

LEGISLATIVE COUNCIL

Wednesday 22 September 2010

The President (The Hon. Amanda Ruth Fazio) took the chair at 11.00 a.m.

The President read the Prayers.

INDUSTRIAL RELATIONS ADVISORY COUNCIL BILL 2010

NATIONAL PARKS AND WILDLIFE AMENDMENT (ADJUSTMENT OF AREAS) BILL 2010

Bills received from the Legislative Assembly.

Leave granted for procedural matters to be dealt with on one motion without formality.

Motion by the Hon. Tony Kelly agreed to:

That the bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second readings of the bills be set down as orders of the day for a later hour of the sitting.

Bills read a first time and ordered to be printed.

Second readings set down as orders of the day for a later hour.

NATIONAL POLICE REMEMBRANCE DAY

Motion by the Hon. Michael Gallacher agreed to:

- (1) That this House:
 - (a) extends its sincere condolences to the family, friends and colleagues of the courageous New South Wales police officer who was shot while undertaking his duty last night and sadly lost his fight for life this morning,
 - (b) notes that on Wednesday 29 September we will mark National Police Remembrance Day,
 - (c) recognises that 251 New South Wales police officers have tragically lost their lives in the course of their duties since 1803, and
 - (d) congratulates and thanks the members of the New South Wales Police Force for their professionalism, dedication and bravery as they protect our community.
- (2) That this House write to the New South Wales Commissioner of Police extending our condolences to the entire New South Wales police family on this tragic day.

TRIBUTE TO TOTTI COHEN

Motion by Dr John Kaye agreed to:

- (1) That this House extends its condolences to the family and friends of lawyer and former president of the Federation of Parents and Citizens Associations of New South Wales, Ms Totti Cohen, and in particular to her husband, Neville, and their sons and grandchildren.
- (2) That this House notes that Ms Cohen made a singular and positive contribution to many organisations and to Australian society, and records that she served as:
 - (a) president of the Federation of Parents and Citizens Associations of New South Wales from 1973 until 1980,
 - (b) vice-president of the Australian Council of State School Organisations,
 - (c) the first parent representative on the Education Commission, and

- (d) a member of:
 - (i) the Social Security Appeals Tribunal,
 - (ii) the Consumer, Trader and Tenancy Tribunal,
 - (iii) the New South Wales Privacy Committee,
 - (iv) the Jewish Board of Deputies.
- (3) That this House celebrates the stellar life and contribution of this remarkable human being which includes many achievements, such as:
 - (a) being instrumental in shaping the modern Federation of Parents and Citizens Associations of New South Wales into an organisation that advances the public schools,
 - (b) campaigning for parents involvement in the education system, and
 - (c) working for fair funding of public schools in part through the Australian Council for the Defence of Government Schools.

ALCOHOL LICENSING ENFORCEMENT COMMAND

Production of Documents: Order

Dr JOHN KAYE [11.03 a.m.]: I seek leave to amend Private Members' Business item No. 260 outside the Order of Precedence for today of which I have given notice by deleting the words "the Minister for Gaming and Racing, Communities NSW, the NSW Office of Liquor, Gaming and Racing, the Minister for Police or".

Leave granted.

Motion by Dr John Kaye agreed to:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents in the possession, custody or control of NSW Police:

- (a) any advice provided since 1 July 2007 by the Alcohol Licensing Enforcement Command (ALEC) of New South Wales Police to the Director General of Communities NSW in respect of Schedule 4 of the Liquor Act 2007 (NSW), and
- (b) any document which records or refers to the production of documents as a result of this order of the House.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 265 outside the Order of Precedence objected to as being taken as formal business.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of a performance audit report of the Auditor-General entitled "Helicopter Emergency Medical Service Contract: NSW Health, NSW Ambulance Service" dated September 2010, received and authorised to be printed this day.

BUSINESS OF THE HOUSE

Withdrawal of Business

Private Members' Business item No. 265 outside the Order of Precedence withdrawn by Dr John Kaye.

GENERAL PURPOSE STANDING COMMITTEES

Portfolio Responsibilities

Motion by the Hon. Tony Kelly, on behalf of the Hon. John Hatzistergos, agreed to:

That the resolution appointing five general purpose standing committees reflecting Government Ministers' portfolio responsibilities adopted by this House on 10 May 2007, and as amended, be further amended to reflect changes to Government Ministers' portfolio responsibilities by omitting "Mineral and Forest Resources" in paragraph (a) General Purpose Standing Committee No. 1, and inserting it in paragraph (e) General Purpose Standing Committee No. 5.

TERRORISM (POLICE POWERS) AMENDMENT BILL 2010**Second Reading**

The Hon. PENNY SHARPE (Parliamentary Secretary) [11.12 a.m.], on behalf of the Hon. John Hatzistergos: I move:

That this bill be now read a second time.

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

Leave granted.

The Government is pleased to introduce the Terrorism (Police Powers) Amendment Bill 2010.

The bill gives effect to recommendations made in a statutory review of the Terrorism (Police Powers) Act 2002 conducted recently by the Department of Justice and Attorney General.

The Statutory Review also took into consideration the recommendations made by the Ombudsman in his 2008 Review of Parts 2A and 3 of the Act.

The Terrorism (Police Powers) Act confers special powers on police officers to deal with imminent threats of terrorist activity and to respond to terrorist attacks.

The Act was drafted in the aftermath of the September 11 attacks in 2001, and in conjunction with a reference of powers to the Commonwealth to allow for a nationally consistent set of terrorism offences.

The Act provides for extraordinary powers to be exercised by Police in limited circumstances.

The powers relate to the ability to exercise special search and seizure powers in a target area ... place a person in preventative detention ... and undertake covert searches authorised by warrant.

The powers are only able to be exercised when it is believed a terrorist attack is about to occur or in the immediate period after it has occurred.

Unsurprisingly given the special nature of the powers, they have been used sparingly since the Act commenced, but have nevertheless been kept under constant review.

Two previous statutory reviews were conducted in 2005-06 and 2007.

The amendments in the bill represent the result of the third such statutory review, and make minor amendments to the Act to clarify its operation.

The Review was conducted in late 2009 and sought comment from the public and key stakeholders regarding whether the objectives and provisions of the Act remained valid.

A number of submissions were made, and the response to each of the points raised in those submissions can be found in the Review.

Following consideration of the Ombudsman's previous review and the submissions made, the Statutory Review found that the objectives of the Act remain valid and made 15 recommendations to improve the operation of its provisions.

Eleven of these recommendations are being implemented in the current bill. Of the balance, one proposes an amendment to the Regulations which are currently being drafted.

Two involve operational matters for the NSW Police Force, and one recommends further consultation, and any necessary amendments arising from that consultation will be progressed separately.

I turn now to the substantive amendments contained in the bill.

Item 1 of schedule 1 provides a definition of impaired intellectual functioning. The Ombudsman noted that there were inconsistent definitions in the Act regarding incapable persons and recommended that the definition be made consistent.

The Government supported this recommendation and has adopted a definition recommended by the Ombudsman and also used in the Law Enforcement (Powers and Responsibilities) Act 2002.

This should make the definition easy for Police to use, and provide satisfactory protection for those who are unable to adequately represent their own interests.

Item 2 provides that Police must provide a written Statement regarding the use of the special search powers under the Act within 30 days of a request being made.

The Bar Association noted in their submission that whilst the Act provided for people subject to the powers to request a Statement from Police stating that the search was conducted in pursuance of the Act, it did not provide a timeframe within which such a statement should be provided. The provision will remedy this oversight.

Item 3 inserts a new section that gives the Supreme Court the power to order that, where it is in the interests of justice to do so, the Legal Aid Commission should provide legal aid to a person in relation to preventative detention proceedings.

This is an unusual provision, which will override the general tests that are applied by the Commission in considering whether to grant someone legal aid.

However, the Government accepts the Ombudsman's recommendation given the extraordinary nature of preventative detention proceedings.

It is also noted that the preventative detention provisions have never been used and hence it is unlikely that this provision will result in any significant adverse resource requirements for the Commission.

In his report, the Ombudsman noted that the Act provides that where a police officer is satisfied that the grounds on which a preventative detention order was made have ceased to exist, they must make an application to have the order revoked.

However, there is no provision requiring the release of the person in such circumstances. Item 4 of the bill inserts a provision providing that a person is to be released immediately in these circumstances.

Items 5 through 8 of the bill relate to the requirements under the Act for a person being detained under a preventative detention order to be informed of certain matters.

The new provisions will ensure that the person is informed of their general right to contact the Ombudsman and the Police Integrity Commission.

The Act provides strict restrictions regarding the contact that a person detained under a preventative detention order may have.

Item 10 implements a recommendation of the Ombudsman that detainees be entitled to have contact with authorised chaplains where they are detained.

Item 12 also implements the recommendations of the Ombudsman regarding the assistance that police officers should provide to vulnerable detainees—those under 18 or with impaired intellectual functioning.

The provision will require police officers responsible for a detainee to assist, as far as reasonably practical, such persons to exercise all of their contact rights under the provisions in the Act.

Given the extraordinary circumstances that would be prevailing should a preventative detention order ever be made, the Act also provides for communications with detainees to be monitored.

However, the Act also provides for a strict penalty for persons monitoring such communication who inappropriately disclose the subject of that communication.

Item 14 inserts a new provision that ensures that such a monitor may seek legal advice regarding their obligations under the Act, without risking committing the disclosure offence.

Item 20 removes the current provision of the Act which requires the destruction of records relating to covert searches conducted under the Act that are no longer relevant to an investigation.

This provision was originally included in the Act as a safeguard of the privacy of those subject to a covert search.

However, it was noted in the Ombudsman's review that the destruction of these records limits the ability of any independent oversight agency to properly review the exercise of the powers.

As such, the Government agrees with the Ombudsman's recommendation that the requirement to destroy the records should be removed, in order to enable proper oversight of the covert search provisions.

Items 17-19 and 21-25 relate to the reporting requirements under the Act. The Ombudsman recommended that his limited reporting role under the Act should be extended indefinitely, given the seriousness of the powers involved.

The Government was happy to endorse this long-term oversight role, and, given the limited use of the Act thus far, has implemented a rolling scheme of reviews every three years.

The current monitoring role of the Ombudsman is preserved, and the Government has taken the opportunity to link the timing of the statutory reviews of the Act to this Ombudsman reporting period, such that the Government can conduct its reviews consistently taking into account the Ombudsman's most recent findings.

Unfortunately, the threat of terrorism remains a real concern to our society. Since the spate of attacks worldwide following 2001, Australia has been fortunate to have avoided a major terrorist attack on our soil.

But recent convictions and further arrests regarding terrorist activity in this country serve as stark reminders that we can never rest easy, thinking that we will never be subject to a terrorism-related emergency.

The powers given to those agencies in the Terrorism (Police Powers) Act are indeed extraordinary, but they are balanced by appropriate safeguards and experience has shown that they have only been called upon when required.

The present bill is an acknowledgement that those powers continue to be justified ... and ensures that this State is best placed to deal with any approaching threat in an effective manner ... without unduly encroaching upon civil liberties.

I commend the bill to the House.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [11.13 a.m.]: Earlier this month we marked the ninth anniversary of the terrorist attacks that changed the world. Air travel, building security and major events such as the upcoming Commonwealth Games have fundamentally changed. The Terrorism (Police Powers) Amendment Bill 2010 is the latest legislation to come before this House to alter the world in which we live. We have seen quite a number of bills that have sought to put in place terrorism prevention and protection measures to deal with those suspected of terrorism within the legal and justice system, and laws to limit the liabilities of insurance companies in the event of a terrorist attack.

This bill seeks to implement 11 of the 15 recommendations arising from a statutory review of the Terrorism (Police Powers) Act 2002. I understand the Ombudsman has recommended changes that are contained in this bill. It makes a number of amendments, many of which I will not seek to enunciate given their raising in another place. Many of the amendments will put into place additional steps when dealing with suspected terrorists. One of the biggest changes is that the Supreme Court will be given the power to order the Legal Aid Commission to provide legal aid to someone subject to a preventative detention order or where one is being sought. Those detained under a preventative detention order will have to be released as soon as practicable after the grounds upon which the order was made have ceased to exist. They will have to be informed of their right to complain to the Ombudsman and the Police Integrity Commission. They will be able to contact the Ombudsman to make those inquiries. The oversight of bodies such as the Ombudsman and Police Integrity Commission as a safeguard on the operation of terrorism laws is important.

The Government is seeking support for an amendment to its own legislation, a regular occurrence in this House with its hastily cobbled together legislative agenda determined in between ministerial reshuffles and political scandals. The first amendment contains a change to backdate the deletion of the requirement to destroy records after 12 months. Under current legislation the Commissioner of Police or the Crime Commissioner are required within 12 months of the execution of a covert search warrant to determine whether the records are reasonably still required for an investigation or proceedings. This bill will remove this requirement, and the amendment backdates this to 13 September. I thank the Government ministerial advisers for their assistance in relation to this issue. There was a query in regard to the backdating, which we are now advised relates to the sunset clause provision in the previous legislation. On behalf of the Opposition, I am satisfied with the basis for the amendment. We will not oppose the amendment, and we will not oppose the legislation.

The Hon. CHRISTINE ROBERTSON [11.16 a.m.]: I support the Terrorism (Police Powers) Amendment Bill 2010, which gives effect to the recommendations made in the statutory review of the Terrorism (Police Powers) Act 2002 conducted recently by the Department of Justice and Attorney General. Much has changed in the world since that fateful day in 2001 we now know as 9/11. I still remember waking up to the images of a plane, then another, and, in the words of President Obama, both of them "vanishing into glass and steel, men and women clinging to window sills, then letting go, tall towers crumbling to dust".

That very night I was in a motel in Coffs Harbour with my husband. I think I woke up to my alarm, which was set to the radio, and I half heard a piece of news. I said to my husband, Richard, "Something's happened. Something's gone wrong." It was fortunate that we were in a motel because we were able to watch Sky news immediately. We were absolutely appalled by what we saw, and we recognised the ramifications right across the world of what had actually gone wrong. Yet sadly much has stayed the same. The terrorist threat remains as real as the planes that crashed into the towers that day. Just last year, in its annual report to Parliament, the Australian Security Intelligence Organisation stated:

Terrorism remains a serious and immediate threat to Australia and is expected to be a destabilising force for the foreseeable future.

Unfortunately, New South Wales is not immune to this threat. As noted in the statutory review, "the threat of terrorism remains real not only around the globe but within New South Wales".

A case in point is Operation Pendennis and the conviction last year in New South Wales of five men for conspiring to do an act in preparation for a terrorist act. Without the Terrorism (Police Powers) Act and our

other strong counterterrorism laws, those convictions could not have occurred. The Terrorism (Police Powers) Act remains in place to protect the people of New South Wales. When the Act was introduced in 2002 following the 9/11 attack, we said:

We look forward to the day when terrorism has been so completely defeated, blocked and eliminated that we can remove this legislation from the statute books of New South Wales.

We still look forward to that day but regrettably that day is yet to come, and so the statutory review has found, "The policy and objectives of the Act still remain." In these circumstances, the Government must ensure that the Act remains relevant and measured. The Government recognises that the powers in the Act are extraordinary and as such has kept the Act under constant review. Reviews of the Act were carried out in 200-06 and in 2007. The current bill arises out of the recommendations of the current statutory review completed this year, which incorporates recommendations made by the Ombudsman. From the start, it is important to note that the powers in the Act are already confined to limited circumstances and contain significant protections. The special powers given to police under part 2 can be used only where the Commissioner of Police or another senior officer and the Minister of Police are satisfied that there are reasonable grounds for believing an attack will occur in the near future or that one has occurred, and that the powers will substantially assist in preventing the attack or apprehending those responsible. In addition, they can only be enlivened for a period of seven days in the case of an imminent attack or 24 hours where an attack has occurred. The powers automatically lift unless they are specifically renewed.

In relation to part 2A of the Act preventative detention orders can be obtained only from the Supreme Court and only where there is a reasonable suspicion that a person is involved in or possesses a thing connected with a terrorist act or an attack has occurred in the past 28 days and the order is necessary to preserve evidence. Most importantly, the maximum period for a preventative detention order is 14 days. In relation to part 3 of the Act covert search warrants can be issued only by an eligible judge of the Supreme Court and only for the purpose of responding to or preventing terrorist acts, and they can be exercised only by specially authorised police officers or staff of the New South Wales Crime Commission. The challenge at the time of drafting the Act was to create legislation that struck a careful balance between the flexibility needed to defend against a ruthless enemy and the fairness needed to ensure the due preservation of civil rights. In this regard, the findings of the review are confirmation that this was achieved, with the only amendments required being those necessary to clarify the original policy intention of certain provisions by updating the protections that are contained within them.

This bill will make those amendments, and include that police provide a written statement regarding the use of the special powers within 30 days of a request being made, that any person detained under a preventative detention order be informed of their right to contact the Ombudsman and complain to the Police Integrity Commission, and that the requirement to destroy covert search warrants be removed to enable proper oversight of covert search warrant functions and activities. These extended protections will ensure that suitable safeguards remain in place for those subject to the Act while ensuring that the Act remains agile and responsive when needed. At the end of the day, the safety of the people of New South Wales is paramount. I commend the bill to the House.

Reverend the Hon. FRED NILE [11.20 a.m.]: On behalf of the Christian Democratic Party I am pleased to support the Terrorism (Police Powers) Amendment Bill 2010, which amends the Terrorism (Police Powers) Act 2002. The bill results from statutory reviews by the Department of Justice and Attorney General that took into consideration recommendations made by the Ombudsman in his 2008 review of part 2A and part 3 of the Act. The Terrorism (Police Powers) Act confers special powers on police officers to deal with imminent threats of terrorist activity and to respond to terrorist attacks. As members know, the Act was drafted in the aftermath of the September 11, 2001 attacks on the Twin Towers in New York in conjunction with reference to Commonwealth powers to enable a nationally consistent set of terrorist offences.

Like other members, when I saw the news and the attacks taking place on the Twin Towers I had to think twice whether it was some movie, film drama or reality. It soon became clear that it was reality. It was horrific to watch two fully packed passenger aircraft smash into the Twin Towers one after the other. These events impacted on the whole world. The Terrorism (Police Powers) Amendment Bill is based on the principle that the best policy is prevention and detection prior to a terrorist attack rather than responding after a terrorist attack and trying to apprehend or capture those responsible, if they are still alive. Most terrorist attacks are carried out by Islamic terrorists who hope to be remembered as martyrs for their actions. Often they make videos about their intended actions, which they leave with their families. After the attack the identity of the terrorist is made public through photographs and video recordings that usually show them sitting with rifles resting across their laps in front of a wall displaying various slogans, typically written in Arabic. They consider themselves to be heroic martyrs.

Sadly, they are usually honoured as heroic martyrs by their families and their parents; they are not criticised for carrying out a terrorist attack. In fact, they are treated as heroes. Under the principle of prevention, a case currently before our courts involves a number of Islamic men who were apprehended for planning an attack on the Holsworthy army camp. Their plan was to attack the camp with military-style automatic weapons. They had previously carried out a reconnaissance and reported that there was almost no security at the camp: gates were open and anyone could drive into the Holsworthy army camp base. They also reported that when local soldiers carry out training exercises they are not armed, but if they carry any rifles they are not loaded with real bullets. The terrorists who had planned the attack held no fear of being prevented from carrying it out and were confident they would be successful. They planned a Mumbai-type terrorist attack to shoot as many unarmed soldiers as they could by firing in all directions. They anticipated that at some stage armed personnel would respond and they too would be killed. Again, the terrorists would express pride as successful Islamic terrorist martyrs.

Some of my staff have carried out research into terrorist attacks since September 11, 2001. A reading of all government and media reports lists 15,993 Islamic terrorist attacks since September 11, 2001. I will seek leave to table this document. Attacks have been committed by Islamic terrorists at the rate of about four or five a day. I stress that these statistics refer to attacks all over the world, not just Australia, and include attacks in the Middle East, India, Pakistan, et cetera. The list is incomplete as it is not possible to get the details of some terrorist attacks. One interesting aspect of the list is the number of attacks by Islamic terrorists that killed Muslims. Quite often just as many Muslims as non-Muslims are killed. This list of Islamic terrorist attacks barely scratches the surface of atrocities committed worldwide each day. Therefore it is difficult to have a comprehensive report. For example, most news articles on the violence in southern Thailand noted that 900 people were killed in 2005 of which we estimate 150 were Islamic militants. In other words, that means the terrorists killed approximately 750 people that year.

The total figures on this list also include deaths of terrorists. As far as we can establish, these reports are factual. This particular report I have lists the date, country, city, number of people killed and number of people injured. On 5 September 2010 an attack in Baghdad, Iraq, resulted in 12 people being killed and 36 being injured—a place that quite often has the largest number of deaths. In Pakistan an attack in September in Kuweta killed 73 people and injured 149. The suicide bomb attack on a Muslim procession obviously was undertaken by different factions—Shiites, Sunni's or other groups—attacking one another. Sadly, one Muslim group recently attacked a mosque while people were inside praying. As I said, this report lists the date, place, country, town or city, the number of people killed and the number of people injured, with a brief explanation of what occurred. For example, there was an attack in Iran in July 2010 resulting in 27 people being killed and 80 people being wounded. That was a Sunni suicide attack on a mosque that was full of Shiite worshippers. The details I have provided show how the incidents add up to such a large number. I seek leave to table the report.

Leave granted.

Document tabled.

I support the bill because it is entirely relevant to the situation confronting Australia. We thank God that up until now Australia has been protected from a terrorist attack. Some experts believe that a terrorist attack is inevitable, irrespective of how effective our security forces such as the Australian Security Intelligence Organisation [ASIO], the Australian Federal Police and the State police may be. I hope such an event will never occur, but people who have undertaken a great deal of study of terrorism believe it is inevitable. For the reasons I have stated, the legislation is necessary and justified.

The amending provisions of the bill largely emanate from the Ombudsman, whose recommendations are based on submissions made by members of the public. Presumably, some of the submissions did not reflect support for the bill and police powers. In deciding whether to accept the recommendations, the Government and the Attorney General must exercise great care to avoid both tying the hands of police when carrying out their duties of protecting the community from terrorism and making their role more difficult in relation to the emergence of any unintended consequences. I am pleased to support the bill.

The Hon. IAN COHEN [11.31 a.m.]: I lead in debate on the Terrorism (Police Powers) Amendment Bill 2010 on behalf of the Greens. The bill gives effect to recommendations of a statutory review of the Terrorism (Police Powers) Act 2002 conducted recently by the Department of Justice and Attorney General. The amending provisions of the bill are based on the 2009 third statutory review and make minor amendments to the Act. The key changes are, firstly, that the bill inserts in section 4 (1), "Other definitions", a definition of

"impaired intellectual functioning"; secondly, new section 26PA will provide that the Supreme Court may require legal aid to be provided when making or revoking a preventative detention order or a prohibited contact order; thirdly, new section 26W provides, once a preventative detention order has been revoked, that the person to whom it applied must be released—a provision, although seemingly obvious, that was omitted in the 2002 Act; and, fourthly, an extra provision will allow a person to contact an authorised chaplain, and nothing in the bill suggests that the chaplaincy is limited to certain religions.

The Terrorism (Police Powers) Amendment (Preventative Detention Orders) Bill 2007 amended the Terrorism (Police Powers) Act 2002 to clarify the position of people who had been detained on preventative detention orders in New South Wales prisons. In November 2005 the Greens strongly opposed the incorporation of preventative detention orders in the Act and in 2007 continued to oppose the use of preventative detention orders because they constitute an attack on fundamental legal rights that have long been enshrined in our common law. The Greens continue to argue that people who neither have been charged nor have been convicted of any offence should not be deprived of their liberty. However, widespread community support for the position adopted by the Greens does not diminish the Greens' abhorrence of terrorist acts, such as the terrible destruction of the World Trade Center on September 11, which was cited earlier in the debate by other members. No-one denies the horrific consequences of terrorism, but it is nevertheless important to maintain a balance between collective and individual rights.

The Greens, who are stalwart protectors of individual freedoms, will resist any attempts to strip citizens of individual rights, because the protection of our freedom is the very reason for the fight against terrorism. By definition, terrorism seeks to instil terror, thereby forcing the population into submission. The objective of terrorism is to intimidate people into surrendering and to literally terrify societies into changing course. Sometimes people succumb to the threat: sometimes governments use the threat of terrorism to erode individual freedoms that are nurtured in the Australian community.

The issues involved in consideration of the bill are complex. When the terrorism prevention legislation was introduced in 2002 the Greens opposed it because, while establishing preventative detention powers, it simultaneously and unnecessarily violated habeas corpus and principles of natural justice. I cite the example of the Dr Mohammed Haneef affair, which was an appalling example of implementation of police counter-terrorism powers in the most Kafkaesque manner. That was accompanied by the Howard Government denying that Dr Haneef had no case to answer, and attempting to suppress crucial details.

The Haneef affair was a farce from start to finish. Australian politicians should not be proud of the way that Australian governments acted during that episode. That regrettable event was followed by similar examples of overreaction, such as the Asia-Pacific Economic Cooperation [APEC] forum in 2007 when the treatment of demonstrators and innocent people highlighted the exercise of counter-terrorism police powers. An incident that comes to my mind was a man who walked along a city street near an enclosed area when something went wrong. He was mistakenly tackled and physically abused by police, who believed that they were acting appropriately, and that innocent man became a victim.

While some members of the House may be prepared to accept that some innocent people will suffer in the interests of protecting the wider community, the better view of the effect of legislation is achieved by judging the performance of laws and behaviour of authorities during implementation. The response by authorities to what they perceive to be a tightening of society's legal framework may lead to significant misapplication of legislative provisions in policing at the operational level. Since the enactment of New South Wales terrorism legislation there has not been any preventative detention of anyone in New South Wales. While the Greens remain opposed to the substantive legislation, we will not oppose the bill before the House, which gives slightly better access to legal advice and chaplaincy to people who are detained under the preventative detention provisions.

While the Greens do not oppose the bill, I reiterate the Greens' concerns over the potential for misuse of terrorism powers. For example, a convicted serial killer in a maximum security prison ostensibly has superior rights to those of a 16-year-old who is being held under a preventative detention order but who has not been charged. That level of inconsistency is not appropriate in the Australian community. The Greens contend that the powers bestowed on the police and other authorities are sufficient protection for society and its citizens without the need to resort to extraordinary powers provided under counter-terrorism provisions in the Act. While the Greens maintain their opposition to the exercise of extraordinary police powers, we will not oppose the bill.

The Hon. PENNY SHARPE (Parliamentary Secretary) [11.38 a.m.], in reply: I thank all members who contributed to debate on the bill. The Hon. Ian Cohen raised issues during debate to which I will respond. He mentioned the Haneef case, the circumstances of which many members will be very familiar with. The detention of Dr Haneef was effected under Commonwealth anti-terrorism laws. Commonwealth legislation provides no upper limit to the length of detention applying under a preventative detention order, but requires that extension of the period of detention is subject to applications for extension being made regularly and being approved. New South Wales law provides an upper limit to the duration of preventative detention orders of 14 days. The amendments in the bill strengthen the safeguards of civil liberties.

In particular, the changes will enable the Supreme Court to order that legal aid be provided to persons subject to detention orders, and will ensure that a person detained under a preventative detention order must be released as soon as is practicable after the grounds for their detention cease to exist. The new laws require those detained to be informed of their rights of access to the Ombudsman and the Police Integrity Commission. In relation to the comments about preventative detention orders, the Government hopes that the police do not have to use these powers, but is of the view that they need to be there in the unfortunate event that they are needed. The Government has a long track record of giving police the powers they need to keep our community safe, and that is why it has continued to include the provision.

The quality of our criminal justice system will be judged by how it copes with an emergency. In the anti-terrorism laws that we are now extending and updating we have struck the right balance between protecting the community and protecting important principles. The New South Wales Government will not shirk the responsibility to maintain strong measures to deal with terrorist activity, but we will never overlook our duty to liberty and civil rights as we do so. At this point I foreshadow that I will be moving amendments in Committee, basically to deal with a technical drafting issue that has been identified only recently. The amendments will re-insert a definition in the Terrorism (Police Powers) Act which links the covert search warrant provisions in part 3 of the Act to the offence of membership of a terrorist organisation in section 310J of the Crimes Act, which exists to provide the covert search warrant legislation with the legislative support necessary to ensure its constitutional validity with respect to the investigation of the membership of terrorist organisations. I will speak further about that in Committee. I commend the bill to the House.

Question—That this bill be now read a second time—put and resolved in the affirmative.

Motion agreed to.

Bill read a second time.

In Committee

Clause 1 agreed to.

The Hon. PENNY SHARPE (Parliamentary Secretary) [11.42 a.m.], by leave: I move Government amendments Nos 1 and 2 in globo:

No. 1 Page 2, clause 2, line 5. Omit all words on that line. Insert instead:

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2).
- (2) Schedule 1 [20] commences or is taken to have commenced on 13 September 2010.

No. 2 Page 6, schedule 1. Insert after line 17:

[20] Section 27A Definitions (as amended by the Courts and Crimes Legislation Amendment Act 2008)

Insert after section 27A (1):

- (2) In this Part, **terrorist act** includes an offence against section 310J of the *Crimes Act 1900* (Membership of terrorist organisation). In that case, a reference in this Part:
 - (a) to a terrorist act that has been, is being, or is likely to be, committed is a reference to an offence against that section that is being committed, and
 - (b) to responding to or preventing a terrorist act is a reference to obtaining or providing evidence of the commission of an offence against that section.

Members will recall that the Crimes Amendment (Terrorism) Bill 2010 was passed recently to extend the operation of a sunset clause in section 310L of the New South Wales Crimes Act and consequently the offence of being a member of a terrorist organisation in section 310J of that Act. The extension of this offence was necessary as the offence provides the necessary legislative support required to ensure that the use of covert search warrants in New South Wales under part 3 of the Terrorism (Police Powers) Act 2002 to investigate the membership of terrorist organisations is constitutionally valid. However, the Parliamentary Counsel's office has now advised of a technical matter requiring further amendments.

I am advised that there was also an uncommenced provision in the Courts and Crimes Legislation Amendment Act 2008 timed to commence on the date the sunset clause repealed the supporting section 310J Crimes Act offence on 13 September 2010. The provision commenced on that date and automatically repealed a definition in the Terrorism (Police Powers) Act which links the part 3 covert search warrant legislation to the Crimes Act offence and ensures that it can be relied on for its constitutional support. The two amendments proposed correct this technical oversight by re-inserting the definition into the Terrorism (Police Powers) Act and providing for its immediate commencement. These two amendments are entirely consistent with both the Crimes Amendment (Terrorism) Bill and the Terrorism (Police Powers) Amendment Bill, and I commend the amendments to the Committee.

Question—That Government amendments Nos 1 and 2 be agreed to—put and resolved in the affirmative.

Government amendments Nos 1 and 2 agreed to.

Clause 2 as amended agreed to.

Schedule 1 as amended agreed to.

Title agreed to.

Bill reported from Committee with amendments.

Adoption of Report

Motion by the Hon. Penny Sharpe agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. Penny Sharpe agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly with a message requesting its concurrence in the amendments.

EVIDENCE AMENDMENT BILL 2010

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [11.47 a.m.], on behalf of the Hon. John Hatzistergos: I move:

That this bill be now read a second time.

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

Leave granted.

The amendments proposed by the Evidence Amendment Bill 2010 arise out of recommendations made in the 2005 Uniform Evidence Law Report, a joint report of the Australian, New South Wales and Victorian law reform commissions (the commissions) following a review of New South Wales and Commonwealth Evidence Acts after 10 years of operation.

The Joint Report represented the culmination of an eighteen-month inquiry and a very extensive public consultation process.

During the course of the inquiry, the commissions released two community consultation documents, held targeted consultations in every State and Territory, and received 130 written submissions from a wide range of individuals and organisations.

Many of the commission's recommendations were incorporated in the Model Uniform Evidence Bill which was endorsed by the Standing Committee of Attorneys-General in July 2007, and subsequently incorporated in the *NSW Evidence Act 1995* by the *Evidence Amendment Bill 2007*.

On 7 May 2010, the Standing Committee of Attorneys General approved a number of further amendments to the Model Uniform Evidence bill.

Two of those amendments are now to be incorporated in the NSW Evidence Act 1995 by the present bill.

Mutual recognition of certificates in respect of self-incrimination

The first of the amendments relates to the mutual recognition, amongst the uniform evidence law jurisdictions, of certificates given by courts to provide witnesses with protection from self-incrimination.

The uniform evidence law jurisdictions are New South Wales, the Commonwealth, the Australian Capital Territory, Victoria and Tasmania.

Currently, sections 128 and 128A of the *Evidence Act 1995* (NSW) provide that where a person objects on reasonable grounds to giving evidence or disclosing certain information that may be self-incriminating, and the witness nevertheless gives the evidence or discloses the information (either willingly or because required by the court), the court must give the witness a certificate.

Where a certificate has been given, the evidence given or information disclosed cannot be used against the person in a proceeding before a NSW court or by any person or body authorised to hear and examine evidence.

However, a certificate given in a NSW court under section 128 or 128A does not protect a person from having the relevant self-incriminating evidence or information used against them in proceedings in another State or Territory.

Nor is a person who has been given a certificate in another State or Territory protected from having the relevant self-incriminating evidence or information used against them in a NSW Court.

The *Evidence Amendment Bill 2010* will assist in removing this gap in the protections provided by such certificates in the uniform evidence law jurisdictions.

The *Evidence Amendment Bill 2010* amends the *NSW Evidence Act 1995* to require that NSW courts treat certificates given under prescribed State or Territory provisions in the same way as certificates given by a NSW court under sections 128 and 128A and provides for the "prescribed State or Territory provisions" to be declared by regulation where appropriate.

It is expected that the other uniform evidence law jurisdictions will also adopt these amendments in their evidence Acts, and prescribe the New South Wales provisions in their regulations, so as to extend mutual recognition of such certificates in these jurisdictions.

The intention of the existing sections 128 and 128A of the *Evidence Act 1995* is to facilitate obtaining evidence or information from persons who may otherwise be reluctant, for fear of incriminating themselves.

The extension of these protections to evidence given or information disclosed in other States and Territories will greatly reinforce the value of the protection afforded by these sections.

Expansion of the definition of unavailable witness

The second amendment contained in the bill relates to the circumstances in which a person is taken not to be available to give evidence about a fact.

The question of a witness's availability to give evidence is important because it is relevant to the application of the hearsay rule.

If a witness is available then hearsay evidence will not be admissible and the witness will need to attend court to give evidence. If a witness is unavailable then hearsay evidence may be admissible in limited circumstances.

Currently, as set out in clause 4 of Part 2 of the Dictionary to the Evidence Act, a person is taken not to be available to give evidence about a fact ONLY if:

- (a) the person is dead,
- (b) the person is not competent to give the evidence about the fact,
- (c) it would be unlawful for the person to give evidence about the fact,

- (d) a provision of the Evidence Act prohibits the evidence being given,
- (e) all reasonable steps have been taken, by the party seeking to prove the person is not available, to find the person or to secure his or her attendance, but without success, or
- (f) all reasonable steps have been taken, by the party seeking to prove the person is not available, to compel the person to give the evidence, but without success.

In all other cases the person is taken to be available to give evidence about the fact.

The bill inserts a further subsection, such that a person will be taken to be unavailable if the person is mentally or physically unable to give the evidence and it is not reasonably practicable to overcome that inability.

The new subsection is intended to apply to situations where a person is not available to give evidence by reason of his or her bodily, mental or psychological condition.

In contrast to section 13 of the *Evidence Act 1995* (which deals with the competence of a witness to give evidence for reasons which may include "mental, intellectual or physical disability"), the new subsection is intended to apply where a person is unable to give the evidence, not because the evidence is likely to be unreliable, but because giving the evidence would cause harm to the person, for example, where the person is unable due to major trauma or fear to give the evidence and/or where giving the evidence would have a significant adverse effect on the person's physical or mental health.

However, it is not intended that the amendment should lower the standard of unavailability generally. For instance, it is not intended that any person should be considered unavailable to give evidence simply because he or she produces a medical certificate which asserts the existence of a mental or physical inability to give the evidence. A real mental or physical inability to testify must be shown.

In addition, it must be shown that it is not reasonably practicable to overcome that inability.

It is also not intended that the subsection apply to persons who are willing and otherwise competent and available to give the evidence.

The amendment proposed by the bill is consistent with recommendation 8-2 of the Australian, NSW and Victorian law reform commissions in their 2005 collaborative report on the Uniform Evidence Acts.

The Department of Justice and Attorney General consulted with key stakeholders on the draft provision which is supported by the Director of Public Prosecutions, the Law Society of New South Wales, the New South Wales Bar Association and the New South Wales Police Force.

The New South Wales Government has played a key role in the reform of evidence law in this country and the move toward uniform rules in Australia's three largest jurisdictions.

The Evidence Amendment Bill 2010 is yet another example of this Government's determination to stay at the front of the pack when it comes to improving court processes and procedures for the benefit of the community.

I commend the bill to the House.

The Hon. DAVID CLARKE [11.47 a.m.]: The Opposition does not oppose the Evidence Amendment Bill 2010, which amends the Evidence Act 1995 and has its genesis in recommendations of the Uniform Evidence Law Report of 2005 of the Australian, New South Wales and Victorian law reform commissions. The bill introduces amendments that are uniform with amendments approved by the Standing Committee of Attorneys-General in May this year. The amendments relate to the mutual recognition of certificates concerning privilege against self-incrimination and the definition of the unavailability of witnesses. With regard to the privilege against self-incrimination, the law presently provides that where a court determines that there are reasonable grounds for a witness objecting to give evidence or to disclose information on the grounds that the witness has committed an offence against or arising under an Australian law or a law of a foreign country, or is liable to a civil penalty, then the court is to inform the witness that he need not give the evidence unless required by the court to do so, and that the court will give a certificate, known as a self-incrimination certificate under the Evidence Act, if the witness willingly gives the evidence without being required to do so.

However, it appears that self-incrimination certificates issued in other States and Territories are not enforceable in New South Wales. To remedy this situation the bill before us will ensure that such certificates are enforceable in this State. The second amendment contained in the bill relates to the unavailability of witnesses to give evidence. In this regard the Evidence Act contains a series of exceptions to what is known as the hearsay rule, that is, the rule that prevents a witness from repeating in evidence the statement of a third person to prove the truth of that statement.

The Act provides that in civil proceedings a witness who saw or heard about an asserted fact made by an unavailable witness may give evidence of that representation. The Act sets out the circumstances where a

person is taken as not being available to give evidence. They are where the person is dead or not competent to give the evidence about the fact; it would be unlawful for the person to give evidence about the fact; a provision of the Evidence Act prohibits the evidence being given; all reasonable steps have been taken by the party seeking to prove the person is not available to find the person or to secure his or her attendance but without success; or all reasonable steps have been taken by the party seeking to prove the person is not available to compel the witness to give the evidence but without success. The bill amends the Act to add a further ground for the court to find that a person is unavailable to give evidence, namely, if a person is mentally or physically unavailable to give the evidence and it is not reasonably practicable to overcome that inability. As these amendments are in all the circumstances reasonable, the Opposition does not oppose the bill.

Dr JOHN KAYE [11.50 a.m.]: The Greens do not oppose the Evidence Amendment Bill 2010. As the Hon. David Clarke said, the bill makes two key changes to the Evidence Act. The first of the amendments concerns certificates given by courts to provide witnesses with protection from self-incrimination. Currently a certificate given in a New South Wales court under section 128 or 128A does not protect a person from having the relevant self-incriminating evidence or information used against them in proceedings in another jurisdiction or another State or Territory. This applies in reverse for a person who has been given a certificate in another State or Territory that protects them from having the relevant self-incriminating evidence or information used against them in a New South Wales court.

The provisions of this bill require that New South Wales courts treat certificates given under prescribed State or Territory provisions in the same way as certificates given by a New South Wales court under sections 128 and 128A. That means those who are reluctant to give evidence due to fear of prosecution in another jurisdiction will be given more protection from self-incrimination. The second change concerns the giving of evidence. The bill inserts a new subsection to clause 4 of part 2 of the dictionary to the Evidence Act regarding hearsay evidence. The new subsection is that a person will be taken to be unavailable if the person is mentally or physically unable to give the evidence and it is not reasonably practicable to overcome that inability.

This will apply to situations where a person is not available to give evidence by reason of his or her bodily, mental or psychological condition. A real mental or physical inability to testify must be shown otherwise the person will be required to give evidence in court in person. In addition, it must be shown that it is not reasonably practicable to overcome that inability. The Greens understand that this bill is part of the move toward uniform rules in Australia's three largest jurisdictions. We note the Attorney General's efforts via the Standing Committee of Attorneys-General in this regard to gain more uniformity of laws throughout Australia. The Greens support the bill.

Reverend the Hon. FRED NILE [11.53 a.m.]: The Christian Democratic Party supports the Evidence Amendment Bill 2010. The amendments proposed in this bill arose out of recommendations made in the 2005 Uniform Evidence Law report, a joint report of the Australia, New South Wales and Victorian law reform commissions. The joint report was the culmination of an 18-month inquiry and an extensive public consultation process. We can be confident this bill represents the views of a wide range of individuals and organisations. Many of the commissions' recommendations were incorporated in the Model Uniform Evidence Bill, which was endorsed by the Standing Committee of Attorneys-General in July 2007 and subsequently incorporated in the New South Wales Evidence Act 1995 by the Evidence Amendment Bill 2007. However, the Standing Committee of Attorneys-General approved a number of further amendments to the Model Uniform Evidence Bill, two of which are now incorporated in the New South Wales Evidence Act by this bill.

The first of the amendments related to the mutual recognition amongst the uniform evidence law jurisdictions of certificates given by courts to provide witnesses with protection from self-incrimination. The Evidence Amendment Bill 2010 will assist in removing the gap in the protections provided by such certificates in the uniform evidence law jurisdictions. This bill amends the New South Wales Evidence Act 1995 to require that New South Wales courts treat certificates given under prescribed State or Territory provisions in the same way as certificates given by a New South Wales court under sections 128 and 128A. The second amendment contained in the bill relates to the circumstances in which a person is taken not to be available to give evidence about a fact. The question of a witness's availability to give evidence is important because it is relevant to the application of what is known as the hearsay rule. If a witness is available then hearsay evidence will not be admissible and the witness will need to attend court to give evidence. If a witness is unavailable then hearsay evidence may be admissible in limited circumstances, and that will be clarified further by this bill before the House, which will assist the process of justice to work more effectively in our State. We are pleased to support this bill.

The Hon. PENNY SHARPE (Parliamentary Secretary) [11.56 a.m.], in reply: I thank members for their contributions to this debate. During debate in the other place the member for Tweed requested that the Parliamentary Secretary clarify whether protocols applying in Queensland to a lack of capacity owing to mental illness will "be recognised in New South Wales and vice versa" It is not entirely clear to what the member was referring by the expression "protocols", whether that was intended to refer to diagnostic tools used by the health profession in relation to mental illness or to concepts employed in a number of criminal law contexts in relation to whether a person is not responsible for their actions due to mental illness.

In any event, for the purposes of the amended definition of "unavailability" there is no necessary connection between whether a potential witness suffers from a mental illness and the application of the section. The amended definition of "unavailability" refers to a person who is "mentally or physically unable to give evidence". The concept of "mentally unable" does not require that a person suffer from a recognised mental illness. Further, there is no connection between a potential witness's capacity to give evidence and the application of the amended "unavailability" definition. The concept of unavailability is not related to a potential witness's competence, or capacity, to give evidence but to whether giving the evidence would cause harm to the potential witness and to whether hearsay evidence regarding that person's previous representations may be adduced in evidence.

The competence of a witness to give evidence is dealt with at section 13 of the Evidence Act. Section 13 includes reference to a lack of capacity to give evidence because of a mental, intellectual or physical disability. Where a person lacks capacity to give evidence, the evidence may not be admitted at all because it would be inherently unreliable. In contrast, the concept of a potential witness being unavailable is not related to the reliability of their evidence but to the admissibility of hearsay evidence of their previous representations that would be otherwise inadmissible. The amended definition will provide that where a person is not available, including for reasons of being mentally or physically unable to give the evidence, previous representations may nevertheless be adduced into evidence.

The member for Tweed also asked whether discussions between the New South Wales and Queensland Attorneys General have included progress reports on the Queensland Evidence Act being brought into line with Evidence Acts in other Australian jurisdictions. I am advised that the Queensland Government had not made any decisions regarding its participation in the uniform evidence Act scheme. The Evidence Amendment Bill 2010 implements amendments to the Model Uniform Evidence Bill approved by the Standing Committee of Attorneys-General in May this year. These amendments initially arose from recommendations made in the 2005 Uniform Evidence Law Report. The amendments will further modernise and improve evidence law and practice in New South Wales and across the harmonised Uniform Evidence Law jurisdictions. I commend the bill to the House.

Question—That this bill be now read a second time—put and resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Leave granted to proceed to the third reading of the bill forthwith.

Third Reading

Motion by the Hon. Penny Sharpe agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly without amendment.

Pursuant to sessional orders business interrupted at 12 noon for questions.

QUESTIONS WITHOUT NOTICE

PORT BOTANY RAIL TASKFORCE

The Hon. MICHAEL GALLACHER: I direct my question without notice to the Treasurer, and Minister for Ports and Waterways. I refer the Treasurer to his answer yesterday when he confirmed that former ports Minister Paul McLeay had appointed his predecessor, former ports Minister Joe Tripodi, as an observer on

the Port Botany rail task force. Does the Treasurer recall that he went on to deny that he consulted Mr Tripodi over his recent decision to regulate rail pricing at Port Botany? Can he explain why this Government would appoint Mr Tripodi as an observer on a rail transport body and then not consult with him when it decided to intervene on that very issue? Further, can the Treasurer explain what exactly an observer on such a task force does?

The Hon. ERIC ROOZENDAAL: I am more than happy to explain that an observer—it may surprise the Opposition—observes. I am more than happy again to go over the issues around the decision by this Government to intervene and ensure that it regulates the cost of rail freight out of the port of Botany, which of course came after discussion with Patrick stevedoring, which I found unsatisfactory. We took careful consideration but, frankly, a decision by Patrick stevedoring to increase prices by 67 per cent would have, for many rail operators, made it completely uneconomical to move freight by rail. What does that mean? It means they have to move it by trucks. If the Opposition wants to sit over there and think that this Government is going to stand by and allow thousands more trucks to rumble along Sydney roads because Patrick stevedoring wants to increase its prices by 67 per cent, it is wrong. The community will not stand for it and this Government will not stand for it. Let us be very clear: We have had a long-term process in place with all participants in industry, both stevedores and rail operators, working together on a task force—

The Hon. Michael Gallacher: Point of order: relevance. The Minister was asked a question about appointing Mr Tripodi as an observer, and why he would not consult with him after the Government had appointed him as an observer on this issue.

The PRESIDENT: Order! The Minister will continue to be generally relevant.

The Hon. ERIC ROOZENDAAL: I certainly had long discussions with the Sydney Ports Corporation and with Patrick stevedoring and I had discussions with rail operators. A decision was made. I think it goes to the heart of the Coalition that it does not want to attack Patrick stevedoring. They do not want to argue on behalf of the community to stop more trucks being on our roads, they want to go on another fishing expedition and pursue one of the favourite topics of a member in another place. It says a lot about the Opposition that this is its number one question in question time. Has the shadow Minister for Ports made a criticism of Patrick stevedoring? Of course not. Why would Andrew Stoner speak up on behalf of the community? Instead, he tries to argue Patrick's case. Where do these geniuses get their questions? Yesterday in question time, Chris Kenny was sitting in the gallery. He now works for Patrick stevedoring. Where did he used to work? He used to be Malcolm Turnbull's chief of staff. Now he works for Patrick stevedoring. Now he is writing the Opposition's questions. This is the quality of the bozos on the other side!

The Hon. Duncan Gay: You are embarrassed, aren't you?

The Hon. ERIC ROOZENDAAL: Ask me another one.

TRANSPORT PLAN

The Hon. LUKE FOLEY: My question is addressed to the Minister for Planning. Can the Minister update the House on the progress of the review of the Sydney Metro Strategy?

The Hon. Melinda Pavey: You have such presence, Luke.

The Hon. TONY KELLY: I acknowledge the interjection from the Hon. Melinda Pavey, even though she was not talking about me. I thank the member for his question. The New South Wales Government is presently finalising an integrated metropolitan plan for Sydney to guide growth for the next 25 years. The plan will combine the Metropolitan Strategy and the Metropolitan Transport Plan into one cohesive document. Earlier this year we exhibited the transport plan and a discussion paper on the review of the 2005 Metropolitan Strategy, and we received more than 370 written submissions and well over 1,000 online comments. Today we have released a summary of the submissions and comments on those two documents as well as ideas gleaned from a forum of planning industry stakeholders that was held in April.

Among the key points to emerge from the submissions and online comments were the following. General support for more apartments, townhouses and other multi-unit dwellings around transport hubs; calls to support anticipated population growth by committing to key transport infrastructure and looking at further decentralisation; requests to make planning laws more flexible to allow for a range of uses in centres, including

ways to foster small-scale creative businesses; support for the Western Express, light rail expansion, north-west and south-west rail links, additional strategic bus corridors and active transport initiatives; support for more public transport on roads to discourage car use to reduce congestion and improve air quality; suggestions to move from CBD-centric planning to provide better connections between the regional cities of Parramatta, Liverpool and Penrith; suggestions to align the funding time frame with future Metropolitan Strategy reviews; and further consideration of environmentally sustainable transport options.

There was almost universal support for the City of Cities approach in the 2005 Metropolitan Strategy, which has proved beneficial during the recent economic challenges. People want us to strengthen the regional cities of Parramatta, Liverpool and Penrith to ensure that the local economies remain resilient and support jobs during economic downturns, such as the recent global financial crisis. We also saw strong support in public comments and planning sector submissions for multi-unit housing near established centres, especially those well served by public transport. Many recognise that new residents will revitalise suburban centres by increasing the local spend, leading to new, more varied and more viable leisure and business opportunities locally.

With Sydney's population expected to reach 6 million by 2036 we must build some 770,000 new homes as close to jobs as we can and as close to services and transport as possible to avoid people having to use their cars and travel further to work or to see family and friends. Many submissions noted that infill development made better use of existing infrastructure and slowed the rate at which precious farming and bushland on the city's fringes is used. These sentiments were supported at the key stakeholder forum, which indicated that communities would support three-storey developments within walking distance of neighbourhood centres and public transport. The submissions also reflected strong support for the Government's \$50.2 billion Metropolitan Transport Plan. Work on those key projects in the plan is already underway—construction has started on the south-west rail link; work has commenced on the light rail extension from Lilyfield to Dulwich Hill; and early design work is happening on the Western Express. The Government has also purchased the first 200 of 1,000 buses as part of the Metropolitan Transport Plan and has announced the expanded Metrobus network, which is seeing high-frequency and high-capacity bus services link key employment and growth hubs across Sydney. The submissions report— [*Time expired.*]

DUBBO COLLEGE

The Hon. DUNCAN GAY: I direct my question to the Attorney General, representing the Minister for Education and Training, and it is in relation Dubbo College. Is the Minister aware of the Kennedy report, containing the views of the Dubbo community, which was delivered to Minister Firth by the consultation committee in April? Is the Minister also aware of comments by the Dubbo Teachers Association that while Minister Firth deliberates on the issue, teachers are voting with their feet and leaving the school? Given the Minister has sat on the report for five months, will the Minister provide a guarantee to release the Kennedy report immediately to allow students, teachers and parents to plan their future in Dubbo's public education?

The Hon. JOHN HATZISTERGOS: Not surprisingly, I am not familiar with the report referred to by the member and nor am I familiar with the comments of the Dubbo Teachers Association, but I will refer the matter to the Minister and obtain an answer and advise the House in due course.

TUNNELLING COSTS

Ms CATE FAEHRMANN: My question is directed to the Treasurer. On 29 September last year, an advertisement ran in the *Sydney Morning Herald* that consisted of a statement addressed to the Commonwealth Grants Commission signed by the Treasurer and others. The Treasurer made the following statement:

Due to the geographical and population spread of Sydney, tunnelling is one of the only options to improve transport and rail links—and the cost of tunnelling through Sydney sandstone is \$400 million a kilometre.

Given that there is not one example in New South Wales or Australia of a project with tunnelling costs of \$400 million a kilometre, on what project or piece of transport costing analysis did the Treasurer base this conclusion, who provided the advice, and does the Treasurer stand by the figure?

The Hon. ERIC ROOZENDAAL: I thank the member for her question and her interest in the matter. It is important to realise that we have had a long-running campaign with the Grants Commission over its methodology. That was partially successful in a review of its methodology. We adopted a number of strategies in campaigning to get a better deal for the people of New South Wales to ensure that we meet the particular challenges that Sydney presents as Australia's only international city with a population of well over four million

people. There is no doubt that major challenges are involved in the introduction of further public transport infrastructure because of the amount of building and development and the concentration of population. In looking at future transport projects, the issue of tunnelling is one that comes to mind very quickly. It is very expensive to do it in Sydney for a whole series of reasons.

In relation to the Grants Commission, we will continue to campaign for a better deal for the people of New South Wales. The methodology has long been under question and we will continue to ensure that the people of New South Wales get their appropriate level of grants through the Grants Commission methodology, which is very complicated. We have lobbied the Grants Commission directly and written a number of submissions. We will continue to make sure the people of New South Wales get their fair share.

GUARDIAN TRAIN SERVICES

The Hon. PENNY SHARPE: I address my question to the Minister for Transport. Will the Minister please inform the House about new late-night guardian train services?

The Hon. JOHN ROBERTSON: I thank the member for her question and her ongoing interest in public transport. The safety and security of passengers on our public transport network is this Government's number one priority. An important initiative to help passengers travelling home from the city late on Friday and Saturday nights is the introduction of new guardian train services. From the weekend of 15-16 October, CityRail will introduce a new guardian service each Friday and Saturday night on the Central Coast, East Hills, South, South Coast, Western and Newcastle lines. Each guardian service will have additional security measures above and beyond the strong security presence passengers already experience on the rail network.

These measures include extra transit officers, who will travel on board for the entire duration of each guardian service; constant monitoring of on-board CCTV cameras by RailCorp's security control centre; and some carriages on the train will be closed off, which means that customers will not be sitting in a carriage alone or with just one or two people. Transit officers will work closely with the train crew and station staff to provide a reassuring, highly visible presence for customers. These guardian services will be complemented by extra CityRail staff and security guards at hub stations along each line each Friday and Saturday night when the service arrives. These stations, which will be main stations or interchanges, will be convenient drop-off and pick-up points for customers who use the guardian service.

The guardian services will be introduced on Friday and Saturday nights so passengers can stay in the city and enjoy themselves without having to worry about how to get home. Specific Friday and Saturday night train services will be identified as guardian services based on customer feedback about when people were most likely to use a train for a late-night journey home from the city. These trains will be marked with a "G" on the online timetable and I encourage passengers who regularly catch the train home late on Friday and Saturday nights to visit the CityRail website to find out more about guardian services on their line. CityRail will monitor feedback from the community and will consider altering these services if they are not meeting customer needs.

The guardian service is in addition to RailCorp security initiatives, which are already proving successful in reducing incidents of recorded crime on rail premises. The latest available full financial year data from the Bureau of Crime Statistics and Research shows that on rail premises, all 17 major crime categories have either fallen, remained stable or could not be calculated as the incident counts were too small. Yesterday I informed the House about the significant downward trend in recorded offences across three major crime categories on rail premises. Motor vehicle theft was down by 31.5 per cent, stealing from a motor vehicle fell by 25.5 per cent, and malicious damage to rail property was down by 22 per cent. Trends for all other major crime categories on rail premises were either stable or could not be assessed because the incident counts were too insignificant. This data demonstrates that RailCorp's ongoing efforts to improve safety on the rail network, working closely with the New South Wales Police Force, are working. In fact, since 2002, the year in which transit officers first commenced operating on the rail network— [*Time expired.*]

The Hon. PENNY SHARPE: I have a supplementary question. Can the Minister elucidate his answer?

The Hon. JOHN ROBERTSON: It is good news. Since 2002, the year in which transit officers first commenced operating on the rail network, there has been a reduction of more than 30 per cent in recorded offences against person on rail premises. There are more than 8,700 CCTV cameras across the CityRail network and a 24-hour rail security control centre with the capability to live monitor this technology, communicate with train crew and station staff and coordinate a response by transit officers, police or emergency services. The

Government has installed help points on every train station on the CityRail network allowing the security control centre to receive instant reports from customers and staff about any security incidents. The introduction of guardian services is another initiative to continue to improve safety on the rail network for rail commuters in this State.

ELECTRICITY INDUSTRY REFORM

Dr JOHN KAYE: My question is directed to the Treasurer. I refer to the statement by the Director of the New South Wales electricity reform project office, Dr Col Gellatly, in budget estimates last week. He said that if an initial public offering [IPO] is required as part of the electricity privatisation process, it could not be commenced until 2011 and consequently there is a good chance that the sell-off process will not be completed by the March 2011 election. Can the Treasurer explain to the House how the Government is managing the impacts of the political uncertainty on the transfer process and consequently on the bid prices?

The Hon. ERIC ROOZENDAAL: I feel for the member—

The Hon. Duncan Gay: You do not feel for anyone.

The Hon. ERIC ROOZENDAAL: I do. Even though I have explained it numerous times to the member, he refuses to understand the process. I will go through it one more time just for him. We have made it very clear that under the energy reform strategy, we wish to ensure that there is a new entrant into the process. The reason we want to see a new entrant into the process is to ensure there is competitive pressure going forward on the issue of electricity prices. We have made it clear that once the final bids come in on 1 November, in the event we do not see that new entrant enter into the process, therefore not satisfying one of the key objectives of the energy reform strategy—

The Hon. Duncan Gay: This is new.

The Hon. ERIC ROOZENDAAL: I cannot decide whether you are ignorant or dumb, but it has been stated many times in the House.

The Hon. Duncan Gay: It is the first time you have said this.

The Hon. ERIC ROOZENDAAL: Dopey Duncan clearly has not listened to my answers on the issue that I have given many times in this House. In the event that we do not get a new entrant, then we reserve the right to take some of the assets and place them in an IPO and take that to market. The other assets will, of course, be sold through the bid process. This has been the Government's position right through the energy reform strategy from the start. I have stated it many times in this House and I have stated it many times within the media. Our objective is to ensure that there is a new entrant into the electricity market to ensure competitive pressure—

[Interruption]

The truth is that this way it does add pressure to all the competitors' bids to make sure they put their best bid into the process.

The Hon. Duncan Gay: Is there a reserve price?

The Hon. ERIC ROOZENDAAL: There is always a retention price. We will continue the energy reform strategy, because it is in the best interests of the people of New South Wales that the Government gets out of the issue of future generation and that we do encourage a new entrant into the market.

PUBLIC TRADING ENTERPRISE LOANS

The Hon. GREG PEARCE: I direct my question to the Treasurer. Has Sydney Water or any other New South Wales public trading enterprise been obliged to borrow money from Treasury during this or the previous financial year in order to pay dividends to the State? If so, what amounts, what were the terms and conditions of the loans and have the loans been repaid? How are such practices consistent with a fiscally responsible approach to management of the State's finances?

The Hon. ERIC ROOZENDAAL: Since you have asked that question about all the public trading enterprises, I will take that on notice.

STATE ECONOMY

The Hon. LYNDIA VOLTZ: I address my question to the Treasurer. Would he update the House on the latest Access Economics report into the future of the New South Wales economy?

The Hon. ERIC ROOZENDAAL: I thank the member for her question and interest in this matter. I am happy to stand here with more good news for the New South Wales economy. Last week I had the pleasure of launching a foresighting report by Access Economics on the New South Wales economy in 2020, and I did so here in Parliament House at the Global Access Partners Economic Summit. The report was commissioned by the New South Wales Innovation Council for the New South Wales Government. Allow me to read from Access Economics's executive summary:

The New South Wales economy is experiencing almost two decades of uninterrupted economic growth, despite the immediate turbulence of the global financial crisis.

This growth has driven up incomes and living standards and has helped underpin the development of a modern, globally integrated and dynamic economy.

I wholeheartedly agree. In summary, Access Economics finds that by 2020 the New South Wales economy will be bigger, smarter, more global and greener. The report looked at the effect that four "mega-trends" will have on the New South Wales economy over the next 10 years. Commonwealth Treasury head Ken Henry has identified these trends. They are important for Australia's future. They are: a transition to a low carbon future; the rapid development of the digital economy; demand and competition from emerging economies, especially China and India; and an ageing and growing population. This report finds that New South Wales is well placed to face the changes impacting on our economy. The study notes that:

An important aspect of the NSW economy is that its industry structure is sophisticated.

It goes on to say:

Indeed, the broad-based nature of economic growth in NSW is a key economic strength and will help to provide a solid platform for growth over the next ten years.

Access Economics found our competitive economic strengths are: a high service and knowledge-focused economy with a diversified industry base; growing exports in services; the large New South Wales population provides a base for the ongoing development of information technology, finance and professional services; close integration with emerging Asian economies; and Sydney's position as a global city, which provides benefits in terms of international reputation, business and financial networks and in fostering a vibrant and innovative culture.

These elements provide the foundation for growth over the next decade. Access Economics forecast that by 2020 the New South Wales economy will have grown by over 30 per cent; our workforce will expand from 3.5 million to 3.9 million; the State's population will grow from 7.1 million to around 8 million people; and the average age of New South Wales residents will have increased from 39 to 41. Access Economics has identified our strengths in areas such as finance, professional and health services, high-value manufacturing and agriculture, intelligent and low carbon technologies, and growth in knowledge exports. These will drive our long term prosperity, and as I said earlier, by 2020 New South Wales will be bigger, smarter, global and greener. I commend this report to members. It is available online via the New South Wales Industry and Investment website.

EUTHANASIA

Reverend the Hon. FRED NILE: I ask the Attorney General, representing the Premier, a question without notice, with regard to the Gillard Government offering a conscience vote on private member's legislation dealing with euthanasia in the Northern Territory and the New South Wales Greens' euthanasia bill. Can the Attorney General confirm media reports that the Premier stated that there were "more important issues to address" and the "Government should focus on issues that matter more to most Australians, like cost of living pressures"? Does the Premier acknowledge she gave a similar statement earlier this year on homosexual adoption and then allowed it to take precedence before other business in the New South Wales Parliament? Will the Keneally Government provide a written assurance to the people of New South Wales that it will not succumb to the same pressures and change its position on euthanasia in New South Wales?

The Hon. JOHN HATZISTERGOS: The Premier's comments are a matter of public record and I refer the member to them. Also as a matter of public record are my own views in relation to this important issue, and I encourage the member to reflect on them. They were delivered in this House some time ago, in 2002, but I did reread them, and I must say they are as relevant today, in my view, as they were then. The member of course has great interest in matters of this kind, and I encourage him to read that record again. I think people who read those views and reflect on them might be inspired not to bring forward another bill of that nature.

PUBLIC OWNERSHIP OF BEACHES

The Hon. CATHERINE CUSACK: I direct my question to the Minister for Planning. Does the Government have a policy in relation to public ownership of beaches? How up to date are our maps of coastlines and estuaries, including private property boundaries where land has been inundated by water as a result of severe storm events? Given these events result in perceptible change to boundaries, what has been the effect on public ownership of beaches? What steps is the Minister taking to modernise our land title laws in response to this phenomena?

The Hon. TONY KELLY: I thank the member for her question. As she well knows, it is Crown land three nautical miles out to sea, so whether the land is above or below the water level, it remains Crown land.

The Hon. Catherine Cusack: I am talking about the detriment.

The Hon. TONY KELLY: The Department of Lands or LPMA has an aerial photography unit that constantly maintains those areas.. They cover the whole of the State, particularly, I understand flying over those areas where there has been significant change. Some significant issues have emerged from recent storms. I am not sure yet whether they have remapped those, but I will find out specifically. I assume the member is talking particularly about areas like Byron Bay, Belongil Beach. The other one is Kingscliff. There are a number of those, so I will get an answer and get back to the member with it.

TAXI DRIVER STANDARDS

The Hon. IAN WEST: I address my question to the Minister for Transport. Can the Minister update the House about how the Government is working with the taxi industry to improve driver standards?

The Hon. JOHN ROBERTSON: I thank the member for his question and interest in taxidriver standards and safety. Taxi users expect when they get into a taxi that their journey will be a safe and comfortable one.

The Hon. Melinda Pavey: Just ask Mark Latham.

The Hon. Michael Gallacher: No, just ask the driver.

The Hon. JOHN ROBERTSON: It was not Mark. That is right, it was the driver. The New South Wales Government has put in place systems to deliver just that. We are working with the industry not only to prevent unsuitable people becoming taxidrivers, but also to weed them out, if necessary. All taxidrivers must go through extensive background checks, which include a national criminal history check, driving history assessment and medical fitness review. Transport NSW regularly refuses to issue a driver's authority when an applicant has a criminal history, a poor driving record or a medical issue that may impair his or her driving ability. Since 2008, 433 people wishing to become taxidrivers have been refused the privilege because of issues like these. Inappropriate conduct by taxidrivers will not be tolerated under any circumstances—unlike this place where inappropriate conduct is tolerated.

[Interruption]

The PRESIDENT: Order! The Hon. Greg Pearce will come to order and the Minister will resume his seat.

The Hon. Don Harwin: Point of order: For the Minister to suggest that poor standards were allowed in this place is an outrageous attack on the Chair. The Minister should be asked to withdraw the remark.

The PRESIDENT: Order! I uphold the point of order. I remind the Minister that when he is answering a question he should not make reflections on the ability of the Chair to control behaviour within the House.

The Hon. JOHN ROBERTSON: I withdraw my comment. It is so important that people who experience inappropriate behaviour by a taxidriver report such incidents to Transport NSW and the New South Wales police. However, let me be clear: any suggestion that taxidrivers in general are committing serious criminal offences is false and misleading. Some 170 million passenger journeys are undertaken in New South Wales taxis each year without incident. The vast majority of New South Wales's 22,500 taxidrivers want nothing more than to provide the travelling public with safe, reliable and efficient taxi services. It is important that we acknowledge the efforts of these drivers and thank them for their service. The hours that taxidrivers work can be unsociable and difficult on families, and the working environment presents its own challenges, particularly on the late-night shift. If a customer receives poor service or is subject to inappropriate behaviour by a taxidriver, he or she always should report this to the Taxi Complaints Hotline for investigation.

Transport NSW also is proactive in identifying inappropriate conduct by taxidrivers. In the past nine months Transport NSW has suspended 2,631 taxidriver authorisations, including 1,428 for failing to hold a current drivers licence, 41 because they have been charged or convicted with a serious criminal offence and 267 for failing to hold a valid visa permitting them to legally reside and work in the country. In addition, a further 247 authorised taxidrivers have had their authorisation cancelled outright, including 27 for bad driving records, 2 for being convicted of a criminal offence and 36 for not being a fit and proper person. This crackdown has been possible thanks to the data-matching agreement reached between Transport NSW and New South Wales police in December 2007. Police data now is crosschecked daily with the taxi database to ensure that drivers who do the wrong thing are identified quickly and taken off the road.

The Hon. IAN WEST: I ask a supplementary question. Could the Minister please elucidate his answer?

The Hon. JOHN ROBERTSON: We also conduct weekly checks with the Roads and Traffic Authority to ensure that we track not only criminal behaviour, but also the driving records of taxi licence holders. If a taxidriver is charged with a serious traffic offence or has a poor offence history, Transport NSW takes immediate action, which may include suspension or cancellation of the driver authority. In addition to a good driving record and good character, taxidrivers now are required also to have a good knowledge of the City of Sydney, surrounding suburbs, major routes and places of interest. When a driver has been identified as lacking appropriate knowledge of Sydney and its surrounds, they can be sent for refresher training and retesting. Nobody wants bad taxidrivers on the road and the New South Wales Government will continue to work with the New South Wales Taxi Council and taxi networks to improve services for passengers.

PLANNING APPROVAL PROCESS

Mr DAVID SHOEBRIDGE: My question without notice is directed to the Minister for Planning. The Minister has repeatedly claimed that the part 3A process will speed up approval processes, yet the Lewisham Towers proposal was first called in more than 12 months ago. Is this controversial project on hold until after the March 2011 election? How many other part 3A projects have been languishing with Planning NSW for more than 12 months?

The Hon. TONY KELLY: I am happy to reaffirm that the part 3A process is doing a fantastic job in creating jobs in New South Wales.

The Hon. Melinda Pavey: How many are languishing?

The Hon. TONY KELLY: We normally receive something like 125 part 3A applications in a year. We will be dealing with probably a further 100 over the next five months—so that means probably double the amount. They will not be languishing. In fact, if anything, I will be trying to make sure that we process them as quickly as possible because it will create jobs in New South Wales, and that is what drives this Government.

The Hon. Melinda Pavey: To fill the coffers at Sussex Street.

The Hon. TONY KELLY: I am happy to provide construction jobs for any New South Wales resident.

The Hon. Rick Colless: You need to do hay shed builds.

The Hon. TONY KELLY: I have built all my hay sheds, thanks to Kevin Rudd's 50 per cent acceleration depreciation last year. The concept plan is for the redevelopment of a 1.3 hectare light-industrial site for a mixed-use retail and residential proposal. The proposal has a capital investment value of \$150 million. The proposal was declared under the provisions of the major development SEPP as it was considered to meet State and regional significant planning objectives. On 16 March 2009 the Department of Planning issued director general's requirements noting concerns with high density and the amount of proposed retail floor space. To date, no environmental assessment has been lodged. When the environmental assessment is submitted it will be exhibited publicly for 30 days. We are waiting on that environmental assessment. The department has met with senior officers of Marrickville Council and the proponent and will continue to consult both parties regarding this proposal. The council has prepared and adopted a master plan for this locality, and it will be considered by the department in any further assessment of the proposal.

GULGONG TO RYLSTONE RAIL LINE

The Hon. JENNIFER GARDINER: My question without notice is directed to the Minister for Transport. Does the Government support the proposal to upgrade the Gulgong to Rylstone rail line to allow its use by coal trains? Is the Minister aware that the line, if reopened for coal trains, would cause considerable disruption to the residents of Mudgee? Will the Government insist that overpasses or underpasses are constructed on the Sydney Road and Gulgong Road rail intersections in Mudgee if the planned upgrade to allow coal trains goes ahead? Will the Government ensure that if the line is upgraded to allow coal trains, passenger and tourist trains also will have access to the line?

The Hon. JOHN ROBERTSON: One of the things this Government is committed to doing is making sure we are working with industries to look at how we can move as much freight as possible through our rail networks. I have been meeting with mayors from some regional councils. Following in the steps of my predecessor, I have established a committee with one group to look at opportunities to reopen particular lines, provided businesses make commitments to utilise those services. Critically, although people want most of our rural rail lines opened or reopened we do not have a commitment from businesses to utilise the opportunities presented by this infrastructure investment.

We are conscious of making sure that responsible investments are made to ensure that if rail lines are reopened, they are utilised effectively and that taxpayers get a return. For any operational rail line we run a balance of services between users of commuter trains and freight trains. As members would be aware, or should be aware, we always provide priority for commuter trains, particularly in peak periods, as that is the main focus of our services. In regard to the specific rail line to which the Hon. Jennifer Gardiner referred, the Government will apply the same principles to that line as are applied to all other regional rail lines.

VOLUNTEERING

The Hon. EDDIE OBEID: My question without notice is addressed to the Minister for Volunteering. Will the Minister update the House on the New South Wales Volunteer of the Year Awards and what the Keneally Government is doing to recognise the contribution of volunteers?

The Hon. PETER PRIMROSE: I thank the honourable member for his question. I have the pleasure of speaking regularly about the 1.7 million selfless volunteers who work within New South Wales and the enormous contribution they make to our State—a contribution that is so significant that many of the things we take for granted just would not happen without them. Last week I again was reminded at the tenth anniversary celebrations of the Sydney Olympics at Homebush. A decade after the Games, it was great to see so many of the volunteers come together again to reignite the passion and camaraderie that made the Games such a monumental success. Even former British athlete and head of the London 2012 Organising Committee, Sebastian Coe, acknowledged our volunteers. He said they have given the London Organising Committee "a template" for how to run a staggeringly successful Olympic Games. The New South Wales Government, in conjunction with the Australian Olympic Committee, proudly supported the reunion by providing, among other things, free transport to all the volunteers who came to share in the celebrations.

In many ways, the success of the Sydney Olympics and the success of the 2000 Olympic Volunteer Program brought home the importance of volunteering and what volunteers could contribute. It is pleasing that the work of promoting volunteers continues through, among other organisations, the Centre for Volunteering,

which is the peak body for volunteering services and support in New South Wales. Recently I had the pleasure of meeting a number of graduates from the Centre for Volunteering training services. As patron, I also launched the 2010 New South Wales Volunteer of the Year Awards. Today I take this opportunity to remind all members that nominations for this year's awards are closing soon. As I have already said, our volunteers are an integral part of New South Wales society. It is virtually impossible to nominate a value on the more than 240 million hours of volunteer work they give every year by providing support in key social and community services when risking their lives in volunteer emergency services and helping out at major events.

Much of what we, as a State, can achieve would not be possible without the selfless work of hundreds of thousands of volunteers across New South Wales. Sometimes volunteer work is as simple as sharing a cup of tea but, without question, volunteers make a world of difference, particularly to the lives of some of our most vulnerable people. For that reason, it is important that we not only are aware of their work but that we also acknowledge it, recognise it, and reward it for the selfless act that it is. That is why the Centre for Volunteering introduced the New South Wales Volunteer of the Year Awards—an annual celebration recognising all those who give so much to their communities—and that is why today I urge every member of Parliament and every person across New South Wales to take the time to make a nomination for the awards. The worthy recipients of the awards will be recognised in two stages between now and the end of the year: firstly, at a regional level, with local award ceremonies being held in 19 locations across New South Wales from mid-October through to mid-November, and, secondly, with the whole process culminating in the 2010 New South Wales Volunteer of the Year Award being presented in a ceremony at Parliament House on 3 December—just before International Volunteer Day on 5 December.

But first and foremost, I point out that nominations must close, and there are only a few days left in which to nominate. Information on how to nominate is available at the website of the Centre for Volunteering, www.volunteering.com.au. I encourage everyone to submit nominations prior to 30 September and help to show just how much we value our great volunteers.

PREPAY BUS TICKETING

The Hon. IAN COHEN: I address my question without notice to the Minister for Transport. Will he advise the House of the consultation undertaken with the disability sector prior to announcing plans to introduce PrePay ticketing for buses in the inner west? Prior to the scheme being rolled out, what will the Government do to ensure that ticket-selling facilities are located in close proximity to bus stops on routes that will accept only PrePay tickets? What provisions have been made to enable people with disabilities to access PrePay ticket-selling facilities?

The Hon. JOHN ROBERTSON: The first point I make is that PrePay tickets are very popular with bus passengers. As the PrePay initiative has been rolled out across the Sydney Buses network, it has been well received by the majority of Sydney Buses passengers who do not wish to revert to onboard purchasing of tickets. As PrePay routes are introduced, we ensure that adequate ticket sellers and outlets are available. Prepay tickets are available from a large number of ticket reselling outlets that are conveniently located along various routes. They are all independently owned businesses and include newsagents, convenience stores, Australia Post shops, bookstores, and other types of businesses that signed up to be participants. Moreover, tickets may be purchased from the Sydney Buses office, transit shops, CityRail train stations and Sydney Ferries wharves.

The number of locations from which passengers may purchase their PrePay tickets is continually increasing. There are now more than 175 ticket-selling outlets in the Sydney central business district. Throughout the whole of metropolitan Sydney there are 1,500 ticket locations. In the latest rollout of PrePay on main bus corridors in the inner west there are 81 ticket-selling outlets. At any given PrePay location a number of ticketing outlets will provide access for wheelchairs and elderly people as well as for people with mobility issues. A prerequisite for the selection of any interchange or major corridor converting to PrePay only fares is that there are sufficient ticket outlets from which customers may purchase PrePay tickets before they board a bus.

The State Transit Authority closely and continually monitors outlets to ensure that there are sufficient outlets at any selected location. If there are any gaps, State Transit examines the location and works quickly to sign up additional resellers.

PORT BOTANY RAIL FREIGHT PRICING

The Hon. MATTHEW MASON-COX: I direct my question without notice to the Treasurer, and Minister for Ports and Waterways. How has he responded to the recommendations made by the Independent

Pricing and Regulatory Tribunal that the New South Wales Government continue to undertake non-price initiatives to overcome impediments to the increased use of rail for the transportation of containers to and from Port Botany? Is he aware of industry reports indicating that less than 10 per cent of trains to Port Botany arrive on time and that more than one in five trains is cancelled? What is the economic cost of that situation to the State? What responsibility does his Government take for these train delays and cancellations?

The Hon. ERIC ROOZENDAAL: I thank the honourable member for his question and interest in this matter. It is not difficult to see who wrote that question for him.

The Hon. Charlie Lynn: Who wrote your answer?

The Hon. ERIC ROOZENDAAL: Actually, this is one of my own. I make it very clear that I am very well aware of the report by the Independent Pricing and Regulatory Tribunal and that it formed the basis for the establishment of the work of the Port Botany Logistics Taskforce in dealing with the challenges of putting as much freight onto rail as is possible. The Government has maintained an objective of 40 per cent of freight being moved to and from Port Botany by rail. That is why we are investing in intermodal facilities at Enfield, Moorebank and Minto. There has been an increase in the volume of containers being transported on rail to a total of 317,000 TEUs last financial year.

The PRESIDENT: Order! If the Leader of the Opposition wishes to converse with his backbench members, I suggest that he does so outside the Chamber.

The Hon. ERIC ROOZENDAAL: I welcome the Opposition's sudden interest in transportation of freight by rail from Port Botany. I note it corresponds directly with the Government's decision to regulate rail freight prices following a 67 per cent price increase being applied by Patrick stevedoring. To this point, the Coalition is yet to be critical of Patrick stevedoring increasing its prices by 67 per cent. Neither the shadow Minister for Roads and Ports nor Barry O'Farrell, the Leader of the Opposition—or for that matter any other Coalition member of this House—has criticised Patrick stevedoring.

[Interruption]

I am being informed by the genius opposite, the Deputy Leader of the Opposition, that I do not understand that a 67 per cent increase in the cost of rail will not put more freight onto Sydney roads. The communities of Sydney and New South Wales do not want more freight forced onto our roads because the mates of the Opposition in Patrick stevedoring want to increase freight charges by 67 per cent. The Opposition is damned by its failure to criticise Patrick stevedoring. It is damned by its failure to speak up on behalf of the people of New South Wales and Sydney and say, "No, we will not allow a company with strong monopoly powers to raise its prices by 67 per cent." There is a process in place to resolve all the challenges of moving more freight onto rail—that is, the Port Botany rail infrastructure task force—in which everybody in industry is involved. However, one group—Patrick stevedoring—stepped outside that task force and the process, against the advice of Sydney Ports Corporation. In August Sydney Ports Corporation warned Patrick stevedoring not to go down that path, but it stepped outside the process. And who is championing Patrick stevedoring's position in the Parliament—Andrew Stoner and the genius members opposite?

GOOD WILL WEEK

The Hon. CHRISTINE ROBERTSON: My question without notice is addressed to the Attorney General. What is the New South Wales Government doing to educate people about the importance of making a will?

The Hon. JOHN HATZISTERGOS: The New South Wales Government, together with the New South Wales Trustee and Guardian, undertakes a number of activities to highlight the importance of updating and making a will. No activity is more exciting and successful than the annual community education campaign known as Good Will Week. In 2010 this ran from 12 to 18 September. The theme of Good Will Week this year was "Your Will—what's it worth to you?" It saw the Trustee and Guardian team up with the Australian Antique and Art Dealers Association to provide information on how people can discover the unknown value of their possessions. Just as wills are valuable documents, almost everyone has in their possession objects which are of sentimental or pecuniary worth. This year's theme encouraged people to think about what will happen to those things after a person passes away.

Statistics indicate that almost half the adult population in New South Wales and 60 per cent of parents do not have a legally valid will in place. The reality is that if you do not have a valid will, your keepsakes and treasures may not end up with the people you would like to have them. They may be distributed according to a government formula. As honourable members would be aware, on 1 March 2010 new intestacy laws for New South Wales came into force. One change in the new laws is that first cousins are now recognised as eligible heirs to the estates of people who die without wills. The entitlement of first cousins comes after spouses and children, parents, siblings, grandparents, aunts and uncles.

The formulaic distribution might not be everyone's cup of tea. That is why the Government always encourages people to make valid wills, thus giving effect to their testamentary intentions, avoiding confusion and the potential for legal action after a person has passed away. According to the Chief Executive Officer of the New South Wales Trustee and Guardian, Ms Imelda Dodds, the primary reason people cite for not making a will is their belief that they do not have possessions worth anything. That is why in 2010 a series of inheritance roadshows took place in Sydney, Bathurst and Newcastle to assist people in valuing their possessions.

Moreover, as part of this year's Good Will Week, the Trustee and Guardian opened all its branches in New South Wales for a special wills day on Saturday 18 September, assisting people who are busy working Monday to Friday with an opportunity to make a will. I understand that close to 100 people in Bathurst and some 200 people at both Newcastle Town Hall and Customs House in Sydney registered to have their pieces valued during Good Will Week. The Sydney and Newcastle events were at capacity, and the people who unfortunately had to be turned away received a DVD featuring Jolyon Warwick James, the President of the Australian Antique and Art Dealers Association, explaining how people can get started with their valuations. There should be no barriers to making a will as there is no cost to write or update a will with the Trustee and Guardian as executor. Charges are only made to estate administration.

Every year the Trustee and Guardian is involved with a charity for Good Will Week. In 2010-11, for every will written by the Trustee and Guardian it will donate \$1 to the children's charity Variety New South Wales, which is dedicated to improving the quality of life of children with special needs. Although the contribution that will be made by the Trustee and Guardian has a monetary value, there is no way to measure the value of what Variety does in changing the lives of children and helping them realise their dreams. Besides equipment and facilities, Variety also provides life experiences for disadvantaged children and those living in remote areas of the State. The Trustee and Guardian has a dedicated website, www.goodwillweek.com.au, which has excellent information about making a will. I encourage everyone to embrace their mortality and make the decision to have an up-to-date and legally valid will.

CASINO TO MURWILLUMBAH RAIL LINE

Ms CATE FAEHRMANN: My question without notice is addressed to the Minister for Transport. The final report of the cross-border transport task force released last year noted that, despite public submissions calling for the restoration of the Casino to Murwillumbah train service, it considered restoration as not being warranted. Does the Minister support the position taken by the task force or the views of the North Coast community on this issue?

The Hon. JOHN ROBERTSON: This issue continues to come up—

The Hon. Catherine Cusack: They are just as angry today as they were six years ago, I promise you.

The Hon. JOHN ROBERTSON: I acknowledge the Hon. Catherine Cusack's interjection. I can advise that my family is up there—

The Hon. Catherine Cusack: They are just as angry.

The Hon. JOHN ROBERTSON: No, my family is not angry. Indeed, they acknowledge that the decision taken is the right one.

The Hon. Catherine Cusack: Don't defame your family.

The PRESIDENT: Order!

The Hon. JOHN ROBERTSON: At some point it would be interesting to hear the views of members opposite when it comes to the North Coast rail line and whether they will—

The Hon. Catherine Cusack: We'd reopen the rail line.

The Hon. Michael Gallacher: It's on the public record.

The Hon. JOHN ROBERTSON: I think I heard the Hon. Catherine Cusack say that the Opposition, if elected, will open the North Coast rail line.

The Hon. Charlie Lynn: She said "reopen".

The Hon. JOHN ROBERTSON: They will reopen the line. It is on the record and it is out there. That is the first policy commitment they have made on transport. Up until now members opposite have had nothing to say on transport. They keep harping on but they have nothing to say. They attack us about the north-west rail line, then they attack us when we buy land to build the north-west rail line. They attack us and say that the Government is not building the south-west rail line, but it is being built right now. They attack us when we buy land to build the south-west rail line. Today we have the first Coalition policy announcement on transport, not by the shadow Minister for Transport but by the Hon. Catherine Cusack saying that they will re-open the North Coast line.

The Hon. Greg Donnelly: And the deputy leader.

The Hon. JOHN ROBERTSON: And the deputy leader in the House has confirmed it. CountryLink operates three XPT services that carry passengers to and from the far North Coast of New South Wales.

The Hon. Duncan Gay: I don't make announcements in other portfolios.

The Hon. JOHN ROBERTSON: So the Deputy Leader of the Oppositions is denying that he said it?

The Hon. Duncan Gay: I didn't say it.

The Hon. JOHN ROBERTSON: They are retracting it already. Now they are saying they did not say it. So is it on or is it off? Is it to re-open? Now the members opposite are having a conversation about it: "Should we have said it? Have we let the cat out of the bag? Is it our policy position or not?" They do not know. Maybe the reality is that members opposite do not know what their position is on transport because the shadow Minister has nothing to say when it comes to transport. We are running three daily return XPT services from Sydney to Grafton, Sydney to Casino and Sydney to Brisbane. CountryLink's North Coast XPT services achieved 90.09 per cent on-time running for the month of August 2010. CountryLink also operates seven daily return coach services from Casino—[*Time expired.*]

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

PUBLIC TRADING ENTERPRISE LOANS

The Hon. ERIC ROOZENDAAL: Earlier in question time the Hon. Greg Pearce asked me a question about Sydney Water dividends. I am advised that as a State-owned corporation Sydney Water operates like a private sector business, including paying a return to the taxpayer for their equity investment in the business. These dividends are an important source of funding for social services provided through the State budget, such as education and health. The majority of Sydney Water's revenue comes from regulated charges, set to cover the value of assets, operating expenses, and required investment in maintenance and new assets. Dividends are paid after allowing for capital expenditure, operating expenditure and the need for retained earnings. Sydney Water's annual dividend is negotiated by the shareholding Ministers and the board of directors, having regard to the financial strength of the business. From 1998-99 to 2008-09 inclusive Sydney Water spent \$7.7 billion on capital expenditure. During the four years from 2010-11, Sydney Water's planned investment is three times higher than its dividends. Investment is forecast to average \$743 million per annum in nominal dollars, while dividends average \$246 million per annum.

GULGONG TO RYLSTONE RAIL LINE

The Hon. JOHN ROBERTSON: Earlier in question time the Hon. Jennifer Gardiner asked me a question in relation to the Gulgong to Kandos line. That line is part of the Country Rail network, which is

owned by the Country Rail Infrastructure Authority, previously known as the Rail Infrastructure Corporation and currently managed under contract by the Australian Rail Track Corporation. This 92 kilometre section of line runs through Mudgee and joins the Australian Rail Track Corporation leased network at Gulgong. The transport of coal would involve works to allow the reopening of the Gulgong to Kandos section of the line and upgrading works from Kandos to Wallerawang. The project will be subject to the normal planning, environmental and consultative processes.

Questions without notice concluded.

[The President left the chair at 1.03 p.m. The House resumed at 2.30 p.m.]

STANDING COMMITTEE ON SOCIAL ISSUES

Report: Substitute Decision-making for People Lacking Capacity

Debate resumed from 1 September 2010.

Question—That the House take note of the report—put and resolved in the affirmative.

Motion agreed to.

GENERAL PURPOSE STANDING COMMITTEE NO. 1

Report: Budget Estimates 2009-2010

Debate resumed from 9 March 2010.

Reverend the Hon. FRED NILE [2.31 p.m.]: I am pleased to speak to the report of General Purpose Standing Committee No. 1 entitled "Budget Estimates 2009-2010, Report No. 34", dated March 2010. I was very pleased to chair the committee, which investigated a number of important areas related to the budget. The committee spent a great deal of time examining the portfolio of Roads on Monday 14 September 2009. There was a great deal of discussion about the Iron Cove bridge and whether the redevelopment of the bridge would aid in reducing traffic congestion or shift traffic congestion to another point on Victoria Road. The general consensus was that there was some value in the redevelopment.

Another issue, which has been raised every time we have estimates committee hearings, related to the M5 East tunnel, and particularly pollution in the tunnel, which is now widely recognised and accepted by the Government: it has indicated measures to improve air quality in the M5 East tunnel. Obviously, if the tunnel is expanded by at least one lane congestion would be reduced, but there needs to be proper equipment to prevent pollution in the tunnel. When I lived at Gerroa I used the tunnel extensively when driving to Parliament House and I always closed-off the car completely to prevent pollution entering the car as I was driving through the tunnel. However, people on motorbikes who have no ability to protect themselves would be exposed to the pollution.

There was a great deal of discussion about bicycle ways, particularly in the Sydney metropolitan area, and whether their introduction to meet the needs of bicycle riders was causing a negative impact on the thousands of people who use cars. On some roadways bicycle ways reduce lanes available for car traffic to a single lane, which causes further delays and slows the movement of vehicles through the metropolitan area and the Sydney central business district. Another issue raised was noise barriers on roads and whether they were being installed sufficiently to protect house occupants from excessive noise.

The committee also investigated Ports and Waterways. For a number of years there was great concern about NSW Maritime premises being used by employees—particularly one employee—for secondary employment purposes. As members know, this matter came before the Independent Commission Against Corruption and there has been a serious development. One individual in a very high position in the legal area of NSW Maritime was conducting a conveyancing business. When approval was given—and I do not think we were happy with the approval being given in the first place—it was supposed to have been on just the odd occasion, but apparently the conveyancing activity on the premises became almost a full-time activity. The matter has now been rectified and is being finalised as I speak.

There were a number of questions about Port Botany congestion and port development work, particularly whether, with the large number of containers using Port Botany—which is its purpose—access

roads were adequate and containers were being moved rapidly enough. A large number of container trucks were lined up on the road leading to Port Botany, which was causing further congestion. In some cases police were booking container trucks that were waiting to enter Port Botany to carry out their legal role. Trucks are employed to transport containers to Port Botany and every effort should be made to ensure that they do not waste hours simply parked beside the road. As members know, it is very important that those large trucks are kept moving and made useful.

The committee also investigated Finance, Infrastructure and Regulatory Reform. There were a number of questions regarding the need for the Minister to travel overseas to brief prospective tenderers and the value obtained from that. A supplementary hearing to examine the portfolio of Finance was held on Tuesday 17 November and a number of additional issues were raised, including the Sydney airport stamp duty claim; the sale of Pillar, a superannuation organisation; the sale of the Bass Hill High School; the impact of super departments; the WorkCover annual report; the labelling of nanomaterials; the National Occupational Health and Safety Act; and WorkCover inspector recruitment—whether there were sufficient inspectors to carry out their role.

The committee also conducted an inquiry into the Legislature, which covered a number of matters such as the operations and duties of special constables at Parliament House; security processes that have come into place with the new guardhouse at the Macquarie Street entrance; staffing levels; investment income; proposed improvements to disability access; and the broadcasting of Legislative Council proceedings. The committee investigated the Treasury portfolio on Tuesday 15 September. A number of issues were raised, including the Government's submission to the Henry Review of Taxation, the First Home Buyers Grant criteria for defence force personnel, and electricity privatisation, which has always been a major issue confronting the Government, the Parliament and the people of New South Wales.

A supplementary hearing was held to examine the portfolios of Treasury, Finance and Infrastructure on Tuesday 17 November and there was a further investigation into the sale of electricity assets, including the role of Treasury and the potential impact of a carbon pollution reduction scheme on the cost of electricity to domestic users in New South Wales, particularly in the Sydney metropolitan area.

Finally, the committee investigated the portfolio of the Premier, on Tuesday 15 September. It covered a number of areas, such as community perceptions of the Government and election and political party funding. There was some concern that a number of inquiries had been held and there had been no real action, apart from the ban on developer donations, to deal with the issue of controlling large donations from other organisations and trade unions and what influence they have on the Government and government policies. I understand the Government is further developing that issue now. There were questions about whether the funding for the Independent Commission Against Corruption was adequate and a number of issues were raised about the Game Council of New South Wales.

The inquiry by General Purpose Standing Committee No. 1 was carried out effectively and all members participated and asked a wide range of questions. I express our appreciation to the staff of the Parliament who assisted the committee in its inquiry. They were very effective in assisting the committee to carry out its duties. I place on record our appreciation and my personal appreciation of the various staff members who took part in that inquiry.

The Hon. TREVOR KHAN [2.41 p.m.]: It is a pleasure to speak on the Budget Estimates 2009-10. I will take only a short time to speak about two of the hearings in which I participated. Both hearings were chaired by Reverend the Hon. Fred Nile in his typically reasonable and considered way. The first hearing in which I participated was on 14 September 2009, if my memory serves me correctly, which dealt with the portfolio of Ports and Waterways. One of the things we can say with regard to the Ports and Waterways hearing is that this was a perfect demonstration of how effective estimates hearings can be in uncovering shortcomings in administration. It does not really matter which Government is in power at the time. Plainly, that budget estimates hearing picked a scab that needed to be opened. Of course, that related to the issue of secondary employment that was occurring in NSW Maritime.

It is fair to say that when questions were asked the responses from those questioned—the then Minister, Joe Tripodi, who was silent almost to the point of being absent, and the Chief Executive Officer, Mr Steve Dunn—were less than forthcoming. Those who were present at the hearing will remember that some of the material that Mr Dunn was questioned about arose from an article that appeared in the *Sydney Morning Herald*. It was interesting that Mr Dunn had great difficulty in even admitting that he had read the article. Once we got

past that little problem and started to delve into the matter we again saw an absolute reluctance on the part of Mr Dunn to admit that any wrongdoing was going on within his department. Indeed, he was left with a number of things to go away and consider. One of them was whether Ms Tonette Kelly, the acting chief general counsel for NSW Maritime, was claiming professional indemnity insurance from NSW Maritime.

We know from the subsequent Independent Commission Against Corruption hearing that when Mr Dunn checked—as opposed to the belligerent approach that he took in the hearing, which I thought was quite surprising in light of the soft questioning approach that was taken—he discovered that Ms Kelly was claiming professional indemnity insurance, which payment was unnecessary for a person who was working in the public service. In due course that led to Mr Dunn making a report pursuant to section 11 of the Independent Commission Against Corruption Act of a matter of potential corruption.

That was a demonstration that budget estimates can be very effective indeed in identifying problems in the administration of the State. If the budget estimates process had not taken place there would not have been three reports to the ICAC about matters arising out of Ms Tonette Kelly's employment. It was a demonstration that effective work can be done in budget estimates hearings and it was also a demonstration, although our friends opposite would not like to admit it, that the fourth estate, the media, has an important role in identifying problems. Government members, with their inability to accept the need for transparency and openness in government, immediately blame the media every time a bad headline appears and accuse them of gutter journalism. We know the important role the media plays in the administration of this State.

Let us move on to another budget estimates hearing, the Premier's portfolio, on 15 September. Of course, there was another Premier at that estimates hearing, Nathan Rees, not the Premier we have now. Not only did we have a different head there mouthing the words obviously put forward by Joe Tripodi, Eddie Obeid, and the like, we also had a completely different policy set. One issue that was ventilated at length was election and political party funding. It was almost the opposite of what we are talking about now because we were asking the then Premier at that hearing why he was so reluctant to do anything with regard to reform of political party funding. He was saying, "No, no, we can't go it alone as a State. We have to wait for Kevin Rudd." He is the former Prime Minister—the Labor Party seems to turn over its heads fairly quickly.

The Hon. Michael Gallacher: Not as quickly as they do in New South Wales.

The Hon. TREVOR KHAN: They have got the disease. I think that is the problem.

The Hon. Michael Gallacher: The Governor is getting repetitive strain injury signing the document for this week's Premier.

The Hon. TREVOR KHAN: Yes. The reality is that the then Premier, backed in by all the mob on the other side, said we could not do anything about political funding because it had to be done at a Commonwealth level. Twelve months later we find that, notwithstanding all the great logic and gravitas surrounding those pronouncements at that time, the Government has backflipped and is now saying, although quite badly and in a half-baked way, that they are going to proceed with political funding reform. It is a demonstration that the Labor Party simply changes its tune according to the spin it needs to put on things at the time. Nevertheless, the then Premier was grilled on this and held to account, to such an extent that his party knocked him off within a few months of that budget estimates hearing. I say again that the budget estimates process was enlightening, if for no other reason than that this Government again demonstrated its ineptitude and incompetence.

Dr JOHN KAYE [2.49 p.m.]: I rise to speak on the take-note debate about the General Purpose Standing Committee No. 1 budget estimates for the year 2009-10. I also thank the chair, Reverend the Hon. Fred Nile, for the calm and deliberative way in which he chaired the meetings. I want to comment specifically on two hearings that I attended, the first being on Finance, Infrastructure and Regulatory Reform.

It is very interesting when you look back, now 12 months and two weeks, we look back on that particular hearing and the unbelievable degree of confidence, almost cockiness, of the then Minister for Finance, Mr Joe Tripodi, who was in charge of the electricity industry privatisation program of the Government, and the cavalier and condescending way in which he dismissed the accusations and the concerns that were being raised by the Greens, and I must say also by the Opposition, with respect to their privatisation program. All that can be said is that, with the effluxion of 12 months, so much of what we warned has come true.

Mr Trevor Khan has used the word prescience, and it is absolutely not true. It took no degree of prescience whatsoever to recognise that what was being planned by the then Rees Government was indeed

doomed. It was the *Titanic* without the benefit of life rafts. It was headed towards the iceberg of reality, and we saw one year ago to the day, it is already grazing the side of that massive iceberg. Not one year and one week ago but one week ago we saw the reality of a power privatisation program that probably will not be completed by the next election. If there is a need for an independent public offering, an IPO, then it certainly will not be completed by the next election, creating yet more risk, yet more uncertainty associated with this transaction.

It is very interesting to go back and have a look at the issues that we raised in the budget estimates hearings one year ago. The issues we raised focused on three key issues. The first one was the carbon price, uncertainty about the carbon price. Yes, in September 2009 there was uncertainty about whether there would be a carbon price and how large the price on carbon would be. In September 2010 there is still uncertainty about whether there will be a carbon price and how large it will be. We also raised the issue of coal contracts. I must say, in the words of Donald Rumsfeld, that was an unknown unknown. It is now a known unknown. It is unlike me to quote Donald Rumsfeld but in this case those words are absolutely true. Back then we raised issues with the Finance Minister and with his bureaucrats about the risks of the coal contracts expiring shortly after the electricity privatisation occurred and what that would mean for the enthusiasm of the bidders for the assets and also for the price that the State would therefore receive, and we were dismissed.

Yet now we know a lot more. We know that the State Government is developing for the first time, in at least two decades, or trying to develop I should say, its own coalmine at Cobbora. Why is it doing that? Because it is now finally admitting that a large percentage of the coal contracts held by the State-owned generators will expire. What we also now know is that the Cobbora coalmine development is in real trouble. It simply has not happened. Their negotiations with the private sector operator have fallen over. So we had the risk of coal price increase and the risk of a price being put on carbon. The coal price is something like 60 to 70 percent of the operational costs of a power station. So 60 to 70 percent of the underlying cost structure lives in a world of high risk where somebody buying the gentraders would not know what their fundamental input costs will be over the next five to ten years. We also raised the issue of economic uncertainty and what that would do to the price elasticity of electricity, the demand and the way consumers would respond to demand. Of course, this was all dismissed. It was almost like there was no global financial crisis, in the mind of Joe Tripodi.

The other issue we raised, which was also dismissed and which pulls all those concerns into one, is that in any transaction uncertainty always favours the purchaser and disadvantages the seller. The seller is bound to the object they are selling so they are stuck with that uncertainty, whereas a purchaser can always walk away. Therefore, the purchaser can have a more opportunistic approach to uncertainty. It is a fundamental theory of economics, it is a fundamental theory of games, that wherever there is uncertainty and there is something being sold it favours the purchaser at the expense of the vendor. In this case the real vendors are the people of New South Wales. What is really going on here is a massive gamble of publicly owned assets, publicly owned value, by a government driven by a political imperative, not an economic outcome, to look like they are selling the electricity industry.

The overwhelming feature of budget estimates a year and one week ago was the lack of response to these concerns. We said to the Minister and to the senior bureaucrats, "This will come back to bite you. Each and every one of these concerns is real. Each and every one of these concerns will grow and you will not be able to sell the electricity industry in the time scale that you have set down, and if you try to do it you will do far worse for the people of New South Wales than retention. It is our opinion that you would do far worse for the people of New South Wales by selling than by retaining under any scenario, but under the scenarios that obtain for the New South Wales electricity industry right now there could not be a worse time to try to sell off the gentraders and the retailers."

The bureaucrats and the Minister dismissed us. In a kind of looking down their nose haughtiness they said, "That is rubbish. You people are just opposed to privatisation." They did so at their own peril. It is now September 2010. In case people have not noticed, there is an election in March 2011. The data rooms have not yet closed. So the data rooms, which were going to close "any moment now"—

The Hon. Trevor Khan: They have all got their heads down.

Dr JOHN KAYE: —in September, will not close until 1 November.

[*Interruption*]

I will irritate people. The Hon. Trevor Khan had his chance. It is my chance to irritate people. The data rooms will not close until 1 November. How absurd is it to say that binding bids will not be taken until

1 November when the absolute probability of what is going on in New South Wales is that you are going to get turfed out of government a small matter of five months later. It is utterly absurd to try to sell an electricity industry at any time; it is completely absurd to try to sell it on the death knell of a government.

That creates another layer of uncertainty, a layer of political uncertainty. People lodging their bids will not know where this all goes. What they will know is that if there is not enough diversity of bidders to create the number of players required by the Australian Competition and Consumer Commission then there will be an independent public offering, but that offering will not happen under a Labor government; it will happen under an O'Farrell government, if it happens indeed at all. Massive political uncertainty would be created. I note that in an answer to a question without notice from me this morning, which the Treasurer decided not to respond to—the Treasurer in his usual fashion decided it would be much easier rather than facing the reality of an electricity privatisation scheme gone wrong just to abuse me.

I do not mind being abused by the Treasurer—it does not worry me—but what worries me deeply is that he and his predecessor, in this poorly thought out, dangerous, environmentally appalling, economically stupid and illiterate scheme of privatisation, will not listen to reality. They will not listen to the reality on coal prices; they will not listen to the reality on economic uncertainty; they will not listen to the reality on carbon price uncertainty; and they will not listen to the reality on political uncertainty. There is no such thing as a good time to sell our electricity industry, but we could not find a worse time than November 2010.

Reverend the Hon. FRED NILE [2.59 p.m.], in reply: I thank the Hon. Trevor Khan and Dr John Kaye for participating in the debate. I thank also other committee members who took part in the inquiry: Deputy Chair the Hon. Kayee Griffin, the Hon. Matthew Mason-Cox, the Hon. Melinda Pavey, the Hon. Penny Sharpe and the Hon. Ian West. The committee also had a large number of substitute members. I will not name them: suffice it to say that they also made a valuable contribution. I place on record my appreciation to the Ministers who attended the estimates hearing. Since estimates committees were established my view has always been that it was vital that Ministers attend and take part in the hearings. To achieve that outcome much time was spent, particularly by the Hon. Don Harwin, negotiating with Ministers to ensure their attendance. The work of the Hon. Don Harwin in preparing the estimates timetable early placed pressure on Ministers to be available to participate. Obviously, with sufficient early notice Ministers were able to arrange their commitments to allow them to be present. The work of the Hon. Don Harwin facilitated an efficient estimates hearings process.

I thank the Ministers who took part in the hearings before our committee: the Hon. Michael Daley, the Hon. Joseph Tripodi, the Hon. Peter Primrose, the Hon. Eric Roozendaal and the Hon. Nathan Rees. I thank also, of course, the ministerial staff who accompanied them. Finally, I thank the clerks who supported the committee at each estimates hearing—Simon Johnston, Madeleine Foley, Beverly Duffy, Rachel Callinan and Cathryn Cummins—for their efficient assistance.

Question—That the House take note of the report—put and resolved in the affirmative.

Motion agreed to.

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Report: Budget Estimates 2009-2010

Debate resumed from 9 March 2010.

The Hon. JENNIFER GARDINER [3.01 p.m.]: Time flies when you are having fun. Of course, this report relates to the 2009-10 budget estimates process. Due to the burden of work upon the committees of this House we have only just reached the point at which we can speak to last year's estimates, notwithstanding that we have just recently held the first round of estimates hearings for the 2010-11 budget. Some things do not change from one year to the next with this Government. Before I refer to some of the items analysed by the committee during its public hearings, I place on record my appreciation of all the members who participated in the hearings, and I give thanks to the committee clerks, who assisted us at all times.

The committee examined a rather eclectic range of portfolios: Fair Trading and Citizenship; Emergency Services; Small Business; Planning, Redfern and Waterloo; Transport; the Illawarra; Science and Medical Research; the Cancer brief in the Health portfolio; Tourism; and the Hunter. Last week estimates hearings were conducted for some of those portfolios with regard to the current budget. The committee held supplementary

hearings to further analyse the administration of the large Transport portfolio and the Emergency Services portfolio. The questioning the Minister for Fair Trading and Citizenship was illuminating, as is always the case with the Hon. Virginia Judge. She now is the Minister for the Arts, and I think she has found her vocation. We had an amusing time talking about the usual fair trading issues such as consumer protection, particularly in relation to children's toys.

Transport is a large and important portfolio in the administration of any State government and the Transport portfolio of this Government is no different. It has an endless list of problems, hence the need for the committee to conduct a supplementary hearing. One of the main issues was the proposed Sydney Metro, which was to run from the Sydney central business district to Rozelle. Of course, the project was ill-fated and its cost to taxpayers was around half a billion dollars. Further questions about that project will be asked in the coming weeks because issues such as this sum up the Labor Government's years in office. It has percolated through to everyday citizens of this State that a government can set up and spend almost \$500 million on a massive project from which taxpayers get absolutely nothing in return.

The same applies to yet another major failed project of the Transport portfolio: an integrated public transport ticketing system for Sydney commuters. Tcard was another doomed project that cost taxpayers many millions of dollars. An integrated ticketing system remains years away from being delivered in New South Wales, notwithstanding the fact that every other jurisdiction in this country has an integrated ticketing program either up and running or in its early trial stages of implementation. It was notable that the then Minister for Transport—the committee has seen a few come and go—David Campbell, made a slip-up with regard to the timetable for the start-up of the latest version of integrated ticketing. He was no doubt being ambitious. However, to his credit, he immediately held a media conference outside the committee hearing and acknowledged that he had erred with that announcement. Interestingly, his successor, the Hon. John Robertson, made the same type of mistake. I guess that given the enormity of some of these projects, occasionally Ministers get a bit too enthusiastic in their efforts to somehow try to bring them to fruition—or at least to a first stage.

The record of Labor Government with regard to the Sydney Metro and Tcard projects has caused the citizens of New South Wales to have low expectations of what the Government can and will deliver. That was evident during the recent Federal election campaign with regard to the promised rail line to the people of the Lindsay electorate. Nobody in that electorate believed that the rail line would be delivered. The committee asked a series of questions about many transport issues: the south-west rail link; the safety and security of railway stations, which has been an issue of concern to the committee over several transport hearings; the commitments in the State Plan; and the Transport Blueprint which, as with other things related to this Government, is a document that comes and goes.

The committee also examined the sad case of recurring inquiries by the Independent Commission Against Corruption into some RailCorp employees and contractors as well as the attitude of RailCorp to the elimination and prevention of corruption. The Independent Commission Against Corruption has conducted a large number of inquiries into RailCorp but the issues have not been satisfactorily dealt with by RailCorp. Sadly, General Purpose Standing Committee No.4 is destined to re-examine those issues in future estimates inquiries.

The failure of the New South Wales Government to match Queensland's public transport services is evident to anyone who crosses the border to visit Queensland. As the Opposition continually reminds the House, there is no rail service between Murwillumbah and Casino on the southern side of the border between New South Wales and Queensland. The committee examined the "Report of the Cross Border Transport Taskforce", which is a very slim document indeed. The inadequate provision of public transport in the Northern Rivers region continues to engender a sense of deprivation among New South Wales residents, especially when they compare transport facilities in Queensland with the provision, or even a plan for provision, of public transport to their region—one that is characterised by high rates of population increases.

Sydney Ferries is another part of the Transport portfolio about which the committee has had to ask a series of questions over a number of years, and the questions featured again in the most recent estimates hearings. Sadly, I must report to the House that the chief executive officer of Sydney Ferries also has been the subject of an inquiry by the Independent Commission Against Corruption that resulted in adverse findings being made against him. There seems to be a longstanding corruption problem, not just in RailCorp but also in other Government transport entities.

The Hon. Trevor Khan: As well as a basic accounting problem.

The Hon. JENNIFER GARDINER: It is evident there has been a failure to understand some accounts. It is sad to have to report on inquiries conducted by the Independent Commission Against Corruption into the administration of government transport organisations. Some of the Government's latest projections on the patronage of Sydney Ferries foreshadow a downturn, even though the Government has been touting a revitalised ferries service. The Government's statistics show that patronage is set to decline even further. In this day and age, one would hope that that would not be the case.

The committee heard considerable discussion about various plans, or the non-existence of plans, for the provision of adequate car parking in railway stations in various parts of the metropolitan area of Sydney. Integrated transport planning has not been the strong suit of the New South Wales Labor Government. While some attention has been given to that in some places, the Government's inadequate approach continues to be a problem that is adding to the woes of commuters in the State as they travel to their places of work and it is preventing people from living their lives in a reasonably hassle-free manner.

When the committee has examined the portfolios of Science and Medical Research I would have to say that the Minister Assisting the Minister for Health (Cancer) seemed not to have a clue about the Health (Cancer) aspect. The radiotherapy plan that the Opposition has been pursuing for quite some time apparently did not exist or, if it did exist, it was a secret document: Nobody, including the Cancer Council of New South Wales, had ever seen it. The Government finally produced it, albeit some years later. As the Cancer Council stated at the time, a great deal of work had yet to be done in the rollout of radiotherapy services in various parts of the State, and that remains the position currently.

The committee also examined various issues in relation to the Hunter Valley, particularly the condition of roads in the Hunter region. For a very long time, the condition of the roads network in the Hunter has left a great deal to be desired and does not seem to have been a high priority for the Government. Perhaps since the member for Cessnock's recent difficulties and the prospect emerging of a new candidate being selected for the electorate, the Government will pay more attention to the region. One never knows.

Dr John Kaye: Hope springs eternal.

The Hon. JENNIFER GARDINER: Indeed. The committee examined the Tourism portfolio with particular focus on the promotion of tourism in the Hunter Valley, the promotion of the cruise ship industry in the Hunter region and issues relating to the railway line in the central Newcastle area. These are perennial issues that the Government does not seem to be particularly interested in addressing. Planning and Redfern Waterloo portfolio aspects required quite a deal of detailed analysis and led to wider questions related to the planning system and the need for reform in that regard. Despite the evidence, even today the Government seems to be reluctant to acknowledge those issues, but there can be no doubt that the Environmental Planning and Assessment Act requires review. The committee also examined various other matters related to the Redfern portfolio that led to an examination of wider topics in relation to the Planning portfolio, and those topics were a feature of the hearings. In conclusion, I thank all contributors to proceedings for the examination of budget estimates. The Opposition looks forward to the next exciting round of hearings in relation to budget estimates for 2010-11.

Dr JOHN KAYE [3.16 p.m.]: I will focus on a specific issue that was a feature of hearings conducted by General Purpose Standing Committee No. 4 in which I participated as a substitute member. At the outset I thank the Chair of the committee, the Hon. Jennifer Gardiner, who was always a very even-handed and affable Chair.

The Hon. Trevor Khan: Always, always.

Dr JOHN KAYE: Indeed. I also thank the committee staff, who did their usual professional work. The particular issue I wish to address is one I raised with the Minister for Tourism and the executive director of Tourism New South Wales, Ms Lyndel Gray, concerning the New South Wales Government's media contract by virtue of which the Government spent \$2.6 million on advertising to lock in favourable editorial comment by News Limited publications. The mischief in that relationship is that the Government is undermining the independence of the media by paying News Limited journalists to write articles that promote one of the programs of a government agency. The Minister for Tourism, Jodi McKay, was forced to defend the sweetheart deal between Tourism New South Wales and News Limited.

This contract is completely different from contracts for the purchase of advertising and media space. All governments, quite properly and correctly, purchase advertising space, and the Greens take no objection to

that provided it is done in an open manner and results in obtaining value for money. However, it is quite extraordinary that while Tourism New South Wales spent \$2.6 million on advertising as part of a favourable deal to secure additional editorial content with News Limited, it spent only \$81,000 with Fairfax during the same period in 2008-09. Minister McKay defended the arrangement with News Limited by suggesting that it is "primarily around the inserts", referring to special promotional material. However, the Executive Director of Tourism NSW, Ms Lyndel Gray, admitted that editorial content that supported her organisation's programs was written by News Limited journalists in return for payments to the media corporation.

For example, editorial material that appeared on page 15 of the *Daily Telegraph* on Saturday 12 December 2008, under the headline "Sydney fun is all yours with our free card", was not headlined to readers that its content was part of a paid advertising arrangement with News Limited. Indeed, it appeared in the newspaper as if it were ordinary editorial content. There was no warning that it had been paid for by the New South Wales Government. The New South Wales Government is creating a massive conflict of interest for media outlets contracted to write favourable coverage of the State's activities. On one hand, the community relies on the media to provide fearless and unbiased coverage of politics; on the other hand, journalists of at least one major media outlet have been required to provide material that promotes a State Government tourism program.

While the material itself is probably harmless—and we raise no concerns in respect of what it is—the New South Wales Government is flirting with a dangerous precedent. Governments trading advertising revenues for favourable coverage are walking a dangerous line. At the very least a perception of cash for comments will damage the reputation of the journalism profession. While tourism Minister Jodi McKay tried to cover the problem by implying that it mostly related to special purpose inserts, the New South Wales Government has crossed the line in its relationship with the media. Purchasing favourable coverage with public funds, even if it is only for tourism programs and destinations, is a dangerous precedent that no government should set. We hope that the New South Wales Government will not engage in this sort of behaviour in the future.

The Hon. JENNIFER GARDINER [3.21 p.m.], in reply: I thank all members who contributed to the debate, particularly Dr John Kaye.

Question—That the House take note of the report—put and resolved in the affirmative.

Motion agreed to.

COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND THE POLICE INTEGRITY COMMISSION

Report: Report on the Twelfth General Meeting with the Police Integrity Commission

Report: Report on the Tenth General Meeting with the Inspector of the Police Integrity Commission

Debate resumed from 18 March 2010.

The Hon. LYNDA VOLTZ [3.22 p.m.]: On 30 November 2009 the committee met with the Commissioner of the Police Integrity Commission and his executive officers for the twelfth general meeting. This was the third time the committee had met with the commissioner during the Fifty-Fourth Parliament. Much of the discussion during the general meeting focussed on the work of the commission in preventing serious police misconduct through providing the New South Wales Police Force with informed advice on its systems and practices. The committee discussed two such projects with the commission. The first was the commission's Project Manta, which examined the misconduct risks facing the New South Wales Police Force and how its commands identify, communicate and manage those risks. There will be two reports on Project Manta. The first report, which was published in November last year, examined the identification and communication of misconduct risks. The Police Integrity Commission expects to publish a second report on Project Manta later this year, which will look at how New South Wales Police Force commands manage those risks.

Project Odin was the second project to be discussed. It was undertaken by the commission to develop a better understanding of how New South Wales Police Force commands identify and manage officers who, because of their histories, pose a risk of engaging in misconduct. The Police Integrity Commission's findings support the need for the New South Wales Police Force to develop its policies on high-risk officers, and the report makes a number of recommendations aimed at assisting the New South Wales Police Force to do so.

Finally, the committee took the opportunity to question the commission about the progress made by the New South Wales Police Force on implementing an early intervention system to address problematic behaviours among police officers before such behaviour worsens. In 2009 the committee recommended that an early intervention system be introduced to the New South Wales Police Force as soon as practicable, and the committee endorses the work of the commission in seeking to ensure that there is continued progress on this important issue.

I thank the Commissioner of the Police Integrity Commission, Mr John Pritchard, and the staff of his executive team for the detailed information they provided to the committee. The report of the Committee of the Office of the Ombudsman and the Police Integrity Commission on the Tenth General Meeting with the Inspector of the Police Integrity Commission focuses on two important issues: firstly, the relationship between the Inspector and the Police Integrity Commission; and, secondly, the Inspector's powers to publish certain complaint reports. With regard to the first matter, where differences of opinion arise between the Inspector and the Police Integrity Commission over procedural fairness issues, the committee was pleased to hear that the Inspector regards the relationship between the two offices as being a good one. Furthermore, the Inspector did not consider it likely that similar disputes over procedural fairness would occur in future.

The Inspector's powers to publish certain complaint reports is a matter on which the committee has already reported to this House. The Inspector believes that, as the legislation now stands, he is not able to publish his complaint reports. The previous Police Integrity Commission Inspector, the Hon. James Wood, was of the same opinion, and advice from the Crown Solicitor supports Inspector's Moss's view also. The committee agrees with the Inspector that his reports, which uphold substantial complaints against the Police Integrity Commission, should be in the public domain so that the commission is seen to be publicly accountable. Equally as important, the Inspector should be able to publish a complaint report where he has found in favour of the Police Integrity Commission in relation to a serious complaint.

In its report on the Ninth General Meeting with the Inspector the committee recommended that the Police Integrity Commission Act 1996 be amended to clarify that the Inspector is able to report to any party, including Parliament, at his discretion, in relation to any of his statutory functions. To date there has been no amendment to this effect and the Inspector informed the committee that the lack of clarity in the legislation remains a pressing matter for his office. Accordingly, the committee urges the Minister for Police to conclude his consideration of the proposed amendment as expeditiously as possible, and will be seeking the Minister's advice in relation to this matter. In conclusion, I note that the committee sees the Inspector's work as vital to ensuring the proper functioning of the Police Integrity Commission and as playing an important complementary role to that of the committee. The general meetings with the Inspector are an opportunity to discuss matters of mutual concern on a regular basis and they greatly assist the committee in its oversight of the commission. I thank the members of the committee for their participation in the general meetings and their contribution to the reporting process. I commend the reports to the House.

Question—That the House take note of the reports—put and resolved in the affirmative.

Motion agreed to.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Report: Public Funding of Election Campaigns

Debate resumed from 20 April 2010.

The Hon. MICHAEL VEITCH (Parliamentary Secretary) [3.28 p.m.]: In light of recent events regarding the recommendations in the report—I believe that meetings between parliamentary leaders on this issue are taking place today—I move:

That this debate be now adjourned until the next sitting day.

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

Motion for adjournment of debate agreed to.

Debated adjourned and set down as an order of the day for a future day.

**COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND THE POLICE INTEGRITY
COMMISSION**

Report: Report on an Inquiry into the Handling of Complaints against the Police Integrity Commission

Report: Report on the Sixteenth General Meeting with the NSW Ombudsman

Debate resumed from 22 April 2010.

The Hon. LYNDIA VOLTZ [3.30 p.m.]: The background to the committee's inquiry into the handling of complaints against the Police Integrity Commission is that, over the past two years, the Inspector of the Police Integrity Commission has produced a number of complaint investigation reports critical of the commission. In some cases the Police Integrity Commission has disagreed with the Inspector's conclusions. At general meetings with the Inspector and with the Police Integrity Commission, the committee has satisfied itself that, despite these disagreements, a constructive and appropriate working relationship between the parties continues. The Police Integrity Commission Commissioner told the committee on a number of occasions that although the commission held a different view on a number of matters, its practices and procedures had been changed in response to the Inspector's reports. However, the committee felt that it would be timely to conduct an inquiry into the practices and procedures for examining complaints made against the commission and to look at comparable agencies that are oversighted by an Inspector.

Generally speaking there was a consensus of opinion about complaint investigation procedures among those who contributed to this inquiry. Flexibility in any scheme was recommended by most of those giving evidence. After considering the evidence of the Police Integrity Commission Commissioner, the Police Integrity Commission Inspector and comparable office holders in other jurisdictions, the committee has been able to suggest some guidelines for the Police Integrity Commission Inspector to follow. However, it has also recommended that the Police Integrity Commission Act be amended so that, where the Police Integrity Commission disagrees with an adverse comment in the inspector's complaint investigation report, the Police Integrity Commission's response to that comment is included in the report. The committee considered that the commission's views should be available to a reader of the inspector's report.

I report on the Committee on the Office of the Ombudsman and the Police Integrity Commission's Sixteenth General Meeting with the New South Wales Ombudsman. The general meetings provide the committee with the opportunity to meet with the Ombudsman and his executive staff, and overview the work undertaken by the office during the past reporting year. The Ombudsman drew the committee's attention to a number of concerns that he had raised in previous general meetings. First were the budgetary constraints on his office. They are the result of the imposition of an efficiency dividend and the obligation to meet pay rises. The Ombudsman has taken a number of measures to make up the shortfall, including restructuring and conducting a strategic planning review, so that he can make the best use of his resources and avoid reducing front-line staff. However, the Ombudsman considers that the pressures on his budget will be ongoing.

The committee believes that the Ombudsman should receive adequate funding to continue his work, which provides value across the public sector and often benefits the most vulnerable members of our society. The committee has written to the Premier and the Treasurer in support of the Ombudsman. Two other issues raised in previous general meetings have not been resolved and remain of concern to the committee. The first is the Ombudsman's access to correctional centre official visitors. The Ombudsman drew this issue to the committee's attention at the fifteenth general meeting. On the basis of privacy concerns, the Commissioner for Corrective Services issued a directive that general managers of correctional centres were to facilitate the Ombudsman's contact with the official visitors. Previously the Ombudsman could contact them directly. The Ombudsman considers that this directive has greatly reduced the contact his office has with official visitors. At the sixteenth general meeting the Ombudsman reported that the situation remains unchanged. The committee has written a second time to the Minister for Corrective Services about the matter.

Another ongoing matter is a provision in the Ombudsman Act that allows agencies to claim legal professional privilege. This matter was drawn to the committee's attention at the fourteenth general meeting. The Ombudsman considered that in some cases a claim of legal professional privilege was made in order to obstruct his office from carrying out a thorough investigation of a particular issue. Both the Ombudsman and the committee have proposed amending this provision in the Ombudsman Act to bring the Act in line with Ombudsman legislation in other Australian jurisdictions and similar provisions in the Independent Commission Against Corruption Act and Police Integrity Commission Act. The Department of Premier and Cabinet has had

the amendment under consideration for well over a year. The committee has therefore recommended that the Premier amend sections 21 and 21A of the Ombudsman Act 1974 to ensure that public authorities can no longer claim legal professional privilege in regard to the requirements of these sections.

A fresh issue that the Ombudsman drew to the committee's attention is an anomaly in the information-sharing provisions in the Children and Young Persons (Care and Protection) Act. The Act was amended following the Wood inquiry into child protection services in order to promote greater exchange of information between agencies relating to the safety, welfare or wellbeing of a child or young person. In answer to a question on notice and in discussion during the general meeting, the Ombudsman told the committee that he was concerned that section 29 (1) (f) of the Act, which protects the identity of a person making a risk of harm report, will prevent such reports from being accessed because they have the potential to identify the reporter. For example, he considered that the quality of information that child wellbeing units can acquire may be compromised, due to the requirements of section 29. The Community and Disability Services Commissioner has put forward a number of suggestions to resolve the problem, but these strategies will not be applicable to non-government agencies.

In regard to the report on the sixteenth general meeting with the Ombudsman, the committee supports the efforts of the Ombudsman to resolve this apparent legislative inconsistency and has written to the Minister to suggest that consideration be given to amending the legislation so that the situation is clarified. In conclusion, I thank the Ombudsman and his staff for the information they have provided to the committee, and the committee members for their participation in the general meeting and their contribution to the reporting process. In regard to the handling of complaints against the Police Integrity Commission, I thank the people who gave their time to the committee inquiry. The inquiry involved a number of jurisdictions, Western Australia in particular. I thank all those who contributed to the inquiry. I thank committee members for their participation in the inquiry and their contribution to the reporting process. I commend the reports to the House.

Question—That the House take note of the report—put and resolved in the affirmative.

Motion agreed to.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Report: Review of the 2007-2008 Annual Report of the Independent Commission Against Corruption

Debate resumed from 11 May 2010.

The Hon. TREVOR KHAN [3.37 p.m.]: I might sound like someone from the *Iron Chef*, but if my memory serves me correctly this hearing occurred early in my time on the committee. At the time I was struck both by the extraordinary assistance and support given by the secretariat staff and also generally the cooperative nature of committee members, but there were some exceptions. Certainly with regard to matters such as this there was an extraordinary degree of unanimity in the view that the work of the commission—Commissioner Jerrold Cripps and his staff—is extraordinarily important to the proper administration of the State. It is worthwhile noting that a number of highlights can be identified in the 2007-08 report, particularly the reduction in finalisation times by some 10 per cent, despite a 26 per cent increase in the number of matters received for assessment. In that regard, the number of matters being brought to the attention of the Independent Commission Against Corruption for consideration continues to increase, and that increase in the workload of the commission is a matter of continuing concern for the commission and the commissioner.

Returning to the highlights, there was a doubling of the number of matters referred to public sector agencies to investigate and report back to the commission under section 53 of the Independent Commission Against Corruption Act in line with a focus on getting agencies to take greater responsibility for their own corruption issues. I speak for myself in this regard, but the reference of matters to agencies to investigate and report back, whilst perhaps useful in ensuring that the commission's work is directed towards important and more serious matters, potentially leads to circumstances where matters are not properly and effectively investigated. We need look no further than the matter of NSW Maritime and secondary employment involving Ms Tonette Kelly, the acting General Counsel of NSW Maritime. Some time ago that matter was referred to NSW Maritime and was the subject of an internal investigation that cleared Ms Kelly. In more recent times the Independent Commission Against Corruption investigated the matter and found that the allegations made by a

variety of whistleblowers were in fact substantiated. This is demonstrative of the fact that internal inquiry potentially does not get to the root of the problem, but is necessary taking into account the limited resources of the Independent Commission Against Corruption.

Returning to the highlights of the report, it is notable that in the 2007-08 period the Independent Commission Against Corruption conducted 11 public inquiries, including eight segments in relation to corruption investigation into RailCorp over 51 days compared with four public inquiries over 24 days in the previous year and 70 compulsory examinations compared with 49 in the previous year. In other words, in the 2007-08 period there was a more than 100 per cent increase in the workload of the Independent Commission Against Corruption. Again I indicate that, whilst we are not dealing with subsequent reports, that level of increase has continued to occur to the present time. There are more and more public inquiries; there are more and more compulsory examinations; and there are more and more days spent in hearing, which is perhaps indicative of a number of things, including that more voluntary reporting is being done and that the Independent Commission Against Corruption, as it is better resourced, is more capable of identifying problems as they come forward.

One must remember that one of the important things that public hearings do is perform an educative role. They allow members of the public service to see that, if they report corruption, there is the potential for it to be investigated and for corruption to be exposed. That educative effect builds year on year and potentially will lead to continuing increases in reports, and therefore continuing increases in public hearings and compulsory examinations. A further highlight was that the Independent Commission Against Corruption made findings of corruption against 51 people, an increase from 17 in the previous year. In addition, it referred 23 people to the Director of Public Prosecutions for consideration of prosecution, an increase of 44 per cent over the previous year. In addition, the Independent Commission Against Corruption published seven investigation reports. All in all, what was demonstrated in the 2007-08 year was a substantial increase in activity by the Independent Commission Against Corruption and a substantial and significant increase in the identification of corrupt activity.

As I previously indicated, there were eight segments in relation to corruption investigations into RailCorp. We now recognise that those investigations into RailCorp have continued almost up to the present time. It is notable that one of the things we can all see is that, despite the investigations that have been undertaken by the Independent Commission Against Corruption into such organisations as RailCorp, there does not seem to have been a change in the culture of the organisation itself and at least in that respect it is a matter of continuing concern that the good work of the Independent Commission Against Corruption does not appear to have achieved, through its educative role, the outcome that we would all hope for, that is, changes in the approach taken within organisations to ensure that corrupt activity is prevented in the future.

I note that, as I previously indicated, in matters such as this, the members of the committee have worked extremely cooperatively in questioning the officers of the Independent Commission Against Corruption, including the commissioner at that stage. I believe that the work of the committee, particularly with the personnel that has been assigned to it, has been useful not only to the Independent Commission Against Corruption but also to the Parliament as a whole. My final observation is that, even as at the time of receiving the 2007-08 report, appropriate funding and generally resourcing the Independent Commission Against Corruption was of continuing concern. If we wish this organisation to continue its good work then this place has to ensure that it is provided with appropriate funding to ensure the growth of its efforts continues.

Reverend the Hon. FRED NILE [3.47 p.m.], in reply: I am very pleased, as I have been over many years now, to have served on the Parliament of New South Wales Committee on the Independent Commission Against Corruption and to speak in reply on Report No. 9/54 dated May 2010 entitled "Review of the 2007-2008 annual report of the Independent Commission Against Corruption: Incorporating transcript of evidence, answers to questions on notice and minutes of proceedings". This committee was chaired by Mr Frank Terenzini, the member for Maitland. As members know he has been succeeded by Mr Richard Amery, who is now chairman of the committee and will, I am sure, do a good job. The report of the committee covered a wide range of issues. The Independent Commission Against Corruption makes recommendations to our committee, which we consider and help to facilitate so that they become amendments passed by the Parliament that help the Independent Commission Against Corruption to act more effectively. We were also involved in discussions on the term of office of the commissioner and assistant commissioner and the whole issue of people notifying the Independent Commission Against Corruption of possible corrupt conduct. We want to ensure that people know how to make such reports and that the Independent Commission Against Corruption will treat them seriously, which it does.

We also followed up the discussions on search warrants being issued against members' offices. That matter has now been almost finalised and a report from the Privileges Committee will hopefully put in place the necessary procedures so there will be no concern or controversy about such search warrants. It happened in the past and we sincerely hope it will not happen in the future. I do not believe there is any need for it to happen in future, but the Independent Commission Against Corruption has to make the judgement if it has evidence requiring it to seek to confiscate documents in a member's office. That is a most serious step for the Independent Commission Against Corruption to take. I know it would never take such a step lightly. I believe there are adequate safeguards to protect members and members' privileges both now and in the future.

The committee also followed up some of the remarks made by the Inspector of the Independent Commission Against Corruption about search warrants, in particular in relation to members of Parliament. We discussed the proposed amendments to the Independent Commission Against Corruption Act as well as matters relating to reports of corruption within RailCorp. The committee was concerned that even though the Independent Commission Against Corruption had investigated and made recommendations there seemed to be little change in the culture of RailCorp and that corruption was ongoing. We hope that has now come to an end, but it was very disturbing that it seemed to be an accepted way of life for many individuals in RailCorp. We were also concerned that there seemed to be a delay between the Independent Commission Against Corruption's investigations and action taken by the Director of Public Prosecutions. We hope that with the memorandum of understanding between the Independent Commission Against Corruption and the Director of Public Prosecutions those delays will no longer occur and there will be a more efficient response to the Independent Commission Against Corruption's investigations and reports. We also considered the memorandum of understanding between the Presiding Officers and the Independent Commission Against Corruption and, as I said, that is now proceeding to an adequate conclusion.

This report made only three recommendations. The first was that the commissioner may hold office for a term not exceeding seven years and be eligible for reappointment. A person may not hold the position of assistant commissioner for more than seven years, but there was no reference to any eligibility for reappointment. The second recommendation was that the Premier respond to the committee on its previous recommendation to amend the Independent Commission Against Corruption Act 1988 to require agencies and departments to provide implementation plans and progress reports to the commission in response to recommendations arising from its investigations. This related particularly to RailCorp but applies to all government departments where there has been corruption and recommendations have been made by the Independent Commission Against Corruption. Action must be taken on those recommendations to close off any further opportunities for corruption in that agency. Hopefully that will now be solved through the Premier's action in following up the matter.

The third recommendation was that the Independent Commission Against Corruption respond to the committee on a previous recommendation that it include in its annual reports details of those agencies and departments that fail to comply with the proposed statutory requirement. This is so the parliamentary committee can help the Independent Commission Against Corruption when it is also aware that some agencies and departments are failing to carry out their proper duties in dealing with corruption in their department or agency. I again thank committee members. It is a joint committee, comprising members from the other place as well as from this House. For this report Mr Frank Terenzini was the chairman and Mr Paul Pearce was the deputy chairman. The members included Mr Gerard Martin, the Hon. Diane Beamer, Mr Ninos Khoshaba, Mr Greg Smith, Mr Jonathan O'Dea, Mr Rob Stokes, the Hon. Greg Donnelly, the Hon. Trevor Khan and me. The former deputy chair was Mr David Harris. I thank the committee staff and the Independent Commission Against Corruption staff, the committee manager, Helen Minnican, and others who assisted the committee. I thank all members and those who participated in this debate.

Question—That the House take note of the report—put and resolved in the affirmative.

Motion agreed to.

GENERAL PURPOSE STANDING COMMITTEE NO. 2

Report: Review of the Inquiry into the Management and Operations of the Ambulance Service of New South Wales

Debate called on, and adjourned on motion by the Hon. Don Harwin, on behalf of the Hon. Robyn Parker, and set down as an order of the day for a future day.

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION**Report: Review of the 2008-09 Annual Report of the Health Care Complaints Commission****Debate resumed from 20 May 2010.**

The Hon. HELEN WESTWOOD [3.57 p.m.]: It is with pleasure that I speak in my capacity as Chair of the Committee on the Health Care Complaints Commission about the committee's review of the commission's 2008-09 annual report. This review was conducted pursuant to the committee's key responsibility under section 65 of the Health Care Complaints Act 1993 to examine all reports of the commission. This is the fourth such review in the course of the Fifty-fourth Parliament. Examining the commission's annual report is the fundamental means by which the committee exercises its oversight responsibilities under the Health Care Complaints Act. In doing so, the committee places Parliament in a vital supervisory or monitoring role, maintaining oversight of the intricate web of accountability relationships that have developed in modern times.

In its 2007-08 review, the committee referred to the uncertainty surrounding the current role of the commission in the wake of the National Registration and Accreditation Scheme for Health Professionals, and the National Law. Members will note that the national scheme came into force on 1 July 2010. I take this opportunity to refer to the potential impact of that scheme, having regard to the committee's oversight remit. I am very pleased to be able to note that New South Wales is the only Australian jurisdiction in which the investigation and prosecution of complaints is handled by an independent body. For all other jurisdictions, complaints are handled by the relevant registration board. The National Law allows a co-regulatory jurisdiction, such as New South Wales, to adopt and apply the National Law, but to use its own State legislation to deal with handling complaints about health, conduct or performance matters. New South Wales adopted the National Law in November 2009, with the exception of those provisions relating to the health, conduct and performance of registered health practitioners and students.

Members will be aware that legislation was recently passed establishing a separate system for dealing with complaints about registered health practitioners and students, concerns about the possible impairment of health practitioners and students, and assessments of the professional performance of health practitioners. The vital role of the New South Wales Health Care Complaints Commission will be retained. I should also note the overwhelming support of the health care professionals in the retention of the NSW Health care complaints model. This is something that has certainly been endorsed and supported by the profession.

I turn now to the committee's review of the commission's annual report for 2008-09. The year in review was marked by a number of important amendments to the Health Care Complaints Act. The most significant of these was a provision allowing the commission to require any person to provide information, documents or evidence for the purpose of the assessment or investigation of a complaint. The commission has also been given the power to have regard to any associated complaint and to reopen closed cases when this is considered appropriate. The committee considers that these broadened powers will enhance the commission's assessment, investigation and prosecution capabilities.

Amendments to the Medical Practice Act 1992 were designed to make hearings of professional standards committees more transparent. These amendments allow officers of the commission's legal division to provide much more information about proceedings before a professional standards committee and the reasons for its ultimate decision to complainants and other interested parties. The Medical Practice Act was also amended to permit legal representation before a professional standards committee.

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

BUDGET ESTIMATES AND RELATED PAPERS**Financial Year 2010-2011****Debate resumed from 1 September 2010.**

The Hon. HELEN WESTWOOD: [4.01 p.m.]: I must say that I am disappointed not to have as many people in the gallery to listen to me as there was last time I spoke in this debate. All of those people in the gallery were able to stay and listen to the inaugural speech of the Hon. Luke Foley. They were very fortunate.

The Hon. JOHN AJAKA: What because of your speech or because—

The Hon. HELEN WESTWOOD: I believe that they were here to listen to my contribution, and it was just fortunate that they stayed a little longer and listened to the Hon. Luke Foley's inaugural speech. When the time for the debate expired I was talking about the commitment the Government had given in relation to addressing domestic violence. I was talking in particular about the Domestic Violence Death Review Team that had been established and the really excellent work that it will be doing to look at the issue and the circumstances that lead very tragically to women and children dying within intimate relationships. Regretfully, I do not have enough time to outline so many of the other excellent projects that the Government has funded under the last budget, but I would like to talk about the commitment to Community Services in the time that I have left.

The Government will invest \$1.67 billion to support children, families and communities across New South Wales. This is a 7 per cent boost, of \$107 million, to last year's budget. This increase is vital at a time when this State's child protection system is undergoing significant reforms through the Keep Them Safe Program. This investment represents the largest ever budget provided to Community Services, the agency responsible for funding families in need.

The extra funding is part of the Government's drive to build a better future for New South Wales children and families, supporting families where children are at risk of being removed and implementing measures to support restoration of children to their families where this is in the children's best interests. The budget provides a significant increase in funding to neighbourhood and community centres for the outstanding work they do in strengthening our local communities. The Minister has listened to the sector and is delighted to be able to deliver additional resources so that they can provide more programs to the most disadvantaged members of the community. Community Services, in particular, will have an additional \$244.3 million to support and strengthen families and communities, providing opportunities to break the cycle of disadvantage, including accommodation services for those facing homelessness. [*Time expired.*]

The Hon. JOHN AJAKA [4.04 p.m.]: I join with my colleagues in this year's budget take-note debate, having particular regard to the disappointments, delays, blow-outs and broken promises left in its wake for the St George, Sutherland shire and Illawarra communities. The Keneally Government's 2010-11 budget pays homage to Labor's legacy of waste, inertia and financial mismanagement. My local community is frustrated that the Labor Government has simply ignored their views on critical infrastructure projects, many of which were promised years ago. This abandonment of proper community consultation has led to the delivery of a budget founded on wrong priorities and a failure to deliver across a broad range of key areas, including transport, health, mental health and housing.

In the Treasurer's Budget Speech on 8 June he emphasised the Government's focus on "delivering a better transport system", "fast-tracking public transport projects" and "encouraging greater public transport use". In this debate I will focus my comments on three major transport projects across the St George, Sutherland shire and Illawarra regions which have fallen foul of the Treasurer's grand vision of a better public transport system for New South Wales. I will consider first the startling decision to slash the budget for the Princes Highway; second, the embarrassing delay and budget blow-out on the Unanderra train station's easy access upgrade; and, third, the substantial capital overspend and three-year delay in the rollout of the Oatley to Sutherland resignalling and overhead wiring project.

Turning first to the vexed issue of the Princes Highway, I note at the outset that one of the greatest disappointments for locals was the revelation that the budget provided funds for continued planning on the upgrade from Gerringong to Bomaderry and the expansion through South Nowra but no funding to start construction. The Gerringong upgrade was promised to Kiama residents four years ago, yet this Labor Government continues to drag its feet on the construction of this crucial infrastructure. These key projects received only a fraction of what the community had hoped for. Stage one of the Gerringong to Bomaderry upgrade was allocated \$16million for continued planning and the preparation of tender documents. Stage two, which includes the Berry bypass, was allocated a further \$10 million for planning, while the highway duplication through South Nowra was given \$5.5 million for planning and preparation. My colleague Shelley Hancock, the member for South Coast, who has actively engaged with her local community on this issue, has emphasised that the South Nowra project is shovel ready and that the Government is being wasteful in unnecessarily dragging out the planning process.

Even more concerning was the fact that other notorious high-risk spots in the region were completely neglected by the budget. East Lynne, Termeil and Little Forest Road all failed to attract State funding and

continue to pose a danger to motorists. This is hardly surprising in the context of a budget which provides no funding to build the F6, no funding to widen the M5 tunnel and significantly reduced funding for the Princes Highway. With this budget the Keneally Labor Government is sending the clear message to the people of St George, the Sutherland shire and the Illawarra that they can expect more of the same: broken promises and cuts to critical infrastructure.

This point was well illustrated earlier this month when I asked the Treasurer and newly appointed Minister for the Illawarra during question time to explain the reasons for slashing \$81 million from the Princes Highway budget, which fell from \$144 million in 2008-09 to \$63 million in 2010-11. The Treasurer's answer reflected Labor's usual spin: twice he reiterated how committed his Government is to improving road safety, yet not once did he address the funding cut.

The Keneally Labor Government has dramatically cut funding to vital road infrastructure in the Illawarra on his watch. The Treasurer's response gives no hope that the funding will change now that he also is Minister for the Illawarra. The only clear point that emerged from the Treasurer's response is that the people of the Illawarra can expect more of the same spin. It is clear that locals will not see real action on these critical infrastructure projects in the region while Labor is in government.

According to the 2010-2011 budget papers, the Unanderra train station's easy access upgrade already is delayed by a year and is \$1.1 million over budget. When first announced the project was scheduled for completion in 2010 at a total cost of \$11.4 million, but this year's budget states that the project will not be complete until 2011 at a total cost of \$12.5 million. The project is delayed and over budget. However, this did not stop the former Minister for Transport and member for Wollongong in May this year from show-ponying at the train station with an artist's impression of the end product. It has been three years since the project started, and as at February the only works completed were some demolitions, pouring of concrete slabs and some structural steelwork. At this rate the only kind of easy access and lifts the residents of Unanderra will have are those drawn in the artist's impression. The local community fought for over a decade to get a lift installed at Unanderra train station. It is a slap in the face for Labor to brag about results that simply are not materialising.

The local community was outraged also at the Keneally Labor Government's substantial capital overspend and three-year delay in the rollout of the Oatley to Sutherland resignalling and overhead wiring project. Since the project started in 2005 with a total estimated cost of \$49 million and a 2008 completion date, it is three years delayed, has a \$38 million budget blowout, and is now estimated to cost a total of almost \$87 million for completion in 2011. This is yet another example of waste, mismanagement and failure to deliver basic infrastructure upgrades on time and within budget. Two days after the release of the 2010-11 budget I sought from the Minister for Transport an explanation for the Government's cost and time blowouts only to receive a far-fetched response concerning another transport infrastructure project entirely. I asked also how many commuter car park spaces could have been funded with the wasted \$38 million, only to be ignored on that point too. The answer is that Labor's squandered \$38 million could have paid for a new Sutherland train station commuter car park twice over. At a cost of \$30,000 each, \$38 million could have bought 1,266 additional commuter car park spaces so desperately needed in the Sutherland shire.

By contrast, the Liberals and The Nationals will establish Restart New South Wales to kick-start investment in crucial road and transport infrastructure to make New South Wales No. 1 again. The fund will have the specific mandate to grow economic productivity in the Sutherland shire, St George, the Illawarra and all of New South Wales with the clear goal of lifting economic growth in New South Wales to above the national average. I found the Treasurer's Budget Speech statement that "good health services are the lifeblood of healthy communities" a sad reminder that the Government is not doing nearly enough to support the lifeblood of the St George and Sutherland shire communities. Earlier this month my colleague the shadow Minister for Health, Jillian Skinner, revealed that, according to leaked documents provided to the Liberals and The Nationals, St George and Sutherland hospitals are failing to meet crucial performance benchmarks.

According to the Sustainable Access Plan Weekly Performance Report 16 August-22 August 2010, St George saw 46.5 per cent of patients transferred from an ambulance stretcher to the emergency department within 30 minutes, falling well short of the 90 per cent target; 57 per cent of patients admitted from the emergency department to a hospital bed within 8 hours, below the target of 80 per cent; and 59.9 per cent of patients with a potentially life-threatening condition treated within 30 minutes, while the target sits at 75 per cent. Unfortunately, Sutherland hospital's figures are not much better. Hospitals are failing to meet performance benchmarks and emergency departments are struggling to cope because the incompetent State Labor Government has closed more than 2,500 hospital beds across New South Wales since coming to power.

In the Illawarra region residents have suffered through the Labor Government's failure to commit to its own planning document, the Clinical Services Plan 2006-2009, by not providing a 12 to 15 bed mental health unit at Shoalhaven District Memorial Hospital. The Clinical Services Plan was endorsed by Professor Debora Picone, who was then the chief executive of the South Eastern Sydney and Illawarra Area Health Service and is now the head of NSW Health. The failure to commit to the plan represents one of the more abysmal broken promises in the Labor Government's 15-year legacy of neglect. Commissioner Garling described the mental health system in New South Wales as the "under-resourced, over-stretched part of the public health system which is presently in 'catch up' mode" and observed that there are no acute psychiatric services available to public patients at Shoalhaven hospital.

Earlier this month my colleague Shelley Hancock, MP, the hardworking and dedicated member for South Coast, placed on notice a series of questions about whether the Government will allocate funding in the 2010-11 State budget to establish a mental health unit at the Shoalhaven hospital. I look forward to reading the answer to those questions, though I am not particularly optimistic that they will yield any concrete undertakings to establish the unit. This Labor Government continues to display an unnerving readiness to turn a blind eye to the struggles many locals face on a day-to-day basis. Turning now to housing and development, the Treasurer referred in his Budget Speech to "the Keneally Government's plans to energeise the New South Wales housing and construction sector" and their "historic planning reforms".

Interestingly, these phrases were terms adopted by the recently delivered New South Wales Treasury-commissioned Applied Economics report, which highlighted major problems in the New South Wales planning system. "Vague", "ill-defined", "often subjective", "uncertain", and "hard to predict" are all terms the report used to describe the New South Wales planning system. With the lowest number of housing starts in 50 years, it was particularly alarming that the 2010-11 budget carried no assurance that New South Wales Labor is capable—or willing—of overhauling and simplifying the State's ailing planning system. On the Keneally Labor Government's public housing record, just last week during the budget estimates hearings the Minister for Housing, Frank Terenzini, was forced to reveal that the housing waiting list had increased by 3,851 from 39,484 in 2009 to 43,335 in 2010—a 10 per cent increase over the past 12 months under the incompetent Keneally Labor Government's watch. That is hardly surprising and is a kick in the teeth for the vulnerable and destitute in our communities. Nowhere has the Keneally Labor Government's disdain for community consultation been more acutely reflected than in the Kiama community's outrage that it was not afforded a proper opportunity to voice its views before New South Wales Labor charged ahead with the implementation of affordable rental housing. [*Time expired.*]

The Hon. MICHAEL VEITCH (Parliamentary Secretary) [4.14 p.m.]: I am pleased to speak in the 2010-2011 budget take-note debate. This budget has achieved a lot. It has brought New South Wales back into surplus, a feat that did not seem possible this time last year and one that is constantly downplayed by the Opposition. This budget continues last year's record investment in infrastructure, which the mob opposite opposed. Over the next four years \$62.2 billion will be spent on infrastructure to make New South Wales a stellar State! This investment in infrastructure also will support thousands of jobs a year. Over this next year Health will receive \$16.4 billion, Education \$14.4 billion, Transport \$7 billion, Roads \$4.7 billion, Police \$2.8 billion, Human Services \$5.7 billion and Emergency Services \$972 million. Members opposite have stopped heckling.

This budget also recognises the hopes and dreams of the people of New South Wales. By eliminating stamp duty the Government is helping people toward the goal of owning their own home, with first home buyers able to receive benefits of up to \$29,490. What a great initiative. Also contained within this budget are new tax cuts to help foster businesses. The Government has cut the payroll tax rate four times in two years. This Government's commitment to improving facilities and services to people living with a disability is reaffirmed in this budget. The Government's 10-year plan, Stronger Together, will receive an increase of 9.1 per cent funding or \$205.7 million. In practical terms this means \$71 million towards increasing support from three to four days a week for people with a disability who are unable to enter the workforce and from four days to five days for people with very high needs; \$26.2 million towards preventing young people with disabilities entering nursing homes, developing alternatives for young people in high-need support situations and improving the care of young people who are in nursing homes; \$6 million to provide alternative accommodation support for people with a disability located in boarding houses; and \$34.3 million in 2010-11—an increase of \$2.4 million on the previous year—to provide 159 flexible respite packages.

Over the 2006-07 to 2010-11 period an additional 2,243 packages will be provided, at a cost of \$110.7 million. Flexible respite is so important for families and carers as it enables them to have a break to

rejuvenate both physically and emotionally. Another noteworthy point in this budget is the significant investment to protect kids in care: \$680.2 million will be spent to provide services to children in foster care and kinship care. This is an increase of \$51.9 million from the previous financial year.

There is also an increase in funding to expand the number and range of services that focus on prevention and early intervention strategies to help families identified to be at risk. These include \$2 million for the Sustained Health Home Visiting Program, which employs specialist child and family health nurses to work intensively with high-needs families in the first two years of a child's life; \$2.5 million for Getting on Track in Time, or GOT It, which is a school-based early intervention service for children in kindergarten to year 2; \$4.5 million to non-government organisations to establish parenting skills as well as provide general advice and support programs. This will focus on new parents with babies and toddlers and parents of adolescents to help them to develop the skills to respond to children who are showing signs of difficult behaviours.

The Brighter Futures early intervention program, which targeted 4,020 families in 2009-10, received an allocation of \$8 million for the provision of additional places. Brighter Futures supports vulnerable families and prevents their problems from escalating. The program helps them by providing specialist services that are targeted to their specific needs, including parenting advice, quality childcare and home visiting services. I understand the program was the basis of a notice of motion moved by the Hon. Christine Robertson. In this impressive budget \$244.3 million has been allocated for community development and support services.

Of that amount, \$10 million has been allocated to further develop the Community Builders Grants Program, which is a highly successful program for groups who run programs or services that directly benefit their community. In my duty electorate of the Upper Hunter, recipients of this funding were the Upper Hunter Aboriginal Youth Forum, which is a group that meets at least once a month and conducts activities of interest to them as well as bring in guest speakers to talk about relevant issues and topics such as health, education, relationships, employment and wellbeing. Another program is Connecting the Hunter, which will employ a coordinator to organise training to non-government organisations and volunteer board directors in community engagement, media management and marketing. After training the coordinator will work with the non-government organisations to assist them to plan and market their engagement strategy.

Another exemplary budget item is the continuation of the Community Building Partnership funding program. Extension of this valuable program for another year allows even more local infrastructure to be delivered. I cite the great results achieved last year by this program in another of my duty electorates, Burriajook, as a result of benefiting from this funding: the Grenfell Junior Soccer Club Inc., which received \$30,000 for a canteen, change rooms and an all-weather shelter; the Harden Shire Council, which received \$30,000 to upgrade a caravan park; and Annette's Place Rural Multipurpose Children's Centre, which received \$25,956 to rebuild the community playground in Young.

The 2010-11 budget is also investing in our young people. The \$11.4 million youth plan aims to reduce youth unemployment rates and put in place preventative measures to tackle the issues driving youth unemployment. The youth package includes \$5.5 million to support 2,000 unemployed young people to undertake targeted employment-ready training courses, which importantly include mentoring, workplace training and support for job placement; \$3.9 million to fund an employment advisers' trial for two years in schools and training centres in areas of high youth unemployment; and \$2 million to support local community programs, which engage young people in sports and cultural development activities and provide links to local job or training opportunities. This year's budget is a stand-out budget. As I have stated previously, it invests not only in infrastructure but also in people. This budget will take New South Wales forward but, most importantly, it will not leave anyone behind.

The Hon. PENNY SHARPE (Parliamentary Secretary) [4.23 p.m.]: Today I will speak about the significant investment that the Government is making in communities across the State. The 2010-2011 budget has shown how responsible economic management by the Labor Government has provided huge benefits to the people of New South Wales. This budget has provided a significant rise in spending areas, such as Community Services and Health while at the same time making \$180 million worth of new tax cuts. The Government has maintained our triple-A credit rating, despite economic uncertainty caused by the global financial crisis. New South Wales now has its budget back in surplus, two years earlier than previously forecast. As the Parliamentary Secretary Assisting the Minister for Transport, and Assisting the Minister for Roads I am particularly proud of the significant investment made in transport across the State.

In 2010-11, \$7.7 billion worth of funding will be invested in transport, including a record \$1.1 billion for bus services and \$3.2 billion for rail; \$271 million has been allocated for 74 outer suburban carriages and to

assist in the rollout of the new Waratah train fleet; \$77.6 million will be spent on new bendy buses; \$100.9 million will be spent replacing ageing State Transit Authority [STA] vehicles; \$167 million has been put towards the creation or upgrade of commuter car parks to help to ensure that public transport is as accessible and hassle free as possible for commuters; and \$22.3 billion will be spent over the next four years for the Metropolitan Transport Plan, including the extension of light rail to Dulwich Hill, which is a great win for the people of the inner west. A record \$4.7 billion will be invested in roads across the State, with \$1 billion allocated for important upgrades and maintenance of roads, including on the Pacific, Hume, New England and Great Western highways, and \$2.2 billion has been allocated to the construction of new roads.

While I acknowledge that there is more work to be done on our transport system, the \$7 billion worth of funding dedicated to transport to improve current services, build new roads as well as formulate, develop and fund a statewide transport plan shows that this Government is serious and committed to both improving and providing safe, efficient and affordable transport across New South Wales. I am also the Parliamentary Secretary Assisting the Premier on Social Inclusion, which is an area I have been interested in throughout my political career, and indeed before my time in this place. Of course, a primary function of State government is service delivery. It is also the responsibility of government to support those less fortunate or vulnerable.

In 2010-11 Community Services received a 7 per cent boost in funding, with \$1.67 billion allocated this financial year. Some vital program allocations include \$3.6 million worth of funding to extend Youth Justice Conferencing; \$750 million for ongoing support for reforms of the child protection system across the Government and non-government sectors under Keep Them Safe, which includes \$9 million for early intervention and prevention services, such as the Sustained Health Home Visiting scheme and Getting on Track in Time program, or GOT It; support to the tune of \$3 million for intensive Aboriginal family-based services that are aimed at preventing children having to enter care; and \$1.8 million that has been set aside for the recruitment of foster carers.

An additional \$10 million has been granted to the Community Services Grants Program, allowing support services offered by community organisations such as neighbourhood centres to instigate new community development projects. These centres assist those who are most vulnerable, including people suffering from mental illness, new migrants and refugees, people with disabilities and those needing support in escaping domestic violence. Of course, neighbourhood centres do more than that. They provide a soft entry point by which people can access services. Neighbourhood centres are open, they operate in their communities every day, and they help anyone who walks in the door. This financial year \$2.6 billion will be spent on social housing across the State. Anyone who has spent any time as an elected representative understands the desperate need that exists for social housing. Housing will be provided to approximately 315,000 people across the State; crisis accommodation will be provided for nearly 40,000 people; assistance will be given to approximately 75,000 home buyers and renters; \$455 million will be used to assist in making homes more energy efficient, including the installation of solar hot water systems to assist people in dealing with electricity bills; and \$6.6 million will be allocated towards the Start Safely Program to assist those fleeing domestic violence to settle in rental properties. I am pleased to acknowledge funding that has been provided to my duty electorates of Bega, Willoughby and Sydney. I will take a moment to discuss investment that the Government is making in those areas. More than \$47 million will be spent in Bega this financial year, including \$583,000 to employ three additional nurse practitioners in the Greater Southern Area Health Service.

The Hon. Melinda Pavey: It is a lovely place.

The Hon. PENNY SHARPE: Yes, it is a very nice place. Also included in the funding is \$530,000 for further work on administration, visual arts, staff facilities, sports courts and a car parking upgrade at the Bega High School; \$1 million to continue planning for the realignment of the Princes Highway at Dignams Creek; \$938,000 for maintenance upgrades to social housing homes; \$105,000 in subsidies to assist with the cost of two emergency response vehicles for the Eden State Emergency Service unit and one each for the Bega, Eurobodalla and Bermagui units; \$300,000 to start construction of the Bodalla sewerage scheme; \$2 million to rebuild the Moruya town zone substation and construct a new Moruya North zone substation and a number of new power lines across the town to link the area's substations and cater for load growth, thereby improving reliability and providing flexibility to maintain power supply during an emergency.

A successful program that the Government has extended across the State for 2010-11 is the Community Building Partnerships Program. This \$35 million program was launched last year and has resulted in community organisations across the State applying for up to \$400,000 in grants to promote positive social, recreational or environmental outcomes. Last year 12 projects were funded in Bega, including \$106,098 for Candelo Kameruka

Bowling Club for modifications to the club's premises; \$15,000 for Cobargo Skate Park Inc. for planning and construction of Cobargo Skate Park; \$30,000 for Community Workshed Incorporated's construction of a community work shed; \$18,738 for the Skills Training Employment Program Inc. for the Merimbula community buildings improvement project; and \$29,834 for the Crossing Land Education Centre for water and energy infrastructure for the Community Environment Education Centre. Organisations from the electorates of Willoughby and Sydney will be able to apply for up to \$300,000, while organisations in Bega will be eligible for up to \$400,000 again this year.

In another of my duty electorates, Willoughby, more than \$25 million is being spent on local infrastructure and front-line services, including \$3.7 million for further work on the classrooms upgrade at Chatswood High School; \$5 million for the Warringah Freeway bus layover; \$1.2 million to widen the right-turn bay at the Pacific Highway and Mowbray Road, Artarmon; \$1.2 million for maintenance of rail assets, such as stations, signals and car parks, including inspections, planned maintenance, corrective maintenance and emergency work; and \$7 million to upgrade the Crows Nest zone substation. There has also been significant investment in the Sydney electorate. Of course, investment in Sydney benefits the whole State as visitors can also enjoy and make use of the facilities across Sydney.

Some \$230 million worth of investment has been included in this year's budget, including \$2.8 million for two adult intensive care beds to further expand critical care capacity at St Vincent's Hospital; \$2.2 million for ventilation and safety upgrades to Kings Cross Tunnel; \$5.5 million towards upgrading Central Station's east entrance; \$30 million to commence construction on the headland park and northern cove at Barangaroo; \$17.3 million to continue upgrade of the Sydney Convention and Exhibition Centre to ensure that New South Wales remains competitive in the Asia-Pacific convention and exhibition market; \$4.4 million for replacement pilot vessels based out of Sydney Harbour; \$2.1 million for Centennial Park to restore the Kensington Ponds and for pathway rectification works to improve access and safety; \$8.1 million to replace four transformers in the City South substation; and \$13 million to revamp the Museum of Contemporary Art.

The budget has delivered massive investment in infrastructure; record spending in many areas such as health, community services, the environment, roads and rail; tax cuts totalling \$180 million; and a return to a budget in surplus two years earlier than expected, all at a time of massive economic turbulence internationally. I look forward to watching our local communities flourish as a result of the investment being made in a range of areas by the Government. I believe that as the budget rolls out across New South Wales there will be much good news to be had.

The Hon. MELINDA PAVEY [4.32 p.m.]: In my contribution to this take-note debate I will talk primarily about my shadow ministerial responsibilities relating to the NSW Fire Brigades, the NSW Rural Fire Service and the State Emergency Service. Interestingly, the total expenses of those three government agencies is \$904 million. They are heading close to the \$1 billion mark. As members would know, most of that money comes from a levy that is included in our insurance premiums; a large chunk of our premiums go towards funding the NSW Fire Brigades, the NSW Rural Fire Service and the State Emergency Service. Indeed, the New South Wales Government contributed about 14.6 per cent of the total budget, with local government contributing just over 11 per cent.

We have had some major issues in NSW Fire Brigades over the past 12 months, and we raised some of those issues during the budget estimates hearing last Friday. I was incredulous that during that hearing the Opposition had only 30 minutes to question the Government on expenditure of almost \$1 billion from the taxpayers of New South Wales. It is not an appropriate amount of time to get the responses we need in this important area. We are also hampered by the fact that we do not get the annual reports of these organisations, which provide much greater detail than the budget papers. However, I have placed many questions on notice, to which I look forward to the Government's responses shortly.

Interestingly, one concern within NSW Wales Fire Brigades is the growth in workers compensation payments. While the Minister was able to tell the committee that 709 people had claimed workers compensation in the "calendar year", the commissioner explained that there had been a large increase in the number of people in NSW Fire Brigades who were off work with psychological stress and injury, from 40 to 62 for the calendar year. Unfortunately, it was suggested at the budget estimates hearing that that increase was the fault of the media. That response was disappointing, given the fundamental issues within NSW Fire Brigades that need to be addressed. Rosemary Milkins is attempting to address the fundamental systemic problems within the organisation that require urgent attention.

My office is inundated with calls from good people within the organisation, and I try to advise them as best I can. I tell them to ring the hotline that has been provided by NSW Fire Brigades. However, I am concerned by the suggestion at the budget estimates hearing that the media must bear some responsibility for the increase in psychological stress among people in NSW Fire Brigades. I desperately wanted to raise the issue of the yellow shirts debacle at the budget estimates hearing but there was insufficient time to do so. The Volunteer Fire Fighters Association is unhappy that its volunteers were not involved in the design and distribution of the yellow t-shirts. Originally the volunteers had to pay for their blue drill shirts; they enjoy wearing the blue drill shirts and feel like part of a strong team when doing so.

The commissioner has admitted that the Rural Fire Service has wasted up to \$400,000 on 7,500 useless yellow shirts. I put a series of questions on notice about that, to which I hope to get some answers from Steve Whan. I asked: How many versions of the shirt have been produced? How many versions of each shirt were produced? How much did all the shirts cost? Where are they in storage? Are district managers being pressured to send those shirts to volunteer brigades to get them off their desks? The Volunteer Fire Fighters Association has some serious concerns about the yellow shirts.

The NSW Rural Fire Service is concerned about funding cutbacks in the budget. It noted that firefighters with voluntary competency index qualifications had decreased by 5 per cent from last year's forecast. That is a trend in the wrong direction. Greater firefighting skills ensure greater safety for firefighters and their communities. The Government has been unable to explain, at the budget estimates hearing or at any other time, about the savings that were projected in the super ministry proposal put up by Nathan Rees. He trumpeted the super ministry as a way of saving money and getting some back-office efficiencies within New South Wales government ranks.

NSW Fire Brigades signed up to that proposal, and the police ministry was going to be in charge of NSW Fire Brigades. Quite rightly, the NSW Rural Fire Service bucked at that. With the support of the Rural Fire Service Association and some strong lobbying from Opposition members, including my leader Andrew Stoner and me, we were able to ensure that the NSW Rural Fire Service fell outside the super ministry proposal, recognising the very different needs of a volunteer organisation. Significant savings were there to be made, but we have not seen any information about what savings have or have not been achieved, nor what will happen with the budget outcomes in terms of those savings. We need to see some information on that.

On 8 June the Rural Fire Service Association issued a media release relating to the Victorian bushfire royal commission, demanding that the Government increase its commitment to hazard reduction work in New South Wales. The Rural Fire Service Association has demanded that the Government increase funding by 300 per cent over the current allocation of \$6.5 million for hazard reduction in New South Wales. The association wants a much greater commitment. The Liberal-Nationals Coalition is also strongly of that view. We want a greater commitment to hazard reduction so that the New South Wales community can feel confident that we have learnt lessons from the Victorian bushfires and that we will be ready to face an emergency by ensuring that our public and private lands are in a better state in the event of a very hot, dry, windy summer. The problem faced by Victoria was the culmination of 10 years of drought, strong winds and 40 degree temperatures. New South Wales also has experienced those types of conditions. I reiterate that the people of the Blue Mountains have told me that they are concerned about fuel loads in that area.

The State Emergency Service Volunteers Association is concerned about cutbacks in support from local government. Local councils have cut back direct grants and monetary contributions to that association following the levy introduced by the former Minister for Local Government, the Hon. Tony Kelly, when he was part of the revolving-door exercise in New South Wales. His announcement that local government would make a compulsory contribution to the State Emergency Service has resulted in many local councils cutting back funding to their local State Emergency Service units. The chair of the budget estimates committee asked the Minister for Emergency Services, Steve Whan, about that matter but he passed the question directly to the commissioner, who confirmed the concern that he was working through. We need to ensure that voluntary, goodwill community contributions from local government across New South Wales continue because local government is frustrated with the cost shift that has taken place under this administration over many years.

I wish to refer quickly to the key electorate of Port Macquarie, where there is great concern that Peter Besseling had achieved no money from the State budget for the fourth pod. Thankfully, however, as a result of some negotiations that followed the recent Federal election, some money has been committed to that project. *[Time expired.]*

The Hon. RICK COLLESS [4.42 p.m.]: I speak about the shocking waste of funds spent by the State Labor Government on education in the Bathurst electorate and its disregard for the needs of parents, teachers and students who attend the many outstanding schools across the electorate. A prime example of waste and mismanagement of the Federal Labor Government's Building the Education Revolution [BER] program within the Bathurst electorate can be observed at Errowanbang Public School in Carcoar. Under the Building the Education Revolution program the school was granted a new \$250,000 library, and with more than \$60,000 being spent on design and construction fees for the project, the ultimate price tag was markedly more expensive than quotes for the project that were provided by a local builder. The result is a modular classroom that has done little more than cause a raft of logistical problems for the school, as should any more than 20 students be at the school at one time one teacher will be saddled with the impossible task of supervising children in two different classrooms.

Errowanbang Public School was further hard done by when it was advised by the Department of Education and Training—as other schools across New South Wales were similarly advised—that it would not be required to submit a 10 per cent security deposit to self manage Building the Education Revolution construction projects at the school. That advice was given despite an earlier advice that a 10 per cent security deposit was required—which until recently appeared on the department's intranet site—with a caution that principals who opted to self manage Building the Education Revolution projects were liable to incur fines of as much as \$55,000 should any accident or injury be occasioned on the construction site. Because of such onerous requirements, Errowanbang Public School, and a number of other schools around the State, understandably opted not to self manage Building the Education Revolution construction, and that has resulted in a finished product that is hopelessly ill-suited to the needs of the school community.

Black Springs Public School near Bathurst saw the Building the Education Revolution program as an excellent opportunity to obtain much-needed funding to install a reticulated potable water supply to service the school's water needs for drinking water supplies and school amenities. One would have thought that with only an old fibreglass tank currently in service, which is prone to freezing during the Bathurst winter months, the school's request was more than reasonable. However, the school community was informed that it was only eligible for the construction of a school hall or a covered outdoor learning area with the \$250,000 it had been granted under the Building the Education Revolution program. With a student population of under 20 pupils, it does not take a genius to work out that building a school hall is probably not the wisest use of funds. However, because of the uncompromising nature of the administration of the program, the school was denied the opportunity to resolve its far more pressing need: the provision of a reliable water system.

Another shocking example of waste and mismanagement under the Building the Education Revolution program was the addition of a school hall at Cooerwull Public School, a project which is currently nearing completion. The building has been described as too small for its intended purpose despite a "McMansion price tag". The unjustifiable expense of this project—\$2.5 million for a hall not much bigger than a modest residential house—prompted one local councillor to publicly question exactly where the funds had been spent. He asked:

Is there something that we all can't see from the outside that explains this exorbitant public cost? An underground wine cellar perhaps; a surprise coming with our first indoor heated swimming pool secreted under floating floor boards—they do have these overseas—or is there a hidden rooftop garden for the teachers to have a bit of well deserved after hours time out?

Whilst the councillor in question was obviously being flippant in his remarks, his comments echo wide concerns that have been expressed by parents, teachers and discerning taxpayers across New South Wales, who are questioning the extravagant squandering of funds, evidenced by multi-million dollar price tags attached to exceptionally modest projects.

The Lagoon Public School, which is also in the Bathurst electorate, was awarded funds for the construction of a covered outdoor learning area. Once again, funds were allocated with scant regard for the needs of the local school community, as the school had built a covered outdoor learning area two years earlier. When one adds to the equation the fact that the school, which comprises five students, was due to lose four students in the 2010 school year, I am sure members opposite would agree that two covered outdoor learning areas for the benefit of one student is more than a little extravagant. But that example is typical of the blatant and often completely irrational waste of taxpayers' funds under this ill-conceived program.

To add further insult to injury, the State Government has used the Federal Labor Government's Building the Education Revolution program as an excuse to slash its own spending on capital works projects in our State's schools. When the State Labor Government signed on the dotted line for the Building the Education Revolution program, it did so under the understanding that State capital works funding would be maintained.

But documents recently obtained by the New South Wales Liberals and Nationals under Standing Order 52 quickly put paid to this, revealing that State funding on school capital works has dropped, from \$2.79 billion over the 2009-2010 financial year to \$2.02 billion for the current financial year. When funding issued under the Federal Government's Building the Education Revolution program is taken into account, we see a net reduction of approximately \$162 million in State Government funding over the 2010-11 financial year. On top of that duplicitous underfunding of building works for schools across New South Wales, we also see further waste and mismanagement, with the raft of project management fees and other hidden administration costs collected by the State Government and contractors. As much as 25 per cent of the total cost of each Building the Education Revolution construction project is absorbed by management and incentive fees.

The State Government skimmed off 1.5 per cent of the total expenditure on projects across New South Wales from the Federal Government's largesse, a further 4 per cent was handed to contractors for management fees, and up to 2.5 per cent was awarded to contractors as an incentive for completing projects on time. On top of that, additional fees written into the contracts for individual projects outside the total trade and subcontracting cost amounted to as much as 17 per cent of the total cost. All in all, \$250 million has never made it into bricks and mortar. It amounts to an unconscionable and extravagant pat on the back that the State Labor Government has awarded itself and a select group of contractors for a job well done.

More recently we have also seen the State Government's appalling handling of the long overdue replacement of unflued gas heaters in schools across New South Wales. The health risks posed to students with asthma and other respiratory problems is well documented, yet the Government has for years dragged its feet on replacing these ancient heaters in the tens of thousands of classrooms in which they are still the primary source of heating during winter. Schools across the Bathurst electorate, including in towns like Blayney, Oberon and Lithgow, experience some of the coldest winter temperatures in New South Wales and are prime candidates for inclusion in the first round of heater replacements, particularly when one takes into account the fact that the State Government has stated that it will take 15 years to replace all the 51,000 unflued gas heaters that are in use across New South Wales. As was recently pointed out in a *Daily Telegraph* editorial piece, this means that a student starting kindergarten in 2011 will have progressed through primary and secondary education and made a fair dent in a university degree before these heaters are replaced. It also pointed out that the Government of the United States of America was able to put a man on the moon in less time than it will take this incompetent State Labor Government to replace these heaters. Indeed, two world wars were fought and won in less time.

What is particularly galling for Bathurst schools, however, is the fact that, despite their students and staff shivering through average maximum temperatures of just 11 degrees during the depths of winter, they were not included in the first round of schools to have these dangerous unflued gas heaters replaced. Parents and teachers realise just how much is at stake in having their school included in the first round of this program. In Guyra, which experiences average maximum temperatures of just 10.2 degrees during winter, local parents and citizens representatives are fighting tooth and nail to have their schools included in the first round as they realise there is no guarantee that their children will ever see safer alternative heating in their classrooms. The State Labor Government needs to get serious about catering to the needs of parents, teachers and students across the Bathurst electorate and indeed across the State to ensure that their schools are comfortable, workable, safe and suitable environments in which to learn and work in the coming years.

Reverend the Hon. FRED NILE [4.52 p.m.]: I am very pleased on behalf of the Christian Democratic Party to speak on the budget 2010-11. Our party, as members know, always puts a high priority on meeting the needs of families, believing that our society will be as strong as its family units. They are the building blocks of our society. For that reason I am very pleased that the Government has provided financial support to assist newly married young couples to purchase their first home. From 1 July this year no-one will be required to pay stamp duty if buying a home off the plan, in preconstruction stage, that is worth up to \$600,000. Further, for two years there is zero stamp duty on new homes and apartments, zero stamp duty for families and investors, and zero stamp duty for upsizers and downsizers, which puts a saving of \$22,490 straight back into the pockets of New South Wales families. Also, if persons buy a home that is under construction or newly completed and is worth up to \$600,000, they will receive a cut in their stamp duty by 25 per cent. That is a saving of up to \$5,623.

First home buyers in New South Wales will also benefit from the home builders bonus, with total benefits up to \$29,490, giving young families an important head start. I commend the Government for that. It will provide support for families getting started, and we know that families feel a sense of great pride when they own their home. Sometimes there is no choice and they must rent accommodation, but when a family owns their home there is a change in attitude and they care for their home—the gardens and lawns and so on. One can see this as one travels around the suburbs. The construction industry will receive a big boost, with more purchases

of new homes and more jobs in New South Wales for people seeking work. I note that the unemployment rate in New South Wales fell by 0.5 per cent in May and is now at 5.2 per cent, the same as the national average. This contrasts with the 5.4 per cent unemployment rate in Victoria and 5.5 per cent in Queensland. New South Wales is leading the nation in regard to unemployment levels and I believe that the housing building plan has played a major role in that outcome.

I have placed emphasis on young families, but I acknowledge also the needs of what I might call older families or senior members of our society. A national seniors organisation conducted a survey of its members and found that although approximately 40 per cent of over-65s have considered or are considering downsizing from their owner-occupied home, two-thirds of that number were prevented from doing so because stamp duty would be payable on any new purchase. This means that, of approximately 265,000 New South Wales pensioner households, approximately 175,000 would like to downsize but will not do so because of the payment of stamp duty. Obviously, if the Government can come to some concession arrangement, this would provide housing for senior citizens and stimulate the construction industry in New South Wales even further. Some might argue that such a proposal may affect the budget and the budget surplus. As far as can be calculated, instituting stamp duty relief for downsizing seniors, particularly if the relief is targeted at pensioners downsizing to median and below median priced housing, would have a net tax expenditure effect. The 90,000 or so pensioner households intending to downsize and for which stamp duty is not a stumbling block would, in the main, be likely to downsize to above median priced housing. I ask the Treasurer to give serious consideration to that very important proposition. We want to benefit young families and also give support to our senior citizens.

I am also very pleased with the support that has been given to the New South Wales Police Force. I have had a deep interest in the New South Wales Police Force and supported its activities all my life, but I had a personal interest when two of my sons joined the New South Wales Police Force and served in it for more than 20 years. Consequently, I have been paying close attention to the needs of the New South Wales Police Force and I am pleased that the Government has been consistent in providing support where needed. I commend the Government this year for investing \$3.3 million to deploy 25 new mobile police command units and for providing \$8.6 million to deliver a new twin-engine police helicopter. As we listen to the radio and monitor television shows, we often hear and see how police helicopters have been used successfully to apprehend people who have committed a crime and sought to flee. Often they try to escape in a vehicle and sometimes, when their vehicle has been stopped by police and they attempt to run from the vehicle, helicopters are used to follow them until they are eventually captured. I believe this is a very good investment.

I also commend the Government for investing \$3.1 million in the continued rollout of tasers and related equipment, and for allocating \$3.8 million to fit out more police vehicles with the latest automatic number plate recognition technology. This state-of-the-art equipment is helping to make our roads safer. I particularly commend the Government for continuing to have faith in the use of tasers in spite of some criticism by vocal groups, particularly the Greens, who are very critical of tasers. I believe it is important that our police are equipped with tasers. They can be a life saver. Instead of being forced to use their guns in certain situations, as some officers have had to do when apprehending very violent criminals and a person's life is taken as a result, police can use tasers to immobilise violent offenders, thus saving lives. I know that there have been reports of some deaths in America involving the use of tasers, but I am not aware of any such deaths occurring in New South Wales. I believe that is because of the training police officers receive in the use of tasers, and their careful use of tasers when carrying out their duties.

Finally, I raise the question I ask in this House every year: How much money was granted by the Government to fund the Sydney Gay and Lesbian Mardi Gras parade? As members know, I do not support it and I believe the majority of people do not support it. It is always a challenge to find out how much money the Government is contributing to it. In an answer to a question I asked on 17 June 2009, the reply on 22 July 2009 stated, "65.8 per cent of New South Wales residents believe that the \$400,000 investment the New South Wales Government makes in the mardi gras is a reasonable use of taxpayers' money." Does that answer mean the Government is investing \$400,000 in the mardi gras parade? I question that use of the money when the mardi gras parade is organised by a private company, which makes profits from the parade. I believe it should be a self-funding activity, not supported by New South Wales taxpayers. I believe the money the Government receives from taxation and other sources can be put to better use to benefit the people of this State.

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

TERRORISM (POLICE POWERS) AMENDMENT BILL 2010

Message received from the Legislative Assembly agreeing to the Legislative Council's amendment.

ADJOURNMENT

The Hon. MICHAEL VEITCH (Parliamentary Secretary) [5.01 p.m.]: I move:

That this House do now adjourn.

INAUGURAL SPEECH OF MR DAVID SHOEBRIDGE

Mr DAVID SHOEBRIDGE [5.01 p.m.] (Inaugural Speech): This Chamber stands on the land of the Gadigal people of the Eora nation. This Parliament, the oldest in Australia, has a direct link to New South Wales' colonial history of invasion, dispossession and often callous indifference to the history, rights and interests of Australia's first people. A little over 82 years ago, Jack Patten, Aboriginal activist and first President of the Aborigines Progressive Association, together with William Ferguson, a trade unionist and Aboriginal politician, co-authored a pamphlet titled "Aborigines Claim Citizens Rights". It was part of a rising tide of Aboriginal activism in response to white Australia's celebration in 1938 of the sesquicentenary of the arrival of the First Fleet in what was to become Sydney. They were Elders from this State worth remembering and their words are worthy of repeating. They said in part:

You are the New Australians, but we are the Old Australians. We have in our arteries the blood of the Original Australians, who have lived in this land for many thousands of years. You came here only recently, and you took our land away from us by force. You have almost exterminated our people, but there are enough of us remaining to expose the humbug of your claim, as white Australians, to be a civilised, progressive, kindly and humane nation.

In the years since, indigenous Australians have done more than survive; they have engaged in a successful struggle towards equality and recognition. If Jack and William were with us today they would still be pressing us to become what we promised: a civilised, progressive, kindly and humane nation. I pay my respects to the indigenous Elders of this place, past and present, and to those from across the State. This land always was, and always will be, Aboriginal land.

As a Greens member, I am a proud member of a party committed to political activism. The party's roots are found in two emblematic conservation struggles. The first occurred in Tasmania when a collection of conservationists, originally known as the United Tasmania Group and then known as the Tasmanian Greens, joined together to attempt to save Lake Pedder. From that initial campaign grew a national campaign that successfully saved the Franklin River in the early 1980s. The second happened right here in Sydney with the green bans movement of the early 1970s. At that time forward-thinking unionists such as Jack Mundey publicly stated that they would not let their labour be used to destroy the natural and built heritage of this city. They joined with residents and conservationists from across the State to place green bans on building projects that otherwise would have bulldozed remnant bushland, demolished our colonial housing stock and cut great swathes through our public parks. It was following that green ban movement, based on grassroots organising and a progressive politics that include the women's, peace and antinuclear movements, that the Greens New South Wales was ultimately formed.

Faced with the success of the green bans movement and the voice it gave to a community that was increasingly disgusted with pro-developer planning laws, in 1979 this Parliament finally moved to give communities a greater say in planning decisions. Of course, the following 30 years have seen developers fighting back, and once again community anger is growing and new pressures for change are building. The roots of this party confirm my firmly held view that changes are brought about in the community and only then can they be successfully pressed upon an often reluctant Parliament. The core function of a Greens member of Parliament is to bring to the floor of the House, and more broadly into the national political debate, the beliefs and aspirations of the very many active and progressive elements in our society. By doing this we can help to deliver the changes that our society must make if it is to thrive in the face of mounting environmental and social challenges. To be this bridge requires our party and our members of Parliament to be constantly out amongst the community, and not locked away in a parliamentary office. With all due respect to my fellow members, all of us have more to learn from forest activists, climate change campaigners, drug law reformers, the lesbian, gay, bisexual, transgender and intersex community, prisoners' rights groups, parents and teachers, unionists, indigenous Elders and refugee advocacy groups than we do from lobbyists, political donors or each other.

Each time I enter a native forest to join with courageous women and men speaking up for our planet and taking a stand against the woodchippers and loggers I remember again why I am a member of this party. I feel the same when I see communities join together to fight against developer greed, challenge the indifference

of the Roads and Traffic Authority, celebrate multiculturalism or call for dignity and respect in their workplace. Working with these people, while sharing some of their campaigns, keeps me grounded. It directs my political life. It is why I am here.

The Greens in New South Wales are blessed with some 55 active local groups drawn from right across the State, including the Central West, Marrickville, Bega Valley, Woollahra, the Nepean and Lismore, to name just a few. We are, to say the least, a diverse lot. Yet these local groups, each powerfully self-assertive, all come together to form the New South Wales Greens. It is a collective of principled people, committed to a more sustainable, peaceful, democratic and just world. Through consensus decision-making, often in the face of an initial hostile public reaction, the party has continued to champion what is right rather than succumb to what is easy. From climate change to drug law reform and marriage equality, it is refreshing to recall that policies adopted by the Greens well over a decade ago have now moved from the margins to the centre of political debate in Australia.

As I enter this Parliament, two long-term Greens parliamentarians have just left—Sylvia Hale and Lee Rhiannon. I pay tribute to both Lee and Sylvia for their selfless dedication to the interests of not only the people, but also the natural and built environment of New South Wales. I aim to build on Sylvia's principled defiance of the unholy mess that calls itself planning and development law in New South Wales. I will say a little more on this later. I will also keep close to mind Sylvia's courageous stance against secret and oppressive police powers that are increasingly being primed for use against our own citizens. The past decade has already seen our governments intrude greatly on our civil liberties. This has included jailing people without charge through preventative detention orders, putting sniffer dogs on our streets and train stations, new blanket powers to outlaw suspect organisations and the march of closed-circuit television cameras that record our every movement on our public streets.

Each of these steps can be justified by arguments promising greater crime detection. The cowardly defence of these changes is that if you have done nothing wrong, then you have nothing to fear. This argument forgets that laws must not only be designed to catch criminals, they must also be designed to respect the innocent and protect the great majority of law-abiding citizens from the over-reach of the police. Sliced by slice, we are being documented, followed, recorded, searched and graded by an ever more intrusive State security service. This is not the kind of vigilance that sustains liberty. As a Greens member with a vision of grassroots decision-making, I believe that this growing centralised control and surveillance jeopardises our freedom. I, like Sylvia before me, will speak out against it.

To this end, one of my first acts as a member of Parliament has been to move for the adoption of a bill of rights in New South Wales. Australia is one of the few advanced democracies in the world that does not enshrine its citizens' rights to essential freedoms in a core bill of rights. Without this, we give a far freer rein to governments of all political colours to legislate away our rights, and bit by bit to limit our capacity to express dissent, to organise and to protest. There are some essential rights and obligations on which almost all members of this Chamber would agree. They include the right and obligation to vote for a democratic government. All of us must have the right to a fair trial, which, if the charge is of a serious nature, should be heard before a jury of our peers. Any bill of rights must also guarantee the freedom of assembly, freedom from torture and freedom from discrimination on the basis of race, gender, ethnicity, religion or sexual orientation. We are all equal and free, and this Parliament should say that proudly.

While enshrining individual rights must be part of any parliament's role, of equal importance are our collective rights. In recent history these collective rights and the great possibility for collective action have been little more than a side story in the public debate in Australia. Government is not just a big corporation, nor is it an oversized household, and our society is far more than a gathering of self-interested individuals. Government done well can achieve great things, and this Parliament has a proud history of social and economic achievements. It was State Government that built this State's electricity power supply that to this day continues to keep the lights on across New South Wales. In the first part of the last century visionary State governments built a network of rail lines throughout New South Wales, linking suburbs, towns, farms and ports to each other and to the world beyond. Our public schools, unquestionably the single greatest tool we have to promote opportunity, equality and fairness across our society, are again the product of more than a century of collective action by State governments. Our public hospital system is also testament to what governments can achieve. Yes, it has waiting lists, delays and inefficiencies. However, for all its limitations we do not have to look far to realise how fortunate we are to have a public hospital system that treats all comers, regardless of what is in their bank account.

The promise of government in New South Wales is not a new story. This year, 2010, marks the 200th anniversary of the arrival of Governor Lachlan Macquarie. Governor Macquarie served for a little over 10 years as leader of New South Wales, from January 1810 to December 1821, and his example proves that our achievements can bring longstanding benefits to society. One of Macquarie's first actions, and it remains a lesson to politicians today, was to quell the corrupting influence of a coterie of officials and landholders, who, fuelled by a growing alcohol and hotels industry, had been running New South Wales in their own interests for years. He is still remembered for his far-sighted town planning, laying out town centres across the State capable of lasting more than 200 years. He built public institutions that still stand, including hospitals and women's shelters, whilst still having the vision to set aside great public commons for all of us to share. Governor Macquarie achieved all he did with a budget of less than £250,000, which, even adjusted for inflation, is still only some \$30 million in today's dollars. The current State budget runs to more than \$55 billion. Surely this wealth, rationally applied to the common good, is able to deliver us a more sustainable, just and peaceful society. Now more than ever we have the capacity to build public institutions and public infrastructure that 200 years from now people will remain thankful for, while preserving our natural world for our great grandchildren to enjoy. In preparation for this speech I looked to Lee Rhiannon's inaugural speech, and I saw that in 1999 she said this:

The Greens will continue to campaign to remove the conflict of interest between money received by a party and the decisions that party makes when in government. While this blatant form of political patronage dominates political life in New South Wales, the quality of life of the people of this State will continue to suffer. The New South Wales Government must put people and their communities first. The common good needs to be central to all policies and projects undertaken in this State. Anything less further entrenches inequality and adds to the hardship of this State's one million poor and low income households. Four years of a Labor Government in this State have led to a divided Sydney and divided New South Wales.

Lee and a team of party members and volunteers around her made good on her promise. She, more than any other single person, publicly exposed the extent of the money flowing from corporate donors to the major political parties in this State. When legislation eventually comes to this House to stifle the capacity of corporations to buy their own politicians, it will be in no small part due to the work of Lee and her team. We should all thank them. In New South Wales more often than not big money and big donations come from big holes in the ground and no one digs bigger holes in New South Wales than the coal industry. Anyone with their eyes open must recognise that the coal industry is ripping the heart out of the Hunter Valley. Grazing and farming land that had been productive for generations has been progressively turned into a moonscape by a rampaging open-cut coal industry. After a few short years of producing the coal, the land is then abandoned by the coal companies after they have turned it into either a degraded paddock or a stunted forest unfit for future agriculture.

Lee was a constant voice for communities and ecologies suffering from the devastating impacts of coal mining in this State, and more recently Lee has rung the bell on a coal seam gas industry that is looking to expand into the Liverpool Plains to the south of Gunnedah. The Liverpool Plains contain some of the richest black soils with the most dependable rainfall anywhere in New South Wales. Over the past decade as many other regions failed to produce a saleable crop due to drought, the Liverpool Plains consistently provided grain to market. It can quite properly be called the State's food bowl. All of this is threatened by a coal seam gas industry, supported by State-issued exploration licences, that wants to pockmark the plains with gas wells, while discharging its polluted water directly into the region's aquifers and waterways. If we are to survive as a species we need more politicians willing to say no to the short-term dollars offered by a dying fossil fuel industry and to look instead to preserving our climate, our land, our waterways for ourselves and generations to come. The coal industry is not only causing direct damage to our farmlands and water through the extraction process, it is also this State's prime greenhouse gas polluter. If this generation of politicians fails to tackle the reality of climate change by adapting our economy through a renewable energy future, then we will rightly be condemned by generations to come.

We can have a political debate about the responses to climate change, but I find it remarkable in the twenty-first century that there continues to be a debate about physics. The basis behind climate change is not open to rational challenge. Countless peer review papers have proven that human induced carbon emissions over the past century have led to increases in the planet's temperature, changes in wind and rainfall patterns, increased sea levels, higher ocean acidity and less snow cover. There is not one substantial government, institution or academic body that doubts this science. The scientific consensus is that we must drastically cut our carbon emissions to ensure that concentrations of carbon dioxide in the atmosphere do not exceed 350 parts per million. In New South Wales coal-fired electricity generators are responsible for more than 37 per cent of the State's carbon emissions. Yet rather than cutting our emissions, New South Wales is looking to build two new coal-fired power stations that together will increase the State's carbon emissions by a further 18 per cent. That is like putting a further seven million cars on the road.

Acknowledging the reality of climate change, the physical and scientific reality of it, the Green's message on coal is simple: no new coal, no new coalmines, no expansion of existing coalmines and no new coal-fired power plants. If we do not act and begin to make the change ourselves to a zero carbon renewable energy future, rich with sustainable green collar jobs, we risk becoming an international climate pariah and we will have change forced upon us by a more advanced global community. I know that together with my Greens colleagues, both within and outside this Parliament, I will take great pleasure in continuing the work to bring to heel the coal industry in New South Wales and to build in its place a sustainable and renewable public sector power industry. This is a campaign we will win in the interests of our global climate, our local health and our future food security.

Greens representatives have a responsibility to restore people's belief in the fact that we can come together freely to protect the vulnerable and achieve a brighter future together. Currently, few people talk of the potential of the New South Wales Parliament to do this. Yet its history proves that it has the capacity to drastically improve the lot of ordinary people. We must deliver more resources to the vital public institutions of education, health and transport. Unless and until these great public institutions are truly world class, we simply must prioritise their funding ahead of providing subsidies to a private sector that delivers only for those fortunate enough to have the resources to choose.

For people to have faith in government they must believe that when they interact with it, their opinions will be heard and their positions will be respected. The current planning system fails to deliver this. The last decade has seen the progressive gutting of community consultation and the marginalising of environmental considerations for most major planning decisions in this State. Part 3A of the Environmental Planning and Assessment Act has delivered to the Minister for Planning untrammelled powers to approve a whole range of developments ignorant of the community's opinion and blind to the local planning laws and the environmental effects. This must stop. While there is a place for development of genuine State significance, such as railways, ports and hospitals, to be decided at a State level after meaningful consultation, there simply is no warrant for the Minister for Planning to approve marinas, hotels and apartment blocks under the guise of State significant development.

My past six years serving as a local councillor in Woollahra, being only one of 75 Greens councillors elected throughout New South Wales, has taught me a number of things about local democracy: It is far from perfect. But local government is the level closest to the people. Councillors and staff know the very streets, parks and shopping centres amongst which their residents live and work, and because of this local councils are best placed as the main instrument to decide local development matters. Local government must be respected by this place. It must be resourced and prized as an essential building block of our democracy. As for my personal history, while some of my more memorable work was for the Royal Agricultural Society as a cellarman and superintendent, my first real job was in the law. I still remember my job interview with Eric Baker, an appeal judge in the Family Court. In response to a somewhat trite answer I gave about why I wanted to work for him, he said, "Son, whatever the law might be it has little to do with justice."

I then spent the better part of three years working for Eric. He taught me just how the law could be used for justice. One of many examples comes to mind. I recall a distraught litigant who, after a contested hearing, had been ordered to sell the family home so as to divide the matrimonial assets as fairly as possible between her and her former husband. Time and again she kept coming back to the court applying for more time to obtain finance to avoid the sale until eventually her former husband and the court tired of it. The judge made an order for the immediate sale of the property. She was losing her house, she was in tears. She reached for a glass of water beside her. She cursed the judge in unparliamentary language. As she ran from the court she hurled the full glass directly at him. I bravely ducked. The glass broke and shattered on the bench just above me sending water and glass flying.

I then heard on the bench behind me a familiar tap, tap, tap, something that any associate would be familiar with. I crawled back up and looked up. I remember Eric saying calmly to me, "Call the next matter." Despite the serious contempt of the court, which a great many other judges would have prosecuted, the woman walked free from the court that day. My boss thought she had troubles enough. After leaving the court I found work as a solicitor at Taylor and Scott. This was a union law firm with its main clients traditionally the construction unions and workers who were members of those unions. Again I came under the tutelage of another good man, David Coleman. David taught me to place the clients—most often at that time it was an injured worker or a union—ahead of the interests of the firm. He taught me also about lawyers' lunches, loyalty and basic human decency. I thank him and the other members of that firm for the loyalty and friendship they have shown ever since.

I have spent the past 7½ years at the bar. My practice at the bar has been from Denman Chambers. The floor may have lost one of its resident Greens—perhaps its only resident Green—but it keeps a colourful mix of politics and opinions from Tory corner right down to ALP alley. I will miss all of you. From my observation, most barristers find themselves at the bar when they realise they are socially incapable of working for a law firm. I loved my time at the bar and, while I do not intend to practice while a member of the Parliament, I will keep my ticket. It is both a privilege and a challenge to stand before a court to argue a client's case. In my time I mainly represented employees, unions and injured workers, although my practice included a wide array of civil litigation. One of the many pleasures during my practice at the bar was to obtain a judgement in the Equity Division of the Supreme Court on behalf of a dozen new members for what their employer considered to be an extraordinarily overgenerous redundancy package. I highlight this case because it was but one of many examples where, with the support of the union, ordinary working people were able to face their employer as equals in court. I saw many others working alone buckle when faced with the costs, time and risks of litigation against a well-resourced employer or insurance company. My experience tells me that an independent bar remains an essential element in our system of justice and I do not intend to forget that in my time here.

I stand here as the product of a happy and close family. My mother, Janet, is here with me today. I thank her for the love, guidance and care she has always given me: 39 years is an awfully long time for anyone to suffer my passions and tolerate my foibles. My older brother, Michael, and my younger sister, Karen, have come here to support me as they always have done in the past. I say hello, too, to Wayne and my young nieces and nephews in the gallery, Oscar, Martin, Gabrielle and Henry. I know that Margaret and the twins would be here if humanly possible. It is at moments like this that I feel a real sadness that my oldest brother, Brian, is not able to be with us. As a young child I enjoyed playing in the local creeks around my home, perhaps, with reflection, taking an unsustainable approach to the harvesting of local reptiles and amphibians. Growing up I enjoyed many trips into the bush, camping with my family and heading out to western New South Wales with my father, catching crayfish and mucking around on large sheep and wheat farms. I remember to this day sitting on the banks of one of the tributaries of the Paroo River and watching with amazement as it fell more than a metre in the course of an afternoon. I found out later that they had turned on the pumps upstream for a cotton farm.

However, my real love of the bush and bushwalking has flourished as I have shared it with the real love of my life—my partner, Patricia. Whether it was freezing near to death in a Kmart sleeping bag in the Snowy Mountains when she checked to see if I had died—only once I point out—walking the Cradle Mountain trail, pulling off leeches in the Barrington Tops, or tramping in New Zealand, I cherish the time we have spent together, just us, amongst the natural beauty of this planet. I cannot imagine my life without Patricia, nor where I would be without her support, encouragement and love over the 14 short years we have had together. The greatest gifts Patricia has brought to me are our two beautiful daughters, Jessica and Hannah. Watching them grow up, become friends and develop into their own little people has been a revelation to me. They could not have a prouder or happier dad. I must mention also the support of Patricia's parents, Dr and Mrs Tsang. I thank them for the warmth they have shown our little family and especially the time and energy they give to their granddaughters.

I have become less emotional now because I am fortunate to be amongst fellow Greens in this Parliament, particularly those of the calibre of John Kaye, Ian Cohen and Cate Faehrmann. Ian's record on championing the environment over his 16 years in this Chamber is well known. I note and respect it, Ian. John continues to be a boundless source of commonsense, intellect and principle, coupled with what I can only say is a staggering capacity for hard work. We heard about Cate yesterday: Her campaigning background, her strong communication skills and her commitment to environmentalism round out our team. Having only been a member of this House for a little over 10 days, I acknowledge that I have much to learn about many of my fellow representatives. I readily accept that there are good people across the political spectrum, most working in their own way towards what they see as a better society.

The Greens in this Parliament have shown a willingness to fully support good laws, no matter where they come from, and a determination to staunchly oppose laws that offend Greens principles. I make a commitment to stay true to this history and, in consultation with my colleagues and my party, to vote on the substantial merit of any proposal that comes before the Chamber, from whatever source.

A more accountable government, partly delivered through a stronger Parliament infused with new ideas, is an essential first step in restoring our faith in democracy, particularly in this Chamber and in this Parliament. With an upcoming State election, the challenge will be to bring those new ideas, that community passion and a renewed belief in the potential of good government to achieve great things, back into this Chamber and back to New South Wales so that we can benefit all of us.

As a Greens member of Parliament, I am forever grateful to be supported by the party membership, including its many links to an active and lively community. No Greens member is elected to this place simply on his or her own merits. Each of us is the product of countless committed members and supporters who are working year in, year out to raise our issues, campaign on our policies, and press the case for a fairer, more peaceful and sustainable New South Wales. I feel genuinely moved to be a representative of this party and forever grateful for the trust that the membership of the Greens has shown in me. My highest aim in my time here is to earn the right to that trust.

TRIBUTE TO BETTY DAVY, OAM

The Hon. DON HARWIN [5.32 p.m.]: At St Andrew's Anglican Church in Roseville last Thursday the redoubtable Betty Davy was farewelled in a service that celebrated her remarkable life and many years of dedicated service to her community. It was a mark of the respect in which she was held that the mourners included Sir John and Lady Carrick, Barry and Rosemary O'Farrell, Paul Fletcher, Philip Ruddock, Peter Baume, Chris Puplick, Stephen O'Doherty, Patricia Forsythe and John and Linde Jobling as well as Betty's many other friends and her family.

Betty was the daughter of a teacher in the sheep and wool section of Sydney Technical College. She was born in September 1919 and grew up in Strathfield. She attended Meriden school before completing a bachelor of arts with honours in English and history at the University of Sydney, and then a Diploma of Education from the Sydney Teachers College, where she was awarded the Peter Board Prize.

Betty taught at schools in Cowra, Wellington, Armidale and Kempsey prior to her marriage to Clyde Davy in 1947. Clyde was an employee of the Bank of New South Wales, which is now Westpac, and for approximately 20 years they lived in many different places as his career advanced. Their only child, Helen, was born in 1952. Clyde and Betty returned to Sydney in 1966 and settled in Wahroonga, where they lived for more than two decades. Betty resumed her teaching career soon after that, and held positions at St Ives High School, Killara High School, and Bridgidine College, St Ives. Following Clyde's death in 1988 Betty moved to Lindfield.

Throughout Betty's life, she was involved in numerous organisations and was often an office bearer. Indeed, she was still an office bearer in several organisations at the time of her death earlier this month at the age of 91. Like so many who worked in banking, Clyde and Betty were alarmed by the Chifley Government's bank nationalisation proposals. That led to Betty's 60-year association with the Liberal Party. During much of the 1980s she served as the secretary of the Liberal Party's Women's Council. Betty Davy and successive presidents, Betty Combe and Betty Grant were known as the three Bettys. They became legendary in the party for their remarkable record of service. In Ian Hancock's history of the Liberal Party he comments that:

All three women constituted a formidable presence, either singly or collectively ... [and] their tireless and uncompromising work for the Party earned them a respect not given to many.

It was through Betty Davy's involvement in the Liberal Party's Women's Council that she advocated for the introduction of a scheme that encouraged older people to enjoy an active and healthy retirement. After she secured the scheme's successful adoption at the Women's Council she steered the proposal through the Liberal Party's State Council and our State parliamentary party immediately recognised its benefits.

In 1992 the Greiner-Fahey Government introduced the NSW Seniors Card. Under the scheme New South Wales permanent residents who are over the age of 60 and who are engaged in fewer than 20 hours of paid work a week are provided with discounted fares for public transport and discounts at thousands of businesses. The scheme has proved to be enormously successful and is among the enduring achievements of the Greiner-Fahey Government. For that we give credit to the mover of the motion within party circles, Betty Davy. Of course, it is also a lasting legacy of the work that Betty gave to her community as a volunteer. In the Queen's birthday honours list in 1995, Betty was awarded a medal of the Order of Australia "in recognition of service to the community". Undoubtedly her pivotal role three years earlier in establishing the NSW Seniors Card was central to the awarding of that honour.

Betty was immensely fun to be with. She had an opinion about everything and was a thoughtful contributor to discussion. She had a wicked sense of humour and she believed in living life to the full. Just one month ago, at the age of almost 91, Betty was handing out how-to-vote cards for Paul Fletcher in Bradfield.

Betty died suddenly without any suffering—something for which we can all be grateful. It was a privilege to know Betty Davy. I am pleased to have had the opportunity to have attended her memorial service, and to formally acknowledge in this place her contribution to our community.

HOMOPHOBIC BULLYING IN SCHOOLS

Ms CATE FAEHRMANN [5.37 p.m.]: I draw to the attention of the House the disturbing issue of homophobic bullying in schools. Most teenagers will not be surprised to hear that best estimates suggest that close to half of gay and lesbian young people experience verbal abuse or bullying because of their sexuality or gender identity. However, I am concerned that many other people in the community do not understand the scale of what is going on in our schools and communities, nor the immense pain that even verbal bullying can cause.

Schools can be very unsafe for people who are, or who are perceived to be, lesbian, gay, bisexual, transgender or intersex. Feeling safe at school is extremely important for the healthy academic, social and physical development of young people. Lesbian, gay, bisexual, transgender or intersex people experience discrimination at many levels throughout their lives. But being confronted with homophobia in school, at probably the most vulnerable period in their lives, can have lasting impacts.

Young people who experience bullying are more likely to miss school, are less likely to stay in full-time education, and are less likely to feel safe, achieve, be healthy and make a positive contribution to their community. Research commissioned by beyondblue suggests that approximately 30 per cent of lesbian, gay, bisexual, transgender or intersex people suffer anxiety or depression—twice the rate for the rest of the community. Even more frightening is that the suicide rate for young lesbian, gay, bisexual, transgender or intersex people is three or four times higher than for their heterosexual peers.

The discrimination faced by people during their youth plays a significant role in their ongoing mental health later in life. We have a responsibility to ensure that, regardless of a person's sexuality or gender identity, our young people are provided with a safe and accepting environment in which to learn and grow. Unfortunately, there is a lack of support for teachers, parents, students and lesbian, gay, bisexual, transgender or intersex young people to deal with homophobia and its effects.

In talking with members of the community I found that their experiences at school appear to be frighteningly similar. This makes me wonder whether the available statistics underestimate the level of verbal and physical abuse that is going on. One young man who contacted me a couple of days ago, after hearing about my interest in this issue, told me of the bullying that he had experienced at school even though he did not disclose his sexuality to anyone. He wrote:

I felt that if I came out at high school then it would have been just as bad as putting a target on my face and telling everyone to have their best shot. I felt that if I came out I would receive more bullying than before, where I would divert the attention from other people being bullied and they'd join in, in order to receive some form of immunity from the main bullies. That form of stress was just not something I needed, especially in year 11 and 12 where my academic life was more important.

He went on:

I also had no one to talk to about it. No friends, no family, no one. I felt so alone and just wanted to scream and cry but couldn't. I just wanted someone to talk to about it and didn't know where to go or look for someone, so I didn't look anywhere and hid in the closet even more.

I believe that homophobia in schools—and the relentless, cruel bullying that can result—can no longer be ignored, as it is all too often. We have a responsibility to closely examine this issue, to hear young people's stories and experiences, and to design effective, long-lasting responses as a matter of urgency. Addressing prejudice when it rears its ugly head is an enormously complex task. Blame cannot be attributed to one factor, such as the education system or the lack of government programs, nor the students who are doing the bullying. To address this we need to look at many underlying factors, including cultural norms shaped by religion and ideology. I know very good work is being done already by some community groups on providing support to young people who are experiencing homophobic bullying. Most of them operate off the smell of an oily rag and we need to ensure that their work is supported.

Taking up the sexuality and gender identity portfolio on behalf of the Greens in New South Wales, I am committed to ensuring that this issue receives the attention it deserves by bringing the voices of students, as well as those within the community working on this issue, into the New South Wales Parliament in the months and years to come. Silence condones ongoing violence and continued bad behaviour. Turning a blind eye encourages

the homophobia that is causing many young people a great deal of suffering and hardship to continue. Just as this Parliament has shed light on domestic violence, sexual violence and child abuse in the past, it is time this Parliament shed light on the extent of homophobic bullying in our schools. This needs to happen before another generation of some of our finest young people lose their confidence in society to keep them safe and give them promise of a bright future.

TILLEGRA DAM

Dr JOHN KAYE [5.42 p.m.]: Yet again I address another feature we have discovered about the planning of Tillegra Dam that would raise huge concerns about the way the Keneally Government and Hunter Water are pushing ahead with this \$477 million project. Documents obtained under a call for papers from this House from the New South Wales Department of Planning reveal that Hunter Water is justifying Tillegra Dam solely on a drought security criterion that is 100 times more strict than that for Sydney Water. The department raised in memorandums to its consultants a number of important questions about the justification, including the unique drought security criterion based on a probability of needing drought contingency measures set at one in 10 million compared with one in 100,000 for Sydney Water; the assumption that in times of severe water shortages water consumption can only be reduced by 30 per cent at most, compared with an assumed 40 per cent in Sydney; and the assumption that the Balickera pumps take 1,650 megalitres of water per day from the Williams River at Seaham weir into Grahamstown Dam when they are sized for 1,800 megalitres per day.

Each of these highly unrealistic and conservative planning assumptions inflates the need for a new water supply option in the Hunter. The Greens, opponents of the dam, and water experts are calling the one in 10 million risk criterion unrealistic and absurd. The Government cannot approve a dam based on these planning assumptions. These new documents strengthen the case for the project to be put on hold and for an independent inquiry into the water needs of the lower Hunter. The documents we obtained reveal that the "criteria [that] alone underpins the justification for needing the dam" was based on the 1979-80 drought "repeating itself 4 times (i.e. their worst case drought repeated for 4 years)".

Hunter Water's water resources planning engineer Brendan Berghout "worked out that there was a probability of 1 in 10,000,000 of this event occurring". This compares poorly with the Sydney Water criterion of one in 100,000. Hunter Water's risk threshold is 100 times greater than that for Sydney Water. In early September the Department of Planning asked its consultants to review the criteria, along with other planning assumptions. Tillegra Dam is being planned to reduce the risk of needing the drought emergency management responses to one in 10 million. Hunter Water wants to spend \$477 million of Hunter household money to avoid this one in 10 million chance. Tillegra Dam is being built to provide a level of security that is absurd. In effect, the dam means that the expected time until a water emergency would be 10 million months or 830,000 years, compared with a more realistic 8,300 years for Sydney Water.

In both Sydney and the lower Hunter contingency measures are planned for these highly unlikely events. The conservatism of these criteria is made worse by drought response consumption reductions. Hunter Water is sticking to its 30 per cent reduction in water consumption during drought times, while other utilities are planning and achieving a 40 per cent reduction. Greater reductions mean a much smaller need for a dam in times of drought. The Balickera pumps have been de facto rated by Hunter Water so that the daily amount of water that can be pumped from the Williams River at Seaham weir into Grahamstown Dam is reduced by 150 megalitres a day based on down time assumptions. More pumping capacity means less need for Tillegra as more water can be captured into Grahamstown.

Hunter Water is using an absurd, gold-plated level of drought security to justify Tillegra. These documents show just how far out on a limb Hunter Water has had to go to support its case. Any sensible measure of drought security would take Tillegra off the table. A one in 10 million chance of the drought contingency measures is ridiculous and imposes an unnecessary economic and environmental burden on the Hunter region for very little increase in security. Hunter Water needed to run the worst drought in history four times back to back to manufacture a case for this dam. The Department of Planning has forced Hunter Water to admit that this gives 100 times greater security than Sydney. Premier Kristina Keneally should step in and put the brakes on Hunter Water. Planning to this unique level of drought security is driving the construction of a dam that will almost certainly never be needed. Before the community is forced to pay for Tillegra, it should at least be consulted on how it feels about losing \$477 million to make only a marginal improvement in its water supply security.

HONG KONG SALUTE FINALE BALL

The Hon. MARIE FICARRA [5.47 p.m.]: It was an honour to represent Barry O'Farrell as the Leader of the New South Wales Opposition at the Hong Kong Salute Finale Ball, organised by the Way In Network and TVBA, on 12 September. This ball was the grand finale that crowned off festivities for the hugely successful Hong Kong Week. Indeed, I acknowledge that my colleague the Hon. Amanda Fazio, President of this House, was also present representing the New South Wales Government. I pay tribute to the untiring dedication of Mrs Florence Chau, President of the Way In Network, and counsellor Annie Tang, Deputy Mayor of Kogarah City Council and Event Chairlady, along with their hardworking 2009-2011 committee of brilliant women: Elsa Shum, Linda Tang, Linda Lam McGarry, Susanna Lau, Lisa Harris, Vicki Ouyang, Anny Chan, Shinta Taylor, Floris Lam Danvers, Jessie Xiao, Gabby Kwok, Lucy Shun, Rosanna Ng, Eugenia Lieu, Sally You and Stella So. With their predecessors, they have raised much money over the past 18 years for both Australian-based and Chinese charities. I acknowledge honorary and past presidents, Hon. Helen Sham Ho, Jenny Wallis, Lorna Wong, Christine Ho, Lui Choi Kook Fun, Emily Hung, Rita Ip, Lavender Tsim and Linda Wong.

Mr Patrick Wong, the General Manager of TVBA, and Mr Eric Schimpf, Head of Macquarie Private Wealth, were present as the principle co-sponsors of the ball. Other sponsors included Cathy Pacific, Swarovski, Shum's Jewellery, the Golden Century Seafood restaurant, En Rose, the East Ocean Restaurant, the Cartier and Loewe boutiques at DFS Galleria and the Hong Kong Economic and Trade Office. Dignitaries such as Mrs Liu Ping representing the Consulate General of the People's Republic of China and Mayor Nick Varvaris from Kogarah City Council were in attendance, along with many local government councillors from across Sydney, community leaders and volunteers. The Way In Network has provided great assistance for so many charitable causes over 18 years, including the Haiti earthquake appeal, the Tsunami appeal through World Vision Australia, the Taiwan and China earthquakes, the Salvation Army bushfire appeal, China Vision, Barnardos Australia, Westmead Hospital, St George Hospital and so many more. On behalf of Barry O'Farrell and the New South Wales Coalition we thank them for the work they do in helping the vulnerable and disadvantaged at home and abroad. The network's objectives of promoting mutual understanding and communication across communities has produced much goodwill and needed assistance. Where there is need they have not judged but rather extended a hand of friendship and charity.

I also had the privilege of attending the Jeweworld Carnival in Carss Park on 11 September, a fantastic family day. This carnival along with so many other events during Hong Kong week such as the opening reception, the Hong Kong film night, the art exhibition, food and wine celebration and business seminar would not have been possible without the support of TVBA and the Hong Kong Economic and Trade Office. TVBA this year celebrates 10 years of successful operations here in Australia bringing first-class news coverage and entertainment to so many Chinese Australian families from Hong Kong, mainland China and Taiwan. TVBA covered news and entertainment from our home-grown mainstream Australian community enable these communities to better understand each other. Together we grow stronger, healthier and happier through good telecommunications.

Proceeds from the Hong Kong Ball went to two worthy causes, education and cancer support services. Sydney University was the recipient of the Way In Network Hong Kong Experience Scholarships, giving aspiring students the opportunity to study in Hong Kong and experience the dynamic, vibrant life in Asia's most diverse and successful global city. Funds will also be directed to CanRevive, Australia's first Chinese cancer support charitable organisation, which has been operating since 1995 and delivering services and information in their own languages—Cantonese and Mandarin—and support for Chinese Australians suffering from cancer. I thank all those involved with this worthy cause, both volunteers and healthcare professionals. In conclusion, I wish the Way In Network Committee future prosperity and success in all its fine community work.

SUDDEN INFANT DEATH SYNDROME

The Hon. KAYEE GRIFFIN [5.52 p.m.]: I refer to sudden infant death syndrome and related public awareness campaigns increasing the understanding of this devastating syndrome. Previously referred to as cot death, and first recognised officially in 1969, sudden infant death syndrome is defined as "the sudden death of an infant or young child which is unexpected by history and in which a thorough post-mortem examination fails to demonstrate an adequate cause of death". During my time serving on the Committee on Children and Young People the committee conducted a review of the reports by the New South Wales Child Death Review Team, which does extremely valuable work in such a difficult field.

Formed in 1996, the team's role is to provide information about trends in child deaths with a view to preventing or reducing the number of deaths in New South Wales of children from birth to 17 years. Specific

research functions of the Child Death Review Team are to maintain a register of child deaths in New South Wales; classify these deaths according to cause, demographic criteria and other relevant factors; identify patterns and trends relating to the deaths; and make recommendations to government and non-government agencies for the prevention of further child deaths.

The Child Death Review Team has examined the deaths of infants who have died suddenly and unexpectedly since its 1999-2000 annual report. For monitoring and reporting purposes the Child Death Review Team established a research category of sudden and unexpected deaths of infants in 2000. The team identifies a death as sudden and unexpected deaths of infants when an infant less than one year of age dies suddenly and unexpectedly after being placed for sleep. Despite declines in recent decades in sudden infant death syndrome rates of more than 50 per cent, sudden infant death syndrome is still the most prevalent cause of death in infants aged between one month and one year, causing untold grief and suffering for parents and families.

Infants are most at risk of sudden infant death syndrome between the ages of two and four months; this risk decreasing dramatically in infants more than six months of age, with figures showing more than 80 per cent of sudden infant death syndrome cases occur within the first six months of life. Sudden infant death syndrome death rates for boys are noticeably higher, consisting of around 60 per cent of all cases. Attempts to adequately explain sudden infant death syndrome have proven problematic. There are no consistently identifiable warning signs and as yet no definitive proven strategies for prevention. The strongest evidence of modifiable risk factors include face down or side sleeping positions of babies, exposure to tobacco smoke, head coverings and co-sleeping, but even those are not exhaustive, resulting in the sad reality that the loss of a baby through sudden infant death syndrome occurs without warning and despite the provision of the best possible parenting.

The pain experienced by parents and families after the loss of a child to sudden infant death syndrome is profound. It is very difficult for loved ones to comprehend the sudden and unexpected death of a child with no obvious symptoms or illness. This pain is further accentuated by the necessary involvement of both the police and the coroner in such a tragedy, whose duty it is to investigate all sudden deaths. Guilt and blame are often the most common reactions experienced in the grieving process despite the fact that sudden infant death syndrome cannot be predicted, and the definitive causes are unknown. Since the early 1990s, there have been a number of public education and awareness campaigns launched, including the introduction of the national sudden infant death syndrome and Kids Reduce the Risks campaign, designed to highlight environmental factors that have been proven to increase the risk of sudden infant death syndrome.

Those campaigns have focused on the need to put infants on their back to sleep from birth, provide a safe sleeping environment and keep cigarette smoke away from infants, as well as highlighted other potential risk factors. Risk reduction campaigns such as those offered by the not-for-profit sudden infant death syndrome and Kids organisation have been largely successful, resulting in a substantial reduction in the rate of sudden infant death syndrome, with aggregated data between 1981-90 and 1991-2000 showing a 59 per cent reduction in sudden infant death syndrome-related deaths over the period. The sudden infant death syndrome and Kids website is an excellent resource for accessing information on sudden infant death syndrome, baby and child health promotion campaigns, and information about current research programs. There is a range of fact sheets with information for parents and families on safe sleeping practices and safe wrapping techniques for babies as well as a variety of practical information available in a range of different languages.

Sudden infant death syndrome and Kids also provide vital bereavement counselling services to families suffering from the sudden death of a child from any unexpected cause including neonatal complications, drowning, fire, motor vehicle accidents, fast onset illness, a pre-existing but not fatal condition or stillbirth. Since 1988 sudden infant death syndrome and Kids Australia has contributed more than \$16 million to research into the possible causes and prevention of infant death, sudden infant death syndrome, stillbirth and health promotion. Within Australia sudden infant death syndrome and Kids have established a National Scientific Advisory Group that review and recommend research development, research initiatives and public and health professional educational campaigns.

The continued success of the high-profile Red Nose Day, the major fundraiser for sudden infant death syndrome and Kids, provides funds with which sudden infant death syndrome and Kids can continue its valuable research into achieving greater reductions in the rate of sudden infant death syndrome in our community and the provision of vital community services for families suffering the tragedy of the death of a child. *[Time expired.]*

PREMIER'S LITERARY AWARDS

The Hon. IAN WEST [5.57 p.m.]: This year marks the thirty-first anniversary of the creation of the Premier's Literary Awards by former Labor leader Neville Wran. For more than three decades New South Wales governments of all political stripes have sought to recognise the immense contribution made by authors and journalists to the enrichment of our State's cultural and political fabric. Journalists in particular are an important element of democracy and play a central role in the dissemination of information to the broader community. Without the fourth estate those in positions of power—from judges to corporations and even politicians—would be somewhat freer to hoodwink, manipulate and deceive an unsuspecting general public.

Whether it was Hitler's Germany, Mugabe's Zimbabwe or Pol Pot's Cambodia, to name but a few, the power of the press in controlling the public discourse, setting the political agenda and influencing community perceptions was well understood and much discussed. It is no coincidence that trade unions and journalists are amongst the first sections of society attacked by extremist regimes in their formative stages of taking power. As we know, freedom of the press and freedom of speech simply should not be taken for granted. They are indeed signifiers of a society's civil and social advancement.

For example, I note with great interest an observation made by Nobel Prize winning developmental economist Amartya Sen that no substantial famine has ever occurred in a country where a relatively free press exists. However, like any institution with inherent power and influence, the press has great responsibility not to abuse this power. Indeed, it has an obligation to maintain its objectivity in giving a fair and truthful account of the news. In today's era of media, where fact is presented as opinion and opinion presented as fact, the line separating reliable information from pernicious gossip is becoming increasingly distorted.

The capricious nature of tabloid journalism and the 24-hour news cycle has never let the truth obstruct the release of information perceived to be in the public interest. Of course, establishing what exactly is in the public interest is an elusive task. How can we distinguish between what the public needs to know and a person's fundamental right to respect and decency? I find it curious how often the answer to this particular question is consistent with what story is likely to generate the most public attention and outcry. The sad reality is that truth, fairness and balance have been put on the backburner as self-interested media barons perpetually try to outdo each other in terms of who can sell the most papers and turn over the most money. The loser, of course, in this contest—besides honesty and integrity—is ultimately the people of New South Wales.

I draw the attention of members to the recent experience of award-winning plastic surgeon Peter Haertsch, who heads the burns unit at Concord Hospital. Peter was forced to suffer the ignominy of allegations in the media that he botched important surgery. He was made out to be the second coming of Doctor Death. However, upon further inquiry, the allegations were shown to be completely false and the shameless deception of the particular news program was exposed. For someone whose livelihood depends on his reputation, Peter was rightly found by the courts to have been defamed and was awarded substantial compensation. Corporatisation of media values has meant that the news is now treated like a commodity to be bought and sold to feather the nest of those who own what has become a product. We need to further examine whether it is morally acceptable for such organisations to disseminate unsubstantiated or selective information in the public arena without regard for real-life consequences.

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

Motion agreed to.

The House adjourned at 6.02 p.m. until Thursday 23 September 2010 at 11.00 a.m.
