

LEGISLATIVE COUNCIL

Thursday 10 May 2007

The President (The Hon. Peter Thomas Primrose) took the chair at 11.00 a.m.

The President read the Prayers.

TEMPORARY CHAIRS OF COMMITTEES

The PRESIDENT: Pursuant to standing orders, I nominate the following to act as Temporary Chairs of Committees during the present session: the Hon. Jennifer Gardiner, the Hon. Kayee Griffin, Ms Sylvia Hale, Reverend the Hon. Fred Nile, the Hon. Robyn Parker, the Hon. Christine Robertson and the Hon. Helen Westwood.

SESSIONAL ORDERS

Motion, by leave, by the Hon. Tony Kelly agreed to:

That the following sessional orders be adopted:

(1) Sitting days

That, during the present session and unless otherwise ordered, this House meet for the despatch of business each week as follows:

Monday	11.00 am
Tuesday	2.30 pm
Wednesday	11.00 am
Thursday	11.00 am
Friday	11.00 am

(2) Precedence of Business

That, during the present session and unless otherwise ordered:

1. Government Business is to take precedence of General Business on Monday, Tuesday, Wednesday and Friday, and after 5.00 pm on Thursday each week.
2. General Business is to take precedence until 5.00 pm on Thursday each week.

(3) Questions

That, during the present session and unless otherwise ordered:

1. Questions are to commence at 4.00 pm on Monday and Tuesday, and at 12.00 noon on Wednesday, Thursday and Friday.
2. Whenever the House adjourns to a day and time later than the time appointed in paragraph 1, questions are to commence 30 minutes after the time appointed for the meeting of the House.
3. If, at the time for interruption:
 - (a) a division is in progress, the division is to be completed and the result announced,
 - (b) the House is in committee of the whole, the Chair is to leave the Chair and report progress,

and any business then under discussion, if not disposed of, is to be set down on the Notice Paper for a later hour of the sitting.

(4) Motion for the Adjournment

That, during the present session and unless otherwise ordered, proceedings must be interrupted at 5.00 pm on Thursday and 3.45 pm on Friday to permit a motion for adjournment to be moved to terminate the sitting if a Minister thinks fit.

(5) Debate on Committee Reports

That, during the present session and unless otherwise ordered, debate on committee reports is to take precedence after Questions on Wednesdays.

PRIVILEGES COMMITTEE

Motion by the Hon. Tony Kelly agreed to:

That notwithstanding anything contained in the standing orders:

Appointment

1. (a) A Privileges Committee (referred to as “the Committee”) be appointed.
- (b) The Committee is the designated Committee for the purposes of section 72B of the Independent Commission Against Corruption Act 1988, relating to Parliamentary Ethical Standards.

Functions

2. The functions of the Committee are to:
 - (a) consider and report upon any matters relating to privilege which may be referred to it by the House or the President,
 - (b) consider submissions referred by the President concerning citizens’ rights of reply,
 - (c) under section 72C of the Independent Commission Against Corruption Act 1988:
 - (i) prepare for consideration by the Legislative Council draft codes of conduct for members of the Legislative Council and draft amendments to codes already adopted,
 - (ii) carry out educative work relating to ethical standards applying to members of the Legislative Council,
 - (iii) give advice in relation to such ethical standards in response to requests for advice by the Legislative Council, but not in relation to actual or alleged conduct of any particular person.
 - (iv) review the code of conduct at least once in each period of four years.

Raising a matter of privilege

3. A matter of privilege may only be brought before the House as follows:
 - (a) A member desiring to raise a matter of privilege must inform the President of the details in writing.
 - (b) The President must consider the matter as soon as practicable and decide whether a motion relating to the matter is to take precedence under the standing orders. The President must notify his or her decision in writing to the member.
 - (c) While a matter is being considered by the President, a member must not take any action or refer to the matter in the House.
 - (d) If the President decides that a motion relating to a matter of privilege may take precedence, the member may, at any time when there is no business before the House, give notice of a motion to refer the matter to the Committee. The notice will take precedence over all other business on the day stated in the notice.
 - (e) If the President decides that the matter should not take precedence, a member is not prevented from referring to the matter in the House or taking action in accordance with the practices and procedures of the House.
 - (f) If notice of a motion is given under paragraph 3 (4), but the House is not expected to meet within one week after the day on which the notice is given, the motion may be moved at a later hour of the sitting as determined by the President.

Powers

4. The Committee has power to make visits of inspection within New South Wales and, with the approval of the President, elsewhere in Australia and outside Australia.

Membership

5. The Committee is to consist of seven members, comprising:
 - (a) four Government members,
 - (b) two Opposition members, and
 - (c) one Crossbench member.

Chair and Deputy Chair

6. (a) The Leader of the Government is to nominate in writing to the Clerk of the House the Chair of the Committee.
- (b) The Leader of the Opposition is to nominate in writing to the Clerk of the House the Deputy Chair of the Committee.

GENERAL PURPOSE STANDING COMMITTEES**Appointment and Portfolio Responsibilities****Motion by the Hon. Tony Kelly agreed to:**

That notwithstanding anything contained in the Standing Orders:

Appointment

1. Five General Purpose Standing Committees, reflecting Government Ministers' portfolio responsibilities, be appointed as follows:
 - (a) General Purpose Standing Committee No. 1
 - Premier
 - State Development
 - Citizenship
 - Education and Training
 - Commerce
 - Finance
 - Industrial Relations
 - Treasury
 - Infrastructure
 - Hunter
 - The Legislature
 - (b) General Purpose Standing Committee No. 2
 - Health
 - Community Services
 - Youth
 - Ageing
 - Disability Services
 - Tourism
 - Sport and Recreation
 - Volunteering
 - Women
 - Aboriginal Affairs
 - (c) General Purpose Standing Committee No. 3
 - Police
 - Attorney General
 - Justice
 - Juvenile Justice
 - Emergency Services
 - Lands
 - Rural Affairs
 - Gaming and Racing
 - Central Coast
 - (d) General Purpose Standing Committee No. 4
 - Planning
 - Redfern Waterloo
 - Science and Medical Research
 - Local Government
 - Roads
 - Housing
 - Transport
 - Western Sydney
 - Fair Trading
 - (e) General Purpose Standing Committee No. 5
 - Climate Change, Environment and Water
 - Arts
 - Water Utilities
 - Regional Development
 - Illawarra
 - Small Business and Regulatory Reform
 - Primary Industries
 - Mineral Resources
 - Energy
 - Ports and Waterways

Initiation of inquiries

2. (1) The committees may inquire into and report on:
 - (a) any matters referred to them by the House,
 - (b) the expenditure, performance or effectiveness of any department of government, statutory body or corporation, and
 - (c) any matter in any annual report of a department of government, statutory body or corporation.
- (2) A meeting of a committee to consider a self-reference under this paragraph may be convened at the request of any three members of the committee in writing to the clerk of a committee.
- (3) The clerk of a committee must convene a meeting of the committee within seven days of the receipt of the request provided that members are given at least 24 hours notice of that meeting.
- (4) The majority of the members of the committee will then be required to endorse the self-reference for it to proceed.
- (5) The terms of the self-reference should be reported to the House on the next sitting day.

Membership

3. Each Committee is to consist of seven members, comprising:
 - (a) three Government members,
 - (b) two Opposition members, and
 - (c) two Crossbench members.

Substitute members

4. (1) Government, Opposition or Crossbench members may be appointed to a Committee as substitutes for a member of the Committee for any matter before the Committee, by notice in writing to the Chair of a Committee.
- (2) Nominations for substitute Government or Opposition members may be made by the Leader of the Government, Leader of the Opposition, Government or Opposition Whips or Deputy Whips, as applicable.
- (3) Nominations for substitute Crossbench members may be made by another Crossbench member.

Participating members

5. Unless the Committee decides otherwise, a member of the House who is not a member of the relevant Committee may take part in a private meeting of the Committee but may not vote, move any motion or be counted for the purpose of any quorum or division.

STANDING COMMITTEES**Appointment****Motion by the Hon. Tony Kelly agreed to:**

That notwithstanding anything contained in the standing orders:

Appointment

1. Three standing committees, reflecting Government Ministers' portfolio responsibilities, be appointed as follows:
 - (a) Law and Justice Committee,
 - (b) Social Issues Committee, and
 - (c) State Development Committee.

Law and Justice Committee

2. The Committee may inquire into and report on:
 - (a) matters concerned with legal and constitutional issues including law reform, parliamentary matters, criminal law and administrative law,

- (b) issues arising in connection with the New South Wales criminal justice system, including matters concerned with the Attorney General, police, corrective services and juvenile justice, and
- (c) industrial relations, emergency services, and fair trading.

Social Issues Committee

3. The Committee may inquire into and report on:
- (a) any proposal, matter or thing concerned with the social development of the people in all areas of New South Wales,
 - (b) equality of access to services and benefits including health, education, housing, ageing, disability, children's and community services provided by the government and nongovernment sector to the people in all areas of New South Wales,
 - (c) citizenship, social relations and cultural diversity,
 - (d) recreation, gaming, racing and sporting matters, and
 - (e) the role of government in promoting the welfare of the people in all areas of New South Wales.

State Development Committee

4. The Committee may inquire into and report on:
- (a) options for future policy directions and emerging issues to ensure that opportunities for sound growth and wise development for the benefit of the people in all areas of New South Wales are pursued,
 - (b) any proposal, matter or thing concerned with economics and finance, commerce, infrastructure and planning, energy and utilities, natural resources, transportation, tourism, public administration, local government, primary industry, agriculture and fisheries, mineral resources, industrial and technological developments, science and medical research, and environmental issues in New South Wales, and
 - (c) any proposal, matter or thing concerned with the problems or disadvantages uniquely or predominantly experienced in rural areas, including the viability of cities and towns in those areas.

Referral of inquiries

5. (1) A Committee:
- (a) is to inquire into and report on any proposal, matter or thing relevant to the functions of the Committee which is referred to the committee by resolution of the House,
 - (b) may inquire into and report on any proposal, matter or thing relevant to the functions of the committee which is referred by a Minister of the Crown,
 - (c) may inquire into and report on any annual report or petition relevant to the functions of the committee which has been laid upon the Table of the Legislative Council.
- (2) Whenever a Committee resolves to inquire into a matter under paragraph 5(b) or 5(c), the terms of the reference or the resolution is to be reported to the House on the next sitting day.

Powers

6. A Committee has power to make visits of inspection within New South Wales and, with the approval of the President, elsewhere in Australia and outside Australia.

Membership

7. Each Committee is to consist of six members, comprising:
- (a) three Government members,
 - (b) two Opposition members, and
 - (c) one Crossbench member.

Chair and Deputy Chair

8. (1) The Leader of the Government is to nominate in writing to the Clerk of the House the Chair of each Committee.
- (2) The Leader of the Opposition is to nominate in writing to the Clerk of the House the Deputy Chair of each Committee.

Quorum

9. The quorum of a Committee is three members, of whom two must be Government members and one a non-government member.

Subcommittees

10. A Committee has power to appoint subcommittees.

Participating members

11. Unless the Committee decides otherwise, a member of the House who is not a member of the relevant Committee may take part in a private meeting of the Committee but may not vote, move any motion or be counted for the purpose of any quorum or division.

PROCEDURE COMMITTEE**Appointment****Motion by the Hon. Tony Kelly agreed to:**

That a Procedure Committee, consisting of the following members: The President, Mr Della Bosca, Mr Kelly, Mr Macdonald, Ms Fazio, Mr Donnelly, Mr Gallacher, Mr Gay, Mr Harwin, Revd Mr Nile and Mr Brown, be appointed.

ELECTION PROMISES COST OFFSETS**Production of Documents: Order**

The Hon. GREG PEARCE [11.03 a.m.]: I seek leave to amend Private Members' Business item No. 22 motion of which I have given notice by omitting "14 days" and inserting instead "21 days".

Leave granted.

Motion by the Hon. Greg Pearce agreed to:

That, under Standing Order 52, there be laid upon the table of the House and made public within 21 days of the date of the passing of this resolution, all documents relating to Treasury costings or costing requests that the Secretary of the Treasury publicly released during March 2007 in accordance with the Charter of Budget Honesty (Election Promises Costing) Act 2006, and which refer to cost offsets by increased revenues or identified expenditure offsets, or details of existing funding within the forward estimates published at the time of the Mid Year Report, and without limitation, including the funding of any proposal from existing uncommitted funds.

PETITIONS**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**.

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**.

BUSINESS OF THE HOUSE**Withdrawal of Business**

Private Members' Business item No. 49 outside the Order of Precedence withdrawn by Ms Sylvia Hale.

BUSINESS OF THE HOUSE

Postponement of Business

Business of the House Notice of Motion No. 7 postponed on motion by Ms Lee Rhiannon.

Business of the House Notice of Motion No. 6 postponed on motion by Ms Sylvia Hale.

Private Members' Business item Nos 3 and 8 postponed on motion by Reverend the Hon. Fred Nile.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by the Hon. Duncan Gay agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 2 outside the Order of Precedence, relating to the censure of the Minister for Roads be called on forthwith.

Order of Business

Motion by the Hon. Duncan Gay agreed to:

That Private Member's Business item No. 2 outside the Order of Precedence be called on forthwith.

MINISTER FOR ROADS

Motion of Censure

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [11.14 a.m.]: I move:

1. That this House notes:
 - (a) the Premier's stated commitment to government accountability, openness and honesty, and
 - (b) the Westminster convention of ministerial accountability.
2. That this House further notes that the Premier forced the resignation of the then Minister For Police, Mr Carl Scully, for misleading the people of New South Wales.
3. That this House censures the Minister for Roads, the Hon. Eric Roozendaal, for misleading the people of New South Wales regarding several issues relating to the widening of The Spit Bridge.

The Premier is big on boasting that his Government is open, accountable and honest. Yet getting information from this mob is like pulling teeth. Information is the key to members of the Parliament keeping the Government accountable. The mechanisms open to us to find out what is happening are the freedom of information legislation and Standing Order 52. Indeed, on the issue of The Spit Bridge the freedom of information process has given us utmost frustration.

Mike Baird, the new Liberal member for Manly, has experienced this first hand with his request regarding The Spit Bridge. The first request was made on 7 February. The deadline for the delivery of the documents was 12 March, before the election. The election came and went, and—surprise, surprise—no documents were produced. Mr Baird is still waiting. Jillian Skinner, the member for North Shore, was a little luckier but not much. Jillian Skinner made a request for similar documents on 14 February 2007 and she received her documents—you guessed it—on 30 April, after the election.

It is a long-established convention of the Westminster system that Cabinet Ministers are responsible to Parliament for the actions of their departments. The doctrine of ministerial responsibility is certainly an important underpinning to accountability in this State. It is the Ministers' responsibility to keep informed of what is going on in their departments, and Ministers must make full and frank disclosure of all relevant facts when called upon. That certainly has not happened under the Minister for Roads in relation to The Spit Bridge. I remind the House that the Minister representing the Roads and Traffic Authority has a vision statement for that authority which reads:

A safe, sustainable and efficient Road Transport system, focusing on positive economic outcomes. The strategies to achieve this are to:

- (a) Maintain the road network to retain value, quality and capacity—

The Minister gets a minus for failure on that aspect—

- (b) Accelerate investment in projects that will deliver the greatest economic benefit—

The Minister gets a cross for failure on that one; he certainly does not get a tick—

- (c) Align the development program with future growth and population patterns—

That is not happening; there is no planning in this State. In fact, at the moment there is no coordination of the transport infrastructure and there are no new major building infrastructures occurring—

- (d) Optimise the efficiency of the road network through effective traffic management.

We know for a fact that that is not happening. The Minister should be censured on those matters alone. The Minister for Roads has failed to pursue this vision. Sydney's roads are choked; drivers spend up to two hours a day stuck in gridlock. The Roads and Traffic Authority over-inflated traffic projections for the Cross City Tunnel and now the Lane Cove Tunnel, and the authority underestimated traffic projections on the M5 East—in fact, it was obsolete before it was finished. New South Wales taxpayers had to foot a \$25 billion bill for compensation to delay surface works for the Lane Cove Tunnel—the infamous tunnel funnel. The owners of the Cross City Tunnel are pursuing the State Government over the failed tunnel. Now the Roads and Traffic Authority and the Government have backed out of the project to widen The Spit Bridge, and as a result taxpayers will be lumped with a compensation bill for the infrastructure companies that submitted tenders. The residents of the Northern Beaches and the North Shore will not have a solution to the traffic chaos for many years to come.

It is one debacle after another with this Minister. The State Government has failed to maintain the road network; the State Government has failed to accelerate investment in projects that will deliver the greatest economic benefit; and the State Government has failed to optimise the efficiency of the road network through effective traffic management. These failures mean that this Minister has failed the Westminster convention of ministerial accountability, which says that Cabinet Ministers are responsible to the Parliament for the actions of their departments. When I read paragraph (2) of the motion, that is:

That this House further notes that the Premier forced the resignation of the then Minister for Police, Carl Scully, for misleading the people of New South Wales—

the Hon. Michael Costa said, "No, for misleading the House." Be in no doubt, had Parliament been sitting, the lies that this bloke perpetrated on the people of New South Wales would have been repeated in Parliament. Just because his lies were put to the media and to the people of New South Wales outside of Parliament does not remove our responsibility to remove this cad from having any position of authority in New South Wales. It is not just his broken promise on The Spit Bridge; his broken promise on The Spit Bridge was the catalyst to this litany of lies.

Some members may have listened to radio station 2GB where Ray Hadley was pretty tough on this bloke for yet another broken promise. But within that interview Hadley accepted that the Minister said to him he did not know about the cost blow-out "before today". In fact, Hadley was very supportive throughout that whole interview. I followed Roozendaal on radio station 2GB and indicated that I did not believe that the Minister did not know before that date, which was 2 May.

It then turned out that whilst we were driving to The Spit to have a press conference with Barry O'Farrell and other members, the announcer Chris Smith on radio station 2GB said that he had a message from Ray Hadley that the Minister's office had telephoned and indicated that the Minister had only found out on the previous Thursday. The previous Thursday was 26 April. Remember that date. On the morning of 2 May the Minister indicated he had only just found out later in the day. The Minister's office telephoned and indicated that the Minister only knew on 26 April.

The Hon. Rick Colless: He lied to Ray Hadley.

The Hon. DUNCAN GAY: My colleague says the Minister lied. He certainly did, because the following Saturday, in the *Sydney Morning Herald* an article by Andrew Clennell states:

... an RTA statement provided to the *Herald* yesterday said the authority's chief executive, Les Wielinga, advised the minister after receipt of the December 5 tenders that costs for the project fluctuated in a range between \$70 and \$130 million.

December 5 is a key day: that was the day the tenders closed. The Andrew Clennell article in the *Sydney Morning Herald* goes on to say:

Mr Roozendaal's office said in a statement yesterday: "Mr Wielinga advised the minister in late January of significantly varying project costs in the early assessment stage of The Spit Bridge widening."

On 2 May the Minister said he only found out on that day. Later on 2 May he indicated that he knew on 26 April. In the *Sydney Morning Herald* the following Saturday there is an indication that the Minister knew probably in December, but certainly in January. What does the Minister do on that Saturday? He holds a press conference and he does a mea culpa and says he did know—lie proved. One does not have to go further: the Minister's lie is proven right there. But he does the dog-ate-my-homework bit that he always does—for example, it is his driver's fault that his car is in a bus lane, and it is a rogue operator in the Roads and Traffic Authority when it appears he has dumbed down the P-plate test. He blames someone else. This time he said, "I could not tell anyone because the tender process was under way". Absolute rubbish. We have this evidence that the tender process finished on 5 December.

There is one other sting—and you will like this, Della, because you are about accountability, unlike your colleague. When the Minister held a second press conference, he indicated this project had blown out to between \$115 million and \$130 million. That is what he said on 2 May. The *Sydney Morning Herald* article states:

The *Herald* has also learned that both companies that bid for the project tendered less than \$80 million - far less than the \$115 million the Government said the project would cost when it dumped it this week.

I reckon that is lie number three.

The Hon. Rick Colless: Three strikes and you are out.

The Hon. DUNCAN GAY: Three strikes and you are out; Carl Scully belatedly went on two. The Premier indicated at the time:

Once it became apparent to me that he was required to go back into the Chamber and clarify his words, his resignation was needed and right.

So, Mr Scully resigned on the strength of misleading the Parliament and the people of New South Wales twice in a short space of time.

The Hon. Eddie Obeid: You have to resign.

The Hon. DUNCAN GAY: Eddie, like you, the Premier did not dismiss him. You should have resigned and this bloke should have resigned. Carl Scully was asked to resign and he did resign for lying to the people of New South Wales twice, and there is clear evidence that this Minister has lied not once, not twice, but probably three times. The only difference between this Minister and Carl Scully was that this Minister did not mislead the people of New South Wales through the Parliament. But he certainly misled the people of New South Wales. He was not given an opportunity to mislead the people of New South Wales through the Parliament because this damn Parliament had not sat for six months during that period. Had the Parliament sat, no-one would be in any doubt that this Minister would have misled the Parliament as well.

We are not asking the Parliament today to sack this Minister—he should have resigned. We wish we could ask for him to be sacked—and if we could have asked, we would have. We are not asking the Parliament to sack this Minister because we do not have the power to do that. The Premier of New South Wales has the power to do that, and he is the one who should have done it. We are asking the Parliament to censure this Minister. It is the second level of those two options. It is a proper level that we should exercise on behalf of the people of New South Wales who have been misled by this Minister and who have not had proper transparency, proper openness or proper honesty from him in the carrying out of his duties in this State.

The time line is probably the best thing we should turn to in this sorry saga to try to establish what has happened with transparency, honesty and openness from the Government. We have to go back to July 2002 when David Barr, who was then the Independent member for Manly, proposed The Spit Bridge widening. The Coalition never supported The Spit Bridge widening; we have been opposed to it all the time and still remain opposed to it; we believe it just moves the problem either up to the Seaforth junction or the Mosman junction. We believe that there are better ways to resolve the problem. A big coincidence: Mr Sparkles, the then Transport

Minister Carl Scully, on 1 August—just a month later—said he had made an announcement on widening The Spit Bridge and, of course, took a photo opportunity.

In September 2002, David Barr told the Parliament—I do not know why the Minister did not tell the Parliament; there must have been a special relationship there somewhere—that construction would commence in 12 months. In March 2005, Bob the Builder—Premier Bob Carr—told Parliament that work on the bridge would begin in 2006. On 1 June, the then Roads Minister—there has been a series of them—the Hon. Michael Costa awarded a \$1-million bridge widening design contract to the engineering firm Connell Wagner. On 17 March—an important date in the Minister's diary—the Hon. Eric Roozendaal became the Minister for Roads, and that gave him carte blanche to use bus lanes and to lie to the people of New South Wales.

On 7 June, the State Government allocated \$11 million—I ask honourable members to remember that figure—to the project in the budget. That was the first costing for the project. I am sure honourable members are thinking about the recent costing. That was Eric's first go at it. On 31 July, Roads Minister Eric Roozendaal called for tenders and said that the work would begin in early 2007. That could be another fib, too, if one were to do the sums. In August 2006 Eric had a whoops. He sent a letter to the Treasurer—who would have loved this—advising that the cost had been revised up to \$59 million. So, \$1 million was originally allocated for the planning, which grew to \$11 million for the project, but by August 2006 the figure had blown out to \$59 million. That is hardly good management.

Honourable members should bear in mind that this motion asks the House to censure the Minister not only for his lying—in fact, this bloke should be censured simply for that—but also because of his mismanagement on behalf of the people of New South Wales. We should send him a message that he must lift his and his department's game.

As I indicated, the tenders closed on 5 December 2006—that is, early December last year—but this Minister said that he could not tell the people of New South Wales that he knew about this huge blow-out until after the election; in fact, until 2 May. We had to wait through December, January, February, March, April and May. That is how long it took him to fess up to something the people of New South Wales should have known.

On 12 February, after he had been briefed by Les Wielinga from the Roads and Traffic Authority [RTA], as we indicated in *Sydney Morning Herald* articles in December and January, the Minister let the Premier go into an interview with John Laws unarmed, saying that the Government was still committed to the project. The Minister allowed that to happen on 12 February despite the fact that he had this information all that time. Given his track record and that of the Government's, I am not sure that we can totally believe that the Premier did not know. One of two things happened on that day: either this bloke had not properly armed his Premier when he went to do an important interview in the middle of an election campaign, or the Premier knew and compounded the lie that was continuing to be perpetuated on the people of New South Wales.

The first of a number of freedom of information requests was made by Mike Baird on 7 February. Interestingly, given the information I have provided, in February 2007 The Spit Bridge widening contract document was suddenly deleted from the Roads and Traffic Authority's web site. Was there collusion? It seems a very strange thing. We could not get the information using a freedom of information request, and we now know that while we were trying to get it the Government knew that the project cost had blown out and that it probably would not go ahead. This Minister was colluding to cover up something that the people of New South Wales should have known.

On 12 March, Mike Baird was advised in person of a delay in the release of the freedom of information documents 15 minutes before the deadline. The delay was likely to be only a week. That takes us to 20 March, the second deadline. Mike Baird was advised again that the information would not be available until "later in the week". One of two things was happening: either Minister Roozendaal—and we know his track record at Sussex Street and in this House—was engineering this to happen, or his department was out of control and trying to stop the release of information that should have gone to the people of New South Wales. It is one or the other.

The Hon. Melinda Pavey: I believe the department.

The Hon. DUNCAN GAY: It is hard to tell. Whichever way it goes, this Minister is lying. The Westminster system deems a Minister to be responsible for his department, and given that this Minister had been briefed, he should wear the blame. The buck must stop somewhere. As I indicated, the second deadline passed on 20 March, and on 21 March Mike Baird was provided with confidential information that the widening

project had blown out to at least \$100 million. That was behind-the-scenes stuff. Still nothing had happened by 24 March—election day. On 27 March—post the election and the Independent member for having lost the seat of Manly—

The Hon. Eric Roozendaal: The Coalition lost the election.

The Hon. DUNCAN GAY: I am talking about David Barr, but I will talk about the seats the Government lost later if the honourable member wishes.

The Hon. Eddie Obeid: You are still in opposition after 12 years.

The Hon. DUNCAN GAY: The honourable member is trying to distract us. I would be happy to discuss the election result with him later. The Hon. Eddie Obeid is trying to cover up for his mate. He has mates in this place and we know that Eric is one of them. Well, if he wants to cover up for Eric, he can go ahead. But we will not be distracted from carefully and forensically identifying the problems facing this State.

On 27 March—three days after the election—the former member for Manly, David Barr, was reported in the *Manly Daily* as admitting that the cost of The Spit Bridge widening project had blown out. How did he know that? That was 27 March—that is, long before the Minister's announcement on 2 May that that was going to happen. The election was over, but suddenly there was a fess up. How much information was provided to this person through the Minister and his office? Honourable members should not forget that many of the announcements made about this project were made by the Independent member for Manly and not by the Minister. The latest deadline—the third or fourth—for Mike Baird's freedom of information request passed on 24 April.

The Hon. Greg Donnelly: Point of order: I remind the honourable member that remarks should be addressed through the Chair. He is obviously performing to an audience—quite well and happily. However, I remind him that the standing orders require him to make his comments through the Chair.

The PRESIDENT: Order! I am sure the member is well aware of that.

The Hon. DUNCAN GAY: Thank you, Mr President. I thank the honourable member also for the accolade that I am performing well. We did not need him to tell us that; Government members have given us the material to allow us to do it. However, I thank him. There are cameras at both ends of the Chamber, so who cares! I was talking to honourable members in the House who will be making an important decision today. I know that the Hon. Eddie Obeid will stand behind his mate and try to cover up. It is a repeat of the old Graham Richardson approach of doing whatever it takes. However, members on the crossbench and members of the Coalition will be evaluating what I put to the House today. I certainly hope that my colleagues in the Coalition will support me.

The crossbench members will be making the decision. So as much as I respect you, Mr President, I must address my comments to the crossbench members because they will make a difficult decision today. In representing the people of New South Wales, they must decide whether things have been done properly and whether the Minister deserves to be censured. The Minister deserves to be sacked. On any fair reckoning, he should have resigned, but we did not expect that would happen. We know how the Government and the Minister operate. In this case members must make a decision based on what happened.

The key factors in this case are honesty, openness and transparency. As we look at the time line, I challenge members of this House to show us the parameters set during the election campaign by Premier Morris Iemma for his Government. During the campaign the Premier said that he wanted his Ministers and his Government to be honest, open and transparent. Can we see any honesty, openness or transparency in the time line? I certainly cannot see any honesty. At the very least the Government has not been honest. Knowing about the cost blow-out and ignoring the lies, we know that the Government has not been open with the people of New South Wales. Has the Government been transparent? I do not believe so. The freedom of information requests and the information that was obviously made available to the Minister and his department indicate that the Government has not been transparent. In the time line there is no reference to the charter of budget honesty.

We looked at the Government's much-heralded charter of budget honesty to see what micky mouse figure had been included for The Spit Bridge. Members should bear in mind that the charter of budget honesty was completed before the election campaign and at a time when we did not know about the cost blow-out. The

Minister later said that the cost blow-out was up to \$130 million, although we know that the tenders were for a least \$80 million. So the cost should have been \$55 million. But the charter of budget honesty did not refer to \$55 million, \$11 million, \$80 million or \$130 million. There was no discrete, specific item for The Spit Bridge in the charter of budget honesty. So as much as anything, probably the only honest thing the Government did was not include a figure for The Spit Bridge.

The Hon. John Della Bosca: I can't follow that logic.

The Hon. DUNCAN GAY: The Minister should look at the charter of budget honesty. We have looked at everything on the web site.

The Hon. John Della Bosca: I'm not as smart as you are.

The Hon. DUNCAN GAY: I know the Minister is not as smart as I am; that is why I am trying to help him. It is important to know that there is an item missing from the charter of budget honesty. As I said, this censure motion is not about the Parliament sacking the Minister. Frankly, the Minister should be sacked; at the very least he should have resigned. This censure motion relates to the Minister's lack of accountability, his lying and his failure to address the problems of this State. [*Time expired.*]

The Hon. PENNY SHARPE [11.44 a.m.]: The motion moved by the Deputy Leader of the Opposition is nothing more than a waste of the time of this House. Throughout the tender process the Minister has been clear in his public comments on the proposed Spit Bridge project. The issue has been dealt with from start to finish openly and transparently. In this case the only person seeking to muddy the waters is the Deputy Leader of the Opposition. Today he is engaging in a cheap stunt, attempting to smear a Government Minister. The irrefutable facts of this matter are simple. The Minister has been upfront with the House and the public, and he was careful to ensure that the integrity of a complex tender process was maintained. Yes, a tough decision had to be made, and the Minister made it. But it was the only financially responsible decision that could be made. Those are the facts, and they remain the facts, regardless of how members opposite try to muddy the waters on this occasion.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [11.45 a.m.]: I support the motion moved by the Deputy Leader of the Opposition to censure the Minister for Roads. The question is whether the Minister deserves to be censured. I congratulate the Deputy Leader of the Opposition on a number of the points he made and on the time line, which I suspect he will make available to crossbench members to assist them in coming to a decision. The Minister from Vacluse, through the Hon. Penny Sharpe, has presented a defence that does not defend or explain his actions during this long and sorry affair. As the Deputy Leader of the Opposition said, through media commentary and senior officials in the Roads and Traffic Authority [RTA], no doubt the Minister knew about the problems back in December last year but he said absolutely nothing. There was nothing to prevent the Minister from telling the public, "We have a few problems. There are a few issues relating to this."

No doubt the Minister mentioned the matter to his Cabinet colleagues. Indeed, I have no doubt—I shall refer to this again in a moment—that the Minister mentioned it to the former member for Manly, David Barr, and gave him the heads up about what was coming. Cabinet, the Minister and Mr Barr were informed. It is simply the public that was kept out of the loop. Back in December there was nothing to prevent the Minister from raising the flag and saying, "Hang on a minute, there is an issue relating to a cost blow-out." No! He said absolutely nothing about it. As the Deputy Leader of the Opposition said, the Premier spoke on Sydney radio about the matter on 12 February. When the Premier spoke on the radio either he knew what the Minister knew or he intentionally misled the people of Sydney when he said that the Government was committed to the project. Either the Minister did not pass on the information to the Premier, or he did not. It is fair to say that back in February the Premier, as the leader of the Government, should have said, "There are a few concerns we have to thrash out. There is a blow-out in terms of final costings. We have some concerns. It is fair to say there should be a degree of caution in terms of final costings."

But the Premier and the Minister said nothing of the sort. They said it was full steam ahead, as though nothing had been brought to their attention. They knew that there was a cost blow-out because the candidate for the Manly electorate—he has since been elected as the member for Manly—Michael Baird, started to ask questions. When he started the freedom of information process the Government put barriers in front of him. The first request for information relating to the widening of The Spit Bridge—Michael Baird did not want the information; the people of Manly wanted the information—was met with a letter stating, "We can give you that

information, but it will cost you \$5,500 to get it". The Government knew that the candidate would not have the resources to get that sort of money; it played for time and put up barriers to ensure that the information was not made public before the State election campaign. The time line for The Spit Bridge clearly puts it into play. The information that Les Wielinga gave to the *Sydney Morning Herald* about his conversation with the Minister puts the matter into perspective. After he received the tenders on 5 December he clearly advised the Minister that costs for the project fluctuated and ranged from between \$70 million and \$130 million. Therein lies the case.

The Hon. Eric Roozendaal: Read the rest of the quote!

The Hon. MICHAEL GALLACHER: The Minister says, "Read the rest of the quote." That in itself should have been enough to start the alarm bells ringing for a Minister who was managing his portfolio properly to say to the Premier and the Treasurer, "We have concerns leading up to the election. We should not be saying any more about this at this stage, other than to say to the public, 'We have concerns about fluctuation and possible blow-outs for The Spit Bridge'."

But the Minister and the Government said absolutely nothing. They knew Mike Baird was asking questions through the freedom of information [FOI] process. They knew there was community concern about the Government's lack of consultation. The main concern being raised in editorials and by local representatives, the then candidate Michael Baird, the then Shadow Minister Jillian Skinner and the community was about the lack of consultation. The various electorates on the peninsula wanted information from the Government about a problem they had faced for years and to be reassured there was a light at the end of the tunnel. All they got was the Government continually spinning lines in the lead-up to the election. The Government said that it was committed to the project and that the project was going ahead. It said it was only a matter of time before people would be crossing the widened bridge. But it knew too well about the cost blow-outs. An election was looming and it knew that it had to quieten the discontent in Manly. It had to brief the then member, Mr Barr.

According to the time line, the *Manly Daily* reported on 27 March that Mr Barr knew about the cost blow-out in the project to widen the bridge. When did he find out this information? Was it on election day or perhaps the day after during scrutineering? No. Did he raise any concerns with the media after the election that he and the people had been misled? No. He did not say a word because he was part of the game. He knew what was going on, he had been briefed. Yet he did not say anything until after the election about the cost blow-out in the project. It is disgraceful that the Government perpetrates the myth that it found out after the election that it had all gone wrong. The Government knew well and truly in advance of the election. The performance of the Minister for Roads, his sheer lack of responsibility and inability to be honest with the House and the electorate, is deserving of censure. I put him on notice that we will continue to move censure motions against him every time we identify he has misled the public or failed to operate in an accountable and open way. The Government talks about being accountable and open but it never provides the goods.

The Hon. MICHAEL COSTA (Treasurer, Minister for Infrastructure, and Minister for the Hunter) [11.51 a.m.]: I had not intended speaking in this debate, but when I heard on the television in my office the mover of this motion make outrageous comments about honesty and integrity and refer to the charter of budget honesty process I thought: What a bunch of hypocrites! The Opposition participated in an extensive debate on the Charter of Budget Honesty (Election Promises Costing) Bill, voted for it, and then, in the course of the election campaign, withdrew from the process. It withdrew because it was lying to the public of New South Wales about the cost of its election promises. Theirs was not a cost blow-out like those that occur with projects. I remind honourable members about all the defence projects the Federal Government has been involved in, such as the submarine and radar projects.

The Hon. Don Harwin: Point of order: Although the charter of budget honesty was referred to in the context of The Spit Bridge, any claim by the Minister about overruns in Federal Government programs is completely beyond the scope of the motion. He should be drawn back to the question before the Chair.

The PRESIDENT: Order! This debate is clearly wide-ranging. However, the standing orders require contributions to be relevant, and I ask the Minister to bear that in mind.

The Hon. MICHAEL COSTA: If I were an Opposition member, I would also take points of order because my remarks are embarrassing for them. If the Opposition wants to talk about cost overruns, it should look at Federal projects, which involve not tens of millions of dollars but billions of dollars. What is even worse, those projects will not be delivered. The Federal Government had to scrap the Over the Horizon Radar project. The Joint Strike Fighter project is well and truly over budget. The Federal Government is now talking about

keeping F-111s in service for another 10 years because of the debacle of its mismanagement of infrastructure projects. So the Opposition should not criticise the Government for cost blow-outs in infrastructure projects. It certainly should not talk about honesty. The Opposition voted for a process of budget honesty in this House, but as soon as its costings during the election campaign were exposed as being undeliverable, unrealistic and unaffordable, it withdrew from the process and hired an accounting firm. It used the old trick of getting an accounting firm. He who pays the piper calls the tune.

The Hon. John Della Bosca: The dodgy brothers!

The Hon. MICHAEL COSTA: Yes, the dodgy brothers.

The Hon. Michael Gallacher: Are you saying they are unethical? Is that what you are saying? Are you saying that our accountancy firm is unethical?

The Hon. MICHAEL COSTA: I am saying you are unethical.

The Hon. Michael Gallacher: Point of order: Will the Minister reiterate the point that he said that KPMG, the accountancy firm in issue, was unethical? I want to hear it from his mouth.

The Hon. MICHAEL COSTA: To the point of order—

The PRESIDENT: Order! There is no point of order.

The Hon. MICHAEL COSTA: I wanted to talk to the point order.

The PRESIDENT: Order! Members should not make debating points under the pretext of taking points of order.

The Hon. MICHAEL COSTA: KPMG was so embarrassed to be associated with the Opposition and its involvement in the exercise—that is how dodgy the exercise was—it wrote in a letter released with its report that the Opposition's costings did not meet Australian auditing standards and did not constitute an audit or a review, and that responsibility for determining the adequacy or otherwise of the document lies with the Opposition. Even the Opposition's own accountancy firm, KPMG, walked away from them because they were so dodgy. The costings showed that the Opposition would do exactly what the Government said it would, that is, say anything and everything to get a vote. The programs were completely unaffordable and were never going to be delivered. The Opposition was so embarrassed when the final costings came out and it had to release its fiscal strategy—the four-year forward estimates—it invented efficiency savings that did not exist.

I will go through the Opposition's costings to illustrate how dodgy they were. Two days before the election the Opposition released a KPMG costings report. Not only was the report short in detail, but also proposed savings were double-counted by including \$4 billion from the sacking of 20,000 public service workers and new efficiency dividends. The Opposition did its numbers, but when the numbers did not work out it invented them.

The Hon. Duncan Gay: Where is the proof, Michael?

The Hon. MICHAEL COSTA: The proof is right here. I am happy to table the letter released by KPMG, which distanced itself from the Opposition. The Opposition should not talk about infrastructure blow-outs because its record is appalling. I have not even talked about what happened when the Coalition was in government. Everyone remembers the \$800-million airport rail link, which we are still paying for. Everyone knows about the incompetency of the Federal Government at managing infrastructure. More importantly, the Opposition does not have a leg to stand on in terms of honesty and integrity. The Opposition voted for a budget honesty process, but when Treasury was to undertake an independent costing of its election promises the Opposition knew it was well and truly lying to the public of New South Wales. So the Opposition went to KPMG. The lie was so great that KPMG would not put its name to its own costings document. The irony is that the person responsible for all of this is now the Leader of the Opposition, Barry O'Farrell. What type of integrity can we expect from the Opposition when its Treasury spokesperson before the last election lied to the public of New South Wales? I am not talking about little white lies; they were huge! The Opposition would need the likes of the Federal Government's failed defence program to carry all the lies it made to the public of New South Wales.

Members opposite invented \$3 billion worth of efficiencies. They were going to sack 20,000 public servants. That was not enough so they just invented \$3 billion worth of efficiencies. Their programs had no detailed costings; they just invented numbers. I can go through them all, but I will not. They were programs that were clearly unaffordable. They were lies perpetuated on the basis of getting elected, and the best part about it is that the public of New South Wales saw right through these people. They knew they could not afford these costings. They knew they were lying.

Pursuant to sessional orders business interrupted and set down for a later hour.

QUESTIONS WITHOUT NOTICE

DR PATRICK POWER POLICE INVESTIGATION

The PRESIDENT: Yesterday during question time Reverend the Hon. Fred Nile asked a question of the Minister for Roads, and Minister for Commerce, representing the Minister for Police, concerning the New South Wales Police search of Dr Patrick Power's home and computer in relation to child sexual abuse claims. A point of order was taken that the matter is currently before the courts. Given the importance of the matter I deferred my ruling to review the matter.

Having considered the matter, I have been persuaded by the rulings of previous Presidents, who have been guided by a presumption for discussion rather than against it. In particular I refer to two rulings by former President Johnson in 1990, that Parliament should not be precluded from discussing something which is generally being discussed in the media. On 28 February 1990 President Johnson stated:

The Chair must take a realistic attitude towards sub judice by not automatically excluding discussion in the House on matters of public interest which have been freely ventilated in the media.

Subsequently, on 22 May 1990 President Johnson observed:

Parliament should not be precluded from discussing something which is generally being discussed in the media.

Accordingly, I will allow the question of Reverend the Hon. Fred Nile should he wish to ask it again at an appropriate time during proceedings.

LAKE MACQUARIE AND HUNTER POLICING

The Hon. MICHAEL GALLACHER: My question without notice is directed to the Treasurer, Minister for Infrastructure, and Minister for the Hunter. Is he aware of the leaking of at least two damning internal police reports that spell out the crisis within the criminal investigating branches of Lake Macquarie and the lower Hunter—a crisis that is putting at serious risk the ability of local detectives to investigate and solve crime; and a crisis that is occurring at the same time that Newcastle has been experiencing an unacceptable level of violence and murder? As Minister for the Hunter what action have you personally taken to ensure authorised police numbers are increased in Newcastle, Lake Macquarie and surrounding local area commands [LACs], particularly given that Newcastle local area command has fewer police today than in 2003? Further, what action is the Minister taking to ensure that all these local area commands have additional detectives to investigate crime so that these reports do not come into being?

The Hon. MICHAEL COSTA: I think the question should have been directed to the Minister for Police but I am happy to answer it in terms of my responsibility both as a member of Cabinet and as the Minister for the Hunter and Treasurer. I supported an increase in the police budget of \$2.2 billion last year, which was 7.9 per cent higher than the preceding year. That shows clearly that this Government is adequately funding the police. It is a matter for the Commissioner of Police how he allocates his resources.

The Hon. Michael Gallacher: What are you doing about it? You are one of the most senior persons in Cabinet and you have not done a thing about it.

The Hon. MICHAEL COSTA: I supported an increase in the budget. We have the largest police budget on record.

The Hon. Michael Gallacher: Don't talk garbage; I am talking about cops on streets.

The Hon. MICHAEL COSTA: Your law and order policies were so dodgy you would not put them up for costing.

DEFENCE-RELATED CONTRACTS

The Hon. KAYEE GRIFFIN: My question is addressed to the Minister for State Development. What is the Iemma Government doing to win more defence-related business for New South Wales, particularly the Thales Australia naval contract?

The Hon. IAN MACDONALD: The Government is working hard to drive new jobs, particularly in those areas that relate to exports in New South Wales. Under this Government New South Wales is definitely "open for business" when it comes to big defence contracts. For example, the joint strike fighter [JSF] program, worth about \$150 million, provides opportunities for both large and small companies across our State. Nine New South Wales companies are already participating as joint strike fighter suppliers. I am proud to say that many of these suppliers are from rural and regional New South Wales—for example, Varley from Tomago near Newcastle. The Iemma Government through the Department of State and Regional Development is continuing to work closely with companies to attract joint strike fighter work and jobs to New South Wales.

I am also pleased to advise the Government is strongly backing Thales Australia's bid to build two amphibious ships for the Royal Australian Navy. It is a contract worth \$2 billion—and is to be decided next month. Winning this bid would be great news for the economy of New South Wales. The construction phase of the project alone is expected to create up to 600 direct jobs in Newcastle and Sydney. In addition, thousands of indirect jobs for subcontractors and suppliers would be created in both centres. That is why the Premier and his Queensland counterpart, Peter Beattie, have written to Prime Minister John Howard strongly urging him to ensure that these ships are built on the east coast.

The two ships will be the largest ships ever built in Australia and would bring a much-needed boost to the shipbuilding industry in New South Wales. New South Wales values innovation and quality. It is an ideal location for the construction of these two ships. Thales Australia, which is based in New South Wales, proposes building the two vessels in shipyards on the east coast of Australia including yards at Newcastle and Garden Island in Sydney. New South Wales is the obvious choice for this construction work: it has the necessary skilled and motivated workforce, first-class training facilities, and world-leading university research facilities, as well as substantial physical infrastructure already in place for this work.

This contract will also enhance our workforce's manufacturing skills in engineering, electronics and communications. There are also obvious design benefits. The ship proposed by Thales Australia requires 20 per cent fewer personnel than the competitor's design. In addition, ships of the design proposed by Thales Australia have already been launched and are in service with the French Navy, meaning less risk for Australian taxpayers. Thales Australia believes there is enough skilled labour to build the ships and this view is supported in reports by consultants ACIL Tasman in 2005 and Insight Economics in 2007. The Government also believes it is critical to maintain in-country capabilities for construction and through-life support of defence assets.

Placing orders with Australian contractors for large naval vessels will support our strategically important ship maintenance, repair and upgrade services. It will also maximise local benefits arising from the substantial spend of Australian taxpayers dollars through economic multipliers, increased employment, technology transfers and skills enhancement. Once completed, these two amphibious ships will each be capable of deploying 1,000 Australian Defence Force personnel, with their tanks, vehicles and equipment, for combat or humanitarian missions, lodging them ashore using helicopters and landing craft and sustaining them with a headquarters, hospital and logistics support facilities.

The Opposition should be backing us on this important issue—and I am sure it will—to get the Commonwealth to agree to this proposal. The New South Wales Government is working hard to deliver these cutting edge industries like defence to our State. We are committed to jobs and wealth creation for all areas of our State. I wish the Thales bid every success.

SPEED CAMERAS

The Hon. DUNCAN GAY: My question without notice is directed to the Minister for Roads. Does his Government still acknowledge the value that marked cars and marked cameras offer as a deterrent to speeding? Will the Minister indicate whether the Roads and Traffic Authority has put forward plans to use unmarked

police cars and/or hire cars with no signage as stationary speed camera vehicles? Would this mean that the Government has given up on deterrent measures and has resorted to just revenue raising?

The Hon. ERIC ROOZENDAAL: I would be happy if speed cameras did not raise a cent; I would be happy if people did not speed. Speed is the single biggest contributing factor to fatalities and injuries on our roads. Fixed speed cameras have reduced speeding along targeted lengths of road and have resulted in substantial reductions in fatalities and injuries. In some cases we are talking about a 90 per cent reduction in the number of fatal crashes, a 20 per cent reduction in the number of injuries and a 70 per cent reduction in the number of vehicles exceeding the speed limit where cameras are located.

Speeding drivers have less time to react to potentially hazardous situations, and in the event of a crash severe injuries are more likely to occur. There are fixed speed cameras located at 120 targeted locations throughout New South Wales, including 14 at school zones. Of course, all those speed cameras have three signs alerting drivers to their presence. Despite that prominent signage, a number of drivers still manage to get booked by those cameras. Of course, there are speed cameras located in all our road tunnels. The Burnley road tunnel tragedy that occurred in Melbourne underlines the dangers of speeding, particularly in enclosed places such as tunnels. That is why we place speed cameras in our tunnels, and again they are signposted.

There is a plan to roll out speed cameras, both fixed and mobile, into some school zones, to reinforce the importance of the 40 kilometre an hour school zone limit. That comes on top of our school zones safety package, which we rolled out last year, at a cost of more than \$7.2 million, to more than 100 school sites to ensure that people get adequate warning to slow down in school zones to 40 kilometres an hour. All the research shows that if you slow people down, particularly to 40 kilometres an hour in school zones, you substantially reduce the risk of injury and fatalities. There is a clear body of scientific evidence that, unfortunately, young children do not have the same road sense or road knowledge that adults have.

The Hon. Duncan Gay: Point of order: My point of order relates to relevance. We all support the use of speed cameras, but my question was specifically about unmarked cars with speed cameras in them. I request you to direct the Minister to answer the question asked of him. Does the Minister's department have a plan to use unmarked cars on the side of the road with fixed speed cameras? Yes or no.

The PRESIDENT: Order! I remind Ministers that their answers must be relevant.

The Hon. ERIC ROOZENDAAL: The fundamental basis to the Deputy Leader of the Opposition's question, to which he himself referred, is the suggestion that this is revenue raising.

The Hon. Duncan Gay: No, I didn't.

The Hon. ERIC ROOZENDAAL: You referred to it in your question. It underlines the basis of the Opposition's attack, which is: We do not believe in speed cameras; we want to try to make this political. It disappoints me that the Opposition does not take seriously the issue of road safety, and particularly speeding. It simply seeks to score political points and write off the use of speed cameras as a revenue raiser. There is overwhelming evidence that speed cameras slow down motorists. Clearly, the deployment of speed cameras in cars is a police operational issue and it would therefore be appropriate to refer that matter to the police. [*Time expired.*]

DR PATRICK POWER POLICE INVESTIGATION

Reverend the Hon. FRED NILE: I ask the Minister for Roads, representing the Minister for Police, a question without notice. Is it a fact that there was a two-day delay before the New South Wales Police Force physically searched the home and computers of Dr Patrick Power, a former Crown Prosecutor, which had more than 29,000 porn images, including 400 of child sexual abuse, some relating to children under five years of age? What were the reasons for this two-day delay in searching Dr Power's home, which enabled vital material to be hidden or destroyed? Is there any evidence as to what vital material was removed—for example, a contact list or directory—in view of the fact that child pornography was left on Dr Power's computer, and that such persons usually exchange their pornographic images with other similarly minded persons?

The Hon. ERIC ROOZENDAAL: I have followed this case closely in the newspapers and other media outlets. Of course, as the father of three children I am disturbed by this matter. It is appropriate that I refer the matter to the Minister for Police for an adequate response.

UNIVERSITY GOVERNANCE

The Hon. PENNY SHARPE: My question is addressed to the Minister for Education and Training. Can the Minister update the House about the governance of universities?

The Hon. JOHN DELLA BOSCA: I thank the Hon. Penny Sharpe for her question and her ongoing interest in tertiary education matters. Members may have seen media reports today that the Commonwealth appears to be proposing to force the States, including New South Wales, to hand over all responsibilities concerning the governance of universities. The proposal is accompanied by the familiar threat: that the Commonwealth will use its Corporations powers if the States do not immediately accept a yet-to-the-drafted proposal.

Just last month the Commonwealth Minister sat in a meeting for two days with every State education Minister. Yet she did not raise the issue. New South Wales is willing to discuss any measures that will improve educational outcomes, including responsibility for the governance of universities. However, bogus arguments that, for example, New South Wales collects payroll tax from universities, are a ludicrous and illogical insult to the intelligence of any observer.

We need to take great care to modify governance arrangements that have helped produce one of the best higher education systems in the world. If the Commonwealth were serious, it would draft a proposal. It would write to us about the options, and it would put the issue on the agenda at an appropriate forum. The Commonwealth would not just splash it around in the newspapers. As the Premier said this morning, these are media stunts the Commonwealth uses to divert attention from its failure over 12 years to properly fund university education.

The Federal education Minister cited red tape. Yet the area with the largest increase in funding over the past five years has been the Federal education bureaucracy. The Howard Government is the master of the universe when it comes to red tape on education. Staff numbers in the Federal education bureaucracy have doubled, and costs are up 60 per cent in five years. The Federal education bureaucracy does not teach a single student, administer a single university, or run a single school. The New South Wales Opposition's spokesperson on Education has made it clear where he stands. This morning he told 2SM Radio:

It's time that the management structure of universities comes forward into the 21st century.

Obviously, I agree: it is important for Australian universities to meet the challenges of the twenty-first century. But what does the Opposition's spokesperson on education mean by a management structure for the twenty-first century? The structure he is talking about, I suspect, is a private, corporatised structure. This would seem a reasonable conclusion. Corporatising the management structure would be of dubious value and would create enormous risks for public universities. Universities are not only the factories of the future, producing the research, knowledge and ideas that will underline Australian competitiveness and prosperity in the future, they are the crucible of the national culture and it is important in the public interest that we all do our best to protect them.

The Iemma Government will cooperatively discuss any initiatives that will enhance education, including primary, secondary and tertiary. But we will not be bullied by a Commonwealth Government threatening to use the corporations powers, unless we agree that the proposals it has drafted are in the interests of students and in the long-term national interest. New South Wales does not want our universities, and the land and buildings that the State provided in most cases, sold off to the highest bidder. We will consider changes only after careful consideration, and only if it is in the best interests of students and of the broader public.

HILLTOP REGIONAL SHOOTING COMPLEX

The Hon. ROBERT BROWN: My question is addressed to the Minister for Primary Industries, representing the Minister for Sport and Recreation. Is the Minister aware of a letter-writing campaign by a small group of opponents to the Hilltop regional shooting complex, claiming it will be used by the army for artillery practice? Is the Minister able to inform members whether this claim is true, or whether it simply amounts to more misrepresentation by those who oppose the shooting sports?

The Hon. IAN MACDONALD: I am advised that the proposal to develop a regional shooting complex at Hilltop is consistent with the objectives of the Government's Shooting Club Development Program. A key focus of this program has been to support the joint use of facilities where possible, to consolidate ranges

threatened by urban encroachment or environmental issues, and to provide long-term security of tenure for shooting clubs.

The complex will provide a new facility, initially for seven clubs, including a number which have had no ranges of their own for several years or whose range leases are due to expire shortly. Central to the proposed development is the return of a substantial amount of land to the State's reserve system, including 552 hectares to the Yengo National Park, 1,956 hectares to the Bargo State Conservation Area, and 323 hectares to the Dharawal State Conservation Area. Development of the site will incorporate strict requirements for land management to ensure any sensitive flora and fauna issues are identified and managed. I am advised that it is expected that planning approval will be finalised in the first half of 2007, following which construction will begin.

There is no proposal by the army to use the complex for artillery practice. Currently, the range is used by the army for shooting practice. I am advised that any use of the site will be subject to conditions imposed by the New South Wales Police Firearms Registry licence. There has been no application for a firearms registry licence for full-bore or high-powered military rifles to be used on this site. If there is a campaign opposing development of the site on the basis that it will be used by the army for artillery practice, I am advised that people are misinformed.

TAX HAVEN BASED COMPANIES

The Hon. GREG PEARCE: My question is addressed to the Treasurer, Minister for Infrastructure, and Minister for the Hunter. What is the Government's policy on dealing with companies based in tax havens, which may be used for secret bank accounts and to exploit opportunities for avoiding tax and other liabilities to deliberately disguise the identity of shareholders and their associates, potentially to launder money?

The Hon. John Hatzistergos: Point of order: The question asks the Minister to elaborate on government policy.

The PRESIDENT: Order! I ask the member to repeat the question.

The Hon. GREG PEARCE: What is the Government's attitude in dealing with companies based in tax havens—

The PRESIDENT: Order! Standing Order 65 (2) states that questions must not ask for a statement or announcement of the Government's policy. Accordingly, I rule the question out of order.

SUPERMAX PRISON SECURITY MEASURES

The Hon. IAN WEST: My question without notice is directed to the Attorney General, and Minister for Justice. Could the Minister outline new security measures imposed on prisoners housed inside the Supermax?

The Hon. JOHN HATZISTERGOS: The question the honourable member refers to relates to matters that were publicly discussed in the media a couple of weeks ago. I have no issue with any inmate—irrespective of their religious background or religious affiliation—taking out religion in prison; indeed, we will facilitate that where it is appropriate. I think it is important that people who are in custody have access to programs and facilities that can assist with their rehabilitation. However, what I will not allow is any circumstance that will allow people to use those entitlements in order to be able to camouflage other activities.

I have taken this issue very, very seriously. I certainly will not allow any religion to be used in a way that can enable prisoners to manipulate the system and threaten its safety and security. To this end, events that have recently been described in the newspapers and canvassed in the media have caused me considerable concern, as they have the Commissioner for Corrective Services. A decision has been taken to remove the inmate, who was at the head of what I believe was leading towards an organised group, to the Strategic Threat Group Intervention Program at Lithgow. He will remain there at stage one of that program. His progress through the program will be entirely dependent upon him and the responses that he makes to that program. If he wishes, he can cooperate with the treatment that is being provided and the psychologists who are working with him and be able to progress through various stages of the program and eventually return to the broader prison system according to his classification. If he does not choose to cooperate he will remain where he is until such time as he does cooperate.

Strict security has been put in place in relation to this offender. Some would argue, and no doubt some have, that those security measures have been quite extraordinary, including, for example, requirements that his telephone calls be monitored, that his visits be non-contact and that he converse in English. In circumstances where prisoners are able to use foreign languages interspersed with English, in a coded reference to various things that can only be of meaning to the recipient of the phone call, will not be tolerated. I also make it clear to the House that arising out of concerns that have been brought to my attention by the Commissioner for Corrective Services, I will engage in consultations and discussions with the Law Society particularly relating to issues surrounding legal professional privilege and its utilisation in the prison system. I am not prepared to have a situation, particularly in relation to prisoners of this kind—irrespective of the content of whatever conversations take place—where legal professional privilege is, effectively, used as a barrier to prevent corrections intelligence from gathering information that may be of relevance in relation to other activities.

Each of these offenders who have been involved in this matter will be assessed in relation to their security, and appropriate arrangements according to their classification will be made, including designation of them as high risk and extreme high risk, where appropriate.

RIVER RED GUM TREE LOGGING

Mr IAN COHEN: My question is directed to the Minister for Primary Industries. Can the Minister guarantee that no river red gum trees will be logged from Ramsar-listed wetlands in New South Wales to supply railway sleepers for the Mildura Railway upgrade in Victoria? Given that a recent report to the Australian Rail Track Corporation shows that concrete sleepers last much longer, cost less, and have much lower carbon emissions than timber sleepers, will the Minister advise the Victorian Government to use either concrete or recycled plastic sleepers instead? Can the Minister guarantee that all logging of river red gum State forests in New South Wales is in accordance with the Environmental Planning and Assessment Act?

The Hon. IAN MACDONALD: It is good to see the campaign steps up in another area for the Greens. Let us be very careful: I think the member has made a very dubious assertion on the issue of what creates the worst level of carbon emission. The assertion needs testing that somehow concrete sleepers emit less carbon than red gum forest timber—which is in situ for many years. I have seen modelling supplied by the Construction, Forestry, Mining and Energy Union on this issue that makes it very clear that there is an advantage in combating greenhouse gas emissions in relation to the utilisation of these hardwood logs.

The Hon. Rick Colless: Why did you lock up the Brigalow pine bark forest? For the same reason?

The Hon. IAN MACDONALD: We are talking about red gum at the moment. Just calm down over there. In relation to red gum, these analysts have been quite clear that there is a benefit in relation to greenhouse gas by using the timber rather than going to concrete sleepers.

[Interruption]

Can you let me get into the Greens for a minute! What has happened to the National Party in this place? What has happened to the once great National Party? He votes with the Greens. Get back for a minute. Let me handle them please!

In relation to the environmental question, we operate under the highest level of environmental protection in relation to logging operations in those areas. This has been tested many times. I believe it is very, very environmentally sustainable. So, on the environmental issue, both on greenhouse gas and logging, he is quite wrong in relation to the use of red gum. As for the Victorian Government, I am not going to tell it what to use and what not to use, just as I do not believe it should say anything about where we buy products that we want to use. If the member has got a complaint he can go and make it to the Premier in Victoria. I am sure the Victorian Premier will listen to him as much as we do.

Mr IAN COHEN: I have a supplementary question. From that fulsome and perhaps plastic answer, can the Minister guarantee on the record that no red gum trees will be logged from Ramsar listed wetlands in New South Wales to supply these railway sleepers?

The Hon. IAN MACDONALD: We operate a red gum management plan of the highest international environmental order. We operate throughout that area with approvals and every department agrees with our practices, which are certified. So I do not know what he is going on about.

**ANDREW CAPPIE-WOOD, FORMER DIRECTOR GENERAL, DEPARTMENT OF EDUCATION
AND TRAINING**

The Hon. JENNIFER GARDINER: I direct my question without notice to the Minister for Education. What were the Minister's grounds for deciding to dismiss Andrew Cappie-Wood from the position of Director General of the Department of Education and Training? Is Mr Cappie-Wood still employed by the New South Wales Government in any capacity? If so, what is that capacity? In seeking a replacement for Mr Cappie-Wood, did the Minister receive any advice about the type of qualifications and experience that would be expected of a director general of education and training? If so, what was that advice? What were the grounds for the decision not to publicly advertise both nationally and internationally for a replacement for Mr Cappie-Wood given that the position of New South Wales Police Commissioner was recently advertised nationally? Since Mr Coutts-Trotter's appointment, have there been any other changes in senior staffing within the Department of Education and Training?

The Hon. JOHN DELLA BOSCA: In answering some of the questions that the honourable member put to me, the first issue that comes to mind is the situation with Mr Cappie-Wood. My latest advice is that he is on the displaced officers' list and is obviously being matched to positions that he might want to pursue. Secondly, the honourable member's approach is certainly the wrong way to assess the chain of the events that led to Mr Cappie-Wood's move. He moved onto the displaced officers' list because I identified an opportunity to appoint Mr Coutts-Trotter to the director general's position. I did not have the position advertised because, as a Minister responsible to the Crown and having taken an oath to administer the Education portfolio to the best of my ability, I identified the appropriate person to appoint as the Director General of the Department of Education and Training. Mr Coutts-Trotter is an excellent choice. He has demonstrated great management skills as the Director General of the Department of Commerce, and he is one of the most skilled people I know with regard to budget matters. He is also a person of great intelligence and integrity. I would not have anticipated The Nationals sinking so low as to make inferences about his appointment, and certainly not the Hon. Jenny Gardiner.

I guarantee that Michael Coutts-Trotter and I will work together to ensure great benefit for teachers and leadership support to make the New South Wales public education system world class. I have complete confidence in Michael Coutts-Trotter's ability in his role as Director General of the Department of Education and Training, and so has the Government.

SURFING RESERVES

The Hon. TONY CATANZARITI: My question is addressed to the Minister for Lands. Will the Minister tell the House what the Government is doing to recognise Australia's world-famous surfing culture?

The Hon. TONY KELLY: I am disappointed that the Hon. Ian Cohen is not in the Chamber. I am pleased to inform the House that the Iemma Government is protecting and honouring world-renowned surfing spots along our spectacular New South Wales coastline. Despite being born and bred a long way from the beach—the Hon. Ian Cohen has asked how I would know anything about the surf because I do not come from anywhere near the beach—I acknowledge the integral role surfing has played in the fabric of Australian identity and culture. In January, I had the pleasure of dedicating Angourie on the North Coast as the first Crown surfing reserve in New South Wales. The beach has played a significant role in the Australian way of life and the day was a historic moment for the local community and surfing culture nationwide.

With the advent of board riding 60-odd years ago, young people in particular began scouring the New South Wales coastline for areas of consistently good surf. Angourie, with its spectacular ocean views and great surf, quickly became legendary on the board riding circuit. Countless numbers of home grown and overseas board riders have at one time or another taken to the water at Angourie Point and, along with Bells Beach in Victoria and Margaret River in Western Australia, it is now recognised by surfers worldwide. The importance of this dedication to both the local community and to the Australian surfing community can best be judged by the hundreds of people who turned out on the day to be part of such an historic event.

The Hon. Duncan Gay: When was this announcement made?

The Hon. TONY KELLY: It was made in January.

The Hon. Duncan Gay: Why are we hearing about it in here and now?

The Hon. TONY KELLY: It is important to inform the House. There were only two honourable members there. I did issue a press release, but the Deputy Leader of the Opposition obviously did not read it. Surfers from the current professional surfing circuit such as Luke Egan and Mark Occhilupo rubbed shoulders with past champions, locals and Ian Cohen and I. More than 400 people took part in the dedication ceremony. The New South Wales Government, through the Department of Lands, fully supports the surfing reserves.

[*Interruption*]

Honourable members are not particularly interested in surf sports. Last year the Government moved to officially recognise such declared sites as Crown reserves for the public purpose of surfing recreation under the Crown Lands Act 1989. Angourie was the first cab off the rank. It is now on the same footing as Victoria's famous Bells Beach and given the number of outstanding surf beaches along the New South Wales coast it will not be the last. The establishment of the Angourie Reserve was the outcome of close cooperation between the Department of Lands, Clarence Valley Council and the National Surfing Reserves Committee [NSRC].

The Australian Surfing Reserves and Sites National Reference Group was formed in early 2005 to identify and assess potential surfing reserves across Australia. To date, some 24 sites along Australia's 37,000 kilometres of coastline have been identified for dedication as reserves. Australia, and in particular New South Wales, has some of the best surfing breaks in the world. Most of these, as the House would be aware, are situated on Crown land. In New South Wales, other potential sites worth further investigation include Bondi, Crescent Head, Cronulla, Maroubra, Manly and North Narrabeen. Surfing reserves are another initiative that helps to fulfil a commitment set out in the New South Wales State Plan— [*Time expired.*]

SNOWY SCIENTIFIC COMMITTEE

Ms SYLVIA HALE: I address my question to the Minister for Energy. Have nominations for membership of the Snowy Scientific Committee been called for? If so, when will membership of the committee be finalised and when will it first meet? Is failure to establish the scientific committee a contravention of section 57 of the Snowy Hydro Corporations Act 1997 and contrary to the undertakings given to this House by the Minister for Finance on 10 May 2006?

The Hon. IAN MACDONALD: I thank the honourable member for her question. I point out that I am advised that I was not responsible for the formation of the scientific panel because I was not the portfolio Minister.

The Hon. Melinda Pavey: Are you advised of that? You do not know.

The Hon. IAN MACDONALD: I am advised of that and I am confident. As a consequence, I have not had carriage of this issue. However, it now falls to me to have carriage of it. I will look very carefully back through the Snowy agreement. The Greens and many people involved in the conservation movement believe that the Government should forget the undertakings made in the Snowy Water Inquiry Outcomes Implementation Deed [SWIOD] and release the water from Mowamba Weir and ignore the agreement signed with due consideration by the partners—the governments that own the Snowy hydro scheme. It is alright for them to be campaigning around the Snowy River to let the water out of the Mowamba Weir, which would directly affect the irrigators in the west of New South Wales—

Ms Sylvia Hale: Point of order: My question was about the constitution of the Snowy Scientific Committee, not about the Snowy Water Inquiry Outcomes Implementation Deed or environmental flows. I have asked the Minister whether the committee has been constituted, and, if so, when it will meet, and that is the question I would like answered.

The PRESIDENT: Order! There is no point of order.

The Hon. IAN MACDONALD: I was making some preliminary comments. Ms Sylvia Hale has come in here in high spirit and with a sense of outrage about the panel not being formed. I am talking about the somewhat hypocritical approach by which the Greens forget other parts of the agreement and campaign to alter the water flows that were built into the Snowy Waters Inquiry Outcomes Implementation Deed. On the issue of the scientific panel, now that I have responsibility as Minister for Energy I will give it due consideration.

PACIFIC HIGHWAY UPGRADE

The Hon. ROBYN PARKER: My question is directed to the Minister for Roads. Is the Minister aware of the NRMA's Pacific Highway Route Performance Report, which highlighted 229 crashes, 20 fatalities and 200 injuries on the highway between Karuah and Bulahdelah between 2003 and 2005?

The Hon. John Della Bosca: Where's the Federal Government's money?

The Hon. ROBYN PARKER: I will get to the Federal Government's commitment in a minute. Is the Minister for Roads aware that since the opening of the Yelgun to Chinderah bypass along the Pacific Highway the number of B-double trucks through Nahiab has increased from 50 to 200 each day? Given these alarming accident figures and increased traffic conditions, why will the Minister not match the \$10 million committed by the Prime Minister for construction of the Myall Way flyover to Hawks Nest and Tea Gardens?

The Hon. ERIC ROOZENDAAL: It pains me to respond to this question because the Pacific Highway is a serious issue. There has been a lot of good cooperation between the State and Federal governments in improving the Pacific Highway. It is important to understand that we are talking about 664 kilometres of highway that we are aiming to complete. The New South Wales Government has already contributed \$1.66 billion. Let us flip the coin and look at the contribution made by the Canberra mates of members opposite. They have contributed \$660 million. Roughly, we have spent \$1 billion—that is almost double—more than our Federal colleagues have spent on the Pacific Highway.

The Hon. Duncan Gay: It's a State highway.

The Hon. ERIC ROOZENDAAL: There you have it. The Nationals' wafer-thin defence of the lack of funding from the Federal Government is to say, "It's a State highway."

The Hon. Duncan Gay: It is.

The Hon. ERIC ROOZENDAAL: The Nationals are telling me that their constituents who travel on the Pacific Highway are not entitled to the same Federal funding as other people. That demonstrates why dopey Duncan sits in this Parliament and Mark Vaile sits as the Deputy Prime Minister.

The Hon. Robyn Parker: Point of order: The Minister is avoiding answering the question by playing the blame game. The question asked the Minister why he will not match the \$10 million commitment on the Myall Way flyover. I ask you to draw him back to the question.

The PRESIDENT: Order! I remind Ministers that their answers to questions must be relevant.

The Hon. ERIC ROOZENDAAL: I have faith in the Deputy Prime Minister, Mark Vaile. I enjoyed a long conversation with him when we attended the most recent Australian Transport Council meeting. He was generous enough to allow us to fly on his VIP plane to Broome. We had a very sensible conversation, in which he acknowledged the importance of the Pacific Highway and how he would like to work cooperatively. Unfortunately the Federal Government's budget did not outline specific projects, and we wait to see what the Federal Government will contribute to the improvements. The Hon. Robyn Parker knows that the Myall Way intersection, formerly known as Tea Gardens Road, has been significantly improved as part of section one of the Karuah to Bulahdelah upgrade.

The upgrade intersection has been enhanced through the provision of a small roundabout at the Myall Way to improve the direction and flow of traffic. There have been further representations by sections of the community to the Roads and Traffic Authority asking it to review that upgrade intersection at the junction of the Myall Way and the Pacific Highway. I am advised that the Roads and Traffic Authority engaged two independent consultants, Cromwell Wong and Robert McDonald and Associates, to assist in reviewing the design of the upgrade intersection and calculate the costs of building a grade separated interchange, including a flyover at this location. The results of the review, released on 13 December 2005, found that the improved upgrade intersection would have the capacity to safely accommodate current and future traffic growth for 10 years. This issue has been raised by the Prime Minister—a measly \$10 million, which he knows will not pay for it—because he is under pressure to save Bob Baldwin in the Federal seat of Paterson. That is why the Federal Government has put up the \$10 million. Frankly, I believe that other more important parts of the Pacific Highway need upgrading, and I urge the Hon. Robyn Parker to campaign— [*Time expired.*]

SYDNEY HARBOUR CROSSINGS TRAFFIC FLOW

The Hon. HENRY TSANG: My question is addressed to the Minister for Roads. Will the Minister advise the House on initiatives the Government is taking to improve traffic flows on the harbour crossings?

The Hon. ERIC ROOZENDAAL: Last month I announced that the Sydney Harbour Tunnel will go cashless from this July. This is about improving traffic flows on the Sydney harbour crossings and reducing congestion in Australia's biggest city. Cash will no longer be accepted at the Sydney Harbour Tunnel toll booths from midnight on Sunday 8 July. This is the right time for the Sydney Harbour Tunnel to move to a fully electronic, cashless system. We have just seen the opening of the \$1.1 billion Lane Cove Tunnel and expanded Gore Hill freeway, which is a fully electronic tollway that has delivered substantial benefits to people using that corridor. The vast majority of peak hour motorists are already using e-tags in the harbour tunnel. In fact, about 83 per cent of motorists during peak hour are using e-tags in the harbour tunnel every day.

Last year the Roads and Traffic Authority ran a successful campaign to boost e-tag usage, because when we increase e-tags usage we increase the movement of traffic throughout the Sydney orbital network. During the Roads and Traffic Authority's campaign more than 77,000 motorists took the opportunity to take up tags, with the offer of a \$30 toll discount, which was a good result. The time has now come for us to act on taking the Sydney Harbour Tunnel cashless. More than 245,000 motorists use the harbour crossings, both the tunnel and the harbour bridge, every day. It is the busiest road corridor in Australia. This initiative is a major step in improving traffic flows in the central business district and in easing congestion.

On the Sydney Harbour Bridge, the Roads and Traffic Authority is adding e-tag facilities to a further two lanes on the Cahill Expressway. That means that all Cahill Expressway lanes will be able to take e-tags from July. It is important that everybody will be able to use e-tags on all lanes on the Cahill Expressway. Of course, motorists will still have the option of using cash on the Sydney Harbour Bridge, which is used extensively by tourists and visiting traffic.

The Hon. Charlie Lynn: Everybody? What about motorbikes? Why can't we use the tunnel?

The Hon. ERIC ROOZENDAAL: I did not think there were many motorbikes in Papua New Guinea on the Kokoda track, but apparently there are.

[*Interruption*]

I was answering a question from the member for Papua New Guinea.

The PRESIDENT: Order! I call the Hon. Charlie Lynn to order for the first time.

The Hon. ERIC ROOZENDAAL: I have made the point previously that it is rare for a tollway to move from cash to fully electronic anywhere in the world. People have been paying to cross Sydney Harbour since 1932. The process will create some difficulties. It will be a challenge; there will be teething problems. However, we are confident that we can get Sydneysiders to adjust to the change and take the Sydney Harbour Tunnel fully cashless. That is why the Roads and Traffic Authority will undertake this process during the July school holidays, when traffic traditionally drops by 10 per cent to 15 per cent. That will allow us to integrate it more easily into the system. It is a sensible time to do this.

The Roads and Traffic Authority will monitor the changeover. I ask motorists to be patient; they can expect delays in the first few days as they become used to the change to the road network on a very busy corridor. The Roads and Traffic Authority will also mount an extensive education campaign to inform Sydney motorists about the changes. Getting an e-tag has become easier in recent years. People can now get an e-tag on myE-Toll on the Roads and Traffic Authority web site. This is an easy way to manage an e-tag account. My message to motorists is simple: If you use the Sydney Harbour Tunnel and do not have an e-tag, please get one before 8 July. [*Time expired.*]

ENERGY INDUSTRY INQUIRY

Dr JOHN KAYE: My question, which is addressed to the Minister for Energy, relates to the inquiry into the energy needs of the State and the Premier's remarks about the sale of State-owned enterprises and electricity distributors. Does the Minister believe that it is possible to privatise a State-owned electricity

distributor and simultaneously, one, protect workplace conditions and job security of employees; two, protect the ability of distributors to work cooperatively with consumers and minimise greenhouse gas impacts on the electricity industry; and, three, protect the ability of distributors to make decisions that reflect the best interests of society as a whole? If so, can the Minister point out those jurisdictions in which privatisation of retailers has occurred? [*Time expired.*]

The Hon. IAN MACDONALD: Obviously the Greens have recently become energised about this issue, but I wish they would get their facts right. The Premier did not announce a proposal to privatise the industry. He clearly ruled out, as he did prior to the election, any privatisation options involving generators, distributors, poles and wires. As to the retailers, the Premier said that if the inquiry puts forward a case for the financing of a new private investment in baseload, then the Government would consider whether such an initiative could be advanced or assisted by the sale of retail books held by a number of companies in New South Wales. That statement was speculation as to whether a sale would provide the financial framework for an investment. The Premier did not make a commitment to sell distributors. He made it clear a sale was not on the agenda. As to the retail side of the business, the Premier questioned whether a sale would assist the passage or development of investment in baseload capacity in New South Wales.

The inquiry may recommend that greater baseload capacity is required. A reasonably sized baseload generator costs over \$3 billion, and the total investment in this area could be in the order of \$7 billion. That is a substantial investment. The Government would have to consider the State's fiscal situation and weigh up such an investment against needs in other areas, such as, schools and hospitals. The Premier did not make a commitment yesterday to sell off the retail side of business. He made it very clear that the sale of retail books to facilitate private investment in baseload capacity was an issue to be examined in the inquiry. I hope that the Greens get their facts right and make a decent submission to Dr Tony Owen. The inquiry's terms of reference provide a good opportunity for discussion of these issues.

On 16 January this year there were major blackouts throughout Victoria. They occurred at a critical time during hot days in the middle of summer. Our Government is committed to preventing such a situation happening in New South Wales. The issues will be thoroughly investigated by Dr Tony Owen, an eminent person in this field, and the Government will carefully consider his report before taking any action. I hope when the Greens make their submissions they get their facts right. I heard Dr John Kaye talking on radio this morning about the water usage of power stations. I remind the honourable member that the amount of water allocated to industries across New South Wales last year for various purposes was 5,970 gegalitres of water. The entire usage of water for generation was 83 gegalitres. [*Time expired.*]

DEPARTMENT OF LANDS LAND SALES

The Hon. MELINDA PAVEY: My question without notice is addressed to the Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council. Can the Minister advise the House of all the land the Department of Lands is considering selling or leasing to assist the bottom line in the New South Wales State budget? Why did he tell *Prime* news last week that the Coffs Harbour showground land was not for sale at this stage? Is he aware of the huge community concern about the loss of community and school sporting fields at the Coffs Harbour jetty, which his department estimates would provide a \$40 million windfall to State Government coffers?

The Hon. TONY KELLY: Since the inception of this State the Department of Lands has been selling land. All the land in the State was originally Crown land. Long before Landcom, the department sold parcels of land, and it continues to do so. The land and property information section of the department would have records of the subdivisions. When I worked at the department 40 years ago suburbs such as Frenchs Forest and Lugarno were subdivisions of the department. Obviously, the department buys and sells land all the time. I did an interview a week or so ago during which I talked about Coffs Harbour showground. I will not repeat all the comments I made, but I am always cautious about what I say as to whether something will happen in the future. At some stage in the future I expect we will lose Government. I am not sure when that will be, but it will happen at some stage in the future. So I qualified what I said. I could have said that I had no intention of ever selling the showground land. I said something along the lines that at this stage it will not be sold because I could not guarantee that a Liberal Party-Nationals Government at some stage way into the future would not try to flog it off, as they did back in the Greiner years.

COURT SERVICES AND PERFORMANCE

The Hon. AMANDA FAZIO: My question without notice is addressed to the Attorney General. Can the Attorney General inform the House of the latest reports on the performance of the New South Wales court system?

The Hon. JOHN HATZISTERGOS: According to the Productivity Commission's Report on Government Services 2007, New South Wales continues to lead Australia in the provision of court services. The New South Wales District Court, Local Court and Children's Court were all national leaders in terms of timeliness in dealing with criminal matters. These courts handle over 99 per cent of all the criminal matters in this State. For the fourth year in a row, the New South Wales Local Court has achieved the lowest backlog of criminal matters older than 6 months and 12 months. The New South Wales Local Court was the only court to achieve the national standard set by the Productivity Commission for local courts. That standard requires that no more than 10 per cent of matters are more than 6 months old.

The New South Wales District Court is the leader in timeliness of civil non-appeal matters, which represent over 99 per cent of all civil matters handled in the District Court. The Supreme Court achieved the highest clearance ratio for criminal non-appeal matters at 123.5 per cent, almost doubling its rate from three years ago of 68 per cent. Overall, the clearance rate for courts in New South Wales is close to 100 per cent. This demonstrates that the State is keeping up with its workload. New South Wales, by any fair measure, has one of the best performing court systems in the country.

In addition, New South Wales courts have continued to show responsiveness to the issue of crime. On 28 March 2007 the Australian Bureau of Statistics released its Criminal Courts, Australia, 2005-2006 report. According to the report, compared to the rest of Australia a higher proportion of defendants found guilty of serious criminal offences were sentenced to custody in New South Wales—that is, 73 per cent of defendants found guilty in New South Wales higher courts were given custodial sentences, either in corrections or the community, compared to 61 per cent nationally.

In the last few years the Government has implemented a number of measures to address problems associated with successfully prosecuting sexual assault matters, including amending legislation to minimise the stress and trauma for sexual assault complainants when giving evidence. The number of defendants appearing before higher courts for sexual assault and related offences in New South Wales has increased by 16 per cent, combined with a reduction in the proportion of defendants acquitted in these sexual assault cases. That is a clear indication that the Government's push to address problems associated with successfully prosecuting sexual assault matters is working.

The number of defendants whose cases were finalised in New South Wales Local Courts has remained stable between 2004-2005 and 2005-2006, with a reduction in some offences, including homicide and related offences, weapons and explosives offences and theft and related offences. New South Wales has an efficient court system and a system that responds to the concerns of the community. The Government's focus on successfully prosecuting sexual assault matters has seen the number of defendants acquitted on sexual assault matters reduced in both the higher and Local Courts in New South Wales.

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

Questions without notice concluded.

[The President left the chair at 1.00 p.m. The House resumed at 2.30 p.m.]

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by the Hon. Duncan Gay agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 2 outside the Order of Precedence, relating to the censure of the Minister for Roads be called on forthwith.

Order of Business

Motion by the Hon. Duncan Gay agreed to:

That Private Members' Business item No. 2 outside the Order of Precedence be called on forthwith.

MINISTER FOR ROADS**Motion of Censure****Debate resumed from an earlier hour.**

The Hon. AMANDA FAZIO [2.31 p.m.]: Something needs to be said at the outset of this debate: the people of New South Wales decided they wanted to re-elect a Labor Government. They chose not to go with the pathetic lies and unfunded promises that were offered up to them by the Coalition. For that reason it is quite appalling that such a motion has been moved by the Coalition in the first week of the year's parliamentary program. The Minister for Roads has made it clear in public comments over the past week that this was a tough decision but that it was the right decision. The cost for The Spit Bridge widening project simply did not stack up. The Government was not prepared to spend \$115 million of taxpayers' money on a project that did not cut it.

The decision was about responsible government and sound economic management. It was a tough decision, but a financially responsible one. One cannot say yes to every tender no matter the price. A government has to tick two boxes when delivering new infrastructure—value for money and public interest. At the end of the tender process this project was not value for money. It is disappointing but the Government has to go back to the drawing board and look at other options to improve traffic flows in The Spit Road and Military Road corridor.

The hypocrisy from those on the other side of the Chamber is astounding. First, they went to an election with no plan to address traffic issues on the northern beaches. Their only idea was a commitment to scrap The Spit Bridge widening and put nothing in its place. Sometime ago they had an idea—this was before they decided they did not like road tunnels in Sydney—to tunnel under The Spit Bridge. However, they decided that option was too expensive and did not pursue it. They had no commitment to do anything to address the traffic congestion in that region. They had no plan except to scrap our proposal to widen The Spit Bridge and offer nothing in its place. The Coalition is a policy vacuum. It had nothing to offer the people of New South Wales.

The Government was engaged in trying to do something to relieve the problem. A proposal had been put forward to widen The Spit Bridge and a tender had been put out to determine the cost and feasibility of the project. It is disingenuous of the Deputy Leader of the Opposition to move this motion now. He probably thinks it is great that as Opposition spokesperson on Roads he will be opposing the Minister for Roads and giving the Minister a whipping every day in this Chamber. Well, I can tell him quite frankly that if he does not have any policies, he is not going to whip anybody. What was his answer last Sunday when he was asked on radio 2GB about his wish list for traffic issues on the northern beaches? His grand plan for the northern beaches was, "Well, umm, it is Sunday, umm, umm." What a pathetic response. A shadow Minister needs to do better than that. He cannot just criticise. No wonder the people of New South Wales returned a Labor government. At least Labor has policies and ideas, and does not make the excuse, "It's Sunday. I can't think of anything." That is just not good enough. As the shadow Roads Minister, the Hon. Duncan Gay should be embarrassed.

Let me be clear: The Government wants to proceed with this project. That is why it was taken to the tender stage, but the project was too expensive to proceed with. The point of the tender was to come back with a solid final cost, not some speculation that had been bandied about.

This was a tough decision for the Government but it was the right decision for the taxpayers of New South Wales. The Minister for Roads delivered a record \$3.3 billion roads budget for New South Wales this year. This Minister is getting on with the job of improving roads infrastructure around this great State and taking on the challenge of mobility in this great city—Australia's only global city. The Government is getting on with the job of delivering good public policy. This is a tough Minister who is serious about his portfolio. He has made the tough decisions—decisions that members opposite would run a million miles from. The Government is making the hard calls, doing what is right for the people of New South Wales. The Government, through its achievements, leaves members opposite for dust. They have no credibility at all in the Roads portfolio.

Let us examine the Opposition's policy in this regard. It wanted to scrap the Roads and Traffic Authority and sack 20,000 workers. It went to the last election with a policy of scrapping the government agency that builds our roads and manages road safety. Not only that, it did not give the electorate an alternative. It said—as its previous leader said about so many things—it would axe the Roads and Traffic Authority on day one. No explanation was given to the people of New South Wales about what was going to replace it.

This is indicative of the paucity of policy that the Opposition took to the people of New South Wales. No wonder the Coalition is still sitting on the Opposition benches and squawking. To what body would people have gone to renew their licences to drive? How far would the Opposition force the elderly to drive to renew their licences? Where would our children have gone to get their licences? The Opposition went to the election with irrelevant policies, and the good people of New South Wales saw straight through them. It went to the election with a plan to sack 20,000 workers from public services, affecting one in seven teachers, police and nurses, including 200 mental health nurses.

Let us not forget the Opposition's road policy for the northern beaches. It simply did not have one! It had no alternative to the widening of The Spit Bridge. It ruled it out completely but had nothing to replace it with. The Government has made it clear this was a tough decision but in these circumstances it was the right decision. In the end, the cost of The Spit Bridge widening did not stack up. The Government was not prepared to spend \$115 million of taxpayers' money on a project that did not cut it. This decision was about sound economic management and responsible government—something that members opposite know absolutely nothing about, having gone to the election with more than \$29 billion worth of unfunded promises. The Government had to make a tough decision but it was a financially responsible one. One cannot say yes to every tender, no matter what the price is. The Government has to be responsible with taxpayers' money. As we hear time and again in this Chamber, there is massive competition for road funding in every part of New South Wales.

We all know that there are roads problems across the State and that if we had adequate funding from the Federal Government we would be able to assist in addressing them. But every region has different demands, and we cannot simply throw money into a project that is not cost-effective. As I said, as a Government we have to be responsible with taxpayers' money, and we have been. We have to ensure that projects we want to proceed with will give the taxpayer value for money and that they are in the public interest. The Opposition, on the other hand, is after a cheap headline and nothing else. It wants to scrap proposals but it has nothing to replace them with.

At the end of the tender process this particular project was not value for money. Opposition members would be the first in line to criticise the Government if we went ahead with the project after clear advice from the Roads and Traffic Authority that it had a negative cost benefit for the taxpayers of this State. They would be the first to claim, on their talkback soapboxes, that they had opposed this project all along but that the Government simply was not listening. They would be the first to lodge motions such as this—and how predictable it was. The New South Wales Coalition is the first Opposition in the history of this great State to fail to take a transport plan to an election. It failed to go to the election with a roads policy or an integrated transport plan—indeed, any rational transport plan. The Opposition thought that solving Sydney's rail issues was as simple as reverting to what happened during the Olympics. It forgot that we shut down most rail lines during the Olympics. So the Opposition's plan was to deprive hundreds of thousands of commuters of public transport. It now criticises a roads policy that it actually called for. This is hypocrisy of the highest order.

Opposition members talk about the Government wasting taxpayers' money but they simply sit in the Parliament heckling, wasting taxpayers' money on such a frivolous issue. Debating this motion is an outrageous waste of the Parliament's time. Taxpayers expect us to debate serious issues, such as how to deal with traffic flows and congestion. But Opposition members have chosen, on the first day that many of them have set foot in this place, to debate a decision which they had campaigned against. The Opposition did not want the policy to go ahead during the election campaign. It said it would scrap the policy if it won the election, but now when it is not proceeded with it cries blue murder. Talk about two-faced hypocrisy! Opposition members might not be good at coming forward with a roads policy or an integrated transport plan—and they might not even be good at thinking on their feet when they are doing a radio interview. But the one thing they have shown they are good at is doing massive backflips, calling black white. Members opposite are a joke!

The Government has made the right decision. It was tough, and of course some constituents will be disappointed. But now the Government will go back to the drawing board and will look at other options to improve traffic flows in The Spit Road and Military Road corridor. We will look at other options that are cost-effective and will deal with this problem, and we will actively pursue them—unlike the Opposition, which has no policies. The Opposition went to the election with no policies. Since then it has not learnt its lesson, and all it is now doing is seeking to censure a Minister for doing something that was its policy when it went to the election. No wonder the people of New South Wales rejected the Opposition. I am proud to say that the Minister for Roads has made hard decisions on behalf of the people of New South Wales and that he has made the right decisions.

The Hon. MELINDA PAVEY [2.46 p.m.]: This censure motion is about accountability, honesty and decency. Since the Minister for Roads became a member of this place he has shown to the people of New South Wales, through his actions in this Chamber, that he thinks that the Legislative Council is simply an extension of Sussex Street, where he came from and where he learnt everything he knows. But he has forgotten one thing: this is not Sussex Street. In this place things do not go on behind closed doors, where members can say whatever they want to whomever they want and get away with it. This is a place of record, and the Minister's actions are accountable to the people of New South Wales. I ask the crossbenchers to carefully consider that. The residents of the northern beaches and the electorate of Manly have been the victims of a fraud carried out by the Minister, a fraud that has continued in New South Wales because of the secret, grubby deals that people like Eric Roozendaal have continued—

The Hon. Christine Robertson: Point of order: The Hon. Melinda Pavey is deliberately not addressing the Chair during her contribution; she is addressing members of the House.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! I uphold the point of order. The standing orders require that members should address the Chamber and the Chair. It is not appropriate for members to turn their backs to the Chair when they are addressing the Chamber. The Hon. Melinda Pavey may continue.

The Hon. MELINDA PAVEY: I will address you, Madam Deputy-President, and the crossbenchers, because this is an important debate and it is necessary that we interact with the crossbenchers. I make the point that this will be the first division in which the Hon. Roy Smith will be involved—a division on a censure motion against a Minister. It is a very serious motion, and the content of it has not yet been defended by any Government member.

The contribution of the Hon. Amanda Fazio was delivered in the best right-wing traditions: it came to no point; she simply defended her mate. The Hon. Amanda Fazio did not refer to any of the substantive issues in the debate, such as the tricks and deception of the Minister for Roads, particularly in relation to the residents of Manly and the northern beaches. The Hon. Amanda Fazio made no reference to the relevant dates. She did not defend the Minister's actions in telling Ray Hadley on 2 May that he had scrapped the project and that he had just found out about the project's cost blow-out. Not one Government member has referred to that important point.

It is clear from the evidence from the Roads and Traffic Authority that the Minister knew about the cost blow-out and that he would not fund the project before the election. But he carried on a fraud to support the Independent member David Barr—but that, I might add, did not work. It is a fraud on the people of New South Wales. It is a fraud that the Minister started in Sussex Street when he was the State Secretary of the Labor Party. In the back rooms of Sussex Street he supported Independent members of Parliament, and this was part of his ongoing process. But now he is a Minister of the Crown, not the boss of the New South Wales Labor Party, and at some point he is accountable. The Minister will be brought to account today by this censure motion.

This censure motion gives the House the opportunity to say that the attitude and actions of Eric Roozendaal are no longer acceptable to the people of New South Wales. This is the time for it to happen. Following the Minister's interview with Ray Hadley, the Minister's office—not the Minister—had to phone the radio station and say, "Sorry, the Minister was mistaken—24 April was the first time that he heard of the changes to The Spit Bridge cost blow-out."

The Hon. Eric Roozendaal: It was 26 April.

The Hon. MELINDA PAVEY: Thank you for the correction, Minister. I note that he has not corrected anything else we have said. But I stand corrected on that point; I was two days out. I make the point that the Minister has not defended any of the arguments and timelines ably presented by the Deputy Leader of the Opposition. We do not need to refer to the actions of the Minister with regard to his driving in bus lanes to get to work on time because he was running late and felt that he was entitled to do that. We do not need to go there. We do not need to refer to the fact that he has made obscene gestures across the Chamber to members of the Opposition. We do not need to go there. Those two issues point out—

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! If the Hon. Melinda Pavey wishes to address her comments to the members of the crossbench, she may be more comfortable doing so from the other side of the Table. I remind her that it is not appropriate for a member to turn her back on the Chair when contributing to debate.

The Hon. MELINDA PAVEY: Thank you, Madam Deputy-President, I will move to the other side of the Table. I have no problem turning my back to Eric Roozendaal, because he continually turns his back on probity, honesty and decency, and that is why this censure motion must succeed today. If the members on the crossbenches do not support this censure motion, they will send a message to the people of New South Wales that they accept that a Minister for Roads in this State can go through an entire election campaign telling lies—in this case to the people of Manly and the northern beaches. That is clear from evidence on the public record, the most damning evidence coming from the Roads and Traffic Authority itself. The Minister's own chief executive, Les Wielinga—who is highly regarded within the road transport industry in New South Wales—has said he was briefed in January.

We have got to the point today where we are asking for cross bench support to tell the Minister that it is not acceptable to do what he did. We politicians are not highly regarded by the community—we are down there with journalists and used car salesmen. The reason for that is that politicians like Eric Roozendaal corrupt the parliamentary process by telling fibs and keeping information away from the public domain. It is no secret to members of this Chamber that Labor does deals with Independents behind the scenes. Reverend the Hon. Dr Gordon Moyes is well aware of what happened during the Pittwater by-election in 2005, when many deals and promises were made and given behind the scenes, behind closed doors, in Sussex Street fashion.

This was all about a commitment to keep David Barr in the seat of Manly. Nobody from the Government has yet explained the Minister's actions or the reason he lied to Ray Hadley on 2 May. His office rang straight after that interview and advised that he was told on 26 April, yet the Roads and Traffic Authority claims that the Minister was advised in January. The Hon. Duncan Gay has explained very well to the Chamber the time line and the arduous freedom of information process the Government put up in front of Mike Baird—who is now the member for Manly. We have heard about the charge of \$5,500 to find the truth behind what the Government's plans—or in this case non-plans—for The Spit Bridge. There was a political fix on, but it has not worked because David Barr is no longer the member for Manly. But more important, New South Wales politics and our standing as politicians are much the less for it because people do like being conned and tricked in the lead-up to a State election.

The contribution of the Hon. Penny Sharpe was appalling. It lasted about two minutes and did not in any way defend or explain the Minister's actions. In 2006, documents that were produced as a result of an order for their production under Standing Order 52 clearly showed that the Government was working very closely with Mr Barr to come to a public resolution of this issue, not a construction resolution. In March 2005 we obtained a paper indicating that three options had been put on the table for The Spit Bridge by the Roads and Traffic Authority. The first option was to continue with the announced project, award the detailed design contract and proceed to construction in 2006, subject to planning approvals, design, cost estimate and the availability of funds for construction.

The second option was to announce a study into all options for the bridge project at The Spit. That was a preferred position of the Opposition because we believed that the other options were not feasible and would not work. The Roads and Traffic Authority's advice in the second option was to abandon the detailed design tender and announce a study into all options for improvements at The Spit, including the consideration of higher-level options that would not require retention of the opening bridge. As the Hon. Duncan Gay said, the Minister knew about this. The third option was to abandon The Spit Bridge widening proposal and reallocate \$35 million to bus priority measures on the Mona Vale to Neutral Bay strategic bus corridor.

The Minister's contribution to this debate will be absolutely important to any decision that members come to on this motion. He must explain why he has not been honest with the public on this issue. He has said that May was the first he had heard about cost overruns and blow-outs. As I said, the Hon. Duncan Gay has shown clearly that there has been much correspondence, many meetings and considerable movement on the issue, and that it would be an untruth for the Minister to claim that he did not know about the blow-outs until May. We must keep in mind also what the Roads and Traffic Authority said: it knew in January about the cost blow-out on this project.

I implore members to help us, as parliamentarians, restore our faith in democracy. Let us send this Minister, Eric Roozendaal—who acts as if he is still in Sussex Street rather than in Macquarie Street—a message that this behaviour, this type of trickery, is not acceptable to the people of New South Wales.

The Hon. ROBERT BROWN [2.56 p.m.]: I too would like to hear the Minister stand in this Chamber and repeat the explanations he gave to me and my colleague the Hon. Roy Smith.

The Hon. Rick Colless: When did he do that?

The Hon. ROBERT BROWN: Straight after the crossbench meeting when the Hon. Duncan Gay laid out the Opposition's reasons for the censure motion. I have read the transcript of the Ray Hadley 2GB interview and the *Sydney Morning Herald* article—I have them here in front of me. In the 2GB interview, Ray Hadley certainly gave the Minister the rounds of the kitchen, but Hadley did not really home in on any questions relating to the time line. However, he did ask the Minister straight out whether he was pulling the legs of constituents on the northern beaches by promising them the go-ahead, and the Minister denied that. There is no evidence in the transcript of the interview that the Minister lied.

The *Sydney Morning Herald* article goes into great detail about when the Minister was given certain pieces of information. My understanding from the press release and the explanation put out by the Minister is that he does not disagree with that time line. As the Hon. Melinda Pavey pointed out to my colleague the Hon. Roy Smith, censure motions are a very serious business. Both my colleague and I have had experience in the construction industry. I am not sure how many other members in this House have.

The Hon. Henry Tsang: I have.

The Hon. ROBERT BROWN: There is one other. Both my colleague and I have tendered on large projects, and I have assessed tenders on large projects. I am not a structural engineer and I will not pretend I have been involved in a tender of this type, but I have been involved in putting together tenders and assessing tenders for large structural engineering projects and it is quite evident to me that the blame for all this lies with the Government or the department. Neither should ever have let the project out to tender when there were only two expressions of interest. Fancy putting a project of somewhere between \$60 million and \$130 million out to only two tenderers. What can be done if one bid is \$70 million and the other is \$80 million but both tenderers say that the project cannot be built for that amount, that it will cost \$130 million or \$140 million?

According to the Minister, he then asked his department to assess the real cost of the project. The tenders had closed at the end of December and the two tenderers were still in the ring. The tenderers had stated why they could not complete the project for the lesser sum and wanted more. It probably would not have been in the Minister's best interests to proceed, and he may still have to compensate the tenderers for cancelling the tender. The Minister said that he took the option of trying to establish the real cost and, once that cost was established, a decision would be made about whether the project would go ahead. It is not for me to lecture the Minister about whether that was political dynamite during an election campaign. However, I cannot see that the Opposition has succeeded in its censure of the Minister, particularly given the substance of the Hon. Duncan Gay's motion:

That this House censures the Minister for Roads, the Honourable Eric Roozendaal, for misleading the people of New South Wales ...

We must ask the question: Is withholding information for what the Minister says are valid reasons misleading the people of New South Wales, or is it acting in the best interests of the people of New South Wales?

The Hon. Melinda Pavey: Or in the best interests of the Independent member for Manly.

The Hon. ROBERT BROWN: That is for honourable members to decide. The Shooters Party cannot support this censure motion.

The Hon. ERIC ROOZENDAAL (Minister for Roads, and Minister for Commerce) [3.01 p.m.]: I thank honourable members for their contributions. A censure motion is a serious matter, and I take it very seriously. I believe the attempts by the Hon. Duncan Gay and his colleagues to impeach my integrity and conduct have been unsuccessful. Peppering a speech with words like accountability, honesty and decency does not substitute for cold, hard facts. It does not substantiate the arguments. I take my responsibility to the people of New South Wales very seriously; I take my responsibility to this Parliament very seriously; and I take my responsibility to my party, which endorsed me to represent it in this House, very seriously. I will not allow myself to be subjected to these sorts of allegations and distortions without a robust response.

In their zeal to assassinate my integrity, members opposite have revealed their motivation for this attack. Of course, their attack is not the result of anything I have done since I have been in Parliament but what I did while I was in Sussex Street. Both the Hon. Duncan Gay and the Hon. Melinda Pavey both raised this issue. I can understand why the fact that I spent 18 years in the Australian Labor Party head office committing every

day of my life to beating Coalition members around the State, and that had a perfect record in marginal seats and by-elections, would encourage them to square the ledger. They could not get me when I was in Sussex Street, so they are trying to get me now. However, peppering their contributions with big words does not prove anything.

I will carefully go through the facts because unfortunately they have been massively distorted. As the honourable member representing the Shooters Party pointed out, we are talking about a tender. This is not a one-page quote that a householder would get from a plumber to fix a tap; this is a complicated process. Tenders for the widening of the Spit Bridge were called on 18 August 2006 by the Roads and Traffic Authority [RTA], and they closed on 5 December 2006. The close of tenders is not the end of the tender process; that is midway through the process. The Roads and Traffic Authority is then required to evaluate the technical and financial aspects of the tenders. These are complicated documents because this is a complicated project. The tender process was lengthy and major technological challenges had to be addressed by the tenderers. The bridge is 50 years old and it is the only opening and closing bridge left in metropolitan Sydney. During the due diligence process both tenderers raised complex technical questions—it was not a simple matter of bolting an extra lane onto each side of the bridge—and they had to be addressed before the total project cost could be estimated.

The Roads and Traffic Authority examined the tender documents and, because of the technical issues raised by the tenderers, determined that it needed to seek further external independent assessments. It is appropriate for the tenderers to raise possible scenarios to explain their figures, and that is why the Roads and Traffic Authority sought external technical advice to assess the tenderers' assumptions. That was proper and appropriate. This project is not a house renovation; it is a major piece of road infrastructure.

Of course, despite what The Nationals think, the tender process is done at arm's length from the Government, from me and from my office for good reasons. So it should be. We are not in Queensland working with the old National Party. It does not happen like that in New South Wales. Of course, honourable members fail to understand that the tender cost of any construction forms only part of the overall project cost. The overall project cost includes allowances for things like planning the project, design, environmental assessments, geotechnical investigations, purchase of the land required, relocating public utilities such as powerlines and water pipes, work on the surrounding road network that is not included in the main contract, and insurance and inflation. All of those things are included in the project cost. Unfortunately, honourable members opposite fail to understand those basic differences. Perhaps it is because they have been sitting over there for 12 years.

The Hon. Eddie Obeid: It will be 16 years.

The Hon. ERIC ROOZENDAAL: Yes, it will. However, they have been sitting over there for 12 years now and they do not understand the complexities of building real infrastructure in this State. Perhaps that is what it is about.

The Hon. Rick Colless: You were 18 years in Sussex Street. What did you learn there?

The Hon. ERIC ROOZENDAAL: I learnt how to beat members opposite four times in a row.

The Hon. Charlie Lynn: And look what has happened to the State.

The Hon. ERIC ROOZENDAAL: Yes, and members opposite are still sitting over there. The Government can make a decision on The Spit Bridge only when it knows the final project cost and that figure has been submitted by the Roads and Traffic Authority. It would be irresponsible of any Government or any department to make a decision about a project before it had the final project cost. That is not how it is done; it would be improper.

The final project cost was advised to my office on 26 April. Honourable members should remember that date. That is when I got the final cost at the end of the tender process, after the Roads and Traffic Authority had assessed the project and determined the final figure. Once the Government was advised of that in a Cabinet minute, we had to make some decisions. Until we received the final cost, the Government was committed to the project. I have been consistent in my public statements and I am consistent here today: We were committed to the project, because I believed it was a good project. However, when the final cost was revealed, unfortunately it did not stack up. I remind honourable members that this process occurred at arm's length from my office. There is no-one in my office with a calculator working out tenders for the Roads and Traffic Authority; it is done by the authority.

The Hon. Melinda Pavey: But did the Roads and Traffic Authority come to you in January?

The Hon. ERIC ROOZENDAAL: I will get to that. Of course, the authority is the appropriate agency to assess a project and to come up with the final cost, which was \$115 million. At that cost, this project could not give taxpayers value for money. Of course, the authority advised the Government at the end of the tender process—not during it—that there was a negative cost benefit for the taxpayers of New South Wales. My responsibility and that of my colleagues and the Government is to deliver good infrastructure to this State and to get good value for the taxpayers of New South Wales. We do not commit to projects that do not stack up.

I was advised that there were major technical issues which significantly increased the cost of the project. Work on the expansion could have shifted the existing bridge. I understand the concerns of the people on the northern beaches. This was a tough decision but it was financially responsible for the people of New South Wales. This process has been conducted at arm's length from the Government in a proper and appropriate manner. This year the New South Wales Government delivered a record \$3.3 billion road budget to the people of New South Wales. I am pleased that the Hon. Melinda Pavey made some nice comments about the Chief Executive Officer of the Roads and Traffic Authority [RTA], Les Wielinga. It makes a change for her finally to acknowledge that Les is a fine, decent human being. The Chief Executive Officer of the Roads and Traffic Authority regularly updates me on major road projects. As I publicly said, I was advised in late January that the project costs in the early assessment stage of The Spit Bridge widening varied significantly. So in the middle of the process I was advised that the early estimates varied significantly.

The Hon. Duncan Gay: No, it's not. It was after the closure for tenders.

The Hon. ERIC ROOZENDAAL: The Deputy Leader of the Opposition simply does not get it. He thinks he is in Queensland: You get the tender documents and you cut the deal. It does not work like that in New South Wales. The tenders need to be assessed. I was advised that the project could come in at the \$59 million estimate or significantly over it, depending on the design. I was advised that the project costs in the early assessment stage fluctuated between \$70 million and \$130 million, depending on the design. That is a substantial fluctuation in the early estimates. The Chief Executive Officer of the Roads and Traffic Authority advised me that the project cost estimates continued to be unreliable. During the briefing on the estimates the chief executive officer made it clear to me that he believed the estimates were unreliable.

The Roads and Traffic Authority advised me that it would commission an independent external design and cost review, which was appropriate. If the authority does not trust the estimates provided in tenders, if it believes that the estimates are unreliable, it tests them externally with an independent review. That is appropriate. The point of the review was to give more accurate cost information, especially about technical and engineering issues. The Government can only make a decision on a project once it knows the final project costs. I was advised of the final project costs in a Cabinet minute on 26 April. Until the final costings were completed, the Government remained committed to the project.

I am advised that both tenderers allocated resources to The Spit Bridge widening tender process in good faith. The Roads and Traffic Authority will have discussions with both companies about concerns they may have about the decision not to proceed with the project. This is a disappointing outcome. It was a tough decision for the New South Wales Government, but we are not prepared to spend \$115 million of taxpayer's money on a project that simply does not stack up. We need to go back to the drawing board and look at other options to improve traffic flows in the Spit Road and Military Road corridor. We have two responsibilities when delivering new infrastructure: We must ensure that it is value for money and that it is in the public interest. And at \$115 million, this project was not good value for the taxpayers of this State.

Spit Road and Military Road are identified in the New South Wales Government's Urban Transport Statement for improvements. We have set up a working group to investigate initiatives to improve traffic flows on this corridor. This working group includes the Roads and Traffic Authority, State Transit, the Ministry of Transport and the Premier's infrastructure implementation group. The group will investigate fast tracking bus priority works, including new bus lanes and bus jump starts at key intersections; further reducing car parking, creating clearways on Military Road; upgrading the intersection of Spit Road and Parriwi Road and at the entry and exit to The Spit car park; creating a westbound tidal flow on Military Road from The Spit Bridge to Ourimbah Road; and further reducing The Spit Bridge opening times.

That is the way forward in finding other ways to fix the traffic issues on that section of road. It is challenging. But let me be clear about this: The Deputy Leader of the Opposition's suggestion that I should comment on the tender process is simply ridiculous. It would be irresponsible for this Minister to comment on a tender process before independent technical advice had been sought. What would I say? How could I possibly

have participated in that process? It would have been improper for me to be involved. This is the fundamental flaw in the Opposition's attack. Members opposite do not understand how a tender process works. They think it is like getting a one-page quote from a plumber.

Some members have indicated that they understand the complexities of such projects and why the Roads and Traffic Authority sought independent advice. If I had commented when advised of the unreliable estimates I would have made a comment that could prejudice the tender and without having reliable information. A responsible government and a responsible Minister make decisions based on cold hard facts and real costings, and that is the basis on which the decision not to proceed with The Spit Bridge project was made. Several issues have been raised. First, the Government takes sensible advice, and I will give one good example. The committee inquiry into the Lane Cove Tunnel made unanimous recommendations about the tunnel and the transitioning of surface road changes.

The Hon. Charlie Lynn: It changed when a block of flats fell in it.

The Hon. ERIC ROOZENDAAL: The Hon. Charlie Lynn should watch where he is going. The committee members for that inquiry included the Hon. Greg Pearce, Andrew Constance and John Turner. One recommendation of that committee, chaired by Reverend the Hon. Fred Nile, was that the Government should seriously consider transitioning the surface road changes and that the surface road changes be appropriate as part of the project and in the interests of the people of this State. The Government considered the committee's recommendations and in fact adopted the strategy of transitioning the surface road changes. Although that recommendation was unanimously supported by all parties, when the Government announced the transitioning of the surface road changes Coalition members attacked it. They attacked a recommendation that was supported by their colleagues. Did they do that in the interests of the people of this State? Of course not! They did it to score cheap political points. This motion censuring me without any facts or any real basis is yet another attempt to score cheap political points.

The Hon. Duncan Gay: Come on! There are facts after facts.

The Hon. ERIC ROOZENDAAL: I draw the attention of honourable members to a pearl from the Deputy Leader of the Opposition. He said, "I assure members of this House that had the House been sitting the Minister would have misled the House."

The Hon. Duncan Gay: Of course he would have.

The Hon. ERIC ROOZENDAAL: The Deputy Leader of the Opposition has done it again. I acknowledge his interjection because it indicates where his mind is. I am being censured for something I might have done had the House been sitting. That shows how flimsy the honourable member's argument is. It is almost Monty Pythonesque. It is a wafer-thin attack on me. Clearly, the Deputy Leader of the Opposition and Coalition members do not understand the intricacies of the tender process for major road infrastructure projects in this State. It is improper to suggest that I should have commented in the middle of the tender process. It would have been improper for me to make a decision on the project without the final recommendation of the Roads and Traffic Authority.

I took advice from the Roads and Traffic Authority and, to ensure it gave the best advice and could test the assumptions of the tenderers, the authority sought external technical and costs advice. I am proud of the way the Roads and Traffic Authority conducts itself. This project has been handled at arm's length and appropriately. The flimsy effort by the Opposition today does not warrant the time of the House. The Hon. Melinda Pavey lectured the House about my actions in the past. I am the first to acknowledge that I have made a few mistakes in this place. But this censure motion is a pathetic waste of a day of this Parliament.

Opposition members selectively quoted from the *Sydney Morning Herald*. They failed to read the whole of the quotes in an attempt to bolster their flimsy case. Their actions are disappointing, unprofessional and not worthy of this House. Opposition members have lectured me and crafted their words. They hide behind platitudes of honesty and accountability. They have not been honest today and they know they are wrong. The suggestion that I should interfere in any tender process is improper and inappropriate. I will not apologise for the management of our \$3.3 billion roads project. The people of New South Wales have voted for us to continue to serve them for another four years. I will not apologise for my service to the Australian Labor Party and my work at the Australian Labor Party office, which is really what this motion is all about. The Opposition cannot get over the fact that for years I have beaten them politically and now that I am a member of this House they are trying to square up.

Reverend the Hon. FRED NILE [3.21 p.m.]: The censure motion moved by the Deputy Leader of the Opposition has three points. The key point is the third paragraph, which states:

That this House censures the Minister for Roads, the Hon. Eric Roozendaal, for misleading the people of New South Wales regarding several issues relating to the widening of The Spit Bridge.

As previous speakers, including the Minister for Roads, have said, a censure motion is a very serious matter, particularly on the first day of Parliament after the swearing in of members. There are always areas that are open to criticism and times when the Government or Ministers can be attacked. Although there seem to have been problems in the costing of the project through its various stages, the issue is whether that justifies a censure motion. That thought is in my mind and, I am sure, in the mind of other crossbench members, whose votes will determine whether the censure motion is carried. We have to evaluate whether the problems justify a censure motion. There will always be areas open to criticism and differences of opinion on projects. At times we can certainly criticise the Roads and Traffic Authority. But we cannot censure every Minister on that basis. If that were the criteria on which we based a decision to move a censure motion, we would censure Ministers every day.

The Spit Bridge has become a controversial issue. Many members would have travelled over it on many occasions. The bridge is a bottleneck as a result of its narrowness and the fact it is an opening bridge. It opens at allotted times to allow yachts with high masts to traverse. The proposal was to add two new lanes to the bridge. Perhaps, compared to the Sydney Harbour Bridge, it was considered a simple exercise to add two lanes to The Spit Bridge. I do not suggest the bridge is in danger of collapsing, but it is over 50 years old. The tenderers examined the bridge to assess the costs involved in the project. It seems they investigated the project more thoroughly than the Roads and Traffic Authority did, possibly because the two large companies could draw on more experts. They found serious problems in adding two lanes to the bridge. They came to the conclusion the project could still be done but at a far greater cost. If the project had continued, the successful tenderer may have found more serious problems as a result of the sea level, the original construction of the bridge or the placement of piles in the soil. As a layman, I believe we need a completely new bridge that allows yachts to travel underneath without the need to open it.

I have no doubt that the decision to widen the bridge was greatly influenced by Mr Barr's situation at Manly. Mr Barr's involvement and the announcements he made suggest political factors behind the project. If there were a hung Parliament in the other place, as had been discussed before the election, Mr Barr's position could have been critical to the Government. I accept it is a political tactic to look at the worst possible outcome and seek to bolster your position. The Government, if it had been a minority government, may have needed Mr Barr's support. All governments have to be prudent in the expenditure and use of public funds. That is a major role of government. In this case there have been dramatic changes in the costing of the bridge. Reference was made earlier to the allocation of \$11 million in the budget for the project. Obviously that money was not to build the extra lanes, but probably for preliminary work that is necessary on major projects. In 2002 the allocation was \$30 million and in 2007 it was \$59 million. Then the tenderers came in at \$80 million, with the Roads and Traffic Authority adding other related construction costs to be borne by the Government. I was made aware during the inquiries into the Cross City Tunnel and the Lane Cove tunnel that in addition to the tenderer's costs in a project, the Government through the Roads and Traffic Authority has to provide for associated costs, such as, purchasing property, moving powerlines, providing water resources and so on. A whole series of events flow from a project. That is why the Roads and Traffic Authority talked about a figure of \$115 million as a bedrock figure. A statement issued by the Minister on 5 May indicates costs of between \$70 million and \$130 million and then in bold lettering states:

The RTA's view was that project cost estimates continued to be unreliable.

It is not known whether the \$115 million would have covered the costs of the project. I have undertaken a number of inquiries into matters relating to the Roads and Traffic Authority. I am supportive of Mr Wielinga, the current Chief Executive Officer [CEO] of the Roads and Traffic Authority. But I believe the removal of the former chief executive officer and changes in the leadership at the authority may have caused a reduction in the efficiency of that body. If any criticism is to be directed at the Roads and Traffic Authority, perhaps the problems have been caused by the Government's decisions in relation to the authority.

The Roads and Traffic Authority was a very strong organisation but I believe it has been affected by those changes. This may be one of the underlying causes of the matter we are dealing with now and the fluctuations in the estimates from that authority. In my opinion it would be the Roads and Traffic Authority that carries responsibility for the errors in its original calculations and estimates. So, does that justify a censure

motion? I do not believe it does. Criticise, attack, yes, but I do not believe it is necessary in this situation to carry a censure motion, which is a very blunt instrument in this House.

Ms LEE RHIANNON [3.30 p.m.]: The Greens support the motion but not the intent behind the motion, that there is merit in widening The Spit Bridge. The evidence is there to warrant the censure motion. The Minister's own comments leave us in no doubt.

The Hon. Duncan Gay: We do not think there is merit in widening it either.

Ms LEE RHIANNON: I am pleased to hear that. In the past there was support for that so it is excellent to hear that that is the position. When I heard the comments by the Minister and other members prior to the election I was left feeling that they felt they were justified in saying anything coming into the election. To try to gain support in a whole range of areas—and I see this as just one of them—the truth was fiddled with to a point that is unacceptable.

The Minister stated in debate that the Coalition does not understand the complexities of building infrastructure. I do not dispute that, but the statement definitely applies to the Minister himself. He needs to look in the mirror and see that he is looking at a failed roads Minister. Transport in New South Wales is in an appalling state. That is largely because of problems with public transport but also because of mismanagement of the roads portfolio. I saw that the Minister was talking about himself when he made that comment.

Traffic congestion in this State is getting worse, and that is what we are addressing when we talk about The Spit Bridge. A report from the Government's metropolitan strategy revealed that the number of vehicles on our roads has increased by 58 per cent in 20 years and, if present trends continue, car use would increase by almost one-third by 2020. One of today's newspapers carried a disturbing report about how much time people spend in their cars going to and from work. On average it is two hours a day. That is tragic and raises the issue of productivity. That is why it is a shame the Treasurer did not join us for this debate.

The Hon. Eric Roozendaal: He did.

Ms LEE RHIANNON: Yes, but I am talking about now. He is not here all the time. His classic style is that he makes a flourish and then disappears.

The Hon. Eric Roozendaal: You weren't here.

Ms LEE RHIANNON: Yes, I was. I listened to his contribution to the debate. It is a shame he is not here now because it is the Government's failure to deal with this. We are not just talking about The Spit Bridge; we are talking about the M5, Military Road and places in north-western Sydney. I would have liked the Treasurer to be here because this is very much an economic issue. The productivity of New South Wales is suffering because of the heavy traffic congestion. New York has done a study. I urge the Treasurer to have the courage to do a similar study here. We see this study as a breakthrough. The Partnership for New York City identified more than \$13 billion a year in losses to the New York metropolitan region's economy as a direct result of traffic congestion.

Members often carry on—the Treasurer being one of them—that we are anti-car. We are not anti-car; it is just that we do not want too many of them. Busy streets can signify a bustling, healthy economy but not when those streets are congested. That is why the Treasurer needs to do the study. The study in New York found that the region was losing 52,000 jobs every year because of problems caused by this heavy congestion. If the widening of The Spit Bridge had gone ahead, it would have been a waste of public money. All it would have done was to shift the traffic jam from one point to another. So many of these motorways around Sydney are not solving the problem; they are encouraging people to jump in their cars, thinking they can get from place to place quicker and the traffic congestion gets worse.

The Minister tried to wax lyrical about the Lane Cove Tunnel and its road changes. He failed to mention how, in that project, public transport and bike users have been sold out. More than likely we will lose forever bus priority lanes and bike lanes. Again, the Minister does not give us the full story when he reports on these issues. He went to great pains to talk about the cheap political point-scoring on this issue. One would have to say that the Minister has built a political career on cheap political point-scoring.

The Hon. Eric Roozendaal: As opposed to you?

Ms LEE RHIANNON: We will take you on time and again but we will back up our statements.

The Hon. Eric Roozendaal: You are anti-car.

Ms LEE RHIANNON: That is absolutely rubbish. The Greens policies would get car users moving because congestion would be reduced. That is something the Minister fails to understand. He is captured by the roads lobby, yet he does not understand his portfolio.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [3.37 p.m.], in reply: I thank all honourable members for their contributions to the debate today, those who are supporting us and those who are not. It is a sad position we have been forced into. It is not something I treat lightly, bringing a censure motion before the House. I believe the information I have provided warrants a censure of this Minister. I believe the people of New South Wales who have seen the actions of the Minister will ask the question of those who are voting against this motion: Why did you do it? They are certainly not impressed by the information that is kept from them, the distortion of, and spin on, the information and the lack of activity in this portfolio.

Some new members and some recently new members in this House had been given information by the Minister. The decisions they made were based on that information before they heard what the Minister had to say. The Hon. Robert Brown indicated he had made his decision on a briefing—before I spoke in the House—despite the fact that I indicated in that briefing that I would prosecute my case in the House and I hoped that everyone would come to the House with an open mind. The Minister provided information by the way of transcripts. The transcripts did not have the whole of the Minister's interview—

The Hon. Eric Roozendaal: That is untrue.

The Hon. DUNCAN GAY: Nor did it have my interview.

The Hon. Eric Roozendaal: Why would I give them what you're rabbiting on about?

The Hon. DUNCAN GAY: The Minister is a good one to lecture this House on what is true and untrue. He has had his chance. We sat here quietly while he delivered his eulogy to the House, and I ask him to do the same for me. The Minister spoke about our lack of knowledge of the tender process. However, the Government's contempt for the tender process was demonstrated when you, Madam Deputy-President, said in your contribution—and people who have been involved in tenders should listen to this—that the Government has a tender process "to find out what something costs". No wonder the Government is having a problem getting businesses to tender for these major contracts. The word around town is that that is exactly why businesses are not tendering.

The Hon. Robert Brown: They only had two.

The Hon. DUNCAN GAY: As the Hon. Robert Brown correctly interjects, that is probably why the Government had only two tenders for this project. The Minister then went on to indicate that the tenders were unreliable. These two companies, which obviously had passed the due diligence test to be part of the New South Wales Government tender process, submitted tenders that were pretty similar. How unreliable were the tenders, given that two major companies—and it must be a major company to tender for a project as substantial as this—came back with similar tenders, at about \$80 million?

The Minister also indicated that a department should not go ahead with only two tenders. Indeed, members who supported the Minister not being censured indicated that they felt it was an improper tender process because there were only two tenders and you should have more. Everyone remembers when the tender process closed: it closed on 5 December. There were only two tenders on 5 December. The department would have known from the end of July or early August that it had only two tenders.

The Minister's other argument was his usual "The dog ate my homework. Everyone else is responsible except me", that he could not come out with this because the tender process was not over. The tender process opened in July and finished in December. The Minister implied that then the Roads and Traffic Authority started the process of developing its extra costs. Anyone who is involved with tenders knows that that is not the case. The authority is a professional organisation, and it had been developing and knew what its on-costs for the project would be, starting with the tender documents, which are the detailed call for the contract to build this project. It would have been developing its on-costs from day one when the tender documents were released.

Between 5 December and the end of March the Minister should have told the people of New South Wales that he was not going ahead with the project. That was another lie. He has pulled the wool over eyes of people who think he is not culpable on that. The Minister should be culpable to this House; he is certainly culpable to the people of New South Wales. We had the sad sight of the New South Wales Treasurer coming into this House to filibuster to extend this debate beyond the lunch break so the Minister would have a chance to prepare his contribution to the debate. The Minister delivered a soliloquy bagging the Opposition on a whole range of matters, but he did not answer the only question I asked him, which was: Where was this bridge project in the Government's charter of budget honesty? All the Minister did was bag the Opposition.

Even if members accept what the Minister said about us—and, of course, we do not accept it—it is irrelevant to the debate. I have the document in front of me. I have looked through it and I cannot find reference to the project. I asked the Treasurer where it was referred to in the document and what was the costing, but we did not get an answer. Once again the Government is trying to cover up and lie to the people of New South Wales. The document that the Hon. Melinda Pavey read from in her contribution was a document produced under Standing Order 52, which was produced on 19 October 2006. It is an interesting document because in part it details that on 9 December 2004 a meeting was held between the Minister—I cannot remember who was the Minister for Roads in 2004—Mr David Barr, the former member for Manly, and Dr Peter Macdonald, the Mayor of Manly, to discuss The Spit Bridge. A briefing paper also came out of that. The details that were relayed to the House earlier in relation to that document were pretty accurate.

Another document referred to earlier was the document of March 2005, a Roads and Traffic Authority briefing note. The briefing note refers to the cost ratio of the \$45 million widening option being estimated at 1.3. That is a relatively low cost ratio for projects in the authority's program. When Government members say that we are critical of the Minister on these issues, they try to imply that we are critical of Les Wielinga. I have never met Les Wielinga. From what I have heard from my sources within the department, he is a very decent bloke and the staff really like him. But I have not met him. This situation is that Les Wielinga and the Roads and Traffic Authority had to work with this absolute idiot. They have provided documents like this that tell us that the Government's preferred option for solving the problem was to build a bridge that would not work, and that it should not do it. If members are fair dinkum, they have no choice but to censure the Minister. [*Time expired.*]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 17

Mr Ajaka	Ms Hale	Mrs Pavey
Mr Clarke	Mr Kaye	Mr Pearce
Ms Ficarra	Mr Khan	Ms Rhiannon
Mr Gallacher	Mr Lynn	<i>Tellers,</i>
Miss Gardiner	Mr Mason-Cox	Mr Colless
Mr Gay	Ms Parker	Mr Harwin

Noes, 21

Mr Brown	Reverend Dr Moyes	Ms Voltz
Mr Catanzariti	Reverend Nile	Mr West
Mr Costa	Mr Obeid	Ms Westwood
Mr Della Bosca	Ms Robertson	
Ms Fazio	Mr Roozendaal	
Ms Griffin	Ms Sharpe	<i>Tellers,</i>
Mr Hatzistergos	Mr Smith	Mr Donnelly
Mr Kelly	Mr Tsang	Mr Veitch

Pair

Ms Cusack

Mr Macdonald

Question resolved in the negative.

Motion negatived.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Ms LEE RHIANNON [3.56 p.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 20 outside the Order of Precedence, relating to the censure of the Premier be called on forthwith.

This is a most urgent matter. Climate change is the most critical issue facing humanity. The impact on our environment, our economy, our relationships, every facet of our life will be enormous. As decision makers we have a clear responsibility to address the cause of runaway climate change, and in New South Wales that means phasing out the coal industry.

[*Interruption*]

The PRESIDENT: Order! The member will resume her seat, and the Clerk will stop the clock. This is an important debate and the member will be heard in silence.

Ms LEE RHIANNON: This is why the motion is one of great urgency that must be considered today. Members need to recognise that if they vote against this motion they are failing to acknowledge the seriousness of climate change. In New South Wales, to be serious about climate change means one must stand up to the coal industry, and that is what the Premier is failing to do. At every turn Premier Iemma is allowing his Government to back the coal industry: a new coal loader, new coalmines, extensions to coalmines, new rail lines and other infrastructure. Premier Iemma deserves to be censured over his backing of the expansion of the coal industry, and this motion needs to be debated today, as it is a matter of utmost urgency. The burning and mining of coal contributes to 40 per cent of New South Wales' greenhouse gas emissions. These figures underline why this issue must be debated today.

The Hon. Michael Costa: That isn't true.

Ms LEE RHIANNON: I acknowledge the interjection from the Treasurer, who says it is not true. It is most definitely 40 per cent.

The Hon. Amanda Fazio: Point of order: My point of order is one that is often taken at this stage of a debate when someone is attempting to seek urgency, and that is that Ms Rhiannon is no longer speaking to why the motion is urgent; she is speaking to the substantive matter. That is demonstrated by the fact that she is quoting statistics about the burning of coal. If Ms Rhiannon wishes to raise this matter, she should speak only as to why the motion is so urgent that it must be dealt with this afternoon outside the order of precedence. I hope members bear this in mind because I do not want to start channelling the former member, the Hon. Jan Burnswoods, who always raised this point of order.

Ms LEE RHIANNON: The member Amanda Fazio has given herself a new name. Ms Fazio has failed to listen to the debate. Immediately after mentioning the figures I used them to argue why this is a matter of urgency. Clearly, it would be best if the House had the opportunity to hear the arguments.

Ms SYLVIA HALE [4.00 p.m.]: I support urgent consideration of the motion of my colleague Lee Rhiannon. The matter is urgent because the Iemma Government's position on climate change is confused and hypocritical, yet it is proceeding with haste to take decisions that will lock New South Wales into a coal-based energy system for generations. This matter is urgent because while the Government portrays itself as committed to reducing greenhouse gas emissions, it moves with haste to implement policies that will increase such emissions. By expanding coalmining and coal exports this Government is contributing to more climate change. There is no more urgent issue facing this Parliament than climate change. The matter is so urgent that Rupert Murdoch recognised the importance of addressing the issue. He is reported in today's *Australian* as stating:

And I am no scientist. But I do know how to assess a risk, and this one is clear. Climate change poses clear, catastrophic threats. We may not agree on the extent but we certainly can't afford the risk of inaction. We must transform the way we use energy...

Rupert Murdoch obviously sees this matter as incredibly urgent and one that needs to be debated. And this House is one place in which it should be debated urgently, because the Government is adding to greenhouse gas emissions by approving coalmine extensions. The Government says one thing but acts hypocritically. Recent

and pending decisions by the Government place at risk the quality of life of future generations; that is, the quality of life of our children and our grandchildren, not to mention the lives of many other species. If members doubt the urgency of this issue, they should read the work of the world's leading scientists and reassess their position, because this is the single greatest threat our planet faces.

To demonstrate the urgency of this motion being considered by the House I point to the recent report of the Intergovernmental Panel on Climate Change, which is an international panel of scientists and researchers who provide advice on climate change to the international community. It was established by the World Meteorological Organization and the United Nations Environment Programme in 1988 and is acknowledged by governments around the world, including the Australian Government, as the authoritative source of advice on climate change science.

The Hon. Amanda Fazio: Point of order: Ms Sylvia Hale is speaking about the substantive matter; she is not speaking about why the debate is urgent today. She does not seem to be able to differentiate between arguing about the validity of an issue and why the matter is so urgent that it must have precedence today. Mr President, I ask you to remind the member that she must speak solely to the question of urgency and not to the validity of the matter or the substantive motion.

The PRESIDENT: Order! I again remind members that the motion relates to the suspension of standing and sessional orders, not the substantive motion. Ms Sylvia Hale should bear that in mind as she continues her contribution.

Ms SYLVIA HALE: Those who have read the report of the Intergovernmental Panel on Climate Change would know that its warnings could not be clearer. The urgency of addressing this issue is manifest in the words of the world's leading scientists. To ignore these warnings by continuing to expand our coal industry and consequently our greenhouse gas emissions shows a reckless disregard for the future welfare of the people of New South Wales and, therefore, represents this Government's failure to fulfil its responsibility to the people of this State.

This matter is urgent. We cannot put off the journey to a lower carbon emission way of life any longer. The situation is urgent and we must start that transition now. That means not building new coalmines, not waiting until the Kyoto Protocol is signed, not waiting until we have a national emissions trading scheme and not waiting for a scientific fix. We must take concrete steps now to move away from fossil fuels and towards renewables. This matter is urgent and should be debated forthwith.

The Hon. IAN WEST [4.03 p.m.]: I seek the suspension of standing and sessional orders to move item No. 16 on the notice paper.

The Hon. Michael Gallacher: Point of order: Perhaps the honourable member should be assisted with the procedure of precedence.

The PRESIDENT: Order! There is already a motion before the Chair to suspend standing and sessional orders, and debate is ensuing. I draw the attention of the member to Standing Orders 198 and 199. When the question before the Chair is determined the House can deal with other business.

The Hon. IAN WEST: I oppose the urgent consideration of Ms Lee Rhiannon's motion because I believe the two items of business standing in my name on the business paper—Private Members' Business item Nos 10 and 16—are more urgent. Item No. 16 relates to the Trades Hall Council and the refurbishment of the council building. That matter has precedence over the matter referred to by Ms Lee Rhiannon, which is Private Members' Business item No. 20. We cannot allow members to queue jump, which is what Ms Lee Rhiannon is attempting to do. My motions should take precedence of the Greens motion.

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [4.05 p.m.]: This is another typical example of the Greens attempting to queue jump every Thursday on which the House sits. They try to queue jump every Thursday, and on other days.

The Hon. Don Harwin: It is normally not on Thursdays.

The Hon. TONY KELLY: The honourable member is correct; it is normally not on Thursdays—they do it every day!

The Hon. Don Harwin: I did not say that; that is not what I said.

The Hon. TONY KELLY: The Hon. Don Harwin said, "It is normally not on Thursdays." This is a typical of what the Greens do all the time. The House should, at the start of the new parliamentary session, put a stop to this practice. Nineteen other items of business precede this matter on the notice paper. Although I do not agree with the matters expressed in his motion, the Hon. Greg Pearce has given notice of a motion in which he congratulates the Howard Government on its economic management. I am sure he considers that matter much more important than that raised by the Greens today. Items of business should be dealt with in the order in which they appear on the notice paper.

There is an agreed practice of conducting a ballot to decide which 12 items will take precedence each day. Ms Lee Rhiannon's matter could be one of the 12. I suspect that the Greens are having two bob each way. They may be worried that they were unsuccessful in the ballot and that the matter will not appear on the list, or that it is a fair way down the track.

[Interruption]

I have just been shown the ballot list, and this matter is not on it. Perhaps the Greens knew that and decided to try to jump the queue not only today but on the next sitting day as well. I encourage all members to vote for some semblance of order in the House and vote against this motion. Like all other members of the House, the Greens should take their chances in the lottery.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [4.10 p.m.]: The Opposition always welcomes the opportunity to debate urgent matters relating to the Hunter Valley. However, with this motion the Greens are misguided. The debate about global warming and the effects of coal on global warming is topical. However, in terms of urgency, the issue is not coal and its effects on global warming; the issue is the hundreds of jobs that have been lost out of Newcastle. If Ms Lee Rhiannon wanted to debate job losses, or the delay in the construction of the third coal loader, we would support her attempt to give her motion precedence.

If the member wanted to debate the Federal member for Hunter, Joel Fitzgibbon, condemning the State Government for dragging its feet on the third coal loader, we would support such a motion. But this matter should not be debated today. It is unfortunate that Ms Lee Rhiannon has not looked beyond the superficial issues and at the problems confronting the people of the Hunter Valley today in terms of jobs, ships and the coal loader, which are all related to Federal Labor's condemnation of the New South Wales Labor Government's attitude towards the people of the Hunter Valley. That matter, which is in print for all to see, is indeed urgent and should be debated today.

The Hon. AMANDA FAZIO [4.12 p.m.]: I oppose the granting of urgency to allow this motion to be dealt with today, and in doing so I make two points. The first relates to the importance placed on the motion itself. If the motion is so urgent and important that it should take precedence of all other business on the notice paper, surely Ms Lee Rhiannon should have been courteous and advised all members that she intended to seek urgency for her motion. If this issue is so important, surely the member proposing urgency would want members of the House to have a full and informed debate on the topic, rather than simply try once again to hijack the business of this House.

The second is a procedural point. Today's notice paper is divided into sections: Business of the House Notices of Motions, Government Business Notices of Motions and Private Members' Business. Business of the House Notices of Motions item No. 7 standing in the name of Ms Lee Rhiannon is an attempt to change the way the House deals with motions. I have discussed that matter with Ms Lee Rhiannon. A justification for that motion is that the Greens would not have to continue to seek contingency if the motion was agreed to. Ms Lee Rhiannon is suggesting that the standing orders be streamlined so that members do not have to seek precedence. The member gave notice of that motion on 9 May. But the very next day, 10 May, she is seeking that another matter take precedence of all other private members' business. Saying one thing and doing another is probably the best way to describe Ms Lee Rhiannon's actions today.

Climate change is an important issue, but to say that it is so urgent that it must be dealt with before other matters is not sustainable. We must also take into account the result of the ballot draw for private members' business that took place today. According to the ballot list, the first member to be called will be the Hon. Greg Pearce. Dr John Kaye from the Greens is second on the list. Ms Sylvia Hale is the next Greens member on the list, at No. 11. So it seems that this is not so much a matter of her motion being urgent but Ms Lee Rhiannon being unsuccessful in the ballot draw. Ms Lee Rhiannon's behaviour—that of coming into the

House this afternoon and seeking contingency—is not the best way to demonstrate that the standing orders should be amended to allow for what is claimed to be a more ordered way of dealing with motions so that members do not have to continually seek contingency. I urge members to vote against contingency being granted for this motion.

Reverend the Hon. FRED NILE [4.15 p.m.]: I also oppose the motion being given precedence. First, I point out to the House and to Greens members in particular that we were told that private members' business would possibly be dealt with in the order in which notices were given yesterday. If that is the case, I am puzzled as to why Ms Lee Rhiannon gave notice of a motion relating to electoral matters before giving notice of this matter. Ms Sylvia Hale's motion relating to environmental matters is No. 11 on the ballot list, and Dr John Kaye's motion relating to education is No. 13 on the list. If Private Member's Business item No. 20 is so urgent, why was notice of it not given priority by the Greens?

Second, if climate change is used as justification for debating an issue as a matter of urgency, we could be debating that topic every day. If that is the criteria for urgency, we could debate coal loaders today, the forests tomorrow and powerhouses the next day. We all know that climate change is a serious issue, but we must keep it in perspective and balanced with all the issues the House must deal with, especially on private members' day.

The Hon. ROBERT BROWN [4.17 p.m.]: The Shooters Party opposes urgency for this motion for the reasons put forward by the Greens, who in fact addressed the substantive issue. New South Wales has the cleanest steaming coal in the world. Every tonne of coal we export stops China from burning crap coal, which delays global warming. So to claim that for that reason the Greens motions should take precedence over all other business is patently wrong. The Greens should do more homework.

The Hon. PENNY SHARPE [4.18 p.m.]: I suggest that this motion is not urgent. Notices of many motions currently on the notice paper were fairly given yesterday. If we want to talk about what is more urgent, I suggest my motion on the notice paper relating to whether the Australian cricket team should go to Zimbabwe. A decision on that matter will be made in the next week or so. I hope that my motion will receive widespread support in the House, which will add support to the Prime Minister's call for the Australian cricket team not to go. If members want to argue for urgency in terms of timing, I suggest my motion is much more important. The Greens also argued that their motion is urgent because it relates to climate change. That completely ignores the fact that the State Government is putting in place measures to reduce greenhouse gas emissions, including cutting greenhouse gas emissions to 60 per cent by 2050, a return to 2000 emission levels by 2020, establishment of the greenhouse gas reduction scheme, release of the New South Wales greenhouse plan, and an announcement of mandatory renewable targets. I could go on and on. The motion is not urgent and should not be debated now.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 3

Ms Rhiannon
Tellers,
Ms Hale
Dr Kaye

Noes, 35

Mr Ajaka	Mr Gay	Mr Pearce
Mr Brown	Ms Griffin	Ms Robertson
Mr Catanzariti	Mr Hatzistergos	Mr Roozendaal
Mr Clarke	Mr Kelly	Ms Sharpe
Mr Colless	Mr Khan	Mr Smith
Mr Costa	Mr Lynn	Mr Veitch
Ms Cusack	Mr Mason-Cox	Ms Voltz
Mr Della Bosca	Reverend Dr Moyes	Mr West
Ms Fazio	Reverend Nile	Ms Westwood
Ms Ficarra	Mr Obeid	<i>Tellers,</i>
Mr Gallacher	Ms Parker	Mr Donnelly
Miss Gardiner	Mrs Pavey	Mr Harwin

Question resolved in the negative.

Motion negatived.

CRIMES AMENDMENT (MURDER OF POLICE OFFICERS) BILL 2007

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Michael Gallacher.

Second Reading

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [4.30 p.m.]: I move:

That this bill be now read a second time.

I am honoured to introduce this bill on behalf of the Opposition, all New South Wales police officers and their families. The bill amends the Crimes Act 1900 to provide that compulsory life sentences are to be imposed by courts on persons convicted of murdering police officers. A compulsory life sentence is to be imposed if the murder was committed while the police officer was executing his or her duties or as a consequence of, or in retaliation for, actions undertaken by any police officer. This bill is one of the most important pieces of legislation that I have spoken on in my time in Parliament.

In recent weeks the deaths of police officers have been receiving publicity for all of the wrong reasons. The tragic suicides of our young officers, the attempted suicide of even the more senior and the very public breakdown of another young officer are a reminder to all of us of just how tough it is to be a police officer in 2007. Last year, along with the police commissioner, the then Minister for Police and many police, former police and their families, I attended the eighteenth annual National Police Remembrance Day memorial service and laying of wreaths at the Wall of Remembrance in the Domain next to the Art Gallery. The Wall of Remembrance marks the sacrifice of all police officers in the execution of their duties, and in particular the 248 officers whose names have been added to the New South Wales Police honour roll. On the night of Police Remembrance Day, as a mark of respect, Sydney Opera House was bathed in a blue light

For members who are not aware, National Police Remembrance Day is held on 29 September, which is St Michael's Day. St Michael is the patron saint of police and archangel to protect and defend people. Last September's commemoration was even more significant with the official opening of the National Police Memorial by the Prime Minister in Canberra. The memorial is to all police officers throughout Australia who have served our community and have lost their lives in the execution of that service. The ceremony was tinged with sadness. Just the day before Police Remembrance Day, Sergeant Colin McKenzie, a highway patrol officer based at Ballina, became ill during rehearsals for the Canberra service and subsequently passed away. He was yet another officer to die while undertaking his duty.

As honourable members would be aware, I joined the New South Wales Police Force in 1980. It is a sad fact that since then the names of 73 New South Wales police officers have been added to the New South Wales Police honour roll. The honour roll commemorates those members of the New South Wales Police who have paid the ultimate sacrifice in the execution of their duty. These officers gave their life to protect us. This bill acknowledges that police play a unique role in protecting the community. As the law currently stands, there is not a sufficient deterrent to attacking and murdering a police officer in New South Wales. Police put their lives on the line every time they walk or drive into a situation that they do not have control of and in which they seek to gain control and effect the arrest of an offender or offenders.

Since 1995 at least 18 police officers have died as a result of duty-related incidents. These include five who were murdered in the course of carrying out their duty. Another four police officers are assaulted every day. It is unacceptable that people involved in some of these murders are now enjoying freedom. That should change and this bill seeks to effect that change. There can be no clearer justification for this legislation than the fact that since 1980, 11 officers have lost their lives as a result of the actions of offenders who have attacked police executing their duty to protect the community. They are Sergeant Keith Haydon, shot by an offender on 24 November 1980; Constable Pashalis Katsivelas, shot by an escaping prisoner on 4 April 1984, from recollection at Concord Hospital; Sergeant Paul Quinn, shot by an offender following a pursuit on 30 March 1986; Constable Brett Sinclair, from injuries sustained whilst affecting an arrest on 25 October 1988; Constable Allan McQueen, shot whilst affecting an arrest of a fellow attempting to break into a motor vehicle only a few hundred metres from where we are now on 5 May 1989; on 9 July 1995, two officers, Senior Constable Peter

Addison and Senior Constable Robert Spears, shot by an offender at Crescent Head as they got out of their vehicle to enter a home; Constable David Carty, stabbed during an affray in Western Sydney on 18 April 1997; Constable Peter Forsyth, stabbed whilst affecting an arrest on 28 February 1998; Senior Constable James Affleck, struck by a motor vehicle whilst deploying road spikes to stop a stolen car on 14 January 2001; and Constable Glenn McEnallay, shot by an offender at Matraville following a pursuit on 3 Apr 2002.

Honourable members should be aware that in response to this bill, which was introduced into the other place by the New South Wales Liberal leader in May last year, the New South Wales Police Association issued a circular to their members throughout New South Wales, which stated:

Members are advised that, following discussions last evening with the State Opposition, your Association has determined to support the Bill which proposes mandatory life sentences for anyone convicted of murdering a police officer.

In light of the recent decisions relating to the murders of David Carty and Glen McEnallay it is apparent that there is strong community support for police and for the introduction of measures which would deter offenders from assaulting and killing members.

Delegates elected to attend your Association's Biennial Conference commencing on 21 May will be asked to endorse a campaign for 3,000 additional police and to strengthen laws aimed at protecting members. In the interim members are asked to contact their local member of state parliament and express their support for this legislation. It is only by hearing first hand the concerns of constituents that politicians will be motivated to act.

The circular was signed by Bob Pritchard, President of the New South Wales Police Association. I have no doubt that some members will argue that police should not be given special consideration. The simple fact is that police have a legislated duty to go to the assistance of community members who are in need or to confront offenders, whether they are on duty or not. Twenty-four hours a day, whether they are wearing the uniform or not, they have a legislated duty to act. Coming to the assistance of the community at any time, whether they are on or off duty, is not something that they have a choice about. This House needs to acknowledge that being a police officer brings with it a different set of dangers than any other occupations or professions.

As I mentioned earlier, Senior Constable Jim Affleck was run down when he tried to stop an offender's car during a high-speed pursuit in south-western Sydney. He was attempting to deploy road spikes designed to deflate the tyres of speeding vehicles and bring them to a stop. The offender who ran down Senior Constable Affleck received only a minimum sentence of 12 years. Today is an opportunity for all honourable members to vote in support of our police. This bill inserts a new section into the Crimes Act 1900 after section 19A. It reads:

19B Compulsory life sentences for murder of police officers

- 1) A court is to impose a sentence of imprisonment for life on a person who is convicted of murder of a police officer if the murder was committed:
 - (a) While in the execution of the police officer's duty, or
 - (b) As a consequence of, or in retaliation for, actions undertaken by that or any other police officer in the execution of the officer's duty.
- 2) A person sentenced to imprisonment for life under this section is to serve the sentence for the term of the person's natural life.
- 3) This section applies to a person who is convicted of murder of a police officer only if the person was of or above the age of 18 years at the time the murder was committed.
- 4) If this section requires a person to be sentenced to imprisonment for life, nothing in section 21 (of any other provision) of the Crimes (Sentencing Procedure) Act 1999 or in any other Act or law authorises a court to impose a lesser or alternative sentence.
- 5) Nothing in this section affects the prerogative of mercy.

The concept of protecting police has support on both sides of the Chamber. In April 2002, just after Glenn McEnallay was murdered, then Premier Carr said:

I want those who murder police officers to go to jail forever. I want those who murder police officers to go to the dingiest, darkest cell that exists in a prison system ...

In May last year one of those involved in Glenn's murder had his conviction for murder quashed. A few short days later, his parents spoke out in favour of this bill when it was introduced into the other place. Bob McEnallay said:

They support us in our time of need but when something goes wrong there's no one there to support them.

Bob and his wife, Judy, were joined by the father of David Carty in support of this bill. Members would remember the tragic murder of Constable David Carty, who was stabbed to death after being brutally assaulted in the car park of the Cambridge Tavern at Fairfield in April 1997. These parents know that this bill will not bring their sons back. And, unfortunately, it will not keep their killers in jail. But it will keep future killers of police where they belong: behind bars—as the former Premier said, in the dingiest, darkest cell forever.

The quashing of the conviction of the driver of the car that carried the killer of Constable McEnallay highlights the important issue of joint criminal enterprise and whether people were jointly involved in an act of murder. The community and the Opposition—and certainly Glenn McEnallay's parents—believe the driver of the car involved was implicated in the murder and should have stayed in jail for the murder of Glenn. The cases of those involved in the murders of David Carty and Glenn McEnallay highlight the soft stance taken in New South Wales against people who murder police officers. This bill is another step in providing a higher level of protection for police. In 1997 former Attorney General Jeff Shaw spoke on the Crimes Amendment (Assault on Police Officers) Bill, saying:

The bill is predicated upon a belief that police officers are rightfully owed a measure of protection by the community. That is so for at least two reasons.

First, police officers place themselves in positions of risk on behalf of the community. Second, an attack on a law enforcement officer strikes at the core of our system of democratic government.

Those who seek to harm the persons responsible for the enforcement of laws passed by our Parliament should be subject to special punishment.

That principle is already recognised in the Crimes Act. Section 58 of that Act imposes a higher maximum gaol penalty for the offence of common assault of a police officer than is imposed for the same offence against a civilian. Indeed, the relative maximum penalties are five years and two years respectively.

Surprisingly, and anomalously, the principle is not carried through by the Crimes Act to apply to more serious assaults that in fact inflict injury.

In June 2002 the then Leader of the Opposition in the other place introduced a similar private member's bill to this bill. At that time John Brogden wrote to the Premier foreshadowing the bill, and sought bipartisan support for it. When introducing the bill he said:

... this bill will require that anybody who murders a police officer acting in the line of duty will go to gaol for life. We believe that, because of the nature of the job, police officers in New South Wales should be afforded extra protection under the law when they are on duty.

When police officers are in uniform on duty or have recalled themselves to duty they put themselves forward when others step back. They put themselves in danger and do so to protect you, and me and the citizens of the State.

The law should recognise that to murder a police officer is one of the most serious crimes in the State.

In response the Parliamentary Secretary for Police, who led for the Government, said:

The Government wants people who murder police officers to rot in prison; we have never resiled from that position.

Today Government members have the opportunity to stand by this commitment and that of former Premier Carr, who, I remind members, said:

I want those who murder police officers to go to gaol forever. I want those who murder police officers to go to the dingiest, darkest cell that exists in a prison system ...

They have the opportunity to stand by the commitment of the Premier, who said on 11 May:

We want these people to rot in jail.

Government members have the opportunity to vote for this legislation, which will mean that those who murder police officers will rot in prison. In conclusion, my experiences during more than 16 years of service shaped my belief that those who murder police officers should spend the rest of their natural lives behind bars. I do not anticipate that the use of this legislation will be required all that often—in fact, I hope that it is never needed. But it should be on the statute book to deter those who would consider, even for a second, acting to murder our police. I ask all members to carefully consider this bill and vote to support our police officers, and indeed their families, who every day they go to work kiss their loved ones good-bye knowing the dangers that confront them.

Debate adjourned on motion by the Hon. Don Harwin.

PUBLIC SCHOOL SYSTEM

The Hon. AMANDA FAZIO [4.46 p.m.]: I move:

That this House calls on the Deputy Leader of the Opposition and Education spokesperson, Andrew Stoner, to apologise to educators in the public school system for his comments that schools are "a vehicle for left-wing indoctrination" and that the Government should "rein in the PC culture" within the Department of Education and the New South Wales Board of Studies.

In moving this motion I refer members also to Private Members' Business item No. 44 moved yesterday by Dr John Kaye, which relates to the same topic. I support the sentiments expressed in Dr John Kaye's motion and emphasise that this is a very important issue. It is important for those of us who value public education in New South Wales, and for people who are concerned about these sorts of unwarranted and unsubstantiated attacks on our very fine educators who work in the New South Wales public school system.

I call on this House to condemn Andrew Stoner for his comments that schools are "a vehicle for left-wing indoctrination" and that the Government should "rein in the PC culture" within the Department of Education and Training and the New South Wales Board of Studies. The shadow Minister needs to apologise to the educators of New South Wales, and to go back to school to learn a few of the basics for himself. Schools are instructed that consideration of controversial issues in schools, whether by the use of teaching and learning material or by way of views expressed by teachers or visiting speakers, should be in accord with the following basic principles.

First, schools are neutral grounds for rational discourse and objective study; they are not arenas for opposing political views or ideologies. Second, schools are places where students are preparing for informed and reasoned involvement in community life, including its politics, by calm and cooperative study of social issues. Schools are not places for recruiting into partisan groups. Third, discussion of controversial issues is acceptable only when it clearly serves the purpose of education and is consistent with curricular objectives. Such discussion is not intended to advance the interests of any group, political or otherwise. Fourth, teachers and visiting resource persons in schools have a privileged position. They have the opportunity, denied to many other concerned people, to influence students. They therefore have a special responsibility to maintain objectivity, to avoid distortion of discussions, and to acknowledge the rights of students and parents to hold a different viewpoint.

Teachers have been directed that in discussions on controversial issues they should ensure that opinions are expressed and evidence is presented impartially. The teacher's personal point of view should not intrude. There will be occasions, however, when a statement of the teacher's views may be necessary to help students formulate their own views, or to answer requests from students when such a request is relevant to the discussion. In such situations, the teacher's statement should be balanced and restrained, and presented as one opinion to be considered critically along with many others.

The principal's approval is required for the engagement of any visitor or speaking visitor to present to students of the school. Schools must ensure that a balanced and reasonable consideration of various viewpoints is made on such occasions, and it is the principal's responsibility to determine where this balance rests. Schools have been reminded that the introduction into a school of speakers on controversial issues or the study of controversial material can generate controversy and misunderstanding. It is therefore essential to maintain communication between the school and the parents in relation to the school's educational program and the principles on which it is based. Prior to the occasion the school has a responsibility to inform parents of the specific details of the program so that the parents have time to exercise their rights of withdrawing their child from a particular session or sessions concerning certain controversial issues. In this regard a parent's wish must be respected.

Department policy on the handling of controversial issues in schools is not new. Its essential elements have been part of a consistent message to teachers and their principals for decades under both Labor and Coalition governments. In a complex and changing world teachers have sought to address the issues of the day in a balanced and professional manner. Occasionally they may not get the balance perfectly right. It does the shadow Minister no credit, however, when in search of a headline or a spot on breakfast radio he denigrates the work of many thousands of teachers who sensitively address everyday issues with their students—students who come from a diverse community and diverse backgrounds with a variety of perspectives.

It is important that our children know that only one view does not exist for all issues but that there are many angles and solutions for a range of differing situations. The Opposition has been highly selective in its use

of examples in the curriculum and has shown a limited understanding of curriculum breadth, social diversity, teacher professionalism and the values of public education. Andrew Stoner may choose to discriminate against families and students in the public education system, but the New South Wales Iemma Government condemns him and his narrow-minded view of public education. It is time he realised that we are in the twenty-first century and that the New South Wales education system reflects the values of a diverse and rich set of cultures of which we should all be proud. It is high time he realised the professionalism of teachers and their capacity to collaborate with parents about the content and nature of their curriculum programs.

Classrooms are neutral grounds for rational discussion and objective study, and, proudly, schools are places where students prepare for informed and reasoned involvement in community life by the calm and cooperative study of social issues. I have placed on record before in this House my support for the New South Wales public education system and the esteem in which I hold the dedicated staff in schools and in the department. I have said before that I have such confidence in the New South Wales public education system that I have chosen to send my children to public schools. I am very happy with the quality of education that my children have received and with the way in which they have been taught to look at issues, to look through different arguments surrounding issues and to come to conclusions that they believe are correct. I believe it is only by allowing children the opportunity to discuss these different sorts of issues that they will develop the analytical skills that they need to further themselves later on in life.

The first school I sent my children to was Leichhardt Public School. I was very happy with the school environment there and the way in which they dealt with issues. Leichhardt Public School had a unit for children with special needs, so there was a special education unit there; there were also a number of children from indigenous backgrounds who attended that school and there were also a number of children who came from families where there were two mothers. To those families the comments made by Andrew Stoner would be most offensive. We have to accept differences in our community; we do not have to like them. For some people there are situations they do not like, but they have to accept them, and the way in which we can develop acceptance and tolerance in our communities is by telling children that they should not bully other children at school because they might happen to have two mothers instead of a mother and a father, that they should not bully them because they have a disability, or that they should not bully them because they come from an indigenous background or some other ethnic or racial background. It is only by demonstrating the values of tolerance and inclusiveness in schools that we can develop a harmonious society in which we should be striving to bring up our children.

I will address the comments made by Mr Stoner a little later, but what message do his sorts of comments send to people in New South Wales? I believe it is an attempt not just to undertake some cheap political point scoring but to devalue the New South Wales public education system. On 7 May, five days after he made his comments, the news came out that literacy levels for New South Wales students in years 7 and 8 are at record highs. This is as a result of the good policies that are being implemented through public education in New South Wales and the good work of the professionals who work in the education system. One of the most pleasing aspects of the results was the performance of students who needed the most help. Aboriginal and Torres Strait Islander students and those from non-English-speaking backgrounds achieved record high results in literacy.

We can only do that if we make the school environment a welcoming environment for those children. By condemning the education department for having a so-called black armband view of our history is not going to send a message to those children that they are included and valuable members of the school system in New South Wales. We have to make sure that we are not sending the wrong message out to the parents of New South Wales about the good quality of education that their children will encounter in the New South Wales system.

The comments made by Andrew Stoner—who is not only the Opposition's new spokesman on Education but also the Leader of The Nationals in the other place—bring absolute discredit onto the Opposition as a whole. His comments were:

Under Labor, up to half the curriculum in some subjects focus on a purely indigenous perspective.

I am glad that they focus on a purely indigenous perspective because for far too long we ignored these issues. If we are to get children to understand why Australia Day is a happy day for a lot of people in the community but is regarded as not a happy day for members of our indigenous community, what better way than to inform them, through school, of why there are these two opposing viewpoints in the community. What is wrong with explaining that to children? What is wrong with giving them the indigenous perspective on what happened in Australian history? Mr Stoner also made the accusation:

Labor's political correctness in education also extends to gay causes, including the funding of reading material for children as young as five regarding gay and lesbian parents.

Let me make it clear: those educational materials were developed by the department of the Attorney General in a project it funded in 2004 when books were produced as a teaching resource to help combat bullying in schools. Whether members in this Chamber or people in the general community are predisposed towards being accepting of people of gay and lesbian backgrounds or whether they are opposed to them and think that by being gay or lesbian they are committing a sin is irrelevant. Children whose parents happen to be gay or lesbian do not deserve to be discriminated against at school; they do not deserve to be bullied at school, and the other children at school should be taught to accept them and their family unit as being as valuable as every other family unit at their school.

It is not a matter of whether you agree with somebody, and it is not a matter of whether you like something; it is a matter of extending that general acceptance and courtesy that you would to everyone else. These teaching materials that were condemned as "Labor's political correctness in education" were, in fact, materials that were produced to try to stop the problem of bullying in schools. We all know that if a child is bullied in school the likelihood of that child achieving well academically is massively reduced. There are a variety of teaching materials produced to help stop bullying in schools, not just concerning the issue of parents being gay or lesbian, but for children with disabilities, for children who might not have a disability but who might look differently, might speak differently or come from a different ethnic background.

These criticisms are very cheap shots at the New South Wales public education system. Everyone should be glad we are trying to turn our children and young people—the future of our society—into people who are accepting and tolerant. Accepting something does not mean embracing it. It means showing respect and tolerance. As I said, the primary school my children attended had a number of families with two mothers and no father. I would have been personally disappointed in my children if they had made an issue of that. It was mentioned as a by the by. They would say, "So and so's parents are divorced and someone else has two mums", or they would say that someone's mum is a single parent or that they live with their dad. It was simply a different sort of family unit. Nothing was made of it; it was simply a slightly different family from ours.

Pursuant to sessional orders business interrupted to permit a motion to adjourn the House if desired.

The House continued to sit.

Item of business ordered to stand as an order of the day for a future day.

SPECIAL ADJOURNMENT

Motion by the Hon. Tony Kelly agreed to:

That this House at its rising today do adjourn until Tuesday 29 May 2007 at 2.30 p.m.

ADJOURNMENT

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [5.01 p.m.]: I move:

That this House do now adjourn.

GERROA SAND QUARRY

Ms SYLVIA HALE [5.01 p.m.]: I speak this evening about an application before the Minister for Planning for a determination under part 3A of the Environmental Planning and Assessment Act to extend the existing Gerroa sand quarry at Seven Mile Beach. I wish to express my very serious concerns about the environmental consequences of this proposed extension. In doing so I acknowledge the work of the Gerroa Environmental Protection Society in presenting the case against this application.

The extension to the Gerroa sand quarry will require the clearing of 3.4 hectares of coastal forest at Seven Mile Beach. This coastal forest is listed as an area of high conservation value in the Kiama Local Environment Plan and as significant native vegetation in the Illawarra Regional Strategy. It falls within the coastal zone and under Coastal Policy, State Environmental Planning Policy 71, which has an aim of protecting and preserving native coastal vegetation. The proposed expansion area contains two endangered ecological communities, littoral rainforest and Bangalay sand forest, and is habitat for a number of endangered species

protected under the Threatened Species Conservation Act. The surrounding area includes simple and complex rainforest, which is considered a priority for conservation in the Kiama region. It includes blackbutt-banksia forest, which in Kiama and north of the Shoalhaven River is almost totally restricted to the Seven Mile Beach area. It also contains Bangalay forest and excellent habitat trees with extensive nesting hollows, which play an important role in regeneration as tall seeding specimens. As a result of extensive clearing, any Bangalay forest stands that remain in this area require protection.

The site also contains phragmites reedland, which is habitat for at least one threatened species, the Australasian bittern. A significant stand is found in the narrow stretch between Blue Angle Creek and Crooked River Road. It is ideally located as an additional feature of the swamp sclerophyll forest found along Blue Angle Creek. The vegetation in the proposed extension area forms the only substantial link connecting the vegetation habitat of the National Park to the robusta and wetland community of the rear dunes, from the frontal dunes of Seven Mile Beach to the rear wetland complex of Foy's Swamp and the riparian vegetation of Blue Angle Creek. The same pattern is not found in other parts of the area.

The affected area is identified in the Draft Illawarra Regional Strategy as part of an indicative habitat corridor linking Seven Mile Beach and the escarpment. There is also evidence of the existence of a koala colony in the proposed extension area. Koalas are known to have been resident of the Seven Mile Beach area with blackbutt, bangalay and swamp mahogany known as food sources. Two independent parties have given separate and credible accounts of koala sightings in the area. The proposal to remove the 3.4 hectares of coastal forest will have an adverse and irreversible impact on high conservation ecological communities that demonstrate a unique sequence of vegetation, provide habitat, maintain vegetation links for corridors and conserve biodiversity. It will add to the cumulative losses attributed to previous mining applications.

What possible justification can there be for this level of environmental destruction? It is difficult to see how the proposed extension of mining is of state or regional significance. The Gerroa sand resource is a very small and strategically unimportant resource of less than one million tonnes. This compares to the Dunmore resource, 10 kilometres north of Gerroa, which has eight million tonnes of sand and is licensed to quarry 800,000 tonnes a year over the next 25 years. The overwhelming majority of the Illawarra market is currently supplied by resources other than from the Gerroa quarry.

The proponent has argued that the environmental damage can be offset by compensatory plantings, but this argument cannot be sustained. The proposed compensatory plantings are inadequate and they would not maintain or improve biodiversity values of the area—a key criterion for consideration of this proposal. The proposition that planting a limited representative sample of a plant community in another location to compensate for the destruction of the original plant community has little or no validity. Mature plant communities, such as the ones subject to this proposal, are old, complex communities containing a very high diversity of both plant and animals species. Planting a limited range of seedlings will create a simple system that will take more than 30 years to attain anything approaching the species diversity of the original communities. Early-growth seedling plantations cannot be seriously accepted as compensation for the destruction of mature plant communities. The environmental consequences of this proposal clearly far outweigh any purported economic imperatives. I call on the Minister to refuse this application.

STATE ELECTION 2007

NORTHERN IRELAND GOVERNMENT

The Hon. AMANDA FAZIO [5.06 p.m.]: Tonight I wish to thank all of the candidates who stood at the recent state election for both the Australian Labor Party and Country Labor as well as their campaign teams and the tens of thousands of party members and supporters across the state who put in a magnificent effort. I also acknowledge the highly professional and skilled work of the members of the state campaign team and thank them for their diligence and expertise. The great efforts of all of these people ensured that the Government won 52 seats in the Legislative Assembly and had nine members elected to the Legislative Council.

My appreciation especially goes to those party members in country New South Wales who often toil tirelessly in seats where Labor does not have reasonable expectations of success. The work they do is especially important in boosting our vote in the Legislative Council. The result in the Legislative Council was especially pleasing, not only because I was re-elected but also because nine candidates were elected. Country Labor now has six members in the Legislative Council compared to five members of The Nationals. I am pleased to say that all of the Country Labor members do live in country New South Wales.

In particular I acknowledge the efforts of the candidates in the four duty electorates that I looked after: Ballina, Burrinjuck, Orange and South Coast. Melanie Dorian stood in Ballina. The Ballina campaign achieved a fantastic result despite the Greens decision not to preference Labor. Melanie worked extremely hard to raise her profile against the Deputy Leader of The Nationals, Don Page, with television advertisements, doorknocking and many street stalls. It was interesting to note that he felt so under threat from such an excellent candidate that he massively increased his television advertising. Since the election Don has lost the deputy leadership and has been relegated to a junior portfolio.

Jessica Forde stood in Burrinjuck. Jessica and the Burrinjuck team worked hard to get out the Labor message. It was Jessica's first time as a candidate and she performed very well going up against a shadow Minister. The team held The Nationals to under a 5 per cent swing. That was a great effort considering the significant changes to the seat's boundaries.

Kevin Duffy stood in Orange. Kevin, a local councillor, was in a three-candidate race between himself, the incumbent Nationals member, Russell Turner, and the Mayor of Orange, John Davis. This meant that the vote was split. Kevin ran a very effective campaign and was in the race to win. He was very well known locally and a popular choice. It forced The Nationals to work extremely hard to keep Russell Turner in the seat. Russell is, of course, still languishing on the backbench thanks to the hard work of the locals in Orange.

Michelle Miran stood in the South Coast electorate. Michelle and the South Coast team put up a good fight against Shelley Hancock in one of the most marginal seats in the state. The Liberal Party spent huge amounts to retain this seat in the face of an effective and professional challenge from Michelle and her campaign team. Michelle demonstrated her potential and no doubt will be looking forward to further contests. Additionally, I thank and acknowledge the efforts of people in country New South Wales whom I have known for some time: Meryl Dillon, who stood in Barwon; Wilma Chinook, who stood in Bega; and Adrian Hough, who stood in Dubbo.

Earlier this week we witnessed something in Northern Ireland that many people around the world thought would never come to pass. Of course, I am referring to the establishment in Northern Ireland of a new power-sharing government on an historic day at Stormont. The Democratic Unionist Party [DUP] leader, Ian Paisley, and Sinn Fein's Martin McGuinness took office as First and Deputy First Ministers as five years of direct rule ended. Reverend Paisley said:

Today we are starting upon the road which I believe will take us to lasting peace in our province.

He added:

I welcome the pledge we have all taken to that effect today ... That is the rock foundation upon which we must build.

Deputy First Minister Martin McGuinness said that he wished Ian Paisley all the best as they began "the greatest, yet most exciting, challenge of our lives". He said:

We must overcome the difficulties which we face in order to achieve our goals and seize the opportunities that now exist.

Mr McGuinness said he was confident that he and the Democratic Unionist Party leader, Reverend Paisley, could work together. Many people, myself included, thought that they would never see Reverend Paisley sit down with representatives from the Irish Republican Army [IRA], which I regard as a terrorist group, but it has happened and for the sake of the future of the people of Northern Ireland I wish them every success in working together.

Finally, I wish my son Alessandro a happy seventeenth birthday today. I am very proud of Alessandro and his sister, Angelica, who turned 16 in April. They are both responsible young adults with a well-developed sense of social justice. I thank them for being understanding when parliamentary duties must take priority over things at home. I understand the pressures that are placed on members in this House who have younger children. It is a difficult balancing act, but I am sure that if we let our children know how much we regard them and love them it will make that difficult task all that much easier.

STATE ELECTION 2007

The Hon. JENNIFER GARDINER [5.11 p.m.]: I shall highlight some features of the 2007 general election for the Parliament of New South Wales. Although I firmly believe that the interests of New South

Wales would have been better served had the March election resulted in a change of government, nevertheless as a member of the enlarged Nationals team that sits on the benches of both Houses of this Parliament it is reasonable to feel some satisfaction in the progress that has been made towards reaching that objective—one that we will strive to ensure is reached in 2011. The results show that there is statewide disillusionment with the Labor Government and that the election trend is favourable, at long last, to the Liberal Party and The Nationals. Indeed, there was a swing of nearly 4 per cent against Labor, with a similar swing towards The Nationals and the Liberal Party. The Greens recorded a swing of less than 1 per cent—a result that perhaps reflects the fact that all respectable parties, including The Nationals, regard environmental issues as highly important and mainstream.

The election saw the demise of the remnants of a parliamentary presence for the Australian Democrats in this Parliament. Indeed, the late Don Chipp's party managed only 0.5 per cent for its statewide Assembly vote and under 2 per cent for its Legislative Council ticket. That party will struggle to gather any momentum for the upcoming Senate election. The election also saw the disappearance of micro parties and Independents from the Legislative Council crossbench. Gone are the Independents, the Unity Party and the Outdoor Recreation Party, and I am happy to say that Country Labor has disappeared off the face of the map.

The Nationals won two Legislative Assembly seats—Tweed and Murray-Darling—from the Australian Labor Party [ALP]. In the redistribution process that preceded the election The Nationals were successful in prosecuting the case for the retention of Murray-Darling in the far west but with a fairer sharing of the geographic burden of that electorate with its neighbouring Barwon. If the 2003 booth results held, The Nationals would win Murray-Darling on the new boundaries. Our party's challenge was to make absolutely certain that that occurred, and we did, with Mr John Williams of Broken Hill as the endorsed candidate. Indeed, the victory was emphatic. The swing to The Nationals in Murray-Darling was 10.6 per cent on primary votes and 8.8 per cent on a two-party preferred basis. The primary vote recorded by the outgoing member for Murray-Darling, Mr Black, was 6.7 per cent lower than that which he attracted in 2003.

In some booths it was obvious on election day that Murray-Darling electors were just waiting to hit the Labor Government and its vote over the head with baseball bats. At some booths hardly anyone gave a vote to the long-discredited Peter Black. By dint of hard work, a fair campaign and policies more attractive to each of the disparate communities that make up that vast electorate, John Williams prevailed, and his victory was truly deserved. In Tweed it was obvious for weeks before polling day that the last sleeper on the North Coast, Mr Neville Newell, was in serious trouble with his electors. He had failed dismally to be a vigorous advocate in this Parliament for his constituents, and he and his party, the party of government, had allowed a multitude of local issues to get away on him, to become entrenched—problems caused by neglect and arrogance on the part of the local member that would not be wiped away simply by a Cabinet meeting in Tweed under a new Premier last winter or by repeat aloof visits by Mr Iemma in the latter stages of the campaign.

Over a year ago the Tweed Nationals chose Mr Geoff Provest to be our candidate. He had a very strong reputation for local community connectedness—a reputation that was enhanced during the long campaign. Mr Provest's demeanour contrasted with that of the incumbent who had yet again developed a reputation for rudeness to many constituents with whom he communicated and remoteness from many others who could not get a hearing with him. Mr Newell did not stand up to his Labor Party bosses—bosses like the former Treasurer, Michael Egan, and the Minister for Transport, Michael Costa, who precipitately made the electorally disastrous decision to close the Casino to Murwillumbah Railway. It was interesting that the Deputy Premier, Mr Watkins, made particular reference to that decision during an election broadcast on election night, anticipating a bad result in Tweed.

It was a bad result, with Mr Newell's primary vote dropping by more than 7 per cent and The Nationals first preference vote increasing by nearly 5 per cent. On election night it was one of the earliest and sweetest victories, and one that was well deserved. So it is that The Nationals have welcomed into our party room those two new parliamentary colleagues from those additional seats. The statewide swing against the Iemma Government was reflected in a drop of 4.4 per cent in the Labor Party vote for its Legislative Council ticket and a swing to the Liberal-Nationals ticket—a swing that meant that we have been able to welcome the Hon. Trevor Kahn to our Legislative Council team and to this place.

I congratulate the Hon. Trevor Khan on his election and on his inaugural speech, and I look forward to the many contributions to the work of the Chamber, its committees and beyond the Parliament that he will undertake in the name of The Nationals. Of the 93 Legislative Assembly seats, there were only a dozen in which there was a swing to the Iemma Government. That contrasts with the fact that in practically all the seats held by

The Nationals in the previous Parliament there was a growth in votes for The Nationals. That statewide trend is rewarding and justifies all the hard work, and we look forward to pushing it to the edge next time and chucking out a hopeless Labor Government.

ASIA-PACIFIC ECONOMIC COOPERATION FORUM

The Hon. HENRY TSANG (Parliamentary Secretary) [5.16 p.m.]: Mr President, I congratulate you on winning the presidency of the Fifty-fourth Parliament. As members will be aware, we will host the Asia-Pacific Economic Cooperation [APEC] leaders forum in Sydney in September. The leaders of all 21 economies are expected to attend, with Sydney and New South Wales showcased during the summit. Asia-Pacific Economic Cooperation is important to our economy and to growth. But when I say that we will host the Asia-Pacific Economic Cooperation forum, it would be more accurate to say that the forum is being held in Sydney, given the limited role the New South Wales Government and business have been allowed in hosting the event. Other than the backdrop of the Sydney Opera House and the harbour, the people of Sydney may well become invisible hosts.

Leaving aside for a moment the logistical nightmares to retail and transport with the city shut down during the leaders' conference, I thought that the Asia-Pacific Economic Cooperation forum could present some benefits to local business, with networking opportunities with our regional trading partners. However, the Federal Government appears to be eager to exclude any involvement by any one other than itself. That is a great shame for New South Wales business, especially with world attention on us and with so many delegates in town.

The details of the Asia-Pacific Economic Cooperation forum are still very sketchy even to business. We know that the forum will require a shutdown of the city, but business does not seem to have been properly briefed. As the Deputy Premier remarked recently, the disruptions to Sydney and to business could be 50 times worse than that experienced during the visit by the American Vice President. Even the New South Wales Business Chamber is baffled by the Commonwealth's attitude. Recently, its chief executive officer, Kevin McDonald, wrote to the head of the Department of Prime Minister and Cabinet to express his concern about the lack of information about arrangements for the conference.

The Asia-Pacific Economic Cooperation is important to Australia. The Asia-Pacific Economic Cooperation region has consistently been the most economically dynamic part of the world. In its first decade, the economies of the Asia-Pacific Economic Cooperation members generated 70 per cent of global economic growth. The Asia-Pacific Economic Cooperation region outperformed the rest of the world, even during the Asian financial crisis. Australia's total trade in goods and services to Asia-Pacific Economic Cooperation members was valued at \$278 billion in 2006. This represented 69 per cent of Australia's trade with the world.

The Asia-Pacific Economic Cooperation is important to New South Wales with Asia-Pacific Economic Cooperation economies accounting for 79 per cent of its merchandise export trade, which was valued at \$21.3 billion in 2006. The top 10 New South Wales merchandise export markets are all Asia-Pacific Economic Cooperation members. The New South Wales Government has been trying to organise umbrella events during the Asia-Pacific Economic Cooperation forum. The New South Wales-Asia Business Advisory Council, which I chair, met with organisers of the Asia-Pacific Economic Cooperation Business Advisory Council to offer suggestions. On 19 April 2007 the New South Wales-Asia Business Advisory Council hosted an Asia-Pacific Economic Cooperation information forum together with two of the three members of the Asia-Pacific Economic Cooperation Business Advisory Council, Mark Johnson and Michael Crouch.

The breakfast event was well attended and provided the opportunity to business to engage with Asia-Pacific Economic Cooperation Business Advisory Council members and gain a clearer idea of what to expect at the forum. I was pleased that the council members attended and their address to the audience covered many of the conceptual issues relating to the business summit, which will operate as a top-level think tank for business leaders and policy makers. We have been told local business will not have an opportunity to engage actively with their Asia-Pacific counterparts. It is high time the Howard Government provided details to business to help them prepare for the disruptions. We support the Asia-Pacific Economic Cooperation forum but we must also be aware that the needs of local business are looked after. I thank the staff of the Department of State and Regional Development for organising the breakfast and our wonderful partners at the forum—the Australian Services Roundtable, the New South Wales Business Chamber and the Department of Foreign Affairs and Trade.

WESTERN SYDNEY BUS SERVICE PRIVATISATION

Ms LEE RHIANNON [5.21 p.m.]: The Minister for Transport has agreed to privatise the service operated by Western Sydney Buses without community consultation or any discussion with the drivers or their union—the Rail, Tram and Bus Union. Minister Watkins has offered the deal to a foreign consortium. Western Sydney Buses won the eight-year contract to operate the T-way route between Liverpool and Parramatta under a fair competitive tender, only to have its contract cut short by four years in favour of a foreign bus company. No transparent public process was involved in this outrageous deal. I understand that the T-way patronage has built up to more than two million passengers per year.

The Greens have concerns about T-ways. Often they work as a Trojan horse for motorways. Although our concerns remain, we acknowledge that T-ways are far better than motorways and where they deliver proven public transport outcomes we support them. The short-sighted view of the Government to reduce budget items by privatising bus services in part or in total defies commonsense, let alone good governance. The benefits of retaining and extending an efficient public network in the Western Sydney region significantly outweigh any short-term fiscal gains. Abandoning public transport to the whims and variable quality of private transport operators, who are only motivated by profits, is not the answer. We have seen time and again when public transport is privatised that it is the public who lose out. I point to the example of the privatisation of railways in England. Too often, private companies cherry-pick the services where they can make a profit. That is understandable because the private company's job is to make profits for its owners. It cannot put services to the public first. That is why the Greens object to private companies running public transport.

The Greens support the campaign of the Rail, Tram and Bus Union, which is strongly opposed to any attempt to further erode or dismantle public bus services in Western Sydney. If Minister Watkins goes ahead with his decision, we will see a reduction in incomes, public transport jobs and jobs in the local community generally, and in the quality of transport services in the region. History has shown us that too many times. The Greens share the union's concern that this is only the start of a new round of public passenger transport services cuts, with much greater implications for the future of transport services in New South Wales. We saw again this week a push to privatise Sydney Ferries by a former member of this House, Ms Patricia Forsythe, who is now the Executive Director of the Sydney Chamber of Commerce. She publicly released a submission she made to the Bret Walker inquiry in which she recommended that Sydney Ferries be privatised. Again, we need to recognise that the range of services on our harbour will be reduced if they are put into private hands.

The travelling public in Western Sydney wants State Transit and Western Sydney Buses in their area so they too can enjoy frequent quality services. This city has incredible inequality in public transport services, with areas to the east and north of the city and the inner west far better off than Western Sydney. I am shocked at the Deputy Premier's move to implement a handover to a private foreign consortium. The T-way, which was paid for by the public, is a proven reliable and effective service. The service has built up over the past five years. Why would the Government give a publicly owned asset to a foreign bus operator who has been here for only three months and is motivated by profit? It is the job of private companies to make profits, and that is why they should not be given the role of running public transport. Somebody has to lose out in the quest for profits. The Minister for Transport has made a very bad decision.

HUNTER INFRASTRUCTURE AND EMPLOYMENT

The Hon. ROBYN PARKER [5.26 p.m.]: Today there has been much discussion in the House about urgency. There is no doubt about the urgency and importance of the coalmining industry in the Hunter. At a time when Australia is in the midst of a resources boom, regions such as the Hunter should be reaping the rewards. With China demanding more coal for its exponential growth, together with customers from around the world, resource rich regions have the opportunity to create jobs and investment. Unfortunately, that does not seem to be happening for the Hunter. Recently, Coal and Allied announced that it will cut 250 jobs from its Bengalla, Mount Thorley Warkworth and Hunter Valley operations. Only a month earlier Austar mine in Cessnock announced that it will cut 79 jobs at its mine in the region. That is a total of 329 mining jobs being cut in the Hunter, during a time of unprecedented exports of Australia's resources. Quite frankly, it is a disgrace.

Coal in this state has export revenue of more than \$2.9 billion. The Hunter region is a major contributor to that revenue. According to the New South Wales Minerals Council, coal amounts to 91 per cent of the Hunter's total exports. In a region that has more than half a million people, which is only 9 per cent of the population of this state, the Hunter is contributing 32 per cent to our state's exports. The direct benefits of coal production in the Hunter are not only felt in the coal industry, but mining contributes to other major industries,

such as the production of aluminium. This disgraceful situation has been created by the State Labor Government's inability and failure during 12 years of Government to properly plan and provide vital infrastructure to the Hunter region. It is crippling the region's ability to grab opportunities that are available during the resources boom. Other states and ports would gladly take those opportunities.

Because of the State Labor Government's failure to make important decisions, planning and investment years ago, the port of Newcastle, the largest coal port in the world, has a new quota system in place that limits the amount of coal exports by companies. Imagine that—the largest coal port in the world has limits on exports, which in turn limits jobs and growth. A record number of coal ships are lining the coast of Newcastle. There is a bigger picture to this story—that is, the image of Australia to the rest of the world. The Chair of Coal and Allied, Chris Fenwick, recently told the company's annual general meeting that the bottleneck "has the very real potential to put Australia's reputation as a reliable energy supplier at risk".

What kind of message does the image of 70 coal ships off the coast of Newcastle send to buyers of coal around the world? It is a disgrace and an embarrassment. Federal Labor member Joel Fitzgibbon has said the same thing on many occasions. He is embarrassed by this State Labor Government's inability to grasp and deal with comprehensive planning measures that will move coal out of the Hunter. A sceptical person may look at the State Government's announcement, and the timing of that announcement, to approve a third coal loader to ease the bottleneck. It happened during the recent election campaign and the day after Austar announced its 79 job cuts. Is that a coincidence or is it the politics of a Labor Party that saw the writing on the wall for several seats in the Hunter region—a region that has been frustrated and plagued by poor performance by this Government for far too long? Because of that frustration three independent mayors ran as candidates in separate electorates in the region. Greg Piper achieved a massive swing away from Labor to claim victory in Lake Macquarie. John Tate, the Lord Mayor of Newcastle, missed out by just over 600 votes to claim Newcastle. Further north, the frustrations felt by voters in the electorate of Port Stephens resulted in a great win for Craig Baumann—the first time a Liberal has won the seat.

The Hunter region can no longer be claimed as Labor heartland, particularly when the Government has not delivered after 12 years in office. The infrastructure problem we are seeing in relation to coal and the port of Newcastle is just one example of the needs of the region. There are many more vital pieces of infrastructure and the longer they are ignored the more expensive they will become. Some of these projects require all levels of government to work together. If we are going to give the Hunter region the resources it needs to compete with the rest of the world, we will need a State government that has vision, good economic management and policies for regional areas. At the moment, this State Labor Government has none of those qualities. The construction of the third coal loader is not expected to be completed until sometime in 2009. I urge the State Government to do all it can to make sure that it is a speedy and diligent process and that the quota limits now in place in the Hunter-based mines can be removed as quickly as possible. [*Time expired.*]

[*Business interrupted.*]

PARLIAMENTARY COMMITTEES

Membership

The PRESIDENT: I report to the House that I have received advice from the Leader of the Government regarding Government members for the Legislative Council standing committees. They are as follows:

Standing Committee on Law and Justice

Chair:	The Hon. Christine Robertson
Government members:	The Hon. Greg Donnelly The Hon. Amanda Fazio

Privileges Committee

Chair:	The Hon. Kayee Griffin
Government members:	The Hon. Amanda Fazio The Hon. Ian West The Hon. Greg Donnelly

Standing Committee on State Development

Chair:	The Hon. Tony Catanzariti
Government members:	The Hon. Christine Robertson The Hon. Mick Veitch

Standing Committee on Social Issues

Chair: The Hon. Ian West
Government members: The Hon. Greg Donnelly
The Hon. Mick Veitch

General Purpose Standing Committee No. 1

Government members: The Hon. Kayee Griffin
: The Hon. Penny Sharpe
The Hon. Ian West

General Purpose Standing Committee No. 2

Government members: The Hon. Tony Catanzariti
The Hon. Greg Donnelly
The Hon. Christine Robertson

General Purpose Standing Committee No. 3

Government members: The Hon. Greg Donnelly
The Hon. Amanda Fazio
The Hon. Helen Westwood

General Purpose Standing Committee No. 4

Government members: The Hon. Kayee Griffin
The Hon. Henry Tsang
The Hon. Lynda Voltz

General Purpose Standing Committee No. 5

Government members: The Hon. Tony Catanzariti
The Hon. Lynda Voltz
The Hon. Helen Westwood

ADJOURNMENT

[*Business resumed.*]

Question—That this House do now adjourn—put and resolved in the affirmative.

Motion agreed to.

The House adjourned at 5.33 p.m. until Tuesday 29 May 2007 at 2.30 p.m.
