billion to the State's gross domestic product. It also contributes approximately \$151 million in revenue to the Government from wagering on race events. That could certainly pay many teachers, nurses and doctors. This latest statistic, the \$151 million contribution from wagering, is particularly relevant in today's debate as the bill directly impacts on the business of wagering operators.

There is no requirement to pay or compensate racing clubs for the publication of their race information. Wagering operators profit from the publication of this information yet they do not financially contribute to the investment and development of the racing industry. The bill will regulate the publication of race information and will assist the racing industry by showing a fair commercial return for their intellectual property. The bill will capture wagering operators who currently take unfair profits from the racing industry's work.

It will mean that the publication of New South Wales race fields without approval will be prohibited. The approval to publish racing information will still be available, but will be regulated by the controlling bodies of racing—Racing New South Wales, Harness Racing New South Wales and Greyhound Racing New South Wales—and may be subject to conditions and a fee. The bill also provides for the Minister to grant approval to publish without any conditions or fees imposed. This is directed at social punter's clubs, office sweepstakes, newspapers and magazines. Additionally, the bill removes several provisions in the Greyhound and Harness Racing Administration Act 2004 and the Thoroughbred Racing Act 1996 that were made invalid by the Federal Court in *SportOdds v New South Wales* 2003.

Bookmaker's exemption is an important part of legislation although it is very late. Similar legislation was introduced in Victoria in 2005. However, in Victoria's case, bookmakers had to fight tooth and nail for an exemption from any additional fees or conditions. Bookmakers provide direct economic benefit, as well as contribute to the culture of racing and the carnival spirit in this State. Recently, bookmaker numbers have been declining. There are only 250 active bookmakers in New South Wales. The New South Wales Coalition wants to make sure that the value and livelihood of oncourse bookmakers are taken into consideration, and that they are exempt from additional fees or conditions. This will ensure that New South Wales bookmakers do not have to experience the hassle of bargaining and fighting that their Victorian counterparts experienced.

This bill also covers public disclosure of bill details. The shadow Minister, the honourable member for Upper Hunter, is concerned that important details in the bill dealing with the proposed regulations have not been made public. Currently, the legislation we are discussing is a skeleton of a bill, a hollow statement that says we want to protect intellectual property in the racing industry, and that the Minister will spell out in due course the details of the regulations. I would have expected the Minister to table the regulations or draft regulations prior to this debate, but we are talking about the Hon. Grant McBride. This would allow the racing industry, and in particular operators and betting businesses in New South Wales, to get a "heads-up" on the future of their businesses. This method of introducing legislation to approve now and fill in the details later is seriously flawed. It shows a lack of preparation and consultation with industry groups on behalf of the Government, and indicates a willingness to unnecessarily expedite the passage of an unfinished bill.

In relation to the effect of the bill on the Liquor Bill, the absence of details regarding the regulations to be implemented by the bill is worrying, but not as worrying as the Minister's inability to process other important legislation in his portfolio. We have been waiting for progress on the Liquor Bill since 2005. A review and rewrite of the Liquor Bill as well as the release of the white paper occurred over a year ago, yet no legislation has been introduced into Parliament. Clearly, this bill is ready to be debated in Parliament. However, I am concerned that this legislation will not see the light of day, as there is not enough time. This delay not only affects the stakeholders and businesses governed by the Liquor Act, but the entire New South Wales community.

In summary, the Opposition does not oppose the bill. However, we are concerned by its slow progress, along with other important bills in the Gaming and Racing portfolio. Additionally, we hold reservations about the lack of details regarding the specific regulations that have yet to be developed. In particular, we are concerned about the possible burden of additional fees and conditions that may be placed on bookmakers, and the viability of the bookmaking industry in general. However, the way the Government has approached this bill is typical of its management of this portfolio and is it any wonder when it is in the hands of the Hon. Grant McBride?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [10.42 p.m.]: The racing industry has had a consistent amount of betting, but compared with poker machines its percentage of the total betting market has gone down. The point about horseracing is it employs more people per gambling dollar spent than does the poker machine industry and perhaps as such does less harm per dollar. That is from the perspective of a person who sees gambling marketing educating people to spend their money unwisely. If the aim is to encourage people to plan their futures and spend prudently, gambling is the exact opposite of the economic policy the nation should follow.

Be that as it may, Internet gambling is growing and is effectively crossing borders—making legislation irrelevant because it cannot be enforced. The first object of this bill is to stop publication of certain information relating to horses and greyhounds being held in licensed racecourses in New South Wales. I understand this is to try to keep the profits in New South Wales. That is quite a worthy objective but whether it will succeed in these days of Internet gambling is another question.

In a sense, I wonder whether this is a King Canute-type of bill that is trying to retain revenues from gambling for the New South Wales racing industry and whether it will succeed against the technological forces that will take any event and bet on it, with the profits going to bookmakers, even though the intent maybe worthy within a certain framework. Nevertheless, we do not oppose the bill.

Reverend the Hon. FRED NILE [10.45 p.m.]: The Christian Democratic Party supports the Racing Legislation Amendment Bill 2006. We do not see it as a bill that will encourage more gambling but is designed to amend the Racing Administration Act 1990 to require approval to publish race fields information. The bill will amend the Greyhound and Harness Racing Administration Act 2004 and the Thoroughbred Racing Act 1996 to omit certain provisions that were found to be void by the full court of the Federal Court. The bill believes those invalid provisions to reflect the judgment in *SportOdds v New South Wales* 2003. This bill is consistent with encouraging the ongoing viability and future economic development of the racing industry.

The race fields legislation will assist the racing industry to receive a fair commercial return for its intellectual property. It will capture wagering operators who currently free ride from the industry's work. All revenue raised from the wagering operations wanting to use racing product will go back to the industry. The publication of New South Wales race fields without approval will be prohibited. To ensure that, there will be heavy fines. The maximum penalties for unauthorised publication are substantial. For a corporation the penalty is \$55,000 and for a person it is \$5,500 or 12 months imprisonment or both for a first offence. For subsequent offences the maximum penalty is doubled. Approval for publishing of the race fields information will be controlled by the main bodies involved with racing, that is, Racing New South Wales, Harness Racing New South Wales and Greyhound Racing New South Wales. We support the bill.

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [10.47 p.m.], in reply: I thank honourable members for their contributions and commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ADJOURNMENT

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [11.48 p.m.]: I move:

That this House do now adjourn

BATTLE OF THE SOMME NINETIETH ANNIVERSARY

The Hon. KAYEE GRIFFIN [11.48 p.m.]: This year commemorates the ninetieth anniversary of the Battle of the Somme, one of the largest battles involving Australian troops during the First World War. In early 1916, Australian forces moved from Egypt to France. The troops refitted and reorganised following the Gallipoli campaign the previous year. From 1916 to 1918 Australian troops in Belgium and France fought in some of the most horrendous and memorable battles in our history. More Australians died in battle or from their injuries on the Western Front than in all other battles ever fought by Australia. Over 46,000 Australian troops died in France and Belgium. From 1916 to 1918 there were five Australian divisions—with each division consisting of 20,000 men—serving on the Western Front. By November 1917 the divisions were brought together to form a single Australian Corps. At the outbreak of the war thousands of men in Australia were quick to volunteer on what was thought to be a great adventure to a far land. The great adventure was to become a part of our history where almost a generation was lost. A young nation with a population of approximately five million felt the horrors of war, with over 60,000 killed and 156,000 injured.

Today marks the ninetieth anniversary of the death of my great-uncle, James Griffin. James was a private in the 19th Battalion. He enlisted in the Australian Imperial Force on 13 December 1915. He was sent overseas in September 1916 and was attached to the 19th Battalion. The 19th Battalion was, according to records, attacked near Flers between 14 November and 16 November in conditions which were described by Charles Bean, who was appointed as the official war correspondent and historian, as the worst ever encountered by the AIF. James was initially reported as missing in action on 14 November until a court of inquiry held on

11 December 1917 declared that he had been killed in action on 14 November at Flers. Red Cross records state that Private J. Howth of Hornsby gave evidence that:

He was wounded in the knee and was going out and on his way out I saw him killed in a sap at Flers on 14th November 1916. He was hit in the side of the head by shrapnel. He did not make a sound but just opened his mouth once or twice and died quietly.

The Red Cross records also state that Private Howth on his return to the battlefield was unable to find James' grave. In May 1921 my great-grandfather, James Griffin Snr, received advice from the officer in charge of base records of the Australian Imperial Force that his son had finally been laid to rest at Warlencourt British Cemetery. In the *Wartime* magazine, which is published by the Australian War Memorial, there was an article on Australia's involvement on the Western Front. It stated:

Ninety years after Australian troops joined the British on the Western Front Fromelles and Pozieres remain symbols of extraordinary courage and the worst ever casualty rate of Australian forces. It was a year of national pain and midway through a war in which 61,720 Australians died.

The magazine also highlights the political impact this war had on a young nation such as Australia. The then Prime Minister, Billy Hughes, realised the implications that the battle on the Western Front would have on the nation. He had wanted to introduce conscription instead of relying on voluntary recruitment. His views were strengthened by the massive losses sustained by Australian forces at Pozieres. The matter was put to a referendum on 28 October 1916 and the no vote narrowly prevailed. The nation remained torn about the issue.

The Western Front was one of the most horrific battlegrounds during the Great War. Australian forces were introduced to a new type of fighting. Troops who had fought in Gallipoli were said to be shocked by the intensity of fighting on the Western Front. In six weeks of fighting around Pozieres and Mouquet Farm 8,000 Australians were killed—as many as had been lost in the eight months of fighting at Gallipoli. Today there is a plaque at this site which claims that Australians "fell more thickly on this ridge than on any other battlefield of the war".

Fromelles was another battle where Australian forces suffered tremendous losses. Over a 24-hour period, Australian forces lost a staggering 5,533 casualties. It is renowned for being the worst day in Australian history. These casualties were on par with the total number of deaths sustained in the Boer War, Korean War and Vietnam War put together. At the beginning of World War I young men thought they were going to have a great adventure. The Great War and the loss of so many young lives changed that view forever. As James Griffin's family mourned him, thousands of other families mourned the loss of a loved one. We honour those who lost their lives in this terrible conflict. The loss of a generation of our youth will never be forgotten.

RECREATIONAL FISHING

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [10.53 p.m.]: People all over the State wish that the Government understood that fishers rely on the ocean and its ecosystems for their livelihood and/or their recreation. As such, they have little incentive to do the wrong thing. Yet the current Iemma-Costa Labor Government is constantly treating them badly and with contempt. Marine parks are locking out recreational fishers from their favourite fishing spots and forcing commercial fishers into smaller and smaller areas. The claim being made is that these marine parks are necessary to protect biodiversity and marine life. However, no marine species has been lost in Australia due to human activity. If there were a real problem that could be demonstrated and backed up by real scientific evidence fishers would be more likely to support measures to protect the marine environment. Instead, they are being treated with contempt and are being asked to just accept what they know cannot be true or fair.

Recently, the National Parks and Wildlife Service published a document on how to correctly approach whales and dolphins. Many experienced boat operators and fishers, including one of the most experienced charter operators in the State, Ross Hunter, have contacted my office insulted that such a document is deemed to be necessary. They simply do not understand why the National Parks and Wildlife Service would think that they do not know how to do so already. For many commercial fishers, fishing is a family business. In other words, many have been fishing for a long time with technique and information passed down through the generations. One common complaint has been that the National Parks and Wildlife Service people have not got a clue because they do not understand what fishers do. It may well be a fair point. How many officers of the service have actually spent time on a commercial charter fishing boat? The Carr-Iemma Government needs to stop treating fishers with contempt and start recognising the knowledge, experience and understanding that fishers have about marine life.

Recently I met with Dr Walter Starck, an eminent marine scientist with over 40 years experience. He was concerned about the state of Australian fisheries. In recent years there has been a proliferation of new restrictions and regulations affecting fisheries. While in the past fishing was regulated chiefly by fishery departments, in recent years other regulatory agencies involved in various aspects of health and safety, the environment and parks have begun to impose demands. While health and safety and the environment are important in all industries, what many of these new regulators do not understand is the realities of the industry or the impact of their demands.

This is reflected in the Ernst and Young report entitled "Economic Impact of Recreational Fishing in Port Stephens and Narooma-Bermagui". The real impact of these marine parks is the net loss of more than \$11.3 million—almost 15 per cent, and up to 20 per cent in some locations. This will have a devastating impact on local economies. If recreational fishers can no longer fish they are, sadly, unlikely to visit these communities. Recreational fishers contribute a lot of money to local communities. Fishing and tackle shops and accommodation providers receive much of their business from fishers. Yet many of these communities have not been consulted with properly. Government meetings have taken place during the day with less than three days notice. The few that have been able to turn up have been spoken to but not listened to. Recreational and commercial fishers are interested in protecting the marine environment. Governments—in particular this Government—should utilise the knowledge, experience and understanding of fishers to ensure that the New South Wales marine environment can be enjoyed for generations to come. This is not what the current Ministers, and particularly Minister Macdonald in this House, are doing. He needs to wake up and listen to the fishers and the people involved in the industry.

INTERNET CHILD PROTECTION

Reverend the Hon. FRED NILE [10.58 p.m.]: Tonight I speak on the dangers for children on the Internet. On 9 March 2005 the Emeritus Professor in Child Development at the University of South Australia, Freda Briggs, gave an address on the issue of child sexual abuse at the A. W. Jones Oration. She said:

... child sexual abuse is a worldwide problem that ... is increasing daily thanks to the availability of child porn and paedophile networks on the Internet ... the Australian situation is reaching epidemic proportions. Furthermore this isn't a problem restricted to low socio economic and criminal populations as many would like to believe; it crosses all social, educational and religious boundaries. No-one can be trusted on the basis of their position in society or their family relationship. In recent times, we've seen police and magistrates, school principals, TV personalities, MPs, priests and monks convicted of sex offences against children. In addition, professionals employed with children have been reported for collecting thousands of pornographic images, some involving the rape of babies and toddlers. Police confirmed that there are more than 100,000 child porn websites on the internet. Downloading is not a victimless crime as users would have us believe; they are paying for someone else's children to be physically and mentally damaged if not killed for their own sexual arousal. In addition, paedophiles pretending to be children roam chat rooms specifically to befriend and seduce vulnerable young people.

This is a very serious matter. Professor Briggs went on to say:

Report statistics suggest that one in three girls and one in seven boys experience sexual abuse by the age of 16 years. Based on our research in 1994, 1996 and 2004, I argue that boys are at much higher risk than girls; they simply don't report abuse.

All children are at risk of sexual abuse simply because they are accessible, uninformed and powerless. Wealth does not provide protection; students have been sexually abused by staff in some of Australia's most expensive, most prestigious schools and those in boarding schools seem to have been particularly vulnerable.

Additional information I have acquired indicates that the largest group of viewers of Internet porn is children between the ages of 12 and 17, 11 is the average age of first Internet exposure to pornography and 90 per cent of 8 to 16-year-olds have viewed pornography online, and primarily while doing homework. That information is contained in a report produced by Family Safe Media on 15 December 2005.

It is very important for parents to be aware of the serious impact that the Internet is having. We all know it can provide great opportunities to learn, to obtain information, to play games and to contact friends and so on. It is a wonderful communication tool that has revolutionised our lives. However, the Internet creates new avenues for pornography, paedophiles, sexual predators and abuse, human trafficking, exploitation, bullying, stalking, gambling, and inappropriate ideas, material and conversations to seek out unsuspecting children, and it provides a global platform for the distribution of hardcore, sexually explicit materials that are harmful to children.

The anonymous nature of the Internet means that trust and intimacy can develop quickly online. Many teens use peer support online forums to deal with their problems, and predators often go to those sites to look for

vulnerable victims. A 40-year-old paedophile can claim to be a 12-year-old girl. It is believed that one in five children who use chat rooms have been approached by paedophiles over the Internet. Approximately 20 per cent of all Internet pornography involves children. This very serious threat is part of our modern communication explosion. Obviously many parents are unaware of the serious threats to their children. It is important that there be an information campaign to support parents to protect children.

FEDERAL GOVERNMENT INDUSTRIAL RELATIONS WORKCHOICES LEGISLATION

The Hon. GREG DONNELLY [11.03 p.m.]: As I got into the lift the other day the Leader of the Opposition, Peter Debnam, asked me about my lapel badge. He wanted to know what it said. I happily responded by saying, "Your Rights at Work—Worth Fighting For". He looked at me and said, "You're wasting your time; it's not registering with the voters. It's just not an issue." As I got out of the lift I told him that he was fundamentally mistaken and that the Coalition would wear WorkChoices around its neck like a millstone.

The voters of New South Wales are becoming increasingly concerned about WorkChoices as the full impact of this pernicious legislation becomes clear. Tonight I will draw the attention of honourable members to a provision in the WorkChoices legislation that will see hundreds of thousands of New South Wales workers go into workplace relations free-fall on 28 March 2009. I suspect that no Opposition member in this House or the other place has heard about Notional Agreements Preserving State Awards [NAPSA]. When the WorkChoices legislation was enacted on 27 March this year, employees who were engaged by a corporation and who were covered by a New South Wales State award were automatically drawn into the Commonwealth industrial relations system. No choices, no options; it was automatic.

The wages and conditions of these workers are now protected by the new industrial instrument called NAPSA, but only for three years. What does this mean? It is very simple. NAPSA continues to operate for three years from the new legislation's commencement; that is, until 27 March 2009. Then it ceases, forever. At midnight on 27 March 2009, millions of workers throughout Australia will go from being protected by NAPSA to being legally entitled to only five minimum, legally enforceable conditions set out in the WorkChoices legislation. Those entitlements are: a basic rate of pay; a maximum of 38 ordinary working hours a week, although an agreement may provide for that figure to be averaged out over 12 months, plus "reasonable additional hours"; four weeks of paid annual leave a year; 10 days of paid personal or carer's leave, including sick leave, after 12 months of service, together with an additional two days of unpaid carer's leave and a further two days of paid compassionate leave for each "permissible occasion"; and 12 months of unpaid parental leave at the time of birth or adoption of a child. All the other entitlements and conditions contained in NAPSA will fall away and be unenforceable.

For millions of Australian workers, the five minimum conditions outlined will, in due course, become a maximum that employers will cap. That has already started to happen. If the change sounds dramatic, it is. Red circling entitlements and conditions for three years and then trashing them unilaterally is an act of destruction that will haunt the Liberal Party and The Nationals in both the State and Federal elections next year. The Liberal Party and The Nationals believed that if they introduced WorkChoices with this change occurring three years later, people would not notice. How very wrong they were! What workers throughout Australia have is a ticking time bomb counting down to 27 March 2009—a date deliberately set well after the next State and Federal elections. Millions of workers throughout Australia have already put 27 March 2009 in their diary. After that date, it will be them and their five minimum conditions.

Today's High Court decision is a serious body blow to what has been a decent and fair workplace relations system protecting Australian workers. The New South Wales Labor Government will continue to work to protect workers and their families. Today's decision confirms that the only thing standing between John Howard and New South Wales families is the New South Wales Labor Government. The Liberal Party and The Nationals in this State have completely misread the electorate on workplace relations. They will no doubt continue to misread the electorates' very deep and real concerns. On the 24 March next year they will wake up, but by then it will be too late.

ASSOCIATION OF ZGHARTA

The Hon. DAVID CLARKE [11.08 p.m.]: The annals of history contain many outstanding examples of the triumph of the human spirit over adversity, of perseverance in the face of great difficulty and of dedication to spiritual values in the face of oppression and persecution. However, history would be hard-pressed to produce many examples to match the triumph and perseverance of the human spirit and dedication to spiritual

values in the face of hostility than that exemplified by the Maronite Christian community of Lebanon. For more than 1,300 years the Maronite Christians of Lebanon have preserved their faith and cultural values against great and overwhelming odds. Invaders come and go and repeated attempts are made to eradicate all traces of their influence, but the Maronite presence, determination and resolve in Lebanon just keeps going on. Among those regions of Lebanon where this Maronite heritage is at its strongest is the Zgharta-Ehden region of North Lebanon.

Here in Australia, Australians of Lebanese Maronite heritage with family or ancestral ties to the region have banded together to form the Association of Zgharta. Since its foundation some years ago it has achieved great success in promoting ties between the region and Australia, in organising admirable charitable works for the benefit of the entire Australian community and in exemplifying the values for which the Zgharta-Ehden region of Lebanon has become renowned—values that readily intertwine and are compatible with the values upon which Australian society is built.

A few nights ago my wife and I attended a gathering in Lidcombe of the Zgharta association, where the history, good works and future plans of the association were highlighted before several hundred participants. His Lordship Ad Abi Karam, Maronite Bishop of Australia, gave the keynote address. The bishop is a leader of great spirituality and presence who is clearly respected and revered by the Maronite community throughout Australia. Much of the association's success is undoubtedly due to the dedication, hard work and leadership of Sarkis Maksisi, the association's president for the past four years. He has made it a mission to build the organisation and to publicise the worthy values that motivate its work and accomplishments.

The region of Zgharta is one of great historical significance. Its two towns of Zgharta and Ehden are, in fact, occupied by the same residents. Ehden is occupied in summer, and in the winter months the residents move to Zgharta. Whilst Zgharta's origins go back to the sixteenth century, those of Ehden go back to 1,000 years BC. Noted for its mountain location and as a holiday destination, Ehden was a town where St Maroun himself was active. The great sixteenth century patriarch of the Maronites Istfan Doueihy was born there. He, incidentally, provided evidence that the town's name arises from it being claimed as a place of refuge for Adam and Eve following their expulsion from the Garden of Eden.

Ehden is also the birthplace of Suleiman Frangieh, the president of Lebanon in the 1970s, a difficult time when a great influx of Palestinians flooded into the country after they were no longer welcome in Jordan. As history records, many of them came with sophisticated weaponry, and attempted to set up a "State within a State" and used southern Lebanon to launch terror attacks on Israel. This was to the horror of the people of Lebanon, who had in good faith acted as unsuspecting hosts to these Palestinians only to see their country descend into violence and internal war as a result of their misguided benevolence.

Probably the most famous personality to come from Zgharta-Ehden is Youssef Bey Karam, the great Lebanese patriot and fighter for Lebanese independence from control by the Ottoman empire. Born in Ehden in 1823, he had by the age of seven mastered Aramaic, French and Italian, as well as his mother tongue. Because of his leadership qualities together with his Maronite spiritual devoutness, he went on to become a leader of the Christian majority in Lebanon at a time during Ottoman rule when they faced periodic massacres of their community. In the cause of freedom for Lebanon he fought many battles against the Turkish overlords, including the famous Battle of Bnasna when, with 800 troops, he defeated a Turkish force of several thousand. It was to a great extent as a result of his efforts that the Maronite community did not experience a major, or possible total, decimation of its numbers. His inspiration encouraged the movement for a free Lebanon—an aim that was eventually realised.

One can well understand why Australians with origins from Zgharta-Ehden hold Youssef Bey Karam in such high regard, particularly at a time when there are attempts to undermine Lebanon's independence and weaken the security of its Christian community at the hands of Hezbollah and other terrorist bodies. I congratulate the Association of Zgharta, its president Sarkis Maksisi, and his committee and members on a history of achievement. I also congratulate the many Australians of Lebanese origin whose roots go back to Zgharta and Ehden—theirs is a great and noble heritage.

M5 EAST TUNNEL

The Hon. CHARLIE LYNN [11.12 p.m.]: The Labor Government has been in power since 1995. Since that time there have been more announcements and re-announcements for New South Wales than there have been chook raffles in Australian Labor Party branches. We have been north, south, east and west, but as

soon as the punters realise that nothing has changed the Government points to a new direction and shouts, "Look everybody!" It is a distraction that parents use when their children are bored. The Government has tried to do it once again today, with the release of a State Plan called "A New Direction". After 11 years, the Government has come up with a new direction. A more apt title would have been "Yet Another Direction". Like all plans, this document passes the weight test because it is very heavy, but it fails the substance test.

As I was driving to the Parliament this morning along the M5, at about 9.30, as I was going through the toll, still 35 kilometres out of Sydney, I saw lights flashing ahead, as happens most days now, and the message "Delays ahead". Talk about a statement of the obvious! For all you know, you could be sitting in a parking lot all the way to the city—until you reach the tunnel of toxins. Indeed, it is not a tunnel. It is incredible to think that anyone could have designed a tunnel like the M5 East Tunnel. A kindergarten class studying transport systems would have come up with a better system. The Hon. Peter Primrose knows what I am talking about; I know he is about to nod his head in agreement. The tunnel has just two lanes, with no breakdown lane. It was designed for 70,000 cars a day, but more than 110,000 cars a day are now forced to use it. Indeed, it is not a tunnel; it is actually a funnel, because everything feeds into it. There is no way drivers can get out of the tunnel.

More than 100,000 cars a day use the tunnel. That means there is a one in 100,000 chance of something not going wrong—such as a crash, a car running out of petrol, or a car running into the back of another car. The tunnel simply goes from a parking lot to chaos. It is the daily grind inflicted on the people of south-western Sydney. Is there anything in the Government's "A New Direction for New South Wales" to address their concerns? It contains not a single word about what the Government is going to do about the M5 East Tunnel. More than 100,000 people a day are reminded of the Government's incompetence in searching for a new direction.

The other major issue that concerns me about this tunnel is a sign that was recommended by the Minister for Health at the time. His name was Morris Iemma. The sign says, "When you are going into this tunnel, close windows and vents." I tried to do this a couple of times when I was riding my Harley-Davidson, but I could not work out how to do it! The sign also says, "Switch on the radio for tunnel information." That is also very difficult to do while I am riding my Harley-Davidson, and I have noticed other motorcyclists having the same problem. The sign also says there is 24-hour surveillance. But there is nothing to look at! I had a quick look at a health report written by Mr Garry Humphries; it was a briefing note to the Roads and Traffic Authority. He wrote to all the general managers:

Attached for your urgent approval, in principle, prior to further investigations and developments, is a briefing note regarding the need for both fixed and variable message signposting on the approaches to the M5 East Tunnel portals as a precautionary warning for motorists.

It also says:

The New South Wales health study also recommends that New South Wales government agencies collaborate to develop appropriate nitrogen dioxide guidelines for tunnels, and said that pending these investigations we would advise motorists in open vehicles and motorcyclists to avoid using the tunnels when delays are likely to be prolonged, particularly if they suffer from asthma.

That is a pretty good recommendation. The Minister for Health took the recommendation on board, and suggested to the Hon. Carl Scully that he do it, but of course he did not do it. There should not be a sign on that tunnel any longer; it is too late for a sign. There should be a photograph of Carl Scully on the entrance and the exit, so that everyone who drives in the tunnel will not vote Labor, because it is not going to get any better. But what does the Government give us? It gives us a State Plan for the next 10 years, but there is not one mention of the M5 East Tunnel. The Government consigns the motorists of Western Sydney to another 10 years in a tunnel of toxins—a parking lot. It is a disgrace. Fortunately, this plan will go out the window in March next year and there will be hope for the motorists of south-western Sydney.

SHWE GAS PROJECT, BURMA

The Hon. PENNY SHARPE [11.16 p.m.]: Last week I was pleased to join members of the Burmese community, other community organisations and the trade unions in drawing attention to the Shwe Gas Project that is happening in Burma. The struggle for democracy in Burma is something that continues unabated through the sacrifice and work of Aun San Suu Kyi and her supporters worldwide. However, at this time the regime continues its oppression unabated. There is no political freedom. Political parties that support a return to democracy are banned. There are over 1,100 political prisoners, many who are routinely tortured. Forced labour continues to be a reality.

Drugs, corruption, and the absence of even the most basic services are contributing to Burma becoming one of the poorest nations on the planet. One in 10 babies die before their fifth birthday, and if they make it some children become soldiers. Latest estimates put the number at 70,000 in a military of 500,000. A report to the United Nations has well documented summary executions, torture and rape by the military. Burma produces the most refugees of any country in South-East Asia, with more than 100,000 people living over the Thai border. In 1997 ASEAN admitted Burma as a member on the basis of the policy of constructive engagement. The policy of "constructive engagement" has not worked and will not work. The words of Archbishop Desmond Tutu provide the blueprint of what response the international community should be making in relation to Burma:

International pressure can change the situation in Burma. Tough sanctions, not constructive engagement, finally brought the release of Nelson Mandela and the dawn of a new era in my country. This is the language that must be spoken with tyrants—for sadly, it is the only language they understand.

[Time for debate expired.]

Motion agreed to.

The House adjourned at 11.18 p.m. until Wednesday 15 November 2006 at 11.00 a.m.
