

LEGISLATIVE COUNCIL

Thursday 23 October 2008

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

The President read the Prayers.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The PRESIDENT: I report the receipt of the following message from Her Excellency the Governor:

Marie Bashir
GOVERNOR

Office of the Governor
Sydney 2000

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Council that she re-assumed the administration of the Government of the State on 22 October 2008.

22 October 2008

WATER MANAGEMENT AMENDMENT BILL 2008

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

SECURITY INDUSTRY AMENDMENT (PATRON PROTECTION) BILL 2007

Second Reading

Debate resumed from 25 September 2008.

The Hon. GREG DONNELLY [11.08 a.m.]: The Government does not oppose the principle behind Reverend the Hon. Dr Gordon Moyes' bill; we share his concerns with regard to protecting the safety and security of the community and raising the professional standards of the security industry. However, the proposals contained in the bill are not the only means of achieving these aims. Since Reverend the Hon. Dr Gordon Moyes' bill was first introduced in 2006 the landscape surrounding the regulation of the security industry and assistance available to employers to manage drug and alcohol issues in the workplace has changed markedly. Since the commencement of the Security Industry Amendment Act 2005 and the Security Industry Regulation 2007 we have seen major positive changes in the way in which the manpower sector of the security industry operates.

New South Wales already has the toughest regulatory framework in Australia covering the security industry. Anyone convicted of a drug offence, in respect of which the maximum penalty imposed is imprisonment for six months or a penalty of \$2,000 or both, cannot get a security licence in New South Wales. Moreover, the national minimum standards for the security industry agreed upon by the Council of Australian Governments [COAG] at its July 2008 meeting set the bar even higher. COAG agreed that the penalty for which a person should be excluded from the security industry should be a fine of \$500 or more, or any term of imprisonment for drug offences. The Government now expects all employers to have a fitness for work policy, which must include the management of alcohol and drugs in the workplace. Leading industry associations, such as Australian Security Industry Association Limited, are working with their members to implement this reform. Some industry associations and employers are even promoting a zero tolerance for drug and alcohol use in the workplace.

The 2007 reforms also introduced a 12-month provisional licence subclass so that new entrants into the industry receive on-the-job training and assessment. More importantly, full licensees or a competent person on the job directly supervises all provisional licensees for that 12-month period. Provisional licensee crowd controllers must, as far as practicable, be in the line of sight of the competent person who is able to render

assistance immediately if required. For every three provisional crowd controllers at least one competent person must be on the premises. These strict laws are helping to ensure that professional behaviour is enforced on all new entrants from day one and that any rookie or troublesome behaviour is ruled out from the beginning.

Offences under the Security Industry Regulation 2007 that preclude a person from obtaining a security licence were also expanded in 2007. These now include offences relating to prohibited drugs and offences relating to assault. Between 1 September 2007 and 9 October 2008, 147 licences were either refused or revoked due to charges or convictions for assault, and 36 licences were either refused or revoked due to charges or convictions for drug-related offences. This demonstrates that the Government's current raft of legislative provisions governing the security industry are achieving results and are sending a strong message to licence holders that high standards and professional conduct are expected of them. Persons who engage in violent behaviour or illicit drug crime are either prevented from entering or are removed from the industry.

In addition, crowd controllers—holders of current class 1C licences—have until 1 November this year to upgrade their training to retain their licences. If licensees are unwilling to upgrade their training qualifications as required their licences will be cancelled and they will be out of the industry. The Government is serious about cleaning out any licence holders who are inadequately qualified. Before I turn to the issues associated with instituting a drug and alcohol testing regime for the manpower sector of the security industry I will update members on the stance taken by WorkCover on the issue. Under occupational health and safety legislation the responsibility for managing drug and alcohol issues in the workplace in New South Wales falls primarily onto employers—in this case security firms. For example, section 8 (1) (d) of the Occupational Health and Safety Act 2000 states that an employer's duty extends without limitation to:

providing such information, instruction, training and supervision as may be necessary to ensure the employees' health and safety at work.

It is important that employers are not absolved of this legislative responsibility but rather, as is WorkCover NSW practice, assisted to effectively meet it. WorkCover has advised that this includes the responsibility to ensure that employees are fit for work and are provided with training in how to meet this requirement. This is now happening in the security industry thanks, in part, to the leadership shown by our industry associations.

In addition, WorkCover produced a guide last year entitled, "Alcohol and Other Drugs in the Workplace: Guide to Developing a Workplace Alcohol and other Drugs Policy". The guide was developed in consultation with key industry stakeholders, including employers, unions and health workers, following recommendations from the 2003 New South Wales Alcohol Summit. Amongst other things this covers how to identify and minimise risks and how to draft a code of behaviour specific to a particular workplace, which may stipulate acceptable, if any, blood alcohol levels. Importantly, WorkCover recommends that alcohol and drug testing only be implemented as part of a comprehensive drug and alcohol program with appropriate safeguards, clear policy and procedures, and provision of education and counselling. This is WorkCover's preferred approach for all industries across New South Wales. The emphasis placed on the education and pastoral care of employees is noted.

With this in mind, it is the Government's view that the WorkCover approach should, in the first instance, be applied to the security industry. We need to give the strengthened legislative provisions introduced last year more time to work and we need to, as WorkCover suggests, work with the industry to improve the prevalent culture and standards. It is considered that this approach will meet the aims of the Reverend the Hon. Dr Gordon Moyes that, as I have said, are shared by the Government. Of course, if this is not successful, the approach by Reverend the Hon. Dr Gordon Moyes remains an option.

By way of background, I can advise the House that approximately 36,600 persons are authorised by a licence to undertake crowd or venue control, or bouncer activities in New South Wales. Were even a targeted proportion of these crowd controllers or bouncers tested, it would be at a significant cost. The Western Australian regime costs approximately \$20 for a preliminary test. If drugs are found to be present a full gas chromatography mass spectrometry analysis is undertaken, which becomes the official result. This increases the costs dramatically—up to \$300 per sample. Drug use is a concern for many employers in many industries and for the community in general. However, if police are to be involved in the drug and alcohol testing of security guards then we need to seriously consider the time and resource burden this would create for the police force.

As to other amendments proposed by Reverend the Hon. Dr Gordon Moyes, the current form of licence is determined by the requirements of the Roads and Traffic Authority photo-licence system, which is based on Australian design standards. To record licence classes, bearing in mind that the licensee may have multiple

licence subclasses and licence numbers, would dramatically change the size of the licence. This would make its display on the licensee very cumbersome. As part of our recent reforms we have clarified the way in which the licence must be displayed by requiring, amongst other things, that the licence is attached to the person's outer clothing at or above the level of the person's waist, and that the face of the licence is clearly visible and not obscured by clothing or other material.

Reverend the Hon. Dr Gordon Moyes also proposes that the commissioner be authorised to use information obtained through a sharing arrangement under section 9A of the Fair Trading Act 1987 to determine the suitability of licence applicants. On its face the proposal appears to have merit, but with the cost involved in developing data exchange systems it is not clear what it would add in practice to the current checking system. While we support moves to improve the professionalism of the security industry and agree with the intentions of Reverend the Hon. Dr Gordon Moyes, we cannot support the bill in its current form. Further work is required on many important questions posed by the proposal of Reverend the Hon. Dr Gordon Moyes.

The Security Industry Council, which was formalised in legislation as part of the most recent legislative reforms, has been considering the bill introduced by Reverend the Hon. Dr Gordon Moyes. The council is comprised of industry associations, large-scale users of security industry services, trade unions and government departments. The council has resolved to continue to work through the issues raised in the bill introduced by Reverend the Hon. Dr Gordon Moyes. The Minister will ask the chair of the council to provide me with formal advice in the near future. I should note that the Police Association does not support the bill. The Government opposes the bill.

Reverend the Hon. Dr GORDON MOYES [11.18 a.m.], in reply: I thank all honourable members who have spoken to the Security Industry Amendment (Patron Protection) Bill 2007. I note the concerns of the Government and the concerns of those responsible for the details of licensing et cetera. The bill has outlasted several Ministers for Police. The facts of our research, and the persistency of our efforts, as outlined by many speakers, have already resulted in much good and I thank the Government for those changes and achievements over the last several years. For example, more than 1,000 bouncers and security guards have not been reregistered because the stricter criteria, which we raised, for registration could not be met.

Why were 1,000 unsuitable people, many with police records for criminal and violent behaviour, licensed in the first place? That is one of the concerns I raised at the beginning. I am glad that those people have gone. Good riddance to them. This bill is to be thanked for achieving that. It did not occur as a result of the generosity or self-regulation of the industry, nor the wisdom of the Minister's departmental advisers. They should not get the credit for it. It was because we pushed the Minister to that position.

At the moment the State has 36,000 security agents—a private army well in excess of double the New South Wales Police Force. A large number of these people are armed, and some have serious criminal records. I am aware of a licensed security guard who, as a 17-year-old, murdered a person using a gun. He is licensed by the Government to work as a security guard. As the Hon. Greg Donnelly said in his speech on behalf of the Government, former police Minister Campbell brought the industry together to form an advisory council. That was a matter of too little too late. I met with the advisory council, and it acknowledged the problems. I could see that the council would work to get rid of its main competitors—the smaller cut-price operators. Successful prosecutions have put the screws on those operators because the advisory council comprises the heads of the industry and the owners of the larger security firms. They have acted uprightly, with the result that some of their main competitors, the smaller cut-price operators, have been put out of business. A number of successful prosecutions have resulted in putting the screws on those smaller operators, some of which have gone out of business.

At all times the Government has assured me, through the various Ministers, that it intends to include my concerns in its own future legislation. This has gone on year after year, without our seeing any changes of great significance in the legislation. In fact, the departmental advisers have sat on their hands rather than do something constructive. Not all of the objectionable operators have gone out of business. Some operators still have direct links with biker gangs and others who, I believe, use these security firms as legitimate businesses through which they can launder drug money. Others are used as gatekeepers to avoid the excesses of drug users attracting too much public and police attention. A few expulsions and prosecutions lull public concern. As a direct result of our actions and speeches in the House over the past several years, the Government recently revoked 223 1F-armed guard licences. They were revoked only four weeks ago on 1 October because licence holders did not fulfil all licence requirements. That raises questions about the integrity of the department, which suddenly acted when this bill was to come before the House and go to a vote. I thank the Government for invoking 223 1F-armed guard licences. I regard that as a victory along the way in the progress of this bill.

When it comes to drug and alcohol abuse, self-regulation does not work. Despite multimillion-dollar advertising campaigns, drunk drivers still get behind the wheel. Only random breath testing keeps drunk drivers off the road and under control. Does anyone think that self-regulation by the trucking company owners' advisory council and assurances by the owners to lower delivery schedules and not employ pill-popping, long-distance truck drivers will work? Only roadside testing of drivers for drug abuse and checking of log books prevent abuse and keep the public safe from drug-abusing drivers. In the same way, self-regulation of the security industry only allows the cartel of industry operators to get rid of some of their competitors. Police enforcement is required, and that is what we have asked for. The assurances that the security industry has given to the Minister that it will keep the industry clean may fool some young advisers on the Minister's staff and in the department, but the "keep your fingers crossed and trust us" policy should not be accepted by a street-wise politician.

We now have a new Minister for Police. The new Minister should act firmly on this issue. Only random alcohol and drug testing will ensure that the rogue elements within the industry are kept under control. I give a word of advice to my colleague the Minister for Police: If he continues the current practices he will keep the Government and himself off the front pages for a little while. The public does not care particularly that every Saturday night Joe Average is bashed by a drug-affected bouncer and ends up in St Vincent's Hospital with a broken skull. But when three teenage girls are crushed to death at a summer rock concert because an overreaction by security guards leads to crushing in the mosh pits, or when an abusive drunken lout is bashed to the ground by a drug-affected bouncer at a nightclub at 4.00 a.m. and it is discovered that the drunken lout, who is now paralysed, is a famous national rugby league player or a well-known cricketer, such as the late David Hookes, the Minister must be aware that the newspaper reporters and television cameras will come hunting.

They will not come hunting for a lowly departmental bureaucrat or young ministerial adviser who assured the Minister to keep his fingers crossed and trust the industry. They will come for the Government and the Minister's scalp. Apart from the concerns I have raised, there is enough to fill the front pages of the newspapers and keep prime-time television running for some time. At the moment the Minister lives solely by the grace of God because these types of events have not occurred in recent times. Wise counsel would urge the Minister to implement low-cost drug and alcohol random testing in the security industry in the same way as it is undertaken in the trucking and motoring industries. This will help prevent tragedies and assist the Government to govern in the future. If he does not, when the funeral bell tolls, do not ask for whom the bell tolls because it tolls for thee.

Question—That this bill be now read a second time—put.

The House divided.

Ayes, 22

Mr Ajaka	Ms Hale	Mrs Pavey
Mr Brown	Dr Kaye	Mr Pearce
Mr Clarke	Mr Khan	Ms Rhiannon
Mr Cohen	Mr Lynn	Mr Smith
Ms Cusack	Mr Mason-Cox	
Ms Ficarra	Reverend Dr Moyes	<i>Tellers,</i>
Mr Gallacher	Reverend Nile	Mr Colless
Mr Gay	Ms Parker	Miss Gardiner

Noes, 16

Mr Catanzariti	Mr Obeid	Mr West
Mr Della Bosca	Ms Robertson	Ms Westwood
Ms Griffin	Mr Roozendaal	
Mr Hatzistergos	Ms Sharpe	<i>Tellers,</i>
Mr Kelly	Mr Tsang	Mr Donnelly
Mr Macdonald	Ms Voltz	Mr Veitch

Pair

Mr Harwin

Ms Fazio

Question 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 Reverend the Hon. Dr Gordon Moyes agreed to:

That this bill be now read a third time.

Bill read a third time and transmitted to the Legislative Assembly with a message seeking its concurrence in the bill.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Ms SYLVIA HALE [11.35 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 131 outside the Order of Precedence, relating to Currawong Beach, be called on forthwith.

I seek leave for this motion to be debated urgently because the new Minister for Planning informed us at a budget estimates hearing last week that she will make a decision soon about what to do with the Currawong site. One of the most contentious aspects of the Currawong proposal is the issue whether it should be heritage listed. The Minister has said that a panel set up by former Minister Frank Sartor is examining this issue, but given that so many heritage organisations have already called for Currawong to be heritage listed, we can only assume the purpose of the Sartor panel is to find some excuse not to heritage list the site. If Pittwater Council, the National Trust, the Heritage Council of New South Wales and the Australian Institute of Architects have declared Currawong Beach and the historic buildings contained within its boundaries to be a heritage site, what is the purpose of the Sartor panel? It is urgent, therefore, that this House makes known its views about the heritage listing of Currawong.

Another reason for urgency for this House to express a view on this issue is the tortured financial and political deals that have surrounded the Currawong development project. Currawong is just the latest example of a significant Australian Labor Party donor lining up to ask for a special deal from the Australian Labor Party planning Minister. As noted by Elizabeth Farrelly in yesterday's *Sydney Morning Herald*, the developers, Linz and Litver, with their impeccable connections to both Unions NSW and the New South Wales Australian Labor Party and their track record as major party donors, secured Currawong at about half the price of other bids, cheating the public of both access to Currawong and around \$15 million.

The Currawong development saga is as bad as anything we saw from the corrupt developers' free-for-all that typified the discredited Askin Liberal Government of the 1970s. It is urgent therefore that this House takes steps to say that this deal stinks and that Currawong should not become the latest environmental and heritage jewel to be sold off—

The Hon. Greg Donnelly: Point of order: Ms Sylvia Hale knows full well that the purpose of her presentation is to persuade the House that this matter is urgent. What she is doing is straying into a tirade against the Government, using very colourful language. The member should be drawn back to what is a requirement of this part of her presentation: to persuade the House that this matter is urgent.

The PRESIDENT: Order! I uphold the point of order in accordance with the rulings by numerous presidents, including President Johnson, who ruled on 26 February 1987:

In debating a procedural motion, members should restrict their comments to the terms of the motion and not the substance of the matter".

The member should bear that ruling in mind as she proceeds.

Ms SYLVIA HALE: I believe I have outlined the reasons why the matter is urgent and I urge the House to support this motion.

The Hon. GREG DONNELLY [11.40 a.m.]: I speak against urgency on this matter. Ms Hale is asking the Government to take immediate steps to list Currawong Beach on the State Heritage Register and to protect it from inappropriate development. Ms Hale should keep up to date with the Government's progress on this matter, which she is clearly not doing.

The proposal was on exhibition until 23 May 2008, and more than 300 submissions were received. A ministerial review panel and an independent hearing and assessment panel were appointed by the former Minister for Planning under section 35 of the Heritage Act and under the Environmental Planning and Assessment Act 1979 respectively. The ministerial review panel will fully investigate all heritage considerations on the site and the State Heritage Register nomination of the site. The independent hearing and assessment panel will thoroughly assess the major project environmental assessment.

Both panels consist of John Whitehouse, who is the chair; Martin Hill, a valuer and land economist; and Stephen Davies, a heritage consultant. Each panel will provide its own report. The independent hearing and assessment panel requested a review of the proponent's geotechnical and coastal processes information and preliminary information has been provided to the panel for comment. The panel can finalise its report and recommendations after this information has been completed. The proponent has provided a response to submissions in the form of a preferred project report. This cannot be assessed until the panel report on this project is received.

A decision regarding the heritage consideration and the redevelopment of the Currawong site can be made only once each panel has made its recommendations to the Minister and the Department of Planning has finalised its assessment report. The Government believes that there is no urgency with regard to this matter. A number of other items on the list of private members' business should be dealt with today in the proper order. The member's attempt to jump the queue is not acceptable and the Government will not support her proposal.

The Hon. GREG PEARCE [11.43 a.m.]: The Coalition supports the motion before the House. We believe that it is important that this House sends a message to the Government that this long drawn-out matter should be dealt with immediately. The new Minister for Planning was on ABC radio this morning telling the people of New South Wales that she is bringing new eyes and ears to planning issues. She has announced the Government's about-turn on Callan Park, although she has not announced that any funds will be available to maintain it in the future.

The Hon. Duncan Gay: Have you seen the Premier—Sir Fib-a-Lot?

The Hon. GREG PEARCE: The Premier does fib a lot. The Coalition believes this matter is urgent and that the House should immediately send a message to the Government that it must deal with this long overdue and particularly smelly matter as soon as possible. A great deal more should be revealed about the Labor Party's dealings in respect of Currawong and the developer. Resolving the heritage listing of the site will be a very important step and it should not be delayed by a ministerial review panel. The new Minister proudly proclaimed how she is acting to save one of her colleagues in the seat of Balmain by addressing an issue in that electorate. She should do as she said she would this morning. In fact, she specifically mentioned Currawong as one of the projects that will be examined with her new eyes and ears—and new accent, for that matter. I encourage the House to support the motion.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 21

Mr Ajaka	Ms Hale	Mr Pearce
Mr Brown	Dr Kaye	Ms Rhiannon
Mr Clarke	Mr Khan	Mr Smith
Mr Cohen	Mr Lynn	
Ms Cusack	Mr Mason-Cox	
Ms Ficarra	Reverend Dr Moyes	<i>Tellers,</i>
Mr Gallacher	Reverend Nile	Mr Colless
Mr Gay	Ms Parker	Mrs Pavey

Noes, 16

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Ms Griffin	Mr Roozendaal	
Mr Hatzistergos	Ms Sharpe	<i>Tellers,</i>
Mr Kelly	Mr Tsang	Mr Donnelly
Mr Macdonald	Ms Voltz	Mr Veitch

Pair

Mr Harwin

Ms Fazio

Question resolved in the affirmative.**Motion agreed to.****Order of Business****Motion by Ms Sylvia Hale agreed to:**

That Private Member's Business Item No. 131 outside the Order of Precedence be called on forthwith.

CURRAWONG BEACH HERITAGE LISTING**Ms SYLVIA HALE** [11.51 a.m.]: I move:

1. That this House notes:
 - (a) that Pittwater Council has declared Currawong Beach and the historic buildings contained within its boundaries to be a heritage site and that it should immediately be placed on the State Heritage Register and the National Heritage List in its entirety,
 - (b) that the National Trust of Australia (NSW Division) has declared Currawong Beach and the historic buildings contained within its boundaries to be a heritage site and that it should immediately be placed on the State Heritage Register and the National Heritage List in its entirety,
 - (c) that the Heritage Council of New South Wales has declared Currawong Beach and the historic buildings contained within its boundaries to be a heritage site and that it should be placed on the State Heritage Register in its entirety, and
 - (d) that the Australian Institute of Architects has stated that Currawong Beach is of enormous heritage significance and should be placed on the State Heritage Register in its entirety.
2. That this House calls on the Government:
 - (a) to take immediate steps to place Currawong Beach in its entirety on the State Heritage Register, and
 - (b) to ensure that Currawong Beach is protected from residential subdivision or other inappropriate development.

This motion requests this House to note that Pittwater Council, the National Trust, the Heritage Council of New South Wales and the Australian Institute of Architects have declared Currawong Beach and the historic buildings contained within its boundaries to be a heritage site and have called for it to be placed on the State's Heritage Register. The motion then calls on the Government to take immediate steps to place Currawong Beach in its entirety on the State's Heritage Register. Finally, it calls on the Government to protect Currawong from residential subdivision or other inappropriate development.

It should be noted that under the nomination criteria for an item to be listed on the State's Heritage Register, a site must meet one of seven criteria for State significance. An item need meet only one criterion for nomination. Yet as even the State Heritage Office report states, Currawong meets an exceptionally high four out of seven of the criteria for significance. Currawong has heritage significance on many levels. It is a living natural history of the biodiversity of the area; it has indigenous links; it is part of our colonial history; it has associations with the State's social history; and it contains significant pieces of Australia's history of technological innovation.

But the built and social heritage of Currawong cannot be properly interpreted or understood if it is seen in isolation from its natural setting. The escarpment, bush and beach between the built environment of Currawong and the surrounding national park form an important buffer and curtilage. To excise a portion will only undermine Currawong's significance. Currawong is surrounded by Ku-ring-gai Chase National Park, which is recognised as an outstanding example of the area's biodiversity. Much of that natural vegetation has been retained. Important plant communities found at Currawong include red bloodwood, scribblygum and yellow bloodwood, and the site also provides habitat for many significant or endangered animals.

Apart from its natural history, Currawong has an indigenous association. It has long been associated with occupation and ownership by clans of the Guringai tribe. It also has significance from the earliest days of European settlement. The original land grant was to one of the leaders of the Irish Rebellion, and the site contains an early farmhouse that provides a continuing link with one of the earliest sites of agriculture in Australia. The Australian Constitution was drafted just next to Currawong, when the *Lucinda* moored at The Basin, while post-World War II Currawong became a recreational site used by ordinary working people of the State. So, both natural history and cultural heritage values are strongly represented here.

Given the overwhelming environmental, cultural and social grounds for heritage listing and the support of the local council, the National Trust, the Heritage Council of New South Wales and the Australian Institute of Architects for heritage listing, one has to ask why the former planning Minister, Frank Sartor, decided to set up yet another panel made up of his hand-picked appointees to make a recommendation on heritage. We will probably never know, but the financial, political and personal connections between the proponents of the development of the site and prominent members of the New South Wales Australian Labor Party give rise to serious public concerns about why Currawong has not been listed.

As outlined by Elizabeth Farrelly in yesterday's *Sydney Morning Herald*, there is a web of overlapping relationships between the developers, Allen Linz and Eduard Litver, ALP insider David Tanevski, the then head of Unions New South Wales and ALP MLC in waiting, John Robertson, Treasurer Eric Roozendaal, and ALP Senator Mark Arbib. Mr Linz co-owns KWC Capital, which donated \$44,000 to the ALP in a key period in 2006 and 2007. The deal to sell Currawong to Linz and Litver's development company was concluded in February 2007. New South Wales Electoral Funding Authority returns reveal that Mr Linz's KWC Capital donated \$15,000 to the New South Wales ALP on 12 February 2007 and a further \$24,000 just two weeks later on 2 March 2007—money that was no doubt very handy for the ALP in the final weeks of its campaign for the 24 March 2007 State election. No doubt the Government will yet again claim that these exceptionally well-timed donations to the ALP were not accompanied by any commitments in relation to Currawong and that it is sheer coincidence that six months later—

The Hon. Duncan Gay: Just serendipity.

Ms SYLVIA HALE: Absolute serendipity, as the Deputy Leader of the Opposition suggests. No doubt the Government will say it is sheer coincidence that six months later Frank Sartor determined that Currawong was of such State significance that he should call it in under his notorious part 3A powers. This gives us the extraordinary proposition that Currawong is of such State significance that it should be removed from the control of Pittwater Council, but it is not significant enough to be given the protection of heritage listing.

The Currawong deal was brokered for Unions New South Wales by Linz's business partner and then KWC director, David Tanevski. Unions New South Wales was then headed by John Robertson, elected yesterday to this Legislative Council to replace the unlamented Michael Costa. The *Sydney Morning Herald* reports that during these years a failed company, Kingsway Capital, had the outsourced contract for the vetting of contractors' capability for government works. Michael Costa, Eric Roozendaal and Mark Arbib were on its board, next to Tanevski and Linz. As Elizabeth Farrelly put it so succinctly:

If that sounds like a sweaty old locker room to you, try this. Between them all, they secured Currawong for Linz and Litver at about half the price of other bids—cheating the public out of both access to it and \$15 million-odd in recompense.

The question that arises from this sorry saga is just how stupid, how obtuse does the Government think the people of New South Wales are? People recognise a political fix when they see one and Currawong is one of the most red-hot political fixes we have seen in this State for decades. It is a disgraceful saga of backroom deals between party insiders and their mates with a big dollop of political donations to help the wheels go round. It is exactly the sort of deal that has led to this Government and this State's planning system being held in such disrepute. This motion is an opportunity for the House to tell the Government to stop this dirty political deal from proceeding further. I commend the motion to the House.

The Hon. GREG PEARCE [11.59 a.m.]: The Coalition supports the motion.

Ms SYLVIA HALE [11.59 a.m.], in reply: I thank members for their contributions.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 22

Mr Ajaka	Ms Hale	Mrs Pavey
Mr Brown	Dr Kaye	Mr Pearce
Mr Clarke	Mr Khan	Ms Rhiannon
Mr Cohen	Mr Lynn	Mr Smith
Ms Cusack	Mr Mason-Cox	
Ms Ficarra	Reverend Dr Moyes	<i>Tellers,</i>
Mr Gallacher	Reverend Nile	Mr Colless
Miss Gardiner	Ms Parker	Mr Gay

Noes, 16

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Ms Griffin	Mr Roozendaal	
Mr Hatzistergos	Ms Sharpe	<i>Tellers,</i>
Mr Kelly	Mr Tsang	Mr Donnelly
Mr Macdonald	Ms Voltz	Mr Veitch

Pair

Mr Harwin

Ms Fazio

Question resolved in the affirmative.

Motion agreed to.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

FORMER JUDGE MARCUS EINFELD: COURT OF CRIMINAL APPEAL ORDERS

The Hon. MICHAEL GALLACHER: My question without notice is directed to the Attorney General. Has the Attorney been informed that on 14 October 2008 the Court of Criminal Appeal made orders quashing five charges of perverting the course of justice brought against former Federal Court Judge Marcus Einfeld? Is he aware the effect of that decision was that the expression "the administration of the law" in section 312 of the Crimes Act adds nothing to the meaning of "perverting the course of justice"? As this ruling potentially has far-reaching consequences, to the Attorney's knowledge is the Director of Public Prosecutions intending to appeal this decision and, if not, is the Government intending to introduce an amendment clarifying the meaning of "course of justice"?

The Hon. JOHN HATZISTERGOS: The answer to the first question is yes, I am aware of the decision of the Court of Criminal Appeal. The question of any appeal against the decision of the Court of Criminal Appeal is a matter for the Director of Public Prosecutions. I am advised that the director will not be seeking leave to appeal the decision to the High Court. As this matter is currently before the court I am unable to make any further comment. I will be meeting with the Director of Public Prosecutions and I have already requested a report in relation to the issues raised by the case.

LOURDES HOSPITAL, DUBBO**GREATER WESTERN AREA HEALTH SERVICE CREDITORS****REGIONAL AREA HEALTH SERVICES CREDITORS**

The Hon. DUNCAN GAY: My question without notice is directed to the Minister for Health. Can the Minister explain why he has refused to guarantee the \$18.5 million promised to secure the future of Lourdes Hospital in Dubbo, considering it is the only rehabilitation facility in the western region and could now be forced to close in 2010? When is the \$2 million that the Greater Western Area Health Service owes Lourdes Hospital going to be paid? Does the Minister recall that yesterday I asked him to specify who has been left out of the \$16 million figure, the amount that the Greater Western Area Health Service owes that is outstanding between 30 and 45 days and the total amount still outstanding for all of the area health services? When will the Minister honour his commitment to give me those answers from yesterday?

The Hon. JOHN DELLA BOSCA: I gave the commitment yesterday, but I did not say I would give you the answers yesterday.

The Hon. Duncan Gay: You gave us a commitment that you would give me the information before the end of the day.

The Hon. JOHN DELLA BOSCA: No, I did not. The Deputy Leader of the Opposition is making things up, I think. It is important to understand, as has been said consistently by the Premier, the Treasurer and all Government members, that the mini-budget will be driven by fiscal responsibility, by the Government's needs for maximum flexibility, and by the principles on which the Government was elected, and that is in relation to services. However, with regard to specific commitments, a government cannot put together a mini-budget by simply playing a game of Battleship through the media with individuals or groups. When the mini-budget is handed down, just as occurs when a budget is handed down, people will find out the detail of the proposals. The Rees Government is squarely facing a series of challenges ahead of us to strengthen the New South Wales budget. As the Premier has said quite clearly, at this stage the Government has not ruled anything in or anything out; everything must be considered.

[Interruption]

The Premier wants maximum flexibility as we strengthen the New South Wales economy. I have asked NSW Health to examine capital works options to determine the best way to continue to deliver first-class medical services in New South Wales. The department is revealing its capital works planning, as well as budgets and procurement strategies, to ensure value for public money, and is continuing to consult—

The Hon. Duncan Gay: Yes or no for Lourdes? You're a bright fire. Yes or no?

The Hon. JOHN DELLA BOSCA: Thank you. I acknowledge the Deputy Leader of the Opposition's interjection. The Government is continuing to consult with clinicians and other stakeholders to ensure that the services provided meet local requirements. The Rees Government is committed to delivering state-of-the-art medical facilities across the State in a responsible and effective way. More information will be available as part of the mini-budget. In developing the mini-budget, the Government is taking a serious look at areas where sensible savings can be achieved. In doing so, there will have to be some hard decisions. The golden rule will be service improvements and fiscal responsibility for New South Wales families and their future prosperity.

In relation to Lourdes, the Deputy Leader of the Opposition may well know—I think he is an avid reader of a range of important local media—that I will be visiting Dubbo this Saturday. When I do so, I will be spending considerable time with the clinicians at Dubbo hospital to talk about the issues that are of concern to them. A range of issues will be discussed, including issues in relation to the entire pattern of health services delivery in Dubbo.

[Interruption]

My visit will include discussions with Lourdes Hospital staff about a range of issues, including the matters the Deputy Leader of the Opposition has ventilated by way of his questions and his interjections. I will not be playing politics or using the people of Dubbo or the clinicians in Dubbo, in Lourdes Hospital or Dubbo

Base Hospital, as a political football, as the Deputy Leader of the Opposition is; I will be listening to the needs of the patients and the people of Dubbo. I will also be listening to what the doctors, nurses and allied professionals in Dubbo can advise me about the resources I need to ensure are provided for them to continue the good work they do. Unlike the Deputy Leader of the Opposition and his party, I will not be running down regional and rural health. I will not be running around diminishing public confidence in the great work our public health system does. I will not be out there kicking around political footballs, as the Deputy Leader of the Opposition is; I will be out there solving problems.

The Hon. Duncan Gay: Point of order: The Minister is now debating the question and mounting a substantive attack, instead of answering the question.

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

AL AMANAH ISLAMIC COLLEGE DEVELOPMENT APPLICATION: BASS HILL HIGH SCHOOL SPORTS FIELDS

Reverend the Hon. FRED NILE: I ask the Minister for Lands a question without notice. Is it a fact that a corporate body called Garden View Apartments deceitfully purchased former sports fields of Bass Hill High School for \$4.45 million with the definite intention to develop the land for residential housing? Is it a fact that the major shareholder in Garden View Apartments, Al Amanah College, then sought to use the land for a new exclusive 1,200-pupil Islamic school? Is it a fact that Bankstown council has twice unanimously rejected the Al Amanah Islamic College building application but that the college has indicated that it will now fight a protracted and expensive legal battle? Is it a fact that the spokesman for the Islamic Friendship Association, Keysar Trad, has also said this divisive school should not go ahead because of the way the college went about purchasing the land? Will the Government intervene in this serious matter to implement government policy that a non-government school cannot be built next to an existing government school?

The Hon. TONY KELLY: I thank Reverend the Hon. Fred Nile for his question and undertake to get him an answer as soon as I can.

STATE FINANCES

The Hon. HENRY TSANG: I address my question to the Treasurer. Can the Treasurer advise the House on the latest financial results for New South Wales?

The Hon. ERIC ROOZENDAAL: The financial position of New South Wales has changed substantially since the budget was delivered in June. The global economic outlook is a lot bleaker now, and New South Wales is certainly not immune from this. As members are aware, a downturn in the New South Wales property market has seen a substantial change in State revenues. As I have outlined previously, weak property prices, but more importantly, fewer property transactions, mean that Government revenue from property transfer duties was \$90 million below forecasts in July and \$103 million below forecasts in August. And in September this trend continued, with property transfer duties coming in \$77 million below forecasts.

I can now advise the House that the budget result for 2007-08, following the 2007-08 audit, is a surplus of \$73 million. I can also advise the House that the monthly result for July 2008 was a year-to-date surplus of \$109 million. I can further advise the House that the monthly result in August 2008 was a year-to-date deficit of \$163 million. In line with previous years, and in full compliance with the Public Finance and Audit Act, the audited results are now available on the New South Wales Treasury website. The budget result for 2007-08 was forecast to be a surplus of \$700 million in the most recent estimate, which was prepared for the 2008-09 budget. I am advised that the key reasons for the 2007-08 surplus being smaller than was expected when the 2008-09 budget was presented are: a \$160 million shortfall in transfer duty revenue, mainly occurring during May and June; a \$222 million shortfall in investment income from the New South Wales Self Insurance Corporation, mainly due to significant falls in share values; around \$320 million in cost overruns in Health; and an additional \$150 million grant to RailCorp.

We face tough economic times—that is an undeniable fact. Nevertheless, these results highlight the need for a comprehensive mini-budget. The seriousness of this situation is further highlighted by the August financial result. The year-to-date result for August 2008 is the first monthly deficit since October 2000. The Government does not take these figures lightly. We require strong action to secure the long-term financial sustainability of New South Wales, and that is precisely what we will deliver in the mini-budget on 11 November.

BLAYNEY HOSPITAL EMERGENCY DEPARTMENT

The Hon. RICK COLLESS: I direct my question to the Minister for Health. Will the Minister advise the House when the emergency department of the Blayney hospital will be reopened at night? What action is the Government taking to address the hospital staff shortages, which have caused this night-time closure? Is it acceptable to force patients in Blayney to travel to either Bathurst and Orange for emergency treatment at night, given the Government's attempt to close 12 beds in Bathurst and the expected closure of a further 14 beds in Orange?

The Hon. JOHN DELLA BOSCA: The Hon. Rick Colless has the gift of prophecy. He is now able to confidently predict all sorts of things that frankly are well short of any likely—

The Hon. Jennifer Gardiner: And usually come true.

The Hon. JOHN DELLA BOSCA: No. Maybe he has some Cassandra-like prophecy—

The Hon. Rick Colless: That is the information we have.

The Hon. JOHN DELLA BOSCA: Well, I would be interested to know where he got the information. The Hon. Rick Colless can make that part of his next question. I said in my answer to the previous question from the Deputy Leader of the Opposition—

[Interruption]

In relation to staff shortages, the most important thing that members should be aware of is that we cannot pick out individual ones. We have had some speculation and concern about shortages and closures in a particular hospital in recent days, and I have made public comment about that. The reality is that staff shortages are not something that I can run away from as Minister for Health. I need to point out, and underline, the most important point: staff shortages are part of global trends.

[Interruption]

The Deputy Leader of the Opposition can laugh if he likes, but these are the realities.

The Hon. Duncan Gay: It is Obama.

The Hon. JOHN DELLA BOSCA: No, it is not Obama. The fact of the matter is that there are global workforce shortages in a variety of special skills. People know that there are significant shortages of general practitioners in regional areas, in substantial parts of non-regional New South Wales, on the Central Coast, and in parts of metropolitan Sydney and western Sydney. I have not made up these things. These are things caused by—

The Hon. Michael Gallacher: It is global warming.

The Hon. JOHN DELLA BOSCA: No, it is not global warming but the freeze-dried approach of the Howard Government to public health. They contracted their share of public hospital funding for decades and they got down to the shameful position that the Commonwealth was only funding public hospitals to the tune of 40 per cent—down from what had always been an historic understanding of a 50-50 funding arrangement. Now, this Government has great hopes and great expectation that the Rudd Government will start the process of recovering from the dreadful neglect by the Howard Government. That also involves dreadful neglect of their obligations in training key—

The Hon. Duncan Gay: Oh, dreadful neglect.

The Hon. JOHN DELLA BOSCA: If you do not believe me, you can go and ask the Australian Medical Association if this is true. You can ask anybody—

The Hon. Duncan Gay: The cat ate my homework! It is always someone else's fault.

The Hon. JOHN DELLA BOSCA: No, the cat did not eat any of my homework. Tony Abbott ate my homework and the homework of a generation of young doctors.

The Hon. Duncan Gay: Go to the Governor if you are not prepared to have a go.

The Hon. JOHN DELLA BOSCA: Go to the Governor and say what?

The Hon. Duncan Gay: If you want to blame someone else, go to the Governor and resign. Let the people get a government that wants to have a go.

The Hon. JOHN DELLA BOSCA: This is the new campaign? You have never heard of the New South Wales Constitution or the relevant amendments to the Parliamentary Electorates and Elections Act? That is a bit of a shame on you, Duncan.

[*Interruption*]

The honourable member starts shouting when he gets the argument he does not like hearing. The Hon. Rick Colless asked a question where he specified a particular service that is affected by staff shortages. Staff shortages on one hand are a global concern but there are specific concerns around long-term neglect that the New South Wales Government is addressing through the Institute of Medical Education and Training [IMET] process. We are working with the former Howard Government and the new Rudd Government to address those shortages and the same answers apply: patient safety is our key concern and we will not operate a facility unless we can guarantee the highest level of patient safety. [*Time expired.*]

FIREFIGHTER CHAMPIONSHIPS 2008: NEW SOUTH WALES FIRE BRIGADES

The Hon. CHRISTINE ROBERTSON: I address my question to the Minister for Emergency Services. Will the Minister advise the Chamber about the firefighting competition that is being held in Tamworth this week?

The Hon. TONY KELLY: I would like to thank the Hon. Christine Robertson for her question. It comes close to where she lives, 15 kilometres from Duri. Since the weekend more than 250 firefighters from around New South Wales, Queensland, Victoria and New Zealand have been in Tamworth competing in the 2008 NSW Fire Brigades State Firefighter Championships. The six-day event began on Saturday night with a torchlight procession through the streets of Tamworth and the Fire Spectacular, which included mock firefighting demonstrations and fireworks displays. With just one more day of competition to go, 35 teams are vying for the honour of becoming the 2008 State champions. I understand that the team from Nowra is currently in the league, but teams from Kelso, Coffs Harbour and Glen Innes stations area are also competing strongly, as is the team from the Kootingal-Moonbi Rural Fire Service close to Tamworth.

[*Interruption*]

The Hon. Christine Robertson: Point of order: I am unable to hear the Minister's answer.

The PRESIDENT: Order! I ask the Clerk to stop the clock and the Minister to resume his seat. The importance of question time is obvious to all members, as it is to the Chair. It is robust by nature, and according to tradition the Chair tolerates interjections that, although strictly disorderly, facilitate debate and meaningful discussion across the Chamber. However, the interjections by members at this time are most disruptive, such that members are unable to hear the responses of Ministers to questions asked of them. I am reluctant to interfere with the rough and tumble character of question time, but I urge members to be considerate of their colleagues and reduce the level of interjections in order that other members can hear the answers of Ministers.

The Hon. TONY KELLY: This is an important answer. I should also mention that a number of teams competing this year include father-son duos, including the father-son duo team from the Wellington Fire Brigade—my hometown—of Mark and Michael Moroney. Mark's father, Alec Moroney, was the fire captain in Wellington before him. In fact, Wellington has three father-son duos: Mark and Michael Moroney, Doug and Malcolm Ney, and John and Jamie Hunt. In fact, the rural fire service brigade has many father-son-grandson duos. Family ties are one of the real strengths of our emergency services.

[*Interruption*]

The Nationals are never interested nor want to listen about the volunteers in the country who are looking after our fire services. Family ties are one of the real strengths of our emergency services with successive generations often continuing the family tradition of serving their community.

The competition is designed to reflect the diverse roles of firefighters in 2008. The majority of competitors are on-call firefighters whose dedication and commitment is vital to ensuring the safety of hundreds of our regional communities. Teams have so far completed 12 of the 16 events, designed to reflect the skills and expertise that modern firefighters use every day, including ladder practice and hose and hydrant work. This morning firefighters tackled a new rescue event—the first time it has been contested at a State championship. The NSW Fire Brigades has 180 accredited rescue units across the State and all New South Wales firefighters are trained in rescue. This event showcases the skills of NSW Fire Brigades firefighters in this area. The State Firefighter Championships are obviously a great opportunity for our firefighters to practise and showcase their impressive skills. The biennial championships also provide a great opportunity for firefighters to build relationships with other brigades and other fire services. That is why it is particularly pleasing to see teams from other States and New Zealand taking part this year.

Another significant part of the championships revolves around community participation and education. The event is a chance for people to see our firefighters in action and to familiarise themselves with steps they can take to protect homes and families from the threat of fire and other emergencies.

The Hon. CHRISTINE ROBERTSON: I ask a supplementary question. Can the Minister elucidate his answer?

The Hon. TONY KELLY: A number of educational displays have been set up around the competition ground and many spectators of the championships have taken the opportunity to talk to firefighters about how they can prevent and prepare for fires and other emergencies. Hundreds of kindergarten and year 1 students from schools around the Tamworth region have taken part in the Fire Brigades Fire ED program. Through this program kids have learnt important fire safety messages—such as dialling 000 in an emergency, Get Down Low And Go, Go, Go, and Stop, Drop And Roll—which they will hopefully share with their families and friends. High school students have taken part in the Rescue ED program, which is delivered by firefighters experienced in road accident rescue who can convey to young people the devastating consequences of motor accidents. I thank the people of Tamworth for their support of the State Firefighter Championships and particularly the local council, which has put many months of effort into building a competition track suitable to host this great event.

The Hon. Trevor Khan: A great council.

The Hon. TONY KELLY: It is a great council. It has done a fantastic job in this instance and on its equine centre.

The Hon. Trevor Khan: Absolutely. All it needs is a bit more money.

The Hon. TONY KELLY: I made the original offer of a grant many years ago. It took the then Federal Government a long time to come up with its money. I am very pleased that having made the first announcement of a grant by this Government I was to be able to give, I think, \$4.5 million to start off that fantastic equine centre. I look forward to reporting back to the Chamber on the successful 2008 NSW Fire Brigades State Firefighter Championships.

WESTMEAD MORGUE

The Hon. JOHN AJAKA: My question without notice is directed to the Minister for Health, and Leader of the Government in the Legislative Council. Is the Minister aware that no forensic procedures are being undertaken at Westmead morgue? Is he also aware that no further post mortems will be undertaken at Westmead morgue unless forensic pathologists and other forensic staff, who are willing to work there, are reappointed? Is the Minister also aware that the morgue is being utilised only as a mortuary or storage facility for local hospitals? Why is the Premier still indicating to the public that Westmead morgue is operational, when it is clearly not?

The Hon. JOHN DELLA BOSCA: The Government invests about \$15 million a year in forensic pathology services. I am advised that more than 5,000 coronial post mortems are conducted in New South Wales

every year. Post mortems for metropolitan areas, complicated cases and deaths examinable by the State Coroner's Office are conducted at one of two large centres: the Department of Forensic Medicine at Glebe and the Department of Forensic Medicine at John Hunter Hospital.

The Hon. Marie Ficarra: We have heard this before.

The Hon. JOHN DELLA BOSCA: Of course the Hon. Marie Ficarra has heard this. If she listens to the radio, she has heard me say it many times.

The Hon. Marie Ficarra: You were asked to answer the question, not give a previous answer.

The Hon. JOHN DELLA BOSCA: The Opposition keeps asking the same question. If I am asked the same question, I have to give the same answer, otherwise I would be accused of being inconsistent. It is not exactly the same answer; it is important, further information.

The Hon. Michael Gallacher: It is not the same question.

The Hon. JOHN DELLA BOSCA: The Hon. John Ajaka asked the same question that I was asked in the House yesterday, the same question as I was asked by a well-known media personality and the same question that another well-known personality asked the Premier. The Opposition will get the same answer. They will get the facts, which is something they do not understand. The major challenge facing forensic pathology services in Australia and around the world is the training, recruitment and retention of qualified forensic pathologists. The Government is continuing to work closely with the Royal College of Pathologists of Australasia and the Australian Government to increase the forensic pathology workforce in New South Wales. The New South Wales Government continues to work closely with relevant stakeholders, including the Attorney General's Department, the State Coroner and the New South Wales Police Force.

On Monday I visited the forensic department at Westmead. I met with staff and heard their concerns. I am sure the Opposition members would be aware of that. I agreed to review a significant amount of material that they would prepare and send to me. As yet, I have not reviewed that material. To the best of my knowledge, it has not yet arrived. When I have the material in my possession, I will review it. I am committed to ensuring that we deliver high-quality forensic medical services. The resignation of forensic pathologists on 9 April 2008 meant that Westmead faced a critical shortage of forensic pathologists. I am advised that attempts to find suitable replacements were unsuccessful. Following an analysis of the available options, NSW Health announced it would close the Westmead Department of Forensic Medicine. All forensic pathology services for the Sydney metropolitan area were consolidated at the Glebe Department of Forensic Medicine on 10 October 2008. I welcome the Premier's request of my colleague the Parliamentary Secretary for Health, Dr Andrew McDonald, to review this matter. Dr McDonald has many years of clinical experience in the health system. His expertise will help us to ensure—

The Hon. Duncan Gay: Why don't you send him back to the health service? He could do a better job.

The Hon. JOHN DELLA BOSCA: Dr McDonald is doing a great job where he is. He does a great job wherever he goes. The Opposition members must bear in mind that their persistent line of questioning is based on a false assumption that the concerns they ventilate will lead to a better quality service for the relatives and friends of deceased who require forensic pathology. NSW Health has taken these matters into consideration. We have looked at what rosters can be supported by the availability of forensic staff—two of whom I met on my visit to Westmead. To give a better result in waiting times and to address amenity issues, it has been resolved to have a single site at Glebe. That is not to say that after I review the material and Dr McDonald completes his review we will not come up with another solution. At this stage, as I have clearly made public on repeated occasions and the Premier has reinforced, the decision stands as is because it is the best outcome for the relatives of the deceased. [*Time expired.*]

Y CENTRAL, GOSFORD

The Hon. KAYEE GRIFFIN: My question without notice is addressed to the Minister for Health. Can the Minister inform the House what the Government is doing to support young people on the Central Coast to access health services?

The Hon. JOHN DELLA BOSCA: One of the most significant initiatives the Government is undertaking on the Central Coast is in relation to mental health. On 9 October 2008 I was very pleased to be

present at the opening of a new facility—a groundbreaking mental health facility to assist young people on the Central Coast. I was joined by my parliamentary colleagues Ms Marie Andrews, the member for Gosford, and Mr David Harris, the member for Wyong, to celebrate the opening of Y Central, a new one-stop shop for young people aged 12 to 25 years. The new service is conveniently located at the Gateway Centre opposite Gosford railway station. The Leader of the Opposition would not know where that is because he does not catch trains.

The Hon. Michael Gallacher: Pardon?

The Hon. JOHN DELLA BOSCA: I thought the Leader of the Opposition was drinking water and interjecting at the same time.

The Hon. Duncan Gay: He can still drive, unlike you.

The Hon. Michael Gallacher: I was not going to say anything. The Minister was leading with his chin.

The Hon. JOHN DELLA BOSCA: As both members know very well, I ride a bicycle and travel by train all the time, regardless of my status with motor vehicle licensing. Young people all over the Central Coast can easily access the service. What is the difference about Y Central? It provides access to a broad range—

[Interruption]

The Deputy Leader of the Opposition subscribes to the policy of see a head and kick it. The facility provides a broad range of services in a youth friendly environment, so that young people feel comfortable to walk in and get the help they need. The service is the first of its kind and, if successful, a prototype that can be mirrored across the State. Y Central is a new initiative to provide improved mental health services on the Central Coast and a major component of the New South Wales Government's \$28.6 million plan to develop a statewide youth mental health service model. Young people have specific health problems and development needs that differ from those of children and adults. Young people can be difficult to engage because they lack the necessary knowledge of how and where to ask about their health concerns. That is why the Government allocated \$1.4 million for Northern Sydney Central Coast Health to develop the Y Central prototype.

The Y Central Service provides access to different services including doctors, nurses, nurse practitioners, drug and alcohol workers, groups for young people, Aboriginal counsellors, employment and training workers, psychologists, counsellors and social workers. There is a special focus on prevention, early intervention and education. There is a focus on these issues because 75 per cent of mental health problems first occur in young people aged 15 to 24. This service is important because young people are the least likely to seek help, especially in the early stages of a mental illness. Families often know that something is not quite right with a young adolescent, but they are not sure what to do about it or how to get help. Y Central aims to provide not only quality and age-specific health care but to provide also those services in such a way that young people and families can be assisted at the earliest possible time. This is part of the Government's commitment to provide improved health services on the Central Coast.

I want to acknowledge the hard work and dedication of the Y Central team led by Ms Deb Howe, the Director of the Central Coast Area Health Services' Children and Young People's Mental Health Program. The team's success in launching this service for young people on the Central Coast is because of its hard work, passion and dedication.

RACING EVENTS SPONSORSHIP

Ms LEE RHIANNON: I direct my question to the Minister for Health. Has the Minister or the Department of Health been approached by representatives of the tobacco industry or the racing industry to loosen public health laws in New South Wales to allow sponsorship of racing events by the tobacco industry? Has the Minister had discussions with the Minister for Gaming and Racing and/or the Minister for State Development about the sponsorship of racing events by tobacco companies?

The Hon. JOHN DELLA BOSCA: No.

NORTHERN BEACHES HOSPITAL

The Hon. GREG PEARCE: My question is directed to the Minister for Health. Is the Minister aware of the claim by Dr Stephen Nolan—

The Hon. Eric Roozendaal: Greg!

The Hon. GREG PEARCE: There are no questions for you. We have got the figures now: you do not know anything so there is no point asking you. Is the Minister for Health aware of the claim by Dr Stephen Nolan that he has been informed by the Department of Health that the Government will not be proceeding with the new Northern Beaches Hospital? What assurance can the Minister give to the people of the northern beaches that the new hospital will proceed?

The Hon. JOHN DELLA BOSCA: I am not getting frustrated at all but clearly members opposite are, because they keep asking the same question and when I give them the same answer they start caterwauling about why they keep hearing the same answer. If they keep asking the same question, they will keep getting the same answer.

The Hon. Michael Gallacher: Eventually you will tell the truth.

The Hon. JOHN DELLA BOSCA: I always tell the truth. The Leader of the Opposition knows I always tell the truth. He is very familiar with the techniques of interrogation: they are very different.

The Hon. Michael Gallacher: Persuasive argument.

The Hon. JOHN DELLA BOSCA: Persuasive argument. The Opposition is walking down a long corridor here and what it needs to focus on is the fact that there will be a mini-budget and that the Treasurer, the Premier and all the Ministers have made it very clear that the mini-budget is about fiscal responsibility and is driven by the need to ensure that the Government maintains its triple-A credit rating. The Government needs to develop and make sure that we have maximum flexibility in identifying areas of savings in order to fulfil its commitments to the people of New South Wales in regard to the provision of excellent services for the families of New South Wales. On that basis, I am not prepared to give a running commentary on health issues in relation to what may be excluded or included in the mini-budget, and neither will the Treasurer or the Premier do that. At the same time we have indicated that we will not contemplate silly proposals or proposals that go against the things that—

The Hon. Duncan Gay: So Lourdes is a silly proposal, is it?

The Hon. JOHN DELLA BOSCA: The Deputy Leader of the Opposition is interpreting words as having their exact opposite meanings, and that means he is either being deliberately difficult—which I think is probably the case—or he is obtuse. I do not believe he is obtuse; I think he is just being deliberately difficult. In developing the mini-budget the Government is taking a serious look at areas where sensible savings can be achieved, and in doing so we will have to make some difficult decisions. I am not going to give a running commentary about one or the other proposal, one or the other possibility or one or the other thing that could be thought about—

The Hon. Duncan Gay: So Lourdes and Northern Beaches hospitals have gone?

The Hon. JOHN DELLA BOSCA: The question was not about Lourdes; the question from the Hon. Greg Pearce was about Northern Beaches Hospital. But the answer is the same: there is going to be a mini-budget and there will be definitive statements about these matters. The Deputy Leader of the Opposition knows—he has been a member of this place over the time of at least 15 or 16 budgets and two or three mini-budgets—that the budget announcements come out the day the budget is brought down by the Treasurer.

FOOD SAFETY

The Hon. LYNDA VOLTZ: My question is directed to the Minister for Primary Industries. Could the Minister inform the House what the Government is doing to protect consumers from food-borne illness in the lead-up to summer?

The Hon. IAN MACDONALD: As some members may have seen on a program on Channel 9 earlier this week, the New South Wales Government has launched a major offensive targeting restaurants and food outlets in Sydney's central business district in the lead-up to the busy summer period. A joint task force of the New South Wales Food Authority and the local council has been formed to conduct a campaign in areas around

greater Sydney. The task force, which has already begun operations, will focus on high-traffic, high-turnover food retail establishments. These outlets serve an enormous number of consumers and we expect nothing but the highest levels of food safety performance from them.

Because consumers in New South Wales need absolute confidence in every link in the food chain, the New South Wales Food Authority and council officers will carry out unannounced inspections over an extended period of time. There will be no warnings and there will be no chances. Whilst I will not be any more specific on the details, to ensure that the full impact of the task force can be realised I will say that the bottom line is that if you are a food business, you are clearly on notice, so you should not be surprised if you get a knock on the door. The blitz is targeting the small minority of operators that are ignoring the rules. The vast majority of food outlets are doing the right thing and putting the public's health first, but the message is clear to those who are not following the rules: You need to clean up your act.

Food safety is an issue this Government takes seriously. We want 100 per cent compliance. The action follows new laws empowering councils as food safety enforcers, as well as new name-and-shame legislation allowing the New South Wales Food Authority to publish food law violations on its website. This information is easily accessible through the authority's website. This important Government initiative balances the right of consumers to know about serious breaches of food standards with treating food businesses fairly. There are strict safeguards in place to ensure the fairness, accuracy and completeness of entries that appear on the public website.

Since 1 July more than 175 premises from 40 council areas are now listed on the New South Wales Food Authority's name-and-shame website. More than 300 offences are listed. Premises to be added to the list this week include premises at Warringah that were fined \$1,980 for failing to maintain clean premises, failure to store food in a way likely to protect it from contamination, and failure to maintain equipment in a clean and sanitary condition; a Sydney central business district Pizza Hut that was fined \$1,320 for failing to take all measures to eradicate and prevent harbourage of pests and for not providing warm running water to wash hands; and a KFC outlet in Riverwood that was fined \$1,320 for failure to maintain clean premises.

The information published on the website gives the people of New South Wales a choice, while giving businesses the added incentive to do the right thing. Food businesses found to be in breach of laws may face a range of sanctions ranging from a warning letter to prosecution, with fines of up to \$110,000 for individuals or imprisonment for two years or both, and fines of up to \$550,000 for corporations. The combined outcome of these initiatives means New South Wales consumers are better protected from food-borne illness and better informed about food business performance. These are important measures to continue this Government's ongoing commitment to helping stamp out poor food practices and protecting consumers in New South Wales.

SYDNEY BASIN FARMING

Mr IAN COHEN: My question is directed to the Minister for Primary Industries. During budget estimates last week, in relation to a question about agricultural land in the Sydney Basin, the Minister stated:

One problem we have is the rural decline in acreage, or the farming decline in acreage, brought about by urban encroachment. I have a strong view that we need to maintain a strong agricultural base within the Sydney Basin and green space around the city.

Will the forum to be held in December consider whether there are adequate planning controls in the Environmental Planning and Assessment Act 1974 to make proper assessments of the ecological sustainable development implications of converting prime agricultural land into urban development? Will the Minister push for changes to the New South Wales planning law to ensure that the viability of the \$1 billion agricultural output is not threatened by inappropriate urban development?

The Hon. IAN MACDONALD: I thank the member for this important question. I share many of the sentiments expressed in it. The basin is an important contributor to the overall State economy, particularly given its \$1 billion worth of agricultural production each year. A forum will be conducted in the western Sydney area in December. The forum, which I have worked on with local government in the area, will examine all the issues surrounding the protection and maintenance of a viable agricultural sector within the Sydney basin. I agree that it is important that we maintain it in the future. Many of the arguments about food miles would apply to agriculture production in that region.

I have mentioned on a number of occasions the difficulties presented by some of the intensive agricultural production and the conflict with urban encroachment. Those industries have been in the area for a

long time—sometimes 40 or 50 years. As urban development moves into their zone, conflict often flares up between the new residents and those long-established industries. That issue continues to confront us to this day. The forum will discuss all of these issues. I have made my views very clear to the previous Planning Ministers on a number of occasions, and I will continue to do so.

FEED-IN TARIFF

The Hon. DAVID CLARKE: I direct my question to the Minister for Energy. Will the Minister confirm that the New South Wales Government will adopt a feed-in tariff policy for green energy irrespective of any national decision to do so? Will the Minister provide further details about whether the tariff would be a gross or a net tariff?

The Hon. IAN MACDONALD: A number of questions along these lines were asked last Friday by Dr John Kaye in the estimates hearings. The Government is part of a national process involving the Ministerial Council on Energy and the Council of Australian Governments looking at what sort of national arrangements we can put in place for a feed-in tariff. A couple of the States have adopted policies in this area and there are widely differing views about the sort of policy that should be adopted. However, if we all start adopting different scenarios, particularly in the lead-up to an emissions trading scheme being implemented in New South Wales, different States could have different regimes, which would result in different impacts on the cost of electricity. Some very serious issues must be addressed. As I said, the Government will be working within the Ministerial Council on Energy and the Council of Australian Governments to come up with a scenario that adopts good practice and implements the best policy in this area.

WORKERS CARER RESPONSIBILITIES

The Hon. IAN WEST: I direct my question to the Minister for Industrial Relations. Can the Minister update the House on issues affecting New South Wales workers who have caring responsibilities?

The Hon. JOHN HATZISTERGOS: I thank the honourable member for this important question. The Government is committed to addressing the emerging problem of chronic workforce participation issues that will confront New South Wales businesses over the next 20 years. During the 1980s and 1990s, our workforce grew by 170,000 each year. However, forecasters predict that it will grow by only 125,000 over the entire 2020 decade. By 2016, 80 per cent of the labour market growth will involve people aged 45 years and older. Over the next 20 years our economic wellbeing will depend upon keeping mature aged employees in the workplace.

It is vital that we initiate discussions about how businesses can better utilise this often overlooked pool of available labour. This will require some adjustments in the way businesses traditionally employ staff and their expectations of how the workplace functions. Workplaces will have an obligation to provide flexibility as more and more employees, or potential employees, find they must balance work with caring responsibilities.

To assist employers, the New South Wales Government, through the Office of Industrial Relations, has completed an intensive examination of the specific issues faced by mature aged workers with caring responsibilities and the barriers they confront to their workforce participation. The project stems from the New South Wales Carers Action Plan, a five-year, whole-of-government strategy outlining the New South Wales Government's commitment to carers.

This morning a carers' forum was held to begin a dialogue between employers, carers, community groups and peak organisations, such as the Australian Industry Group and the Australian Council of Trade Unions. The focus group discussions will allow a useful exchange of information centred on the experiences, motivations, aspirations and needs of mature aged workers. The insights and ideas generated through the forum will be used to raise community awareness of the business imperative of employing mature aged workers and the caring responsibilities that are inextricably linked to many of these workers.

To further assist these efforts, two important resources were also launched. The "Bringing Out the Best" research report provides an insightful snapshot of the successes and challenges faced by women aged 45 and over in combining caring commitments and working in New South Wales. The caring DVD features two case studies of organisations that have thought outside the square and successfully employed mature aged workers with caring responsibilities. This can be downloaded from the New South Wales Office of Industrial Relations website at www.industrialrelations.nsw.gov.au.

DRUG DETECTION DOGS

Ms SYLVIA HALE: I address my question to the Minister for Police. Given that the Ombudsman's review of the Police Powers (Drug Detection Trial) Act 2003 found the objectives of the trial are not being met and that the Parliament should consider both discontinuing the trial and allowing the legislation to lapse, will the Minister tell the House whether the Government will accept the Ombudsman's recommendations and discontinue the random use of drug detection dogs? Given also that the Act has now lapsed, under what legislative authority are police currently carrying out raids on public premises using drug detection dogs?

The Hon. TONY KELLY: I thank the member for her question, but I think it is misdirected because I am not in charge of that particular Act.

MINISTER FOR ENERGY GANSU TRADE MISSION

The Hon. TREVOR KHAN: My question is directed to the Minister for Energy. Did the Minister's former chief of staff, Tony Hewson, travel with him to Gansu in May 2008? If so, what was his role? Did a protocol officer travel to China in May 2008 with the Minister on his trade mission? When did the Minister advise the protocol officer of his intention to travel to Gansu? If he did, did he advise the protocol officer that the costs of the trip were to be borne by a business involved in the mineral and mineral exploration business? Prior to travelling to Gansu, from whom did he obtain approval for Mr Alan Fang or the Tianda Group to pay for his travel? Given that he has now been asked questions on this issue in both the budget estimates hearings and this House, has he now made inquiries about the cost of the travel and accommodation? If not, why not?

The Hon. IAN MACDONALD: Certainly no-one as asked me whether I should do that. I would be asking the Gansu Government what it did and I do not think it would be appropriate to ask that of a Chinese government given the culture that prevails in that country. I am prepared to talk to advisers to see whether it would be appropriate. I do not think it is in the least appropriate.

Mr Hewson was a member of the delegation and he travelled. There is no question about that, and it is his business. With regard to the protocol officer, the arrangements were made at the last moment when it was realised that, as I explained to the House the other day, I could not attend the joint economic meeting at 9.00 a.m. on the Monday to make a speech if I adhered to the arrangements that had been struck while I was here.

COFFS HARBOUR JETTY FORESHORES DEVELOPMENT

The Hon. PENNY SHARPE: My question is addressed to the Minister for Lands. Will the Minister tell the House about the next stage in the Government's strategy to develop Crown land at Coffs Harbour jetty foreshores to encourage economic growth, tourism, improved public recreation and jobs?

The Hon. Michael Veitch: That would have been a good question by the candidate for Coffs Harbour, the Hon. Melinda Pavey.

The Hon. TONY KELLY: Is Melinda going to be their candidate for Coffs Harbour? Last week I visited Coffs Harbour to announce the next step in the Rees Government's strategy to develop Crown land at the Coffs Harbourside precinct. After a comprehensive expression of interest process, Coffs Harbour International Marina has been asked to submit a detailed proposal for the Coffs Harbour jetty foreshores leasing and redevelopment opportunity.

The Hon. Michael Gallacher: Did you visit the police station while you were there?

The Hon. TONY KELLY: I did. Coffs Harbour International Marina—a Queensland-based consortium of Property Solutions Group and QM Properties—is a large Australian company with a strong track record in delivery of quality developments. It already has the lease on the existing marina, and has a good understanding of the Coffs Harbour community. The plan of management remains the steering document for this exciting project and ensures, firstly, that there will be no residential development and, secondly, that no Crown land will be sold.

Coffs Harbour International Marina will now submit a detailed proposal outlining how it will deliver the type of development and public improvements as set out in the plan of management. It is anticipated that a

detailed response will be submitted to Lands before Christmas to allow evaluation and any subsequent negotiations and community consultation early in 2009. Of course, any proposal will need to undergo detailed planning assessment and approval processes as required under the State's statutory planning legislation. Over the past 50 years the city of Coffs Harbour has turned its back on the harbour. This project is a key element in plans to once again have the city of Coffs Harbour re-embrace its harbour, reinvigorate it, and make it the focal point of the Coffs Harbour region.

Two precincts have been identified in the plan as requiring major reconfiguration and possible expansion to cater for the growing demand of recreational and commercial boating—the existing port and marina and, on the south side of the harbour, extending from the old quarry site over to the deep sea fishing club. There has been and will continue to be consultation with Aboriginal stakeholders. This will deliver a cultural centre which celebrates Aboriginal history and employment for the local Aboriginal community. The overwhelming majority of Coffs Harbour has welcomed the news of another important step towards the revitalisation of the harbourside area of Coffs Harbour. The President of the Coffs Harbour Chamber of Commerce, Maree Walden, has said the harbour was desperately calling for a new approach. She also said:

It is time for Coffs Harbour to move forward and ensure that as a tourism destination we are competitive and as a community we have something to be proud of now and for future generations.

A comment made to me during my visit was that the recent local government election was a referendum of sorts on the revitalisation of the harbourside precinct. It is felt in the Coffs Harbour community that a clear majority of councillors, five out of seven, stated in their recent election campaigns that they saw the development of the harbour as one of the key focuses for their term in local government and that it needed to be developed for the city to progress. Unlike the political future of the member for Coffs Harbour, the city of Coffs Harbour has a bright future. The Rees Government is committed to working with the community and is getting on with the job of improving our coastal infrastructure and helping underpin jobs and economic growth up and down the coast.

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

BLAYNEY HOSPITAL EMERGENCY DEPARTMENT

The Hon. JOHN DELLA BOSCA: Earlier in question time the Hon. Rick Colless asked me about the temporary closure of the emergency ward at Blayney health service. Unlike the Deputy Leader of the Opposition, he clearly does not read the local newspapers to get his information, as he should. I am advised that the hospital is currently short by six registered nurses. The hospital is urgently trying to recruit full-time and casual staff to fill the vacancies. The health service manager, Kathy Hillier, explained in today's *Forbes Advocate*:

It's not a matter of funding. We could pay the staff, if we had them.

The Hon. Rick Colless: What paper?

The Hon. JOHN DELLA BOSCA: What do you mean what paper? It is the *Forbes Advocate*. The member is obviously not reading his local paper. Patients requiring emergency treatment are currently being diverted to Bathurst and Orange base hospitals, which are much larger facilities.

The Hon. Rick Colless: What was the question?

The Hon. JOHN DELLA BOSCA: My answer was about the difficulty in recruiting specialist staff. That is exactly what the health service manager, Kathy Hillier, said today in the *Forbes Advocate*. This is a short-term measure and the area health service is confident of attracting sufficient staff shortly to resume normal services.

MINISTER FOR ENERGY GANSU TRADE MISSION

The Hon. IAN MACDONALD: There is one other aspect of the question the Hon. Trevor Khan asked earlier about which I would like to enlighten him. In relation to the protocol officer, my arrangements were part of a separate trade mission and were not dealt with by the protocol officer. When the journalist rang the protocol officer who is the source of the Hon. Trevor Khan's story, he was not aware of it—and he was not aware of it because the protocol officer was attached to the Premier's delegation. Mine was a completely separate delegation. We crossed paths twice, but the itineraries were completely separate.

ILLEGAL LAND CLEARING, NORTH ROTHBURY

The Hon. TONY KELLY: On 21 October 2008, Ms Sylvia Hale asked me a question in relation to pursuing an investigation and prosecution of illegal land clearing, in her words, of the critically endangered *Persoonia pauciflora* from the Hanwood stage 5 site at North Rothbury. In response, the Minister for Climate Change and the Environment advises the following. The incident to which Ms Sylvia Hale refers occurred in 2006 and involved the removal of over 200 specimens of the endangered plant *Persoonia pauciflora*. The plants were removed from a private property and the removal of the plant has increased the conservation threat to this species. The Department of Environment and Climate Change carried out extensive investigations at the time. This included door-to-door inquiries seeking information, notices in the local newspaper and interviews with certain parties. However, the department, despite very thorough efforts, was not able to gather sufficient evidence to mount a case in court and no further action could be taken in this matter. If Ms Sylvia Hale has relevant information, she should provide it to the Department of Environment and Climate Change.

In 2007 the Scientific Committee listed the plant as critically endangered under the provisions of the New South Wales Threatened Species Conservation Act 1995. The populations in the Hunter, including on the site in question, continue to be monitored by the department. The department has an active conservation program for the species, including the preparation of a recovery plan, using its regulatory powers to provide greater security for populations, and a research program looking at propagation from seed and cuttings to act as insurance against these sorts of unfortunate events.

Questions without notice concluded.

[The President left the chair at 1.06 p.m. The House resumed at 2.45 p.m.]

BLAYNEY HOSPITAL EMERGENCY DEPARTMENT

Personal Explanation

The Hon. RICK COLLESS [2.45 p.m.], by leave: I wish to make a personal explanation. At the conclusion of question time the Minister for Health offered a supplementary answer to a question I had earlier put to him about the Blayney hospital. When introducing his supplementary answer to my question, he noted that unlike the Leader of the Opposition I was not reading my local media. The Minister then proceeded to read an excerpt from the *Forbes Advocate* and to speak about the emergency department at the Forbes hospital when my question clearly related to the Blayney hospital. I will repeat the first part of my question to the Minister for Health earlier today:

Will the Minister advise the House when the emergency department of the Blayney hospital will be reopened at night?

The media release I was working off was from the *Central Western Daily*, titled "Blayney hospital day only". The first paragraph of that article reads:

A critical nursing shortage at Blayney hospital has forced a shut down of the—

The Hon. Tony Kelly: Point of order: This does not sound like a personal explanation; it sounds more like an additional explanation of the honourable member's question.

The Hon. RICK COLLESS: To the point of order: It is a personal explanation because the Minister criticised me for not reading my local media. I would like to explain to the House that I had done my research, my research was correct and the Minister was wrong.

The PRESIDENT: Order! President Johnson ruled on 27 February 1986:

Personal explanations should allow the member concerned to explain a matter reflecting on the honour, character or integrity of that member, or to explain any matter which reflects upon the member in a personal way. The matter, which is the subject of the personal explanation, should not be amplified or debated. Provocative or disruptive language should not be used. The use of personal explanation to reply to or explain a matter upon which a member has been misquoted or misunderstood is outside the scope of standing order 70.

The member must not debate the subject of the personal explanation. The member knows that the standing orders permit a member to explain, with the leave of the House, how his or her honour, character or integrity has been reflected upon. I remind him, however, that that leave may be withdrawn at any time if any member is of the view that he is in contravention of the standing orders.

The Hon. RICK COLLESS: Thank you. I will not take up too much time of the House other than to say that I felt the Minister for Health had misrepresented me and I seek to correct that. I wish to assure everyone that I was talking about the Blayney hospital and drawing attention to the fact that the emergency department of the Blayney hospital has been closed at night. It is important that I read the first paragraph of the article appearing in the *Central Western Daily* on Thursday 16 October 2008, which states:

A critical nursing shortage at Blayney hospital has forced a shut down of the emergency department of the hospital at night. Eastern Cluster general manager Narelle Davis said the closure was temporary due to staff illness and a retirement. The emergency department will reopen when more staff are recruited.

I will leave it at that. I thank the House for its indulgence.

SMOKE-FREE ENVIRONMENT AMENDMENT (MOTOR VEHICLE PROHIBITION) BILL 2008

Second Reading

Debate resumed from 25 September 2008.

The Hon. MARIE FICARRA [2.50 p.m.]: I support the objective of the Smoke-free Environment Amendment (Motor Vehicle Prohibition) Bill 2008 to amend the Smoke-Free Environment Act 2000 to prohibit smoking in motor vehicles, and for a penalty to be imposed of a maximum five penalty units or \$550. I acknowledge and congratulate Reverend the Hon. Fred Nile, who first introduced this bill in June 2005—a very long time ago. The intentions of Reverend the Hon. Fred Nile have always been forward thinking and based on communication about and enforcement of sound, preventative health measures. I am married to a very dedicated public health physician and I have spent a considerable part of my teaching and working life in the health sector and I have always been very open in my strong opposition to tobacco use. This was recorded during my term in the other place as the member for Georges River. I thank Reverend the Hon. Fred Nile for his dedication and the relentless pressure he has applied to the Government to get on with these very important social and health legislative measures.

If it were not for the persistent promotion by Reverend the Hon. Fred Nile of initiatives such as the bill before us, I am sure that the Government would still have been dragging the chain. Instead, we now have had the Public Health (Tobacco) Bill 2008 introduced by the Minister for Health and it not only incorporates the objectives of the Smoke-free Environment Amendment (Motor Vehicle Prohibition) Bill 2008 but other public health measures as well.

In March 2006 the House referred the issue of tobacco smoking to a joint select committee, which reported in June 2006. Chapter 7 of the committee's report, "Tobacco Smoking in New South Wales", was dedicated to smoking in cars and, in particular, to Reverend the Hon. Fred Nile's 2005 bill. The committee concluded that while it supported the policy intentions of the bill, on balance and on the extensive worldwide evidence available, educational campaigns on the hazards of smoking in vehicles were showing remarkable success. Furthermore, the committee concluded that a ban on smoking in cars would entail "a greater encroachment on individual liberties than one on behaviour in public areas", such as children's playgrounds, other public places and transport modes. That may be the case. There seemed to be a reluctance to move into this arena. I am glad that attitude has changed because we need to place these restrictions on adults and ensure adults' understanding of the dangers to their own and other young children. The committee recommended:

That NSW Health fund and implement a sustained educational campaign aimed at reducing smoking in cars, based on "the car and home smoke free zone" project and drawing on its evaluation findings. The initiative should:

- Target the broad community and diverse groups within it
- Be supported by strategies delivered through the broad range of health and community services utilised by families and children
- Be developed and implemented in partnership with the RTA, NSW Police and motoring organisations.

Tobacco is the leading preventable cause of morbidity and premature mortality in Australia and most developed nations globally. Increased concern about the harmful effects of passive smoking on non-smokers has led to the formation of appropriate laws, such as the bill before us, in Australia and internationally that restrict smoking in enclosed public spaces. What could be a more enclosed space than our vehicles and homes? We have not dealt with the situation in homes. Hopefully, people will learn through education that they should not smoke in enclosed spaces and that, in particular, smoking in an enclosed space such as a vehicle is very dangerous to the formation and the proper functioning of the organs of young children.

In relation to passive smoking, the element of choice is limited for children. Therefore, children require our increased protection. Debate surrounds the means by which to achieve the desired end. The Cancer Council of New South Wales tells us that 60 per cent of households with young children where a parent is a smoker do not allow smoking in cars. I am reassured by that figure. I would be interested to know how the survey methodology was arrived at and whether the Cancer Council surveyed many families from ethnic backgrounds. Some Australians of ethnic background do not fully understand the dangers they are inflicting upon young members of their family. Although the Cancer Council's main priorities are to target tobacco usage in those communities with high usage rates and implement an improved tobacco retailer licensing system, I still believe that smoking in vehicles is a significant public health issue, particularly given the increasing amount of time that all Australians, especially children, spend travelling in the confined space of vehicles. When driving we still see some parents doing the wrong thing by their children at a very early age, when their lungs and bodies are at a high rate of development. The bill addresses a significant public need and paediatric health issue. I commend Reverend the Hon. Fred Nile for it.

In February this year the Government announced a package of measures to reduce children's exposure to cigarettes. The package, which was released for community consultation, included measures to ban smoking in cars with children as passengers. Given the consultation period, the Coalition believes it is about time that the bill came before us. I felt compelled today to congratulate the member who was responsible for moving the Government to action. I will put on record some information about tobacco smoke. Tobacco smoke has been found to contain more than 4,000 compounds, about 60 of which are known or suspected carcinogens. Scientists have produced strong evidence that passive smoking has a lasting impact on the respiratory systems of children. A team at the United States National Centre for Environmental Health in Atlanta studied data from 5,400 children aged 4 to 16 years. The researchers analysed the children's blood to determine the concentration of a substance called cotinine, which is produced when the body breaks down the nicotine from tobacco. In this way, they were able to get a much more accurate measure of the amount of tobacco smoke to which the children had been exposed, rather than rely on information from parents.

In referring to the study, I do not diminish the credibility of the Cancer Council's survey, but we have to be realistic about people's ability or willingness to do themselves in, particularly those who feel guilty about what they are doing but cannot help it. The researchers found that passive smoking had the strongest impact on the youngest children. It was linked to a permanently increased risk of asthma and wheezing. Older children exposed to tobacco smoke were more likely to have poor lung function and to take time off school. The authors concluded that exposure to environmental smoke is an important and preventable cause of illness amongst children.

Most parents do not smoke in front of their babies, but some may not realise the dangers that smoking presents to older children too: their lungs are still developing and at that stage they are much more susceptible to infection. The presence of carcinogens lowers the level of immunity in children's lungs. There is much research published in the journal *Archives of Paediatrics and Adolescent Medicine* to this effect.

Another research team from the University of Vienna took blood and urine samples from 158 children aged between three and 15. They looked for the presence of free radicals coming into contact with arachidonic acid, a key body chemical that controls the opening and constricting of blood vessels and prevents blood clots. If the activity of this acid is restricted, in theory it could open the door for the layer of cells lining the blood vessels to stop working properly, which in turn makes them more vulnerable to hardening and the person more vulnerable to heart disease. The research indicated that even young children who were exposed to second-hand smoke from their parents had elevated levels of arachidonic acid. If parents were smoking more than 40 cigarettes a day, levels in the blood were as much as 130 per cent higher than those coming from smoke-free homes. Smoking by the mother had a far more pronounced influence.

Vascular disease later in life might be triggered early in childhood by exposure to second-hand smoke. Thus, significant damage is occurring at a very early age, disadvantaging these vulnerable youngsters early in their lives. This information should be conveyed to families in simple language that they understand. Legislation that enforces strict regulatory changes should always go with community education so that people understand what is contained in cigarette smoke and the effect that has on different parts of the body, but particularly on their children. I believe that if people are given correct information that they can understand and absorb, in time they will do the right thing.

Children and babies who are exposed to vehicle-based and home-based passive tobacco smoke are more prone to asthma, as I said, and to ear, nose and chest infections; they have an increased risk of dying from

cot death—sudden infant death syndrome; they are more likely than average to become smokers themselves when older; on average, even with low levels of smoke exposure they do less well at reading and reasoning skills compared with children in smoke-free homes; and they have an increased risk of developing chronic obstructive pulmonary disease and cancer as adults.

It is clear that the overall health impact of passive smoking is large. Although the health risks for the individual from passive smoking are small in comparison with the health risks from active smoking, the public health consequences of passive smoking are high due to the large numbers of people exposed. Approximately 21 per cent of male adults and 18 per cent of female adults are regular smokers in Australia. However, it is encouraging to note that the percentages have decreased since the 1950s when statistics indicated that 70 per cent of men and 30 per cent of women were smoking daily. Currently, male and female smoking rates seem to peak between the ages of 25 and 34. Obviously the message is getting out, and the more consistent and regular the message the better the effect will be in lowering the percentage of adults and youngsters who take up smoking and adults who keep smoking.

The younger a person commences smoking the more likely it is that he or she will be a heavy smoker in later years and experience difficulty in quitting the habit. The proportion of regular smokers in the indigenous community is double that of the non-indigenous community, and this has dangerous implications for the status of indigenous health compared with that of other Australians, particularly in relation to cardiovascular disease, chronic respiratory disease, diabetes, reduced fertility, low birth weight, premature babies, sudden infant death syndrome, middle ear infections, the onset and worsening of asthma, and irritation of the eyes and nose.

Smoking kills half of its long-term users and was responsible for more than 6,500 deaths in New South Wales in 2000. Most tobacco deaths are caused by cancer, especially lung cancer, with ischaemic heart disease and chronic obstructive pulmonary disease also major causes. Smoking was a direct cause of 10,807 new cases of cancer in Australia in 2000. Smokers use inpatient hospital services more than people who do not smoke: they heal at a slower rate; they are more likely to use emergency services and outpatient facilities; and they have a higher admittance rate to intensive care post surgery than non-smokers. I am not saying that we should not care for smokers when they are ill but I am saying that they are costing themselves, the system and their families much financial, emotional and physical grief. We have to continue to get the right message out there for the sake of all Australians.

According to the Commonwealth Department of Health and Ageing, the social cost of tobacco use in 1998-99 was more than \$21 billion. This figure takes into account loss in terms of life, health and productivity in the workplace and at home, as well as the cost of fires caused by tobacco use. Money is outlaid for hospitals, medical expenses, nursing homes and pharmaceuticals. It is a very costly issue for all levels of government. But on the bright side, we have seen that the legislative restrictions in the Smoke-free Environment Act 2000 regarding where people can smoke, which made public places, including transport modes, smoke-free, have had a very positive effect.

The National Occupational Health and Safety Commission issued a statement in December 2002 in relation to environmental tobacco smoke—passive smoke. It recommended that exposure to passive smoke be eliminated in all workplaces as soon as possible as there is no evidence of a safe level of exposure. The commission stated:

Environmental smoke is carcinogenic, increases the risk of fatal and non fatal cardiovascular disease in non smokers and carries substantial mortality and morbidity from other serious health effects as a result of acute and chronic disorder.

So if it is good enough for workplaces it should be good enough for confined spaces such as car interiors, especially for children. According to the Cancer Council of New South Wales, there have been at least 22 cases of compensation being awarded thus far as a result of exposure to passive smoking.

Smoking bans are only one method of tobacco control and many would criticise the objects of this bill for their infringement on their personal rights and liberty to do what they like in the privacy of their own vehicle, but we legislators have a responsibility, in the face of unequivocal evidence of health dangers posed by smoking—passive as well as direct modes—to take action, especially to protect the rights of children to unpolluted air and, as much as we can, a safe environment in which to grow into adulthood. After all, we ban the use of handheld mobile phones in vehicles for safety reasons: I see this smoking restriction in a similar category. Comprehensive and well funded public awareness campaigns targeted at specific population groups will be needed when this Government finally moves on its legislation as a result of the current community consultative processes taking place on the package of initiatives to reduce tobacco usage overall in New South Wales.

We must all do what we can to protect the health of all Australians, especially our youth. It is pleasing to note that after a long delay of two years the Government has been moved to action and is drafting its own bill, which probably will supersede this bill and will incorporate a number of other preventative health initiatives and public health measures. I urge all governments to continue to seek strategies that will encourage the minimisation, prevention and cessation of tobacco use. I congratulate once again Reverend the Hon. Fred Nile on his persistent drive to improve the lives of families and, in particular, the vulnerable members of our society in New South Wales.

Debate adjourned on motion by the Hon. Mick Veitch and set down as an order of the day for a future day.

STATE EMERGENCY SERVICE

Debate resumed from 25 September 2008.

Reverend the Hon. FRED NILE [3.10 p.m.]: On behalf the Christian Democratic Party I put on the record our party's full support for this motion and obviously for the New South Wales State Emergency Service. The Hon. Kayee Griffin's motion states:

1. That this House notes the valuable service by the State Emergency Services to the people of New South Wales when natural disasters and other emergencies occur.
2. That this House acknowledges the hard work and commitment of the many volunteers who dedicate so much of their time to the State Emergency Services, in particular during the recent storms in the Hunter, Central Coast and other areas in New South Wales.
3. That this House congratulates the Premier and Minister for Emergency Services for the 23.8 per cent increase in the 2007-08 State Emergency Services budget.

Obviously that additional funding will be spent primarily on improved facilities and equipment because the majority of the service's 10,000 personnel are volunteers. There are 174 paid staff, who carry out the administration of this very large organisation. The director general of the service, Brigadier Philip McNamara, is based at the State headquarters in Wollongong.

As members know, Australia has one of highest levels of volunteerism in the world. The State Emergency Service is an obvious example of that given its more than 10,000 volunteer members. Volunteers serve in other organisations such as the Army, Navy and Air Force reserves, and in many community organisations such as Scouts Australia and Christian organisations that provide activities for children and young people. Included among those are the many hundreds of people who teach scripture in our government schools every week. We saw a very fine example of that volunteerism during the Olympic Games, when thousands of people volunteered to provide advice and assistance to those who attended the Games.

The 10,000 volunteer members of the State Emergency Service are organised in 226 units and they take on many major responsibilities, particularly in flood and storm operations and general rescue efforts in rural parts of the State. They are involved in road accident rescue, vertical rescue, bush search and rescue, evidence searches in both metropolitan and rural areas, and in other specialised rescues that may be required because of local threats. The New South Wales Ambulance Service has also trained volunteers in a number of isolated communities as Community First Responders. The service has trained rescuers to support full-time emergency service officers during major disasters. Obviously the State Emergency Service works in close cooperation with other emergency services, particularly the Police Force, the Rural Fire Service, the New South Wales Fire Brigades and the New South Wales Ambulance Service.

The State Emergency Service was first known as the State Emergency Services and was formed in April 1955 following disastrous floods across New South Wales that caused substantial loss of life and massive damage to property. The Government of the day recognised the need for a body of trained and disciplined volunteers with good local knowledge who would be available at short notice to help the community during such disasters. Later the same year, in view of the tense world situation at the time, the Government decided there was a need for a civil defence organisation in the event of a nuclear attack. In September 1955 the two organisations merged under the leadership of Major General Ivan Dougherty, who was later knighted and became Sir Ivan Dougherty. The new organisation was known as the Civil Defence. The State Emergency Services and Civil Defence Act was passed by Parliament in 1972 and remained in force until 1989, when it was replaced by the State Emergency Service Act.

The State Emergency Service is the most versatile and widely used rescue and public safety organisation in New South Wales. As the motion states, the service was involved in many major events during 2006-07, particularly the June storm event. That response operation lasted 18 days and involved personnel from all 17 State Emergency Service regions and teams from 102 of the 220 State Emergency Service units. They were supported by State Emergency Service teams from the Australian Capital Territory, Victoria, Queensland and South Australia, and the New South Wales Rural Fire Service and the New South Wales Fire Brigades.

As a result of that storm, the State Emergency Service received nearly 20,000 requests for assistance and managed responses to major flooding in the Hunter River and Tuggerah Lakes. The operation was the second largest the service has mounted in its 52 years. The active storm season from October 2006 to April 2007 resulted in the 2006-07 reporting year being the busiest storm year on record with some 36,530 requests for assistance. I am very pleased to support the motion and to congratulate the 10,000 volunteers and support persons who make the State Emergency Service such an excellent organisation.

The Hon. MATTHEW MASON-COX [3.18 p.m.]: It is my pleasure to support this motion moved by the Hon. Kayee Griffin and the very fine words of Reverend the Hon. Fred Nile. Australia has a wonderful tradition of volunteering. It is a tradition that was born in times of crisis. Australians have always responded well to crises by banding together and using their skills and wonderful innovation to help people in trouble. They often put themselves in danger to ensure that their fellow Australians are looked after in difficult situations.

Australia has about six million volunteers, which is an extraordinary number when one considers that the population is about 20 million. About 500,000 of them are involved in the emergency management sector. New South Wales has about 70,000 Rural Fire Service volunteers, 10,000 State Emergency Service volunteers and 1,300 Royal Volunteer Coastal Patrol members. That is comforting given the number of emergencies that the people of New South Wales have faced in a wide range of areas in recent years. One that comes to mind very readily is the bushfire that engulfed the Canberra region about five years ago. I still remember quite vividly the bushfires that became a firestorm that threatened many houses and people in Canberra, and sadly led to loss of life and damage to a great deal of property. The response of emergency services to that crisis was remarkable.

I remember in particular walking out the back door of my home in Queanbeyan and seeing billowing black clouds heading in our direction. Although the fire was some 15 kilometres away, a lot of debris from the fire was falling from the sky. The fire was so intense that it was spotting five kilometres or more in front of the fire front. The response of emergency services, particularly the fire services, was incredible. They put themselves in harm's way. Members may be aware that a number of officers were burnt and there was some loss of life as a result of that out-of-control fire, which also caused enormous damage in the Canberra area.

A range of organisations perform volunteer emergency services. I am a member of the New South Wales Fire Brigade service myself. I serve as a volunteer on the country fire unit in the Greenlees country area. I enjoy the opportunity to meet with my fellow Fire Brigade members on a regular basis to hone our skills to ensure that we are ready should an emergency come our way. I acknowledge Wayne Brown, a wonderful community volunteer who does a terrific job leading our fire unit in Queanbeyan. We are in the process of putting further country fire units in a rural subdivision on the outskirts of Queanbeyan to ensure that we are ready to respond quickly should a bushfire threaten. I acknowledge the many volunteers in the community, particularly in the Queanbeyan area, who give up their time readily and cheerfully and provide an enormous protection for our community—something we do not appreciate fully until we have a crisis. Thankfully, we are able to access the abilities of such people in a crisis, and we should recognise the important service they provide.

Given that so many people offer their time to protect their communities, it is critical that we provide them with the necessary training and equipment to ensure that when they respond in a crisis they are as protected as we can make them in order that they are as effective as possible. People responding to these types of crises put themselves at risk. They do that because they are looking to protect other people and their property. So, we must, at both the State and Federal level, ensure they are properly equipped and trained to ensure that their intervention does not lead to tragedy. Paragraph 3 of the motion congratulates the Premier and the Minister for Emergency Services on the 23.8 per cent increase in the 2007-08 State emergency services budget. It is wonderful to see such figures, that such a large contribution is going to emergency services. I had the opportunity to speak with the shadow Minister for Emergencies Services, Anthony Roberts, the member for Lane Cove—

The Hon. Michael Gallacher: Another good man.

The Hon. MATTHEW MASON-COX: Yes, another great man who is doing a wonderful job supporting our volunteers. Mr Roberts discussed with me a recent trip he made to inspect important emergency services infrastructure around New South Wales. I understand he was accompanied on that inspection by none other than the inimitable Leader of the Opposition in the upper House and shadow Minister for Police, Michael Gallacher.

The Hon. Michael Gallacher: Another good bloke.

The Hon. MATTHEW MASON-COX: Another good bloke. They had a wonderful trip travelling around country New South Wales inspecting the infrastructure that provides the important backbone of this service. They visited the Lake Macquarie SES and RFS and the Royal Volunteer Coastal Patrol, and travelled to Armidale, Inverell, Tuncurry, Port Stephens, Lismore, Gunnedah, Muswellbrook, the Great Lakes and Camden—a whole range of areas around northern and central New South Wales. It is important to see these things first hand. The member for Lane Cove saw a lack of modern equipment in many areas that he visited, and that is very concerning. The enormous commitment from local volunteers is wonderful, but without the proper equipment they cannot provide efficient and effective services. It is important that they are given the necessary equipment and training so that when they are confronted with a crisis they can intervene effectively.

The SES headquarters of Cabonne council at Canowindra is completely termite ridden and in danger of falling down, putting the district's 13 volunteer SES members at risk. That needs to be addressed as quickly as possible. Unfortunately that is not a one-off. Such infrastructure omissions by the Government riddle the service, in the same way as termites have riddled the Canowindra SES building. Funding for the Royal Volunteer Coastal Patrol has become problematic. Volunteers of that service provide in the vicinity of 88 per cent of the funding that service requires. I understand volunteers from the coastal patrol service perform 68 per cent of marine rescues in New South Wales, but instead of committing any spare time they have to training, to improve their capability to respond in a crisis, they spend most of their time selling lamingtons or conducting sausage sizzles to raise the funding they need to purchase equipment to help them protect their communities. I urge the Government to address this penny-pinching approach to the funding of emergency services.

The member for Lane Cove and shadow Minister for Emergency Services has passionately advocated for further funding in this area. I have been advised that there is no mention of any increased funding in this year's budget for this valuable service. The State Government collects some \$60 million each year in fees from the boating community but it will not provide adequate funding to our volunteers, who conduct many hundreds of rescues each year. It is embarrassing that 90 per cent of funding for coastal patrol services has to be raised by the volunteers themselves. What a shambles! That is a lot of lamingtons and sausages. The Government should readily provide that funding so the time and effort of volunteers is spent on training to enable them to respond effectively to the crises they confront daily. The list of unfunded infrastructure in emergency services is long. The upgrading of equipment has suffered over time.

For example, I note that Wilcannia has a 25-year-old emergency response vehicle and that White Cliffs has a 32-year-old primary accident vehicle. The premises in those areas, along with premises in Canowindra, are unfit for use, and it is important that the budget allocates funding to address those types of issues and that the Minister for Emergency Services gives consideration to providing that important funding. The shadow Minister for Emergency Services, the member for Lane Cove, has brought the need for this funding to the attention of the Minister; indeed he has strongly advocated that funds at the infrastructure, budgetary and recurring costs levels are provided for these important services.

In a perfect world all the State's emergency services would receive many times the funding that is presently made available; indeed, every member would seek as much funding as would be possible to dedicate for such services. I realise that we do not live in a perfect world but I believe that the Government could allocate more funding so that recurrent expenses for critical agencies are properly resourced to ensure the community is kept safe. This wonderful group of volunteers provides an invisible band of protection that we all take for granted. We turn to them in times of crisis and they always respond magnificently. We must preserve the ability of communities to have continued confidence in the preparedness and operational efficiency of our emergency services operations.

I urge the Government to not only continue to direct funding to this important area but also to increase it to ensure that money is directed to areas most in need. The Government must fully support emergency services personnel. I again applaud the Hon. Kayee Griffin for moving the motion. I acknowledge the valuable

service, hard work and commitment of our emergency services volunteers. I thank them for the interventions they have committed themselves to on many occasions and, as a person who is part of that volunteer service, I look forward to contributing in that regard in the future.

The Hon. KAYEE GRIFFIN [3.33 p.m.], in reply: The people of this State know that they can depend on our emergency services to help and protect them in times of natural disasters and other emergencies. The Government has a proud record of supporting our emergency services, particularly our volunteers, whose commitment to serving their community is matched only by their experience and expertise. The Government has provided the State Emergency Service with unprecedented levels of funding, totalling more than \$420 million over 14 years.

The 2008-09 State Emergency Service total expenditure is an all-time high of \$57.6 million. This increase of \$6.1 million, or 12 per cent, will provide for additional emergency response vehicles, the upgrading of unit headquarters, and enhanced training, development and recruitment programs. This year's record funding is an increase of more than \$43 million, or 411 per cent, over that provided in 1994-95, the last neglectful budget of the former Coalition Government.

One of the highlights of this record investment has been the establishment of the service's new 24-hour call centre at the Wollongong State headquarters. The Operations Communications Centre, which was opened in August 2006, is rostered around the clock, seven days a week, to support State Emergency Service volunteers answering calls for help and deploying State Emergency Service road crash rescue units to emergencies. Significantly for our rural and regional centres, this funding has also led to an increase in staff numbers from three to five in each of the 17 State Emergency Service region headquarters, valuable jobs indeed in these towns. The Government has a steadfast commitment to providing the volunteers with the equipment, accommodation and training they need to support their local community.

Over 14 years this commitment has been backed with record funding to provide \$19 million for rescue equipment; more than \$21 million for personal protective equipment to ensure the safety of volunteers; \$11.2 million in subsidies to assist with the purchase of emergency response vehicles, including \$2.8 million this year, an increase of \$2 million; funding for the replacement and purchase of 236 flood rescue boats and 79 sand bagging machines; \$5.1 million allocated to purchase and build 11 State Emergency Service region headquarters, including an additional \$1.5 million in the current budget allocation; and more than \$30 million in improved radio communications, paging and information technology systems, including \$2.9 million in the current budget.

The investment in improved radio communications and computer systems has produced the most practical on-the-ground benefits for State Emergency Service volunteers over 14 years. One of the most successful developments undertaken by the State Emergency Service during this time has been the replacement of its volunteer region controllers with paid controllers in all 17 State Emergency Service regions. This move reflects the increased sophistication of State Emergency Service training and response operations, and is an acknowledgement that the time commitment required to lead a State Emergency Service region is more than can be provided for, or fairly expected of, most volunteers.

The Government has pledged to continue supporting our volunteers, allocating \$5.6 million for rescue equipment, \$2 million for up to 60 new flood boats, and \$11.2 million to continue upgrading the State Emergency Service emergency response fleet over four years. It will also continue to give the volunteers a direct helping hand, providing almost \$5 million over this time to assist with the day-to-day expenses of the unit operations. This subsidy is designed to help cover running costs such as fuel, utilities and vehicle maintenance. It means volunteers need to give up less of their time to conduct fundraising to meet these expenses. The Government's record reinforces its commitment to ensuring that State Emergency Service volunteers are well equipped, trained and supported to continue to provide professional emergency assistance to the community in times of need.

I thank all members who contributed to the debate and acknowledge the work done by State Emergency Service volunteers in their own communities. They help us through dramatic times, such as floods and fires. However, our volunteers, and particularly our State Emergency Service volunteers, do not carry out their duties only during the tough times; they support their communities at many levels. Volunteers attend many community functions and I can attest to the many hours volunteers have given to my community of Canterbury. Their community spirit is wonderful and they are truly part of the community network. We can never thank them enough for the work they do. They are special people, who undertake their work with enormous pride.

They are always looking for ways to assist their community and even undertake their training in their own time. I thank not only local State Emergency Service volunteers for their hard work in my community, but also State Emergency Service volunteers statewide on behalf of every member of this House. The number of hours they work is incalculable and cannot be translated into dollar terms, and the support they give to their communities and to the State is invaluable.

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

Motion agreed to.

FOOD AMENDMENT (TRANS FATTY ACIDS ERADICATION) BILL 2008

Bill introduced, and read a first time and ordered to be printed on motion by Dr John Kaye.

Second Reading

Dr JOHN KAYE [3.41 p.m.]: I move:

That this bill be now read a second time.

Around the world the alarm has been raised on trans fats, which are proven agents in the epidemic of heart disease sweeping the industrialised world. For each and every use of these synthetic fats there are healthy, unsaturated substitutes. Trans fats offer no nutritional value and they have been eradicated in a number of jurisdictions overseas. It is time that governments around Australia acted to remove trans fats from the diet.

It is a key role of government to protect consumers from dangerous goods. The Food Amendment (Trans Fatty Acids Eradication) Bill 2008 aims to do just that. It seeks to mandate both the compulsory labelling of packaged food products containing artificially produced trans fats and the provision of warnings of the presence of trans fat in prepared food on menus at restaurants and signs at fast-food outlets. After two years of labelling, the bill seeks to place a statewide ban on the sale of products containing trans fats. The Greens accept that the ultimate solution is not at the State level but that concerted nationwide action is required. That is why the bill would also compel New South Wales representatives on the Ministerial Food Regulatory Council to move for labelling and then banning by Food Standards Australia and New Zealand [FSANZ].

The scope of the bill is limited to artificially produced trans fats. These are manufactured by partially hydrogenating vegetable oil, which involves super heating unsaturated oils in the presence of metal catalysts and hydrogen. The bill explicitly exempts naturally occurring trans fats that are found in trace amounts in dairy products and meat. Trans fats are used by food manufacturers and outlets for two main purposes: first, they are used as an ingredient, often in baked goods, to increase shelf life and to provide appealing flavour and texture; and, second, partially hydrogenated vegetable oil is also used for frying fast foods. In all of these applications there are unsaturated alternatives that do not pose anything like the same health risk.

No controversy is attached to the statement that eating trans fats dramatically increases the risk of coronary heart disease. The accepted medical science is that there is no safe level of trans fats in the diet and that eradication will almost certainly save lives. Trans fats have a double impact on health. Consumption not only increases the concentration of bad, or low density, cholesterol but also it decreases the concentration of good, or high density, cholesterol. In both actions, it exacerbates the risk of cardiovascular disease, which is a serious threat to public health and longevity. According to the Australian Bureau of Statistics, heart disease causes approximately one in six deaths in Australia each year.

Food Standards Australia and New Zealand [FSANZ] estimates that thousands of tonnes of trans fats are consumed in Australia each year, with approximately 2,500 tonnes consumed in food from takeaway food outlets alone. Although trans fats are probably present in lower concentrations in the diet of the average Australian than in some other countries, many Australians still consume large amounts of certain takeaway foods that are rich in the synthetic fatty acid, and that minority is likely to be exposed to levels that are substantially increasing the risk of heart disease.

The argument advanced by FSANZ that average consumption is below the level recommended by the World Health Organization ignores the reality of the thousands, possibly millions, of Australians who are consuming much higher levels of trans fats in packet pastries, biscuits and takeaway fried food. It is highly likely that the majority of Australians who possibly never consume trans fats in any substantial quantities

dominate the average. They will enjoy better lives and will live longer for it. It is to the health and wellbeing of the remainder of Australians who consume much more junk food, ignored by FSANZ in their fixation on the average, that this bill is addressed. Unfortunately, FSANZ has a rapidly growing reputation as a friend of big companies rather than consumers.

Although it is difficult to accurately estimate the total impact on life expectancy, extrapolating from United States data in a study published in the *New England Journal of Medicine* in April 2006 suggests that somewhere between 2,000 and 6,800 Australians die each year because of the unnecessary presence of artificial trans fats in their diets. Even if the number is fewer than this, each and every death from trans fats is unnecessary and avoidable if only food regulatory authorities were to take action to rid the diet of this unnecessary ingredient. But no such action is forthcoming in Australia or New South Wales, where the use of trans fats in food preparation is effectively unregulated. Currently the sole requirement in the use of trans fats is to label their presence if a nutritional claim is made in respect of fat content in a particular product. In the absence of such labelling there is no way consumers can tell whether a product contains trans fats or does not contain trans fats.

Some food corporations have voluntarily phased out trans fats use. Total trans fats consumption in Australia is probably falling, but it is clear that neither governments nor FSANZ should rely on self-regulation with its long history of failure in the face of the relentless drive for profits and market share within the food industry. The absence of labelling means that there is no competitive pressure on food producers to remove trans fats, and there is no way consumers can tell whether a product contains trans fats.

New South Wales residents deserve no less protection than those in many other jurisdictions around the world in which trans fats have been banned, phased out or severely restricted. In Denmark, trans fats have now been effectively banned since a 2003 law restricted industrially produced trans fat content to less than 2 per cent of all fats and oils imported into or sold in that country. Three years ago *Choice* magazine listed a range of foods sold in Australia that would not meet the Danish regulations and would be banned from sale in Denmark. This year California, under Governor Arnold Schwarzenegger, legislated to phase out trans fats in restaurants and retail baked products. United States cities such as New York and Philadelphia, and Calgary in Canada have banned frying food in trans fats in restaurants and fast food chains.

This year Kogarah Council and Gosford City Council in New South Wales passed a motion that would effectively ban new food outlets from frying food in artificial trans fats. This weekend the Local Government Association will debate civil action on a statewide basis. It is time for the New South Wales Government and FSANZ to ensure that all Australians receive the highest level of protection from this dangerous and unnecessary product.

There are many excuses for inaction, but none of them stack up against the lives being squandered by continued exposure to trans fats in the diet. It is true that much more needs to be done to reduce the consumption of saturated fats, which also leads to heart disease. But it is not true to say that labelling and phasing out trans fats would necessarily increase the use of saturated fats. For each and every use of trans fats there is an unsaturated alternative—an alternative that is much safer and is not as heavily implicated in the incidence of heart disease.

It is up to governments to encourage, as part of a broader health campaign, the use of the healthier substitutes. Public policy needs to be informed by the evidence that, gram for gram, trans fats are far more dangerous than saturated fats. That is no excuse for allowing an increase in saturated fat consumption, but it highlights the importance of eradicating the most dangerous of the fatty acids. Further, banning trans fats would actually enhance the campaign to alter eating behaviours by increasing awareness of the consequences of unhealthy foods. Far from distracting consumers, labelling and eventually banning trans fats would focus their attention on the importance of healthy foods and the impacts of unhealthy foods on heart disease.

The bill proposes labelling trans fats at the same location as saturated fats. That rare breed of consumers who look closely at the nutrition information panel will then be able to tell whether a product contains trans fats. The current situation is completely untenable. A quick look at the nutrition information panel reveals the concentration of saturated fats and total fats, and the difference of those two numbers gives you the sum of the amount of unsaturated fats and trans fats. This is absurd because it is not possible to separate the least dangerous fat, unsaturated fat, from the most dangerous of the fatty acids, trans fats. It leaves the consumer without any way of determining whether the food he or she is purchasing is safe and whether it contains trans fats.

Concerns have been expressed that a ban on trans fats would lead to an increased use of palm oil, which is not only highly unhealthy but also responsible for the land clearing for plantations in Borneo and the destruction of the habitat of endangered orangutans. Like other saturated fats, there is no excuse for manufacturers substituting palm oil for trans fats, and even less for regulators allowing them to do so. The Greens will introduce legislation to ban the import of palm oil from plantations that threaten the habitat of orangutans. Palm oil should be phased out as soon as possible.

The Food Amendment (Trans Fatty Acids Eradication) Bill 2008 challenges the New South Wales Government to act to protect the health and wellbeing of the population of this State, regardless of the pressure brought to bear on it by those who make a quick profit from the production and sale of unhealthy foods. No doubt the food-processing and fast-food industry will mount a range of arguments for inaction. From saturated fats to freedom of choice, none will stack up against the lives lost by failing to act to eradicate trans fats. If parliaments and governments take their responsibilities seriously, they will reject the protestations of industries that are doing nothing but protecting the easy profits that are to be made from using trans fats instead of the healthier alternatives. If we listen to the nation's doctors' peak body, the Australian Medical Association, which has endorsed this bill, we will act now to end the unnecessary deaths from trans fats. I commend the bill to the House.

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

EARLY INTERVENTION SERVICES FOR CHILDREN WITH AUTISM

Debate resumed from 25 September 2008.

Reverend the Hon. FRED NILE [3.53 p.m.]: On behalf of the Christian Democratic Party I am pleased to support the Hon. Amanda Fazio's motion, which states:

That this House:

- (a) welcomes the Lemna Government's \$6 million package for the expansion of early intervention services for children with autism, which includes an autism-specific child-care centre in western Sydney,
- (b) notes an increasing rate of diagnosis of children with autism in New South Wales,
- (c) recognises that the earlier intervention in a child's life occurs, the greater benefit that intervention can make to provide children with autism the opportunity to participate to their maximum at all levels of society, and
- (d) acknowledges that the \$6 million package addresses these issues, and will provide a welcomed boost to early intervention services.

I am sure that the main organisation that deals with autism, Autism Spectrum Australia [ASPECT] will be very pleased that \$6 million has been allocated to meet this particular need. Autism Spectrum Australia was established in response to the inability of existing educational and treatment facilities to either accept the disorder or address the specific needs of children and adults with autism and their families. Since its inception in 1966, the organisation has developed and provided desperately needed services and programs for many thousands of children, adolescents and young adults with autism. The organisation was established by a small group of parents and their supporters who wanted education and support for their children with autism and was originally known as the Autistic Children's Association of New South Wales. Over the years it has developed and grown, and in 1969 the association received its first government funding.

During the 1970s the association expanded and more schools were opened: the Forestville school in 1971, the Annandale school in 1974, the Newcastle school in 1977, and the Kingsgrove and Randwick schools in 1978. As well as receiving government assistance, the association has its own fundraising department that has sought to raise funds for some of its own projects. In the 1980s the association expanded to include services for adults, and in 1982 two houses and an independent training centre were established. In 1983 more schools were opened: Terrigal in 1983, Wetherill Park in 1984, and Illawarra in 1986. The association's name was again changed in 1984 to the Autistic Association of New South Wales. In the 1990s new services began, including parent support groups, the first satellite classes in mainstream schools, metropolitan outreach and a research institute.

In 2005 at a special general meeting of the Autism Association of New South Wales, the members approved a new constitution and a change in name to Autism Spectrum Australia, or ASPECT for short. The

new name is very inclusive: acknowledging that autism is a spectrum and that there is a range of diagnoses that make up the autism spectrum, including autistic disorders, Asperger's disorder and atypical autism. ASPECT is now the leading service provider for autism spectrum disorders and treatment, including Asperger's syndrome, and provides direct services to children in the form of early intervention and schooling, incorporating six special schools, more than 50 satellite classes, education and family support, assessment and transition, and itinerant education support.

ASPECT also provides direct services for adults in the form of employment, training and accommodation. In addition, it provides advice and assistance to those many families who were either receiving inadequate or inappropriate services, or for whom there are no services at all. As a central resource for families and services seeking information and advice about these various aspects of autism, people can go to the association and receive professional advice. The association employs highly skilled professionals who are experts in the field of autism. Those professionals include chronic clinical psychologists, specialist teachers, speech pathologists and adult services staff. I congratulate Autism Spectrum Australia on its excellent work in meeting the needs of persons with autism and their families.

A great deal of knowledge is being gathered on this disorder, and it is now being clearly defined. That is why the term being used is autism spectrum disorders, or, as it is more commonly referred to, autism. This umbrella description includes autistic disorder, Asperger's disorder and atypical autism. Autism spectrum disorders are lifelong disabilities that affect the way a person communicates and relates to other people and the world around them. People affected by autism typically display major impediments in three areas: social interaction, communication, and behaviour, such as restrictive interest and repetitive behaviours. These are commonly referred to as the triad of impairments. It is important that people with this disorder receive every support possible. That will be facilitated further by the \$6 million package that the Iemma-Rees Labor Government has provided for early intervention services for children with autism. I am pleased to support the motion before the House.

Reverend the Hon. Dr GORDON MOYES [4.00 p.m.]: Like my colleague, I support the motion moved by the Hon. Amanda Fazio on 25 September 2008 welcoming the Government's \$6 million package for the expansion of early intervention services for children with autism. The reported increase in the rate of autism in the children of New South Wales is alarming to us all. A prevalence study commissioned by the Australian Advisory Board on Autism Spectrum Disorder, led by paediatrician Dr John Wray, concluded that "for every 160 Australian children aged between 6 and 12 years one has an autism spectrum disorder." That works out to be about 11,000 children in New South Wales alone. Autism affects four times as many boys as girls, and nearly half of all those affected will need assistance for most of their lives. This is truly a problem of immense proportion and complexity. Autism spectrum disorders result from a dysfunction of part of the brain and central nervous system. Experts state that it is usually present at birth, but it is not evident to parents or a child's physician until the child is about the age of two or three years. The process of diagnosis can take up to two years, which means a delay in getting these children into appropriate settings.

It is known that the earlier children with autism spectrum disorder are diagnosed and enrolled in early intervention programs, the better the outcomes for the child, the family and the community. Changes in diagnostic definitions and the lack of an actual medical test that provides a diagnosis of autism add to the difficulty of early diagnosis. Symptoms of autism overlap with a number of other conditions, such as, attention deficit hyperactivity disorder, childhood disintegrative disorder and pervasive developmental disorders. Children must be assessed by a team of health professionals, including a paediatrician, psychiatrist, clinical psychologist and speech pathologist, as a requirement for eligibility for government assistance and the early intervention services they will need. There is currently a high level of unmet need and service gaps throughout New South Wales. Estimated prevalence rates have risen dramatically in the past few years, so it is vitally important that this issue be recognised and acted upon in time.

However, because of inconsistencies in prevalence estimates, existing data systems need to be improved and additional systems developed to ensure the collection of reliable information. Comparisons with international data published on the incidence of autism are difficult because of differences in definitions, age groupings and the methods used. This area must be standardised to enable the true needs to be measured and effectively acted upon. The difference in data between countries is an important issue. Some years ago I discussed this matter with psychiatrists specialising in this area that were employed by Wesley Mission and working in the field in various mental health facilities. They felt that the problem of international data collection and standard measuring was hindering the work on every continent. The reason behind the rise in autism in

modern western societies is unknown. For example, there is a suggested vaccine connection to autism. Many parents are questioning whether there is a link between autism and the standard immunisations their children receive. This is getting serious research attention worldwide, particularly in the United States of America.

Honourable members probably have received many emails from parents around Australia who are concerned that the compulsory vaccination of their little children may lead to autism. Vaccines are known to contain preservatives, antibiotics, stabilisers and biological growth media of human or animal origin, any one of which could potentially cause an allergic reaction. One of those preservatives is Thimerosal, which contains a form of mercury. This has been used in vaccines since the 1930s. It can produce hypersensitivity reactions, but they are uncommon. Particular concerns have focused on its potential toxicity as a heavy metal and its possible role in the measles, mumps and rubella vaccination—or MMR, as it is well known—and the rise of autism. In response to those concerns and to minimise any risk, all vaccinations in the Australian standard vaccination schedule for children younger than five years are now Thimerosal free. Those with an autism spectrum disorder, or those at risk, may be especially vulnerable, as their ability to metabolise and detoxify contaminants can be compromised.

Is autism related to a genetic component? Autism occurs more frequently than expected among individuals who have certain medical conditions, including the fragile X syndrome. Researchers are investigating the possibility that under certain conditions a cluster of unstable genes may interfere with brain development, resulting in autism. What about the environmental component? Other researchers are investigating problems during pregnancy or delivery, as well as environmental factors such as viral infections, metabolic imbalances and exposure to environmental chemicals. Children are at greater risk of environmental exposure because of their activity patterns and developing systems. Infants spend much of their time close to the floor where heavy air pollutants settle and where they are in contact with dust and its potentially harmful components. Their body size means that they are far more likely to ingest more contaminants in food per pound than adults, which concentrates the effects of any food-borne exposures. Their defence systems are also immature, making it harder for them to fend off the negative effects of any such exposures. More importantly, many of their organs, including their brains, are still developing and may be particularly sensitive to toxins.

Anecdotal reports indicate a connection between early childhood illness and infection and the onset of autistic symptoms. A recent review of medical records indicates this perceived association may not, in fact, be real, at least when considering the autistic population as a whole. Nevertheless, it must not be ruled out. Plausible biological explanations include systemic inflammation, impaired cell response and general immune imbalance. Many of the body's processes require compounds that must be obtained from the diet, which are termed "essential nutrients". A deficiency in these essential nutrients can have the same effect as toxic exposure, and if a child has both a poor diet and toxic exposure the effect will be compounded. More than 80,000 chemicals are registered for commercial use in modern societies and most have not been evaluated for neurodevelopmental toxicity. History shows that many chemicals in wide use that were originally believed to be safe were later found to be toxic, even in small doses, and, often, the symptoms are subclinical and not noticed by medical professionals. Therefore, increased testing and regulation of industrial and household chemicals, with a focus on a precautionary approach, is advisable.

The United Nations is putting a world focus on autism. Recently the United Nations called for society as a whole throughout the world in developed and undeveloped countries to become more involved, more compassionate and more accepting of this complex condition. The United Nations' global initiatives aim to provide more trained professionals to diagnose and provide effective early interventions and call for collaboration between countries to conduct more epidemiological studies. On a global scale, autism rates are unknown because of a lack of research and reliable studies, a relative lack of awareness, social stigma about the condition and, as I mentioned before, the variable data collection bases between countries.

I am particularly interested in this initiative because I have supported families with autism since 1967. I take this opportunity to place on the record the achievements of a most remarkable woman. In 1967 I first became aware of the disability of autism. I had never heard the name before; it had never been mentioned in any of my studies of psychology or in my reading. But in 1967 a remarkable social worker, Mrs Margaret McGregor, asked if I could help her establish a respite centre for parents of autistic children in our area of Melbourne. She had some theories she wanted to work on in helping treat children with this newly known problem of autism. She explained to me the difficulties that parents of autistic children face and the need for a respite centre.

As much as I could I studied autism in the middle 1960s, but did what I could do best: raise funds. As a result, the first centre in caring for children with autism and providing respite for parents was built and opened

in the Beaumaris area and it has served that area well ever since. In preparing these notes I got in touch with some of my earlier contacts going back to the 1960s to find out the ongoing service commitment of this first autistic centre ever opened in Australia, and discovered that it is going well. It was built on good foundations and it is still serving the needs of autistic children in the community. It was not long after the centre opened that the redoubtable Mrs McGregor shifted to Sydney. But she was still active on behalf of autistic children and their families. In 1980 or 1981 she came to visit me once more to ask for help. I was pleased to make that help available through the Wesley Mission's disabilities services.

So, over the years Wesley Mission's disabilities services have had a special place for autistic children. For more than 40 years I have been involved with the families of autistic children in the provision of respite and supportive care. Unfortunately, the general public is still unaware of the nature of autism and its impact on the lives of the families involved, and especially on the other children. Therefore, I have no hesitation in commending this bill and commending the Government for its new program to address the needs of autistic children and their families. I thank the Hon. Amanda Fazio for bringing to our attention the Government's \$6 million package for an expansion of early intervention services for children with autism.

Mr IAN COHEN [4.14 p.m.]: I speak on behalf of the Greens on the motion of the Hon. Amanda Fazio supporting early intervention services for children with autism. I believe that we are here to serve the people and the community, not a political brand. When governments undertake initiatives that enrich and enhance the lives of people in New South Wales I give them my support and encouragement. In the context of this motion, I give my support to the package. However, I believe that it does not fully address the need for early intervention services. This assessment is certainly not controversial. The Director General of the Department of Ageing, Disability and Home Care, Mr O'Reilly, would surely agree, as he did during budget estimates, when he stated:

We are not meeting demand for autism now. A growing number of people are being diagnosed with autism.

In conjunction with the Commonwealth Government's funding commitments and Medicare changes, the New South Wales \$6 million early intervention package for children with autism is an encouraging step in the right direction to alleviating the long waiting lists for services. We are seeing an escalating demand for disability services across New South Wales and nationally. There are a number of demographic and population shifts driving this increased need for services. An ageing population and medical advances are just two factors that expand the need for essential disability services. Without sufficient funding resources and fiscal commitment, more and more Australians with disabilities will face social exclusion, financial hardship and human rights abuses. Failure in disability service delivery escalates indirect discrimination in educational institutions and actively grooms children for a life of welfare dependence.

It has been noted that in New South Wales the number of children with autism spectrum disorder is on the increase. According to New South Wales figures, about 300 children under six are diagnosed with autism every year. The number of students with autism spectrum disorder needing extra support rose from 1,139 in 2001 to 3,070 in 2005. However, there appears to be an anomaly between New South Wales data, because children who do not nominate autism spectrum disorder as their primary condition are not included in the statistics. This is evident when we compare the prevalence of autism spectrum disorder in New South Wales and Western Australia. In 2004, 13 out of 10,000 children between 0 to 5 years in New South Wales were recorded as children with autism, whereas the figures in Western Australia indicate 22 out of 10,000 children have autism. The figures are even more polarised for other age groups.

I would be interested to know whether data collection methodologies were under-representing the prevalence of autism spectrum disorder in New South Wales. The Director General appears to be relying upon evidence from the American Journal of Psychiatry—the health module as opposed to ground level data, which could be easily obtained from the Australian Bureau of Statistics and Centrelink. There is a growing body of literature demonstrating that a range of biological, behavioural and educational early intervention programs accelerates developmental, language and behaviour skills. Such intervention programs are the first step to giving these children the skills to lead fulfilling and successful lives. More than providing benefits to the child's quality of life, targeted early intervention helps families function better by aiding in the day-to-day challenges of raising a child with autism.

The proposed \$1.24 million for the Autism Early Intervention Outcomes Unit [AEIOU] childcare centre in western Sydney will help children with autism successfully move into mainstream schools and attend without the use of an aide. This proposed centre and further Commonwealth-funded centres will address the dire

need for these services. The statistics show that half of New South Wales' children with autism aged under five live within 40 kilometres of Liverpool, and even these figures may under-represent the true figures for the reasons I have already outlined. Funding for these centres is essential and will deliver a very important service to enhance the life skills of children with autism.

The rollout of the \$2.06 million 20-week targeted program for preschool children—which I am informed is the Autism Behaviour Intervention [ABI] and Applied Behaviour Analysis [ABA] program—is a great program that is helping children speak for the first time. But the program must be scaled up in relation to a funding commitment and extending access to different age groups of children. The children who are missing out on this program are at a distinct disadvantage. I urge the Government to boost funding for this program. The \$2.06 million funding to provide centre-based and home-based services by special education teachers and occupational therapists, which includes the Autism Spectrum Australia [Aspect] Building Blocks Program, will secure 240 places over four years. One component of the program, which I have found interesting, is the AutismPro service. AutismPro provides specific tools to deliver education and training via specialised Internet programs to children with autism spectrum disorder in remote areas where there is no occupational therapy specialist.

Over the past few months I have heard some concerns about the clinical benefits and effectiveness of the Building Blocks Program. Maybe the Hon. Amanda Fazio can detail in her reply whether the Department of Ageing, Disability and Home Care has received reports and assessments on the Building Blocks Program in relation to the children in the program and the control group. Providing families with information on autism reduces family anxiety and highlights the pathways to assistance and support. The \$200,000 for the rollout of a DVD and manual to help families of a young child immediately following the child's diagnosis of autism should provide families with free access to information. However, I am informed that the service provider that received the funding and produced the DVD is charging families \$10 for the DVD.

If the Government is serious about assisting families immediately following the diagnosis of autism, then the Government should ensure the service provider provides families free access to this information. The department can only provide funding to service providers in compliance with the objects of the Disability Services Act. Notwithstanding the additional funding, the Department of Ageing, Disability and Home Care still needs additional funding and administrative reform to support children with autism. A report for the Autism Early Intervention Outcomes Unit notes that a preliminary estimate of the total annual cost to Australia of autism spectrum disorder is between \$4.5 billion and \$7.2 billion. I note that the Stronger Together funding measures implement a long-term funding vision and that reducing service shortfalls is not something that will happen overnight. However, the deficiencies that currently exist appear to suggest that that scale of administrative reform and allocation of additional funding may be inadequate.

However, the deficiencies that currently exist appear to suggest that the scale of administrative reform and allocation of additional funding may be inadequate. The Department of Ageing, Disability and Home Care's service registers—which is department-speak for waiting lists—are still too long with children waiting up to two years for access to services. The result is that parents of children who are given low to medium priority on the register become so desperate to give the best to their child that they seek private therapy even when family budgets are already stretched to the limit. Using private therapy further prejudices a child's position on the service register and places parents in an unenviable position of staying on a waiting list for two to three years or forgoing basic family needs to secure private therapy, which is then fatal to the families' position on waiting lists.

My office has talked to occupational therapists who assess children with communication devices and technology. Due to funding shortfalls in the Program of Appliances for Disabled People program the equipment is simply out of reach for the majority of clients. Instead, children who require such devices to communicate with their parents and the wider world have to rely upon the beneficence and generosity of local charity organisations to acquire such technology. With the devolution of what were traditionally government-delivered disability services to the non-government sector comes also the challenge of engaging a broad range of service, advocacy and client stakeholders. On the face of it, this challenge appears easily surmountable, and it should be. However, over the past 13 years deficient funding of disability services has historically created a bureaucratic and ministerial culture whereby government engagement could be characterised as singularly focusing on peak body association and institutional favouritism.

The Greens are seeking a cultural shift in the Department of Ageing, Disability and Home Care that reduces institutional discrimination and helps empower smaller parent-carer groups and networks to allow all

stakeholders to play a role. I cannot agree that these measures, which the Hon. Amanda Fazio is purporting to congratulate, go far enough in ensuring all children with autism have the best start in life. It is a welcome boost to an area of disability services and the Government's policy in this respect is positive. However, there is more to be done. The Greens will not oppose the motion and acknowledge the important funding provided to early intervention services by the package. However, we are still very concerned that disability services are lagging far behind what is needed in this State. From my experience on the Program of Appliances for Disabled People inquiry and in examining disabilities as part of my portfolio responsibilities, I plead with the Government, Ministers and the Premier to keep paying attention to this vital area.

The Hon. HELEN WESTWOOD [4.24 p.m.]: I support the motion moved by the Hon. Amanda Fazio. As the parent of a child with a disability, I will always have a great interest in this area. Autism spectrum disorder is a lifelong, non-progressive disability that is the result of as yet unspecified impairments to normal brain development from potentially multiple and variably overlapping causes. Autism is a syndrome, known by a characteristic set of impairments in social interaction, communication, and the capacity for imaginative and symbolic thinking, resulting in stilted and stereotyped interests, behaviour and activities. This State Government is committed to improving disability services, including those for children with autism. An extra \$6 million is vital for additional services in a whole-of-government response to support the growing number of children and young people diagnosed with an autism spectrum disorder.

As all parents know, raising a child is a demanding but highly rewarding experience. Raising a child with a disability makes that job even more challenging for families. Autism affects about 1 in 160 children and it is believed that the statistic is closer to 1 in 100. The effects of autism may be mild, moderate or severe and not every characteristic is evident in every person. There is strong evidence of a biological-neurological basis for autism. It appears that structural differences can occur in one or several parts of the brain. There is no single, known cause of autism. Some of the factors believed to be potential causes are: genetic factors; exposure to viral diseases and infections; physical trauma, for example, birth injury; and metabolic disorders.

Autism affects four times as many males as females. Parents with one child with a diagnosis of autism have a 2 to 9 per cent chance of having another child with autism. Autism spectrum disorder now affects more children than childhood cancer. Studies and research indicate that the earlier a child with autism commences therapy, the more effective that therapy is likely to be. It appears that there is a window of opportunity between the ages of two and five during which a child's brain is sufficiently adaptable that many of the deficits of autism can be reduced or corrected by intensive therapy. Once past this age, however, the benefits of therapy reduce and although gains can be made, they tend not to be as great.

That is why this childcare centre is so needed in western Sydney. The limited time span in a child's development during which substantial gains can be made means that early diagnosis is a critical factor in determining the outcome of a therapy program. Often parents and general practitioners will take a wait-and-see approach on the assumption that problems seen at 18 to 24 months will correct with time. In many cases this approach results in further regression and increased stress on the family. Unfortunately, it also results in the loss of valuable time. This centre will be critical for the families of our communities in western Sydney.

There is no cure for autism, though changes in ability and behaviour occur over time with intervention. Early intervention refers to offering autism-specific intervention at the earliest age possible. It is about applying a structured approach to the education of children with autism. Children who receive educational intervention before the age of four years have been shown to significantly improve their chances of learning new skills and adapting to their environment when compared with children who begin intervention at a later age. Research indicates that intervention should commence as soon as possible after diagnosis, that early intervention prevents declines in intellectual development and that early intervention leads to improvements in most areas of deficit in autism.

A number of programs are delivering excellent services to families who have children with autism, and I know that this centre will also provide such a service. It is recognised that one-on-one intensive intervention is the ideal teaching setting for children with autism. The needs and skills of children vary considerably, and no one program will fit every child. I believe all children have the right to education and all children can learn. Children are individuals with differing personalities, needs, wants, interests and levels of development. Children learn in different ways and at different rates and benefit from programs based on individual needs. Children should have access to appropriate assessment and intervention as early as possible.

The New South Wales Government respects the position and role of parents who have a child with a disability and seeks to support them across New South Wales through a wide range of programs. More than

\$3.1 million has been allocated this financial year to Aspect to support services for children with an autism spectrum disorder and their families. Two organisations—Autism Spectrum Australia, or Aspect, and the Autism Behavioural Intervention Association New South Wales—have each received almost \$2.07 million to expand their current early childhood intervention projects for young children with autism.

Aspect's Building Blocks program for preschool children with autism is already a well trialled early childhood intervention program of support for families, using special education teachers and therapists. The 20-week pilot program run by the Autism Behavioural Intervention Association for preschool children aims to reduce challenging behaviours and enhance positive social behaviours at home or in community-based preschool and childcare settings.

AEIOU Incorporated, an organisation providing early childhood intervention educational programs for young children with autism spectrum disorders in Queensland, has received almost \$1.24 million to establish a demonstration childcare service for young children with autism in either western or south-western Sydney. AEIOU's program, aimed at children aged between two and five, will deliver an intensive functional task-oriented approach within a play-based format in a childcare setting. These three programs, which are testing different approaches, each include an evaluation component. This will provide valuable information for research and analysis that can be used to support future policy and funding decisions in relation to supporting young children with autism spectrum disorders.

I will share with the House one family's story after enrolment in AEIOU, which is a charitable organisation dedicated to providing a quality, full-time early intervention educational program for children with autism. The family has written:

We are so blessed to have our son, Caleb, attend AEIOU for his second year in 2007 and are so proud of the progress he has made as a result of early intervention and the full-time program offered at AEIOU. Moreover, it is the amazing, committed staff who each rightly deserve full recognition—without them, the individualised goals of each child would not be worked into a manageable plan that we, as parents, can so proudly testify to seeing fulfilled and progressively accomplished in our children's lives. Caleb arrived for his first day at AEIOU (Mooroooka) 3 years of age & diagnosed with Autism. He was nonverbal, barely able to communicate his needs, and spent most of his time mouthing toys rather than playing with them appropriately. Despite his passive temperament, Caleb took to biting when he became frustrated. I remember vividly that first day, just hoping that the program would, if nothing else just help Caleb learn to communicate.

Caleb's first year of early intervention has been life changing. Within weeks of starting at AEIOU, Caleb was communicating his thoughts through the use of PECS cards and astounded us within months when he began speaking his first words. By the end of the year, Caleb was able to say when he needed to go to the toilet and he is progressively becoming independent in this area. These milestones alone found us reaping benefits in the daily routines of home-life. Caleb can follow directions and his behaviour is now accountable. Much to the delight of his older brother, Joshua (5 years), and to us, the boys are beginning to play together.

Joshua loves the fact that Caleb can say his name, and different games like "chase me" and "swings". More recently over the Christmas holidays, Caleb surprised relatives by saying their names, and thrilled them with generous hugs, asking for "kiss" and telling them on occasion "love you". It is such a marvellous feeling to not only have your feelings reciprocated, but to be quite openly invited into your child's heart to share their joys with them. We attribute all of Caleb's gains to the intensive program at AEIOU. We are excited by the possibilities of 2007 and are forever grateful to AEIOU and each wonderful member of staff who can see beyond the present to the amazing potential within each precious little child.

When you hear those words from parents you understand the importance of projects such as this and you appreciate the wonderfully committed staff who are willing to give so much time and energy to ensure that people with disabilities can reach their potential. I firmly believe that projects such as those I have outlined will directly help our communities in western Sydney, while we learn to develop interventions and supports that work for the children and their families into the future. I am certainly pleased to be able to support this motion and commend it to the House.

The Hon. ROBYN PARKER [4.32 p.m.]: While I welcome the State Government's expenditure of \$6 million for an autistic-specific child-care centre in western Sydney, which is the subject of the Hon. Amanda Fazio's motion today, it really is just the tip of the iceberg in the provision of services for families with autistic children. Honourable members have spoken today passionately about some of the challenges facing families of children with autism spectrum disorder. Most of us cannot even imagine how it must be for those families. We can do our best to understand but it is not until you hear an individual story such as the one the Hon. Helen Westwood presented that one understands some of the challenges. It is a challenge for all of us to meet those needs. This funding is long overdue but it is a small amount of funding for one particular area. We need a far broader spread of funding dollars if we want to get to the crux of the issue, the provision of early intervention services for children with autism spectrum disorder.

Families need this assistance not just in Sydney, but in outer metropolitan areas and right across New South Wales. The number of public school students diagnosed with autism has risen by 65 per cent in the past three years, and in New South Wales it has risen from 2,527 in 2004 to 4,233 last year. The first study into the prevalence of autism in Australia was released last year by the Australian Advisory Board on Autism Spectrum Disorders, which found alarmingly that one in 160 Australian children aged between six and 12 years has an autism spectrum disorder—which is more than 10,000 children in that age group. The study's findings called for improved early intervention, education and support services, and a national protocol of no more than three months waiting time for diagnosis and assessment by multidisciplinary teams. The report found that in some areas diagnosis and intervention can take up to two years.

Importantly, the Howard Government listened to that startling report and made a \$190 million election commitment to address these issues. The commitment included subsidies of up to \$20,000 over two years for intensive intervention therapies; 200 autism-specific playgroups for 8,000 children; and intensive one-on-one or tailored group programs for more than 4,000. In comparison, at the same time, Labor promised only six specialist centres for autistic children under five, which pales to insignificance. Today, more than 21,000 people have signed a petition calling on the current Federal Government to fund therapy for preschoolers with autism to help those children gain a place in a mainstream school.

I note that when the Hon. Amanda Fazio gave notice of this motion there had been some commitment by the Federal Government to early intervention. That is welcome, but the leadership came from the Howard Government by its taking up this issue. Intensive, expensive therapy is required, as honourable members have stated. It can cost up to \$40,000 a year. We have heard stories of families having to mortgage their houses to pay for intensive early therapy. The quicker the diagnosis and the earlier the intervention the better. Last year or the year before we held a forum here that listened to families who were paying out of their own pockets for early intervention with intensive physiotherapy and intensive training by volunteers who came into their houses. It was all hands on deck and families' lives were turned upside down.

As Mr Ian Cohen mentioned, General Purpose Standing Committee No. 2 is currently inquiring into the Program of Appliances for Disabled People [PADP]. Some families with children with autism spectrum disorder receive PADP. We are hearing terrible stories of delays in that shockingly underfunded program, with people sometimes having to wait for years for basic appliances. I am pleased these issues are getting the attention they deserve, but there is a long way to go. This issue should be above politics and it should be funded across the board, particularly when we consider the number of families affected. As I mentioned, this is not restricted to Sydney and outer metropolitan areas. I noted a speech about autism by the member for Macquarie Fields, Dr Andrew McDonald, who is now a Parliamentary Secretary. He said:

School principals in both public and private schools in my area have also spoken to me of the difficulties those children may have in their primary school or high school years.

He is a health professional, and he noted that health professionals in his electorate who diagnose and treat the condition in children who suffer from it attest to the significant increase in demand for diagnostic and treatment services those children require.

Dr McDonald, who is a paediatrician and now a member of Parliament, noted that the waiting list for diagnosis is long, up to six or 12 months in some areas, and that many areas in the State do not have access to the teams so that diagnoses are made by paediatricians in their rooms, many of whom believe that this is a second-best approach. Many of the paediatricians were trained when autism spectrum disorder [ASD] was less prevalent and we knew even less about it. Dr McDonald was critical of his own Government about the long waiting list for diagnosis. Not enough has been provided in this year's disability services budget. These concerns are just the tip of the iceberg. The Government has not placed sufficient emphasis on addressing the need for supported accommodation, respite care, and support for families with children with a disability, who are often making huge sacrifices. In its pre-budget submission, the Australian Council of Social Service commented on the lack of disability spending and stated:

If there is no immediate acceleration in the provision of disability accommodation and respite, by 2012 NSW will still be in crisis in the provision of this support to people with a disability.

Similar emphasis must be placed on funding through the Department of Health, the Department of Education and Training and the Department of Disability Services so that every aspect of the lives of children with a disability and their families is considered. Only in this way can we provide families in the Hunter and on the Central Coast and the South Coast with the same opportunities as those who are the beneficiaries of the new Autism Centre in western Sydney and give them the necessary aids, training and early intervention programs.

I am pleased to debate the autism spectrum and that we now have a greater focus on it. It is important that there be more early intervention opportunities, more research and improved resource policies because thousands of families with autistic children are struggling emotionally, physically and financially. We must ensure that access is timely and affordable and that there is early diagnosis. It is essential, also, that families throughout New South Wales are supported.

The Hon. MARIE FICARRA [4.43 p.m.]: Autism is a complex, neurobiological disorder, as has been acknowledged by many members in this House across the various party lines. It is pleasing that such an issue has received bipartisan support. Autism typically lasts throughout a person's lifetime, so it has a significant effect on the individual who is autistic and the individual's family. The condition can display a wide array of physiological manifestations, so it is often referred to as autism spectrum disorders [ASD]. People with ASD have problems with social and communication skills. They may have unusual ways of learning, and find it difficult to pay attention or to react to sensations. In most cases its causes are still unknown.

Today, one in 160 individuals is diagnosed with autism—that is a very high ratio—making it more common than diabetes, paediatric cancer and AIDS combined. It occurs in all racial, ethnic and social groups and is four times more likely to strike in boys than girls. Autism is debilitating because it impairs a person's ability to communicate and relate to others. It is also associated with rigid routine and repetitive behaviours, with those who suffer from the disorder often obsessively arranging objects or following very specific routines. Such actions can be very debilitating on parents and families. At one time people ascribed to the horrible myth that all children with ASD were unresponsive and aloof; that they never showed affection. We now know that is incorrect. We have established more modern methods of diagnosis, early intervention, remedial action, different techniques of educating, making these young people productive and happy in their lives. We now know that ASD is very complex, with a variety of symptoms and characteristics that can occur in different combinations and varying degrees of severity.

ASD is known as an invisible disability because there is little outward difference between those who suffer from it and those who do not; rather, it is more related to the physiological functioning processes within the brain. Dr Leo Kanner of John Hopkins Hospital first identified autism in 1943. At the same time a German scientist, Dr Hans Asperser, described a milder form of the disorder, which is now known as Asperger's syndrome. These two disorders are listed in the *Diagnostic and Statistical Manual of Mental Disorders* as two of the five developmental disorders that fall under the autism spectrum disorders. The others are Rett syndrome, pervasive developmental disorder and childhood disintegrative disorder. All these disorders are characterised by varying degrees of impairment in communication skills and social abilities, and also by repetitive behaviours.

Autism spectrum disorders can usually be reliably diagnosed by the age of three. Parents are usually the first to notice unusual behaviours in their child or that their child has failed to reach appropriate developmental milestones. Some parents describe a child who seemed different from birth, while others describe a child who was developing normally then lost skills. It was not so long ago that clinicians initially dismissed signs of early autism, thinking that the particular child would catch up. They may have advised parents to wait and see. Research shows that when parents suspect something is wrong with the child, they are usually correct. We know this from anecdotal evidence also.

Early intervention is critical with autism in order to gain maximum benefit from existing therapies. Although parents may have concerns about labelling a toddler autistic, the earlier the diagnosis is made, the earlier intervention can begin and be successful. As soon as autism is diagnosed, intervention instruction should begin. Effective programs currently focus on developing communication, social and cognitive skills, and they have shown considerable success. The number of children diagnosed with autism in New South Wales is on the rise. About 300 children a year under six are diagnosed with autism in this State alone. Many already receive support but without access to new and expanded services many children could suffer significant long-term social problems. It is important for diagnosis and intervention to be accessible to as many families as possible across rural and regional New South Wales.

Intensive early intervention services will help these children gain a better start in life. Research tells us that no single approach works for all children with autism. Delivering a range of services to preschool children and their families is the appropriate method of providing assistance. The earlier we intervene in a child's life, the bigger the difference we can make to help them reach their full potential. For this reason the Coalition welcomes the \$6 million expansion of early intervention services for children with autism, including an autism-specific child care centre in western Sydney offering targeted programs for preschool children, centre-based and home-based services for special education, additional teachers and therapists, increased funding for training of

such front-line staff through early childhood intervention courses offered at the University of New South Wales, and the rollout of a DVD and manual to assist families with diagnosis and management of their children with autism. However, whilst the Coalition welcomes the \$6 million, as the Hon. Robyn Parker said, the need is great. We should be aiming to implement programs such as this throughout New South Wales, particularly in regional and rural areas, where there is probably a lot of undiagnosed autism within the community. Whilst we believe it is a wonderful announcement, we must be ever vigilant about the need to expand such good services.

The early intervention policy is based on similar successful programs in Queensland, where 70 per cent of children with autism have successfully moved into mainstream schools, the majority now requiring little or no support. The provision of respite—allowing a child's parents, carers or guardians to take a break from the day-to-day challenges of raising a child with autism—remains a critical issue in assisting families to balance their lives. The Coalition hopes that the Government pays much more attention to the provision of respite services. The Chief Executive Officer of Autism Spectrum Australia, Adrian Ford, acknowledged and welcomed the announcement of these initiatives in March this year. He said, "Families want and need more help and more solutions—especially in accessing mainstream services. It is vitally important that children with autism receive a helping hand early in life."

I want to place on record an historical context of what has been done at the Federal level, and acknowledge and congratulate the former Howard Government on its announcement on 3 October 2007 of a record \$190.7 million package to support children with autism spectrum disorders, and their parents and carers, which included an early intervention program worth \$116 million over five years. Coalition members were very proud of the Howard Government's announcement at that time, and we are pleased that the Rudd Government matched the policy—albeit, may I say, only after having been pushed. The Howard Coalition Government announced the funding and poured in a hell of a lot of money, which needed to be poured in. I simply hope that the current Federal Government keeps that program up to date with the necessary budgetary increases that are required to keep rolling out such services. Certainly it is a great investment in our children's future, and society will reap the rewards of that investment.

Under the Howard Government's early intervention policy, children up to six years of age and their families affected by this devastating condition were to have access to significantly better support and services. Up to 15,000 families, carers and children would have gained access to a range of education, support and early intervention services. Eligible families and carers were able to access up to \$8,000 in services over two years through direct funding to providers of early intervention services. Importantly, eligible families and carers supporting approximately 1,200 children with the most profound needs were able to access up to \$10,000 in services for up to two years, to a total of \$20,000. Twenty childhood autism advisers were to be located across Australia, to provide a gateway to services for children with autism spectrum disorders. The total package was to be implemented across three portfolios, including Families, Community Services and Indigenous Affairs, Health and Ageing, and Education, Science and Training. Funding was to be provided to establish up to 200 autism-specific playgroups in a range of locations caring for 8,000 children with autism.

Autism spectrum disorders affect between one in 100 and one in 150 children aged zero to six years. General assistance for disability has been provided through the Commonwealth-State Disability Agreements to support States that have primary responsibility in this area of policy delivery. However, the Howard Government, clearly wanting to do more, announced an additional \$1.8 billion in the Disability Assistance Package. This announcement of \$190 million with regard to autism was a demonstration of the Howard Government's future plans to lock in the gains of strong economic management to ensure that even more Australians can share the benefits of our national prosperity. Economic prosperity is what all Australians want from all levels of government. At the moment we are going through difficult times, but when times are good that is what people expect. I am very proud that the Howard Coalition Government did that at that time. I wish to quote some of the reaction by leading health experts in the field at the time to this Howard Government initiative. An article in the *Sydney Morning Herald* of 4 October 2007 headed "Howard pledges \$190m for autism" reported:

The health bidding war continued yesterday as Prime Minister John Howard trumped Labor's pitch for the parental vote with a \$190 million plan to help children with autism.

Opposition Leader Kevin Rudd was forced to match the Government policy, which dwarfed the ALP's own pledge to set up at least six autism-specific child-care centres.

"The purpose of being an alternative government is not to oppose everything that Mr Howard puts forward," Mr Rudd said. "Where it's a good policy we would seek to combine it with ours on a bipartisan basis ..."

I congratulate the Rudd Government on acknowledging that. I now turn to recent times. Earlier this year Senator Cory Bernardi, the shadow Parliamentary Secretary for Families and Community Services, during a Federal budget estimates committee hearing noted that a representative from the Department of Families, Housing, Community Services and Indigenous Affairs let it slip during the hearing that means testing for the new Autism Early Intervention Program may be considered by the Federal Government in the future. We certainly hope that that is not the case. It would be extremely regrettable if means testing were ever applied to these families. Autism is something that these families have to live with for many, many years, and we should treat all of them on an equal basis. The Coalition hopes that means testing for the new Autism Early Intervention Program is never implemented at the Federal level. We commend the current efforts at the State level and urge the continuation at the Federal level of the good initiatives instigated by our former Prime Minister, John Howard.

The Hon. JENNIFER GARDINER [4.57 p.m.]: I join my colleagues in welcoming recent initiatives to expand the programs for early intervention services for children with autism in New South Wales, which includes an autism-specific childcare centre in western Sydney—and hopefully in other areas in due course. The motion notes the increasing rate of diagnosis of children with autism in New South Wales, and recognises that the earlier intervention in a child's life occurs, the greater benefit intervention can make to provide children with autism with the opportunity to participate to their maximum at all levels of society.

It is now understood that at least some of those with autism can benefit from early intervention. So the concerted action by both the State and Federal governments is to be welcomed. It is estimated that one in every 160 children aged between 6 and 12 years has a varying degree of autism. I am sure all members of this House would know, and would empathise with, families who cope with the demands of family life on household budgets, when a family member suffers from one of the conditions within the spectrum, particularly if it involves a high degree of autism. I particularly acknowledge the work of Mrs Judy Fischer and her husband, Tim, in raising the profile of this issue over many years. Judy's work was recognised by former Prime Minister John Howard in a package of initiatives that he announced last year. I note that Jenny Macklin of the Labor Party welcomed that package. I am sure that all members would welcome any initiatives by both the Federal and State governments that help affected families.

Former Prime Minister John Howard's package included early intervention services for up to 15,000 families for children under the age of six years who had been diagnosed with autism. It also contained assistance for training and support programs for the parents of autistic children. There were 200 autism-specific playgroups established across Australia to aid the learning and development of children with the condition. Funding was also announced to stage workshops and information centres for parents, and up to 450 teachers and other skilled staff were to be provided with specialist training to help cope with autistic children.

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

The House continued to sit.

Item of business set down as an order of the day for a future day.

SPECIAL ADJOURNMENT

Motion by the Hon. John Hatzistergos agreed to:

That this House at its rising today do adjourn until Tuesday 28 October 2008 at 2.30 p.m.

CHILDREN (CRIMINAL PROCEEDINGS) AMENDMENT (YOUTH CONDUCT ORDERS) BILL 2008

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

Second Reading

The Hon. JOHN HATZISTERGOS (Attorney General, Minister for Justice, and Minister for Industrial Relations) [5.02 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce this very important initiative in the fight against anti-social behaviour in New South Wales. Youth conduct orders [YCOs] recognise that young people engaging in antisocial behaviour, where they have been charged with a criminal offence, will benefit from an approach that integrates justice and welfare considerations. Youth conduct orders will place limits upon the behaviour of a young person who has been engaging in antisocial behaviour and who has been charged with an antisocial offence. Youth conduct orders will divert the young person from the mainstream criminal justice system through participation in a diversionary program that will focus on addressing the reasons for their antisocial behaviour. The Youth Conduct Orders Scheme will target young people aged 14 years to 18 years who have been charged with or convicted of antisocial offences. The same offences covered by the Young Offenders Act 1997 will apply to youth conduct orders.

Youth conduct orders provide a careful balance of law enforcement responses to the management of antisocial offences, together with social and family support for children and young people engaging in offending behaviour. Youth conduct orders have the capacity to restrict the behaviour and movement of a young person, and to direct them to perform certain tasks or activities identified as helpful in reducing the young person's risk of offending. The youth conduct order will direct young people to participate in intensive early intervention programs based on coordinated case management from human services and justice agencies. The intensive case management intervention available through the Youth Conduct Orders Scheme will help the young person to address some of the underlying causes of their offending, including issues such as truancy, drug and alcohol problems, mental illness and homelessness.

Young people will also have access to programs run within the antisocial behaviour pilot project [ASBPP] that was launched in September 2006. Under the project, different government agencies will work together in a coordinated and responsive way to help young people. These young people have multiple problems and complex needs, and are often engaging in antisocial behaviour rather than offences. The project is also a key part of the Government's goal of reduced levels of antisocial behaviour, reduced rates of violent crime, and reduced rates of re-offending. The Youth Conduct Orders Scheme and the antisocial behaviour pilot project will operate at the same time in the three pilot locations chosen for the Youth Conduct Orders Scheme. The scheme pilot will be trialled at three local area commands: Campbelltown, Mount Druitt and New England. It will be independently evaluated. The evaluation will be vital in ensuring that the rights of young people are not unduly impacted upon, and in informing the Government of ways in which the scheme can be improved.

There are a number of key steps in the process of ordering a youth conduct order. One, the young person must be charged, have pleaded guilty to or been found guilty of a relevant offence. Two, the young person must meet the eligibility criteria. This criteria includes: the young person was 14 years or older, but less than 18 years, at the time the offence was alleged to have been committed; the young person is under 19 years of age when it is proposed to make the youth conduct order; the young person permanently or temporarily resides in, or is a habitual visitor to, the area of the participating local area command; and the Children's Court has not yet imposed a penalty on the person concerned for the offence.

Three, if the young person has been charged with the offence, the police are required to consider a range of criteria and decide whether they believe that the young person is eligible and appropriate for referral for a youth conduct order. If they are, the police officer produces a scheme participation approval that must be presented to the court with the brief. Importantly, a scheme participation approval must be approved in writing by a senior police officer. This ensures accountability in the process and will safeguard children against being inappropriately nominated for a youth conduct order. Police will be provided with extensive training on how the Youth Conduct Orders Scheme operates in relation to the Young Offenders Act.

Four, once the matter is before the courts, the Children's Court can make a suitability assessment order by its own accord or, on the application of the young person who has been charged with the relevant offence, a person on behalf of the young person, or any other person authorised by the regulation, such as the police. But, before making such an order, the young person has to be given an opportunity to get legal advice, and have had sufficient information by the time of the hearing on the order to enable the young person to make an informed choice—where the young person has consented to being assessed; namely, has not pleaded guilty or been found guilty.

Five, if the court decides to make a suitability assessment order, the criminal proceedings against the young person are suspended until a suitability assessment has been conducted. The young person may be placed on bail so a suitability assessment can be conducted. Six, if the court decided not to make a suitability assessment order, the criminal proceedings will proceed in the usual manner. Seven, where a suitability

assessment is ordered, the young person is referred to the case coordination group in his or her designated area to be assessed for suitability to participate in the Youth Conduct Orders Scheme. The coordination group comprises senior representatives from health, justice and welfare agencies, including the Department of Community Services, the New South Wales Department of Health, Housing NSW, the Department of Juvenile Justice, and the New South Wales Police Force.

Eight, the assessment must also be carried out in accordance with the scheme's directions. Those directions will require the coordination group to consider a number of factors such as if there is a high risk that the young person concerned may harm himself or herself, or the community, or both; and if the young person has complex needs. Nine, if the coordination group decides that a young person is suitable to participate in the Youth Conduct Orders Scheme, it will prepare an interim youth conduct plan, which will contain recommendations on what conditions the court should impose on a young person when making an interim youth conduct order, and this plan will be reported back to the Children's Court.

Ten, the court, if it agrees that the young person is suitable, can place the young person on an interim youth conduct order that cannot exceed two months. During the two months the young person and his or her family, if appropriate, will be required to help prepare a final youth conduct plan. Importantly, once a young person is on a youth conduct order, bail is dispensed with. Eleven, once a final plan is completed it is to be provided to the Children's Court before the young person's next court appearance. At the next court hearing the court may impose a final conduct order that will require the young person to comply with the final conduct plan. Such an order can last no more than 12 months.

Twelve, a youth conduct order may include both positive and negative conduct provisions. Positive conduct provisions may include attending or completing a course of study, or meeting with health professionals, or participating in recreational activities. Negative conduct provisions may include prohibiting a young person from associating with specific persons or kinds of persons, or requiring a young person to reside in a specific place, or requiring a young person to report to a specific person or body.

Thirteen, if a young person fails to comply with an order, the court may administer a warning to the young person, take no action, or vary or revoke the order. Alternatively, if a young person has substantially complied with an order, he or she will benefit from doing so. It is important that there is an incentive for the young person to comply, and in the situation where there is no plea or finding of guilt, there is a presumption that the court will dismiss the offence and not record a conviction.

Fourteen, where there is a plea of guilty, or a finding of guilt and the young person has substantially complied with an order, the court will take this compliance into consideration before issuing any penalty. One of the penalty options available to the courts is to dismiss the charge and administer a caution. Failure to comply with a youth conduct order is not a criminal offence. The scheme offers a unique opportunity to young people in the pilot area to participate in a program that will provide them with interdepartmental support to address the underlying causes behind their antisocial behaviour. It is intended that the scheme will divert these young people away from the criminal justice system.

The bill includes a number of safeguard provisions to ensure the rights of the young person are respected. For example, the bill contains appeal provisions. A young person has a right to appeal to the District Court against the making of a youth conduct order. On appeal the District Court may confirm, vary, revoke or remit the matter to the Children's Court. The bill also requires the court, before placing a young person on a youth conduct order, to take into account any submissions and evidence put forward by or on behalf of the young person as to the appropriateness of the order. The bill also affords the young person the same protections and rights provided under the Law Enforcement (Powers and Responsibilities) Act 2002.

An independent evaluation will be conducted of the pilot to ensure that it is meeting its objectives. It will examine a number of issues, such as, the impact on indigenous young people; whether police are using the provisions and, if so, whether they are being used appropriately; whether reports to the court are being appropriately written and used; the interaction of the scheme and the Young Offenders Act; and whether the scheme is achieving its objectives. I do not propose to address each clause of the bill separately as many provisions are technical in nature. However, I will address those areas that are of the most importance in understanding how the scheme works and how it should be applied.

I now turn to the detail of the bill. Schedule 1 [1] inserts part 4A into the Children (Criminal Proceedings) Act 1987, the principal Act, to establish the Youth Conduct Orders Scheme. The new part contains

the following provisions. Proposed division 2 contains a summary of the operation of the scheme, which is intended to make the large bill easier to understand and interpret. Division 3 concerns suitability assessments. The proposed division provides for the referral of a young person for an assessment as to the young person's capacity and prospects to participate in the scheme. Proposed section 48G provides that a young person may be referred for a suitability assessment by an order made by the Children's Court. The court may make such an order in respect of a young person if:

- (a) the young person has:
 - (i) pleaded guilty to, or been found guilty of, the relevant offence, or
 - (ii) in any other case—consented to the making of the order, and
- (b) the Court is satisfied that the young person has been afforded an opportunity to seek advice on the proposed order from an Australian legal practitioner, and
- (c) in the case where the young person has not pleaded guilty to, or has not yet been found guilty of, the relevant offence—the Court is satisfied that the young person had sufficient information by the time of the hearing to enable the young person to make an informed choice about whether to consent to the making of the order, and
- (d) the young person has been granted a scheme participation approval in accordance with the regulations for the potential participation of the young person in the scheme unless the Court considers that it was not possible in the circumstances for the approval to be granted in time for the hearing.

Proposed section 48H provides that a suitability assessment is to be conducted in accordance with the regulations. Proposed section 48I provides that bail may be granted to a young person in relation to a relevant offence on condition that the young person submits to a suitability assessment. Under division 4, which relates to the preparation of conduct plans, proposed sections 48J and 48K provide for the preparation of interim and final conduct plans in accordance with the regulations for submission to the Children's Court for its consideration and approval when framing the terms of interim and final youth conduct orders. A conduct plan may contain only the kinds of provisions specified by proposed section 48C. The Children's Court cannot make a youth conduct order unless an appropriate conduct plan has been submitted for the consideration and approval of the court. An interim conduct plan needs to be submitted for an interim youth conduct order while a final conduct plan needs to be submitted for a final youth conduct order.

Proposed division 5 contains provisions relating to the making and review of and appeals against youth conduct orders. Proposed section 48L enables the Children's Court to make interim and final youth conduct orders, subject to certain preconditions. Proposed section 48M requires the Children's Court to explain to a young person the young person's obligations under a youth conduct order and the consequences of failing to comply with the obligations. Proposed section 48N enables the Children's Court to review a youth conduct order. Proposed section 48O enables a young person to appeal to the District Court, with the leave of the court, against a youth conduct order made in respect of the young person or against the variation or revocation of such an order. Proposed division 6, relating to the enforcement of youth conduct orders, provides for the consequences of the revocation of youth conduct orders and of complying, or failing to comply, with such orders. Proposed section 48P enables the Children's Court to require a young person to appear before it if the young person fails to comply with a youth conduct order. If satisfied that the young person has failed to comply with an order, the court may:

- (a) administer a warning to the young person, or
- (b) decide to take no action with respect to the failure to comply, or
- (c) vary the order, or
- (d) revoke the order.

Proposed section 48Q provides for the consequences of the revocation of a youth conduct order. If the young person concerned did not plead guilty to or had not yet been found guilty of a relevant offence before the order is made, the court may proceed to determine whether the young person is guilty and, if so, deal with the young person under division 4 of part 3 of the principal Act, which provides for the imposition of penalties for offences. If the young person pleaded guilty to or was found guilty of a relevant offence before the order is made, the court may deal with the young person under division 4 of part 3 of the principal Act. In determining penalties, the court will have to take into account the extent to which a young person complied or failed to comply with a revoked youth conduct order.

It is important that when the court is taking into account the young person's failure to comply the court does not punish the young person for failing to comply, but rather sentences the young person according to

established sentencing principles. A young person's compliance with the order, of course, can be taken into account in mitigation. Proposed section 48R deals with the consequences of a young person successfully complying with a final youth conduct order for a relevant offence. If the young person did not plead guilty to or had not yet been found guilty of a relevant offence before the order is made, the court may dismiss the charge for the offence. If the young person pleaded guilty to or was found guilty of a relevant offence before the order is made, the court may deal with the young person under division 4 of part 3 of the principal Act, having regard to the young person's compliance with the order.

Proposed division 7 contains various miscellaneous provisions. It also contains a provision that limits the use of certain evidence obtained as a consequence of participation in or assessment for the scheme or the anti-social behaviour [ASB] pilot project, as proposed in section 48S. This provision is intended to provide a very limited exception to the rule that no admission made in the course of participating in or being assessed for the scheme or the ASB pilot project is admissible in any criminal proceedings. The exception is that any admission or document may be admissible in criminal proceedings but only where those criminal proceedings are in respect of the offence for which the young person was referred to the assessment or participation and/or the disclosure relates to mandatory reporting provisions under the Children and Young Persons (Care and Protection) Act 1998. This is a necessary exception because if the young person is alleged to have failed to comply with the order, the court needs to be able to receive evidence of that alleged failure and that may well include admissions made and documents that were prepared during the course of the assessment or scheme. Additionally, in the event that the order is revoked and criminal proceedings commence, there needs to be an avenue for that evidence to be tendered to the court. That said, of course, all evidence is subject to the rules of evidence and would have to satisfy the tests of admissibility before being admitted.

Schedule 2 [2] creates a new part 2 in the Children (Criminal Proceedings) Regulation 2005. The new part in the regulation contains the following provisions relating to the administration of the scheme. For example, it covers things such as eligibility criteria, suitability assessments and the establishment and functions of Case Coordination Senior Officers' Groups. The eligibility criteria prescribed by clause 5 also provides that a young person must be aged 14 years or over but less than 18 years old at the time that the offence or alleged offence occurred, but less than 19 years old when it is first proposed to make a youth conduct order with respect to the young person. Clause 5 also provides for the continued participation in the scheme of persons who are 18 years old or older but less than 21 years old in relation to relevant offences committed or alleged to have been committed by such persons while they were aged 14 years old or older but less than 18 years old. The Youth Conduct Order Scheme is an important step in the process of addressing antisocial behaviour in New South Wales, but at the same time ensuring that young people are diverted away from the criminal justice system. I commend the bill to the House.

Debate adjourned on motion by the Hon. John Ajaka and set down as an order of the day for a future day.

ADJOURNMENT

The Hon. TONY KELLY (Minister for Police, Minister for Lands, and Minister for Emergency Services) [5.19 p.m.]: I move:

That this House do now adjourn.

CREDIT RATING AGENCIES

Dr JOHN KAYE [5.19 p.m.]: The centrepiece of the Rees Government's budgetary policy is maintenance of the triple-A rating. Neither the Treasurer nor the Premier can talk about the State's finances without chanting the mantra of protecting the triple-A credit rating, regardless of the cost to the community. The New South Wales Government has effectively ceded control of key economic decisions to the rating agencies and has set its entire might to having the negative outlook on the ratings lifted. It is alarming, therefore, to observe the mounting evidence of misleading advice and mismanagement by the very credit rating agencies that exercise a stranglehold on the Rees Government's economic policy.

Both Standard and Poor's and Moody's, the rating agencies paid by the New South Wales Government to rate the State, are in the firing line for their behaviour in granting secure ratings to highly risky collateralised debt obligations and other products based on very dodgy sub-prime lendings. Yesterday the United States Congress Committee on Oversight and Government Reform held special hearings on credit rating agencies and the financial crisis. Internal memos were tabled demonstrating that Standard and Poor's and Moody's knew they

were giving dangerous triple-A ratings to dubious debt products, and even predicted the economic crisis now engulfing the global financial system. The chairman of the committee, Democratic representative Henry Waxman, summed up the problem by saying:

The story of the credit rating agencies is a story of colossal failure.

He went on to say:

The credit rating agencies occupy a special place in our financial markets. Millions of investors rely on them for independent, objective assessments. The rating agencies broke this bond of trust, and federal regulators ignored the warning signs and did nothing to protect the public. The result is that our entire financial system is now at risk—just as the CEO of Moody's predicted a year ago.

Republican Mark Souder described the conduct of the credit rating agencies as "gross incompetence". Stunning testimony before the Congress oversight committee demonstrates the appalling mismanagement and lack of quality control at the agencies. Quotes from internal documents from rating agencies expose the way these agencies behaved. The executive of one agency was caught saying, "It could be structured by cows and we would rate it." Another said, "Let's hope we are all wealthy and retired by the time this house of cards falters." A third said, "Unchecked, competition on this basis can place the entire financial system at risk", and then he did nothing.

The evidence is clear: They knew what they were doing but they are so driven by an obsession with market share and making massive profits in the order of \$3 billion to \$6 billion a year that in the absence of objective standards to rate products they brought the world's economies to their knees. These are the same agencies that Premier Nathan Rees and Treasurer Eric Roozendaal are trying to appease with burnt offerings in next month's mini-budget.

At a budget estimates hearing I put it to Treasurer Eric Roozendaal that the rating agencies might have become more conservative in their ratings after the savaging they received because of their role in the sub-prime collapse. Mr Roozendaal ridiculed this question, suggesting that it was a Greens conspiracy theory. It appears, however, that Connecticut Attorney General Richard Blumenthal does not agree with the New South Wales Treasurer or with Reverend the Hon. Fred Nile. On 30 July 2008 Mr Blumenthal lodged lawsuits alleging that Moody's Investors Service, Fitch Ratings and Standard and Poor's Ratings Services "systematically and intentionally" gave lower ratings to States, municipalities and other public entities than to corporate and other forms of debt with similar or worse default rates. In Europe there are moves to strengthen the regulation under which these credit rating agencies operate.

The Connecticut lawsuits and the European Union regulations are not part of any conspiracy. They expose the absurdity of handing over the setting of key State economic policies to the fetish of maintaining the triple-A ratings. The Premier and Treasurer have effectively ceded to these market cowboys veto powers over the New South Wales budget. This is an appalling failure of governance. The Rees Government must free itself from rating agencies whose record of mismanagement is being thoroughly exposed. Long-term investment and budgetary measures to smooth out the inevitable peaks and troughs of the market economy should be the focus of the mini-budget, not appeasing the discredited and disreputable credit rating agencies that have brought the world's economies to their knees.

LEGACY

The Hon. HELEN WESTWOOD [5.24 p.m.]: Today I draw the attention of the House to Legacy and inform the House about a Salute Old Friends function that was held last Thursday in Sydney. The function was a great opportunity for junior legatees to reconnect. Those who attended not only renewed old friendships but also were able to reflect upon the important role Legacy played in their lives.

Legacy had its origins in the Great War of 1914-18, which was fought in Gallipoli, Palestine and France. Some of the men who returned from those battlefields felt their colleagues in business were failing to assist adequately other returned men. One returned serviceman who lived in Hobart decided to do something about it. His name was General Sir John Gellibrand, and in 1923 he founded the Remembrance Club in Hobart. Its aim was to encourage returned servicemen in business to assist others. A colleague of Gellibrand from the former 24 Battalion visited Hobart in August 1923 and later set up a similar club in Melbourne. For the next 26 years that club energetically and enthusiastically supported returned servicemen. In 1925 it was suggested that Legacy should look into caring for the widows and children of deceased servicemen. This proposal was accepted and Legacy found its soul.

Legacy is a uniquely Australian organisation and the legacy of care continues today. This legacy of care embraces both world wars; conflicts in Korea, Malaya, Malaysia and South Vietnam; peacekeeping operations in East Timor; the war in Iraq; and any death that is deemed service related. Volunteer members were called legatees because they accepted the legacy of care for their comrades' families. This title has continued to the present day. Some 5,600 legatees assist more than 120,000 widows, 1,900 children and people with disabilities Australia-wide. Legacy's assistance takes many forms, providing a level of support necessary for each individual situation. With the help of legatees, who stay in touch with all families, Legacy ensures families receive their Legacy entitlements and access to government benefits.

Experienced pension officers provide advice and assistance to widows on accommodation and medical and social support; they assist eligible dependants of members of the Australian and Allied Armed Services, and merchant mariners whose death may be service related, to prepare claims for pensions and other benefits and provide subsequent ongoing advice and assistance; and, in particular, they provide specialist assistance on the submission of applications for compensation for dependants of deceased members and former members, and applications for war widows' pensions and income support pensions.

I have come to know of the great work of Legacy through the Bankstown division, which is a very active division that has continued to provide support to the children and widows of fallen servicemen for more than 50 years. It currently has 970 widows enrolled in its division, 26 people with a disability and two junior legatees. The Bankstown division has remained so active because of the deeply committed people who believe in the values of Legacy and are willing to give their time and energy to the division. Mr Ken Scully is the chairman of Bankstown division and he is fortunate to have two former junior legatees who are actively involved in the division and its work. Bernadette Donnelly is a current member and former chairman of the division. Alan Rawlinson is also a current member and a photograph of him as a 14-year-old featured on the advertisement for the Salute Old Friends reunion, which appeared in the daily newspapers earlier this month.

Both Alan and Bernadette lost their fathers when they were seven and both deeply valued the support they, their siblings and mothers received from Legacy. Alan attended the reunion and reported to me what a wonderful opportunity it was to make contact with other junior legatees and families who had supported him, his mother and his sister. Alan was clearly influenced by his experience as a junior legatee and he continually gives back to his community. Not only is he active in Legacy but also he is the Treasurer of Birrong Bowling Club, Vice-President of the Sefton branch of the Australian Labor Party, and for many years he was active in Neighbourhood Watch. Equally, Bernadette is active in other local community and sporting organisations. One of the division's junior legatees recently wrote to the division to express her thanks for Legacy support that allowed her to go to Canberra in the twenty-ninth year of the Florance Foundation. Bernadette is the daughter of a Vietnam veteran. She expressed how proud she is to be a junior legatee and how she appreciates the support of the Bankstown division. [*Time expired.*]

REGIONAL DINING ESTABLISHMENTS: SYDNEY MORNING HERALD GOOD FOOD GUIDE AWARDS

The Hon. JENNIFER GARDINER [5.29 p.m.]: The 2009 *Sydney Morning Herald Good Food Guide* recognises a remarkable flourishing of excellent dining establishments throughout regional New South Wales. While Byron Bay, Orange and the Blue Mountains are examples of locations for fine and excellent casual dining establishments that have previously featured in the guide, this year's regional listings now take up more than 100 pages in the popular publication. It is wonderful to see smaller towns and villages such as Murrurundi, Millthorpe, Molong and Dorrigo starring. Many regional providores and farmers' markets are also listed. So too are wineries, many of which have cellar doors, cafes and restaurants, in the Hunter, Orange, Cowra, Young, Molong, Griffith and Mudgee.

Restaurants with one or more prized chef's "hats" include Bamboo at Casuarina Beach, Fins at Salt Village, No. 2 Oak Street at Bellingen, Pacific Dining Room at Byron Bay, Neila at Cowra, The School House at Orange and Tonic at Millthorpe. North Coast restaurants that star include Sandbar and Grill at Casuarina Beach; Cafe Sbiza, Roughies, Salt Bean Espresso, Gelateria Vernazza Italian Gelato at South Kingscliff—all of which I have visited and succumbed to their temptations; Mavis's Kitchen and Cabins at Uki; Chillingham Banana Cabana, and Sugar Beat Bakehouse and Coffee Shop at Murwillumbah, all in the Tweed.

At Byron there are 14 or more listings: Byron Beach Café, Olivo, one one one, Orient Express Eatery, The Restaurant at The Byron, Bay Leaf Cafe, Cafe Wunderbar, Fishmongers, L'Ultime, Rae's on Wategos, The Rails, Twisted Sista Cafe and Citrus. Also in the Northern Rivers we have Fresca at Bangalow; O-pes and Fishy

Fishy at Lennox Head; Paupiettes at Lismore; a cluster of eateries at Bangalow, including Utopia, Ate and Choux Choux Patisserie; Bolo Bistro at Mullumbimby Bowling Club; Conti at Brunswick Heads; Eltham Valley Pantry and ESP Espresso Bar at Alstonville—I have been there; Fire in the Belly and The Left Bank—I have been there—and Zen Sushi at Lismore; and Melba's Verandah at Broadwater in the Clarence.

On the Mid North Coast there is the delightful the Other Side Gallery Teahouse on the river at Ghinni Ghinni, Bent on Food at Wingham—where I had lunch recently, Netherby Cafe at Kempsey, Short Order Cafe and Dangerous Dan's Butchery at Macksville. I am a regular visitor to Perenti at Gloucester and to Ca Marche and Cedro in Port Macquarie. The Coffs Harbour area also has a large number of restaurants. They include Caffe Fiasco at Coffs Harbour, the Flooded Gums Restaurant at Bonville, which I visited with the member for Coffs Harbour, and the Elite Espresso Gallery, Lodge 241 Gallery Cafe and Riverstone Cafe at Bellingen. There is also the Saltwater at Emerald Beach, Lick the Spoon at Dorrigo and the Dorrigo Bakery and Split Cafe at Sawtell. Other Clarence River eateries include the Frangipan at Angourie and Georgie's at Grafton, where I have met with the member for Clarence, Steve Cansdell. There is also the Pacific Hotel Bistro, Beachwood and Gormans at Yamba and the Emporium Cafe at South Grafton.

In the Riverina there is Source Dining and Green Zebra at Albury, Bullocky Bills at Gundagai, Long Track Pantry and Cafe at Jugiong, Quinty Cake and Bakehouse and Zest BYO at Temora, and Premium Coffee Roasters in Wagga Wagga. In the Griffith area there is Clock, Michelin, Dolce Dolce and La Scala in Griffith and Pages on Pine at Leeton. In Bathurst there is Cobblestone Lane, The Crowded House, Legall Patisserie and Cafe and an old favourite, Zeiglers, and the O'Connell Café. In and around Mudgee there is Elton's Brasserie, Rajarani, Bissy Birds Cafe at Rylstone, the Butcher Shop Cafe, Deeb's Kitchen, Foxwood Farm Cafe and Bakery, Mudgee Railway Station Restaurant and Bar, The Quaff Shop Gallery Cafe and Roth's Wine Bar.

In Orange there are increasingly famous establishments like Lolli Redini, the pioneering Selkirks, Union Bank Wine Bar, Bills Beans, Bodhi Garden, La Colline Wines, and Taste at Canowindra. At Dubbo there is Rose Garden Thai, Two Doors Tapas and Wine Bar, which are terrific. On the Northern Tablelands and in the North West I can recommend Verdict Coffee at Gunnedah, and Split Dining and Caffiends at Armidale.

The Hon. Duncan Gay: What about Collector?

The Hon. JENNIFER GARDINER: How could I forget Collector? Collector has a long history in the food business. In the Upper Hunter there is Cafe Telegraph at Murrurundi. Travelling on the New England Highway will never be the same again. There are many other excellent casual and fine dining establishments in the guide that are located in and beyond the Blue Mountains and in Newcastle, Canberra and Wollongong. It is fantastic to see the unprecedented listing of establishments beyond the sandstone curtain. I congratulate them all on their well-deserved recognition.

NRMA POLITICAL DONATIONS

Ms LEE RHIANNON [5.34 p.m.]: On 3 May 2008 the *Sydney Morning Herald* revealed that the NRMA Road Service had failed to disclose more than \$180,000 in political donations since the August 2007 disclosure deadline. Prompted by the news that the Election Funding Authority was referring late disclosure to the Crown Solicitor's office, the NRMA lodged a late disclosure on 27 May 2008 declaring \$225,581 in donations to the major New South Wales political parties over the past four years. The NRMA executive broke the law when it failed to report its donations on time. I am told the reason given by the NRMA board was that the company did not receive letters from the Election Funding Authority because they were not addressed to an employee. What an extraordinary statement given that at the time the company had a number of officers with election experience who should have been well aware of the company's obligation to disclose its political donations. At the 2006 annual general meeting the NRMA president, Alan Evans, insisted it had made only modest donations of about \$40,000. He has refused to acknowledge that a ticket to a political fundraiser constitutes a donation. He stated that:

It is important to note that we do not 'donate' money to political parties. Instead, we purchase tables at political functions and events that are attended by members of parliament at both a state and federal level.

The company secretary, Nick Mowat, was also reported in the *Northern District Times* on 1 October 2008 as saying that the NRMA "does not make political donations". However, the donations disclosed by the NRMA include \$106,000 to the New South Wales Labor Party, including grand final tickets, raffle tickets and fund raising dinners. It made three big donations of \$19,250 to the New South Wales Labor Party exactly a year apart

and \$118,000 to the New South Wales Liberal and National parties, including fundraisers, breakfasts, lunches, dinners and drinks. There were five donations over \$11,000 to the Coalition in that period. The NRMA delegates must have enjoyed some very fine dining at those prices.

The NRMA declared 49 separate donations to the major parties between the 2003 and 2007 New South Wales State elections, 14 donations in 2004 totalling \$94,750, seven donations in 2005 totalling \$43,750, 22 donations in 2006 totalling \$58,921, and five donations in a one-month period leading up to the March 2007 election, totalling \$22,860. That is 49 fundraisers! That is an average of one political fundraiser each month over the four-year disclosure period. In the previous four-year election period, from 1999 to 2003, the NRMA disclosed \$46,948 in donations to the Australian Electoral Commission. That is more than a 400 per cent increase from the 2003 to the 2007 State election period.

NRMA members are heading to the polls soon to elect a new board. They should be asking the question: Why was \$225,00 in political donations made by the NRMA during this period and did NRMA President Alan Evans attempt to cover up the NRMA's exorbitant political donations? As president, Alan Evans must accept responsibility for the NRMA's failure to publicly disclose on time how much money the company donated to the Labor and Coalition parties. I know that many NRMA members are not happy with their money being handed over to political parties. At the March 2006 NRMA board meeting, a director moved a motion "that member's funds should not, under any circumstances, be used for donations to political parties." The resolution was defeated by eight votes to one. At the 2006 NRMA annual general meeting a member questioned how much had been spent on political donations, but was not answered.

Members might also question the undemocratic changes made in recent years to the NRMA's election procedures. In 2003 changes to the constitution saw the board's term of office extended by two years while a regional voting system was developed that removed the members' right to elect all nine directors on their board. More recently, new rules were introduced with no consultation or input from members that prohibit candidates from identifying themselves as a member of a group in any election material, but exempt the sitting board members by making it obligatory for election material to state which candidates are current board members. These rules prevent freedom of association between members and favour sitting board members.

The board has also spent millions of dollars of members' funds distributing personalised letters to members and running newspaper advertising, ostensibly to promote a new benefit, right at the start of the board elections. Members could be forgiven for thinking this was thinly disguised electioneering material. It warrants an investigation by the Australian Securities and Investments Commission into whether the company is using its funds for mixed purposes during an election period. I understand that last financial year the mutual lost \$13.5 million, down \$71 million from the net profits of \$58 million posted for the previous year. In a tough financial climate, the NRMA board's extravagance should raise serious concerns for all those voting at the upcoming NRMA board election.

RED CROSS YOUNG WOMEN'S HEALTH PROGRAM

The Hon. GREG DONNELLY [5.39 p.m.]: This evening I acknowledge and express appreciation to the Red Cross for the work it does for young women and mothers through their Young Women's Health Program [YWHP]. The Australian Red Cross established the YWHP in New South Wales in 1993. The YWHP is a three-stage accommodation, health and support program for young women up to 25 years of age who are pregnant or have children. Young women in the program gain practical skills in parenting, nutrition, budgeting, how to access services, re-enter the workforce and further their education. Many of the young women on the program have nowhere else to turn. They often have very limited appropriate knowledge about parenting, are homeless, have poor support networks, have little or no income, and have been victims of abuse, neglect or domestic violence.

Since 1993, the YWHP has cared for more than 500 women in New South Wales. Last year, the program formally supported 27 women and 35 children but had to turn away more than 140 young families due to lack of space and funding. I suspect that is only a fraction of the number who would benefit very much from such a service. Women arrive at the YWHP as a result of referral by other refuges, hospitals, youth services or the Department of Community Services [DOCS]. An interview process determines suitability to the program. The YWHP uses the following criteria to assess clients into the program: age—the younger they are the higher the priority; child protection issues; whether they are known to DOCS; whether their child is or has been in care; and, finally, whether they have drug and alcohol or mental health issues or other special needs.

The YWHP currently receives an average of 20 referrals a month from all over New South Wales—predominately Sydney, followed by the Central Coast and Wollongong areas. A case plan is developed for each young woman to address her specific issues and concerns. If there is a young father, a case plan may also be developed for him, though he will not reside in the residential program. Pre-natal and post-natal health, early childhood health, self-esteem development, living skills development, legal issues, family restoration, links to counselling, parenting education, budgeting, cooking, housing, and continuing education options are considered. The three stages of the program encourage clients to become self-sufficient.

In the first stage, the YWHP houses up to eight women under 19 years and their children for up to a year in a house at Randwick. During this time, the women and children receive intensive support 24 hours a day, seven days a week. First stage women are assessed by a consultant psychologist, with their health and wellbeing closely monitored. Young women set goals with their case manager and the process of working through these goals develops the young woman's skills and abilities so that she is able to progress to stage two of the program. In the second stage, the program offers semi-independent housing for up to 24 women up to 25 years of age and their children for up to two years. The young women receive continued support through weekly case meetings. This stage has been established since 1998 in partnerships with community housing providers.

The program can currently accommodate 18 young families in individual units within the eastern suburbs of Sydney with an additional six places to be established in the Parramatta area over the next 12 months. During the third stage of the program, aftercare is provided to young women and their children up to the age of 25. Clients may now be living completely independently, and continue to receive emotional and practical support. Young women in the program meet with their caseworker on a weekly basis to work towards achieving individual goals and maintain care plans. The caseworker offers emotional and practical support to the young family. Volunteers are linked with young women to assist with education, child minding and mentoring.

Anne King is the manager of the YWHP and she works tirelessly on behalf of vulnerable young women who need care and support. She is supported by a number of staff, and I acknowledge the contribution all those people make. As some honourable members may know, the Rees Government has just announced \$3.9 million in funding support for the YWHP over the next three years. Governments have an obligation to do what they can to assist and support those in society who experience real need. Young pregnant women who have been affected by domestic violence, drug and alcohol issues, social isolation and mental health problems should, in my view, figure highly as one such group who deserve particular attention and support. I congratulate the Rees Government on its recent funding announcement for the Red Cross Young Women's Health Program and express my hope that further support for similar programs will be forthcoming to improve the care and support of young pregnant women and mothers in New South Wales.

JOHN CARGHER, AO, TRIBUTE

The Hon. MARIE FICARRA [5.44 p.m.]: I pay tribute to the late John Cargher, AO, a much respected and much loved broadcaster who was instrumental in introducing classical music to those who had not been exposed through their education or family influences. Every week for 42 years from 1966, John Cargher wrote, compiled and presented the program *Singers of Renown* on Saturday afternoons. His 2,124 programs on the ABC, ending on Radio National just before he died earlier this year, was the longest run of any radio program and presenter combination in Australia. He also presented *Music for Pleasure* every weekend for 30 years from 1967. John Cargher wrote many books and produced live dance performances that were also put to air in experimental television broadcasts by the BBC. He was honoured by membership of the Order of Australia in 1987.

John Cargher was born in London in 1919. He lost his mother and sister in his early childhood and left school at the age of 13 to become a factory worker. He soon became a movie, opera and ballet fan and, after wartime service in the Royal Air Force, he translated his love of the arts into rewarding work, as a producer, art gallery manager and in other related jobs. On coming to Australia with his wife in 1951, he ran a very successful record-selling business that he promoted on Melbourne commercial radio. Believing there was a latent longing in the general population for what might be described as real singing, he promoted ones he liked and record sales took off. From there he was recruited to the ABC. His weekly audience of devoted listeners averaged about 150,000 but many more than this would have tuned in from time to time to hear his most distinctive voice on radio.

In 2006 he announced that he would avoid retirement by working as long as he could. So he did. At least one writer has seen him as a model for our ageing population, many of whom have much wisdom to offer

in their later years. The numerous listeners' and colleagues' tributes posted on the ABC website have all described the very personal nature of their experience with John Cargher. He was a great communicator, well organised and extremely knowledgeable. He wrote with style, clarity, wit and humour. The invariable introductory and final theme of *Singers of Renown*, a piece from *Il Tabarro* by Puccini, sung by Mario del Monaco and Renata Tebaldi, was his strong brand identifier. He demystified opera by telling us that Verdi had to guard his new tunes from the spying gondoliers, who would otherwise sing them before opening night at the opera. Most programs were diverse, with a mix of voices, composers and eras.

Although of Jewish faith, he typically played Christian works at Christmas and wished those celebrating it all the joy of Christmas. He reminded us that the song of birds is music and predates humanity, let alone musical notation and certainly musicology. Most of us love hearing our music, whether we do it often or occasionally. As John Cargher wrote:

I am glad to say, much to the surprise of many politicians, surveys usually prove that support for the arts is advocated by a large majority of people who never patronise them.

John Cargher was far from alone among the wave of post-war European migrants in lifting the cultural strength of Australia and we owe so much to all who did—in that era, before and since. John Cargher did so much in a unique and memorable way and we are all the poorer for his passing. John lost his first wife after almost 50 years of marriage but later happily remarried. My sympathies go to his widow, Robyn, and daughter, Penelope, and to all his loving listeners, one of whom fittingly wished him an easy onward passage as in the aria from the first act of Mozart's *Così fan tutte*, "Soave sia il vento"—"May the winds be gentle."

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

Motion agreed to.

The House adjourned at 6.48 p.m. until Tuesday 28 October 2008 at 2.30 p.m.
