LEGISLATIVE ASSEMBLY

Wednesday 18 October 2006

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Mr Speaker (The Hon. John Joseph Aquilina) took the chair at 10.00 a.m.

Mr Speaker offered the Prayer.

Mr SPEAKER: I acknowledge the Gadigal clan of the Eora nation and its elders and thank them for their custodianship of country.

CRIMES (APPEAL AND REVIEW) AMENDMENT (DOUBLE JEOPARDY) BILL

CRIMES (APPEAL AND REVIEW) AMENDMENT (DNA REVIEW PANEL) BILL

Message received from the Legislative Council returning the bills without amendment.

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Motion, by leave, by Mr Matt Brown agreed to:

That standing and sessional orders be suspended to permit the resumption of the adjourned debate and passage through all remaining stages forthwith of the Election Funding Amendment Bill and the introduction and passage through all stages of the Passenger Transport Amendment Bill.

ELECTION FUNDING AMENDMENT BILL

Second Reading

Debate resumed from 17 October 2006.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [10.04 a.m.]: The Opposition will not oppose this legislation, but I say again, as I said last night, that the way in which legislation is being managed in this place leaves a lot to be desired. I am grateful to the Premier and his staff for briefing me on the Election Funding Amendment Bill on Monday so that I could at least brief the shadow ministry in the party room on Tuesday. The Liberal Party and The Nationals at least had a chance to consider the intent of the bill but, regrettably, were not able to see a draft bill until yesterday afternoon.

In relation to the Passenger Transport Amendment Bill, the Opposition was not afforded that courtesy, nor has it seen a second reading speech or a bill. As I said last night, it is not good government. It is all about making sausages, and one hopes one knows what is in those sausages. I commend the honourable member for Kiama for moving so eloquently and excellently the motion to suspend standing orders and basically to ensure that there is not proper accountability in this place. They say that the honourable member for Kiama is nobody's fool but I am sure that some day someone will adopt him.

The Opposition does not oppose the Election Funding Amendment Bill, which seeks in one instance to regularise the application of the State's election funding laws and in another instance to close a loophole in relation to disclosure matters. It is important in a system with various public funding and disclosure that steps are taken to ensure that both are working well. This is important legislation, which will ensure that the machinery of elections operates, and that machinery, of course, is the funding of candidates and the requirement that those candidates who contest an election make disclosure.

The first issue I address relates to the regularising of changes in relation to the Constituency Fund. This legislation essentially seeks to ensure that the practice that has been occurring since this legislation was first introduced has sound legal and legislative footing, and that is a good thing. I understand that questions were

raised about some claims submitted by a minor party from the upper House. The Electoral Commissioner sought advice and that advice raised question marks and queries about the existing legislative basis for the provision of funding on the basis that had been proposed, and had been happening previously. This amendment seeks to ensure that what was intended by the drafters of the original legislation is allowed by the current legislation.

The second issue provides that in cases where a person has failed to disclose political donations or electoral expenditure in accordance with the Act, the Election Funding Authority may require a third party to provide the information if it believes the third party has that information. From time to time with electoral legislation, I suppose much like tax legislation, some people are able to ensure that the intent and purpose of the legislation is perhaps subverted, not in an illegal way but in a way that was not envisaged by those who drafted the original legislation. This is one such case, as I understand it. In the last State election campaign and subsequently in a number of local government campaigns, a number of entities across the political spectrum have sought to use what might be described as a device to avoid having to make disclosure. Or, they have sought to use a device that failed to enable the Election Funding Authority to make the appropriate inquiries in order to determine who was responsible for the donations, which I think in most instances were advertising. As I indicated, the Opposition is very happy to continue to support strong disclosure laws in this State and has no concern with that issue.

However, I will raise a subsidiary but related issue. As I said during the last sitting week, I am grateful that we now have an Electoral Commissioner who is seeking to bring the administration of elections in this State into the current century, which is only fitting in the one hundred and fiftieth anniversary of this place. As was demonstrated in the amendments to the Parliamentary Elections and Electorates Act, and these amendments before us today, the Electoral Commissioner has been proactive. What concerns me, though, is one other glaring omission in relation to the disclosure of political donations in this State, which this legislation does not address. Previously in the House I referred to the donations connected to the election of the Willoughby mayor at the last election. There is an enormous loophole.

A candidate for local government office who holds a function in the lead-up to a local government election at which money is raised expressly stated for the purpose of assisting that person's attempts to obtain office does not have to disclose that until the time of the next council or local government election. In other words, there is a glaring loophole in relation to the application of disclosure when it comes to local government. The loophole enables a candidate to raise money in the time period leading up to one election but that candidate does not have to declare it until the time period for the second election and only then if the person is a candidate at the second election.

The purpose of political disclosure is so that people are able to understand who is in receipt of donations and from whence those donations have come. Political disclosure is part of the transparency that we support within our electoral system. However, at the last Willoughby mayoral election, clearly no transparency was available. Despite funds having been raised expressly for supporting a candidate for the mayoralty of Willoughby, there was no disclosure after that election was over, when other candidates were required to disclose. There may never be disclosure of who went to the function, who donated and how much, if that current incumbent decides not to contest the next Willoughby mayoral election.

Clearly that is against the spirit of political disclosure legislation. I have been in communication with the election funding authority about the issue. I also have raised the issue in the context of ICAC's review into corruption risks in New South Wales' development approval processes, which, of course, is one of the main purposes of local government. I regret that the election funding authority has advised me that this is the law and the way it operates and there is no intention to change it.

The only disappointment I have about this legislation is its failure to address that glaring oversight on disclosure laws applying at the local government level, an oversight that does not apply to disclosure at a State government level, an oversight that, in my view, should not apply to a local government election. I urge the State Electoral Commissioner to apply the same vigour in closing that loophole that he sought to bring to these two issues today or the issues that were raised during debate on the Parliamentary Electorates and Elections Bill, which was before the Parliament during the last session. I thank the Premier's Department and the Premier's staff for the courtesy of the briefing on Monday and for giving me a copy of the draft bill yesterday. I indicate that the Opposition will not oppose the bill.

Mr MATT BROWN (Kiama—Parliamentary Secretary) [10.13 a.m.], in reply: I am pleased that the Opposition supports the bill. The Government wants to see a national response in order to address the concerns

raised by the Deputy Leader of the Opposition. The New South Wales Government has written to the Prime Minister with respect to those matters but has yet to receive a reply. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

PASSENGER TRANSPORT AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr MATT BROWN (Kiama—Parliamentary Secretary) [10.15 a.m.], on behalf of Mr John Watkins: I move:

That this bill be now read a second time.

The purpose of this bill is to amend the Passenger Transport Act 1990 to enable the accreditation of incorporated associations and groups of two or more persons, who may be partners, as operators of public passenger services. The bill will also validate accreditation of these associations and partnerships in the past, as well as any contracts entered into with the Director General of the Ministry of Transport for the provision of regular bus services by associations and partnerships.

Under this Act provision is only made for an individual or a corporation to be accredited as the operator of a public passenger service. Vehicles used may be a bus, taxicab, private hire vehicle, four-wheel drive vehicle, motorcycle, with or without sidecar, or motor tricycle. To provide public passenger services without accreditation is a serious offence, for which a court may impose a penalty of up to $110,000. The accreditation mechanism provided for in the Act is the principal method by which the Government attempts to ensure safe, reliable and efficient public passenger road transport services.

The criteria relevant in examining an applicant's application for accreditation as an operator of a public passenger service include good repute, fitness and propriety, public responsibility, financial viability, training and competence. The activities of operators are closely monitored by the Ministry of Transport, which may fine or prosecute offending operators or vary, suspend or cancel their accreditation in more serious circumstances. Whilst it is possible for a driver, operator and licensee to be one and the same person, in many cases the three roles are held by three different parties. There are currently about 12,000 public passenger service operators in New South Wales using buses, taxis, private hire vehicles and tourist vehicles.

While partnerships and associations have been erroneously accredited since 1990, which was exacerbated by incorrect legal advice some years ago, subsequent legal advice from the Crown Solicitor made it clear that only an individual or a corporation can be accredited. From 1 July 2005, upon amendment of the Passenger Transport (Bus Services) Regulation 2000, the previous arrangement of bus operator accreditation for life was replaced with accreditation for three-year terms. Bus operators were advised that, in the light of the Crown Solicitor's advice, they may apply for reaccreditation only as an individual or a corporation.

This requirement created a difficult situation for a significant number of operators. Some bus operators who were previously accredited as partners or partnerships have remedied the situation themselves by applying for reaccreditation in the name of an individual. Others have not applied for accreditation as an individual, claiming that this may unreasonably necessitate a rearrangement of their business affairs through no fault of their own. Acknowledging industry concerns, the Ministry of Transport agreed to representations by the Bus and Coach Association that legislative amendments be sought to recognise partners and associations which are operating public passenger services, as well as those who may wish to do so in the future.

However, although the amendments are aimed primarily at small country family bus operations, equity demands that they will apply to all operators of all public passenger vehicles. In the meantime, the Ministry of Transport is accepting applications from bus operators for reaccreditation as partners, partnerships and associations but, as they cannot legally be accredited or reaccredited, they are not being processed but are being put aside until the matter is resolved. The proposals would have a positive and welcome effect on rural families that have set up their business affairs as partnerships, primarily as husband and wife, to run a small country bus service, by allowing them to continue with that arrangement. I commend the bill to the House.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [10.19 a.m.]: I start where I started with the last bill, the Election Funding Amendment Bill, that is, by noting that a copy of the Passenger Transport Amendment Bill 2006 is actually date stamped 2.06 p.m. 16 October. Unlike the Election Funding Amendment Bill, on which the Premier's office managed to brief me on Monday and supply me with a copy as soon as it was available yesterday from Parliamentary Counsel at midday, this legislation was in final form on Monday, yet no approach was made to the Opposition to ensure adequate consultation could occur on it. I simply say that that speaks volumes of the difference in the way the Premier's office works and the procedures used by the man who calls himself the Deputy Premier of this State.

The other thing that this piece of legislation—which we will not be opposing—speaks volumes about is the way in which the amendments to the Passenger Transport Bus Services Regulation were introduced in July last year. To not understand that operators of country bus services are involved in the sorts of partnerships that the bill seeks to validate simply and regrettably demonstrates how out of touch both this Government and the Ministry of Transport have been. Mum and dad bus companies have been providing the bulk of bus transport services in rural and regional New South Wales since day one. The amendments were brought in not because they had not been providing quality services but to suit the administrative desires of the ministry or presumably political objection of the Government. To bring into effect regulations which, at one swoop, require those people to rearrange their business affairs demonstrates how out of touch the Government is with the needs and interests of those who operate small businesses in this State—people who are operating bus services, and in other instances people who are operating other types of small businesses.

I say again that, because of the unavailability of the second reading speech and a copy of the legislation, we have not been able to get advice from the Bus and Coach Association or others interested in this legislation. We are prepared to allow the bill to go to the upper House. I am prepared to take the words of the Parliamentary Secretary when he says that these legislative changes have been sought by the Bus and Coach Association. I take him at his word on that. I have no doubt that the Bus and Coach Association has been lobbying for this change. What is not clear, and what cannot be clear because of the way in which this legislation is being rushed through this place, is whether the Bus and Coach Association has seen a copy of the bill, and whether the provisions of the bill as drafted meet the association's objectives. I will be checking that between now and when this bill goes to another place. If the legislation does not meet the specific objectives of the Bus and Coach Association, the bill may well be the subject of amendment in that place. Frankly, because of the way this legislation is being handled, I cannot say that, but I am prepared to let the bill go through to the next stage.

Mr MATT BROWN (Kiama—Parliamentary Secretary) [10.23 a.m.], in reply: I am pleased the Opposition will take the Government's word on this matter. We are very serious about remedying a problem that was created by a former Liberal-National Government.

Mr Barry O'Farrell: Point of order: If the Parliamentary Secretary wants to be political this morning, I am happy to engage the Government in that vein. The point is that the second reading speech delivered by the Parliamentary Secretary, if he understood it, noted that the regulation that had previously occurred had been signed off by the Crown Solicitor, the same man who subsequently changed his advice.

Mr SPEAKER: Order! There is no point of order.

Mr Barry O'Farrell: If the Parliamentary Secretary wants to attack the Crown Solicitor, who has been attacked recently for interfering in political debate, he is free to do so.

Mr SPEAKER: Order! The Deputy Leader of the Opposition is attempting to contribute further to the second reading debate.

Mr Barry O'Farrell: If the Parliamentary Secretary wants to slow down the business of the House today, he should just keep going on this tack.

Mr SPEAKER: Order! The Parliamentary Secretary may continue in reply.

Mr MATT BROWN: The bill will provide for groups of individuals, who may be partners, and incorporated associations to be accredited as the operator of a public passenger service using a bus, taxicab, private hire vehicle or tourist vehicle; recognize and validate the purported accreditation of all partners, partnerships and incorporated associations to date by deeming them to have been duly accredited as operators;

and validate all contracts entered into with the Ministry of Transport to date for the provision of regular bus services by partners, partnerships and incorporated associations. The proposals will have a positive and welcome effect on families that have set up their business affairs as partnerships, primarily as husband and wife, to run a small rural bus service, by allowing them to continue with that arrangement. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Mr MATT BROWN: I seek leave to move that standing and sessional orders be suspended to permit, at this sitting, the resumption of the adjourned debate and passage through all remaining stages of the Crimes (Administration of Sentences) Amendment Bill.

Leave not granted.

THREATENED SPECIES CONSERVATION AMENDMENT (BIODIVERSITY BANKING) BILL

In Committee

Clauses 1 to 5 agreed to.

Mr MATT BROWN: I seek leave to move the amendments to schedule 1 in globo.

Leave not granted.

Mr MATT BROWN (Kiama—Parliamentary Secretary) [10.34 a.m.]: I move Government amendment No. 1:

No. 1 Page 4, schedule 1 [4], lines 7-10. Omit all words on those lines.

Mr CHRIS HARTCHER (Gosford) [10.34 a.m.]: The New South Wales Coalition received these amendments at four o'clock yesterday afternoon. They deserve careful consideration and that consideration has been given to them. The position is that the Committee has now been confronted with vast slabs of amendments. The Minister has seen fit to have the Parliamentary Secretary move amendment No. 1, but without any explanation as to its genesis, its purpose or its reasoning. I note the arrival of the Minister in the Chamber. It is clear that the people of New South Wales are entitled to an explanation as to what underlies these amendments, why they have taken such a long time to get together, and why they have been served up so hurriedly and are now being rushed through Parliament when they were only delivered at four o'clock yesterday afternoon.

The Coalition expects the Minister to talk about what is happening: why the amendments are necessary and why there have been changes to the original legislation, so that—if not in the Legislative Assembly, which is treated in a cavalier fashion, as always—in the Legislative Council there can be some understanding as to what the New South Wales Government is trying to achieve. We can consider these amendments one at a time or we can be provided with an explanation from the Minister as to where he is going. That is the position in relation to amendment No. 1.

Mr BOB DEBUS (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [10.36 a.m.]: For the third time in the debate about this bill, we seem to have very considerable confusion—

Mr Chris Hartcher: On the part of the Government.

Mr BOB DEBUS: —at a procedural level, and there has been none whatsoever on the part of the Government.

Mr Chris Hartcher: Completely on the Government's part.

Mr BOB DEBUS: Don't be ridiculous!

Mr Chris Hartcher: Absolutely. You have had this bill going back and forth for months and have now produced the amendments.

Mr BOB DEBUS: Mr Chairman, the honourable member for Gosford's commentary is becoming ridiculous. The reason we are here this morning is that I accepted a request by the Opposition last night not to proceed with these amendments. We were ready to proceed with these amendments and gave extraordinarily long explanations as to why they were now before us. Last night there was some hesitation on the part of the Opposition about the way in which we should precisely present these amendments, so I agreed, as a matter of goodwill, to postpone the presentation of the amendments until now. I propose to move Government amendments Nos 1 to 62 in globo and address their intent by grouping them according to theme. There are 62 amendments, but if they are grouped according to theme rather than in numerical order it is indeed possible to make a sensible explanation of what we are proposing. I have already agreed to accept the Opposition's amendment. After I have moved the Government's amendments I propose to give a substantial explanation of what these amendments are designed to do.

Mr MICHAEL RICHARDSON (The Hills) [10.39 a.m.]: If the Minister is prepared to deal with the amendments in themes, in other words, essentially in groups of clauses, the Opposition would be happy to debate them along those lines.

Mr BOB DEBUS (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [10.39 a.m.], by leave: I move Government amendments Nos 1 to 62 in globo:

No. 1 Page 4, schedule 1 [4], lines 7-10. Omit all words on those lines.

No. 2 Page 5, schedule 1 [6], lines 3-12. Omit all words on those lines.

No. 3 Page 5, schedule 1 [6], proposed section 127. Insert after line 35:

deferred retirement arrangement has the meaning given by section 127ZN.

No. 4 Page 6, schedule 1 [6], proposed section 127, lines 1-5. Omit all words on those lines.

No. 5 Page 6, schedule 1 [6], proposed section 127. Insert after line 13:

mining authority means an authority, mineral claim or opal prospecting licence under the *Mining Act 1992*.

No. 6 Page 6, schedule 1 [6], proposed section 127. Insert after line 30:

petroleum title means a petroleum title under the *Petroleum (Onshore) Act 1991*.

No. 7 Page 6, schedule 1 [6], proposed section 127. Insert after line 37:

restorative action, in relation to a development or activity, means any rehabilitation or restoration action taken on the site of a development or activity after the development or activity has been substantially completed.

No. 8 Page 8, schedule 1 [6], proposed section 127B. Insert after line 14:

(3) The Minister is to have regard to the following principles when establishing the methodology under this section:

(a) biodiversity values should be conserved across appropriate local and regional scales,

(b) all types of ecological communities should be adequately conserved,

(c) any areas conserved under the biobanking scheme must be viable in the long term.

No. 9 Pages 8-9, schedule 1 [6], proposed section 127B, line 27 on page 8 to line 24 on page 9. Omit all words on those lines. Insert instead:

(6) The biobanking assessment methodology must include provisions that ensure that if an environmental contribution is required in respect of a development, the number of biodiversity credits required to be retired in respect of the development is reduced (or is nil) to take account of that environmental contribution.

(7) The biobanking assessment methodology may provide for any other matters required or authorised by this Part.

Note. See also Division 7, which allows the methodology to include provision for deferred retirement arrangements where restorative actions are taken in respect of a development.

(8) A biobanking agreement cannot be entered into, and a biobanking statement cannot be issued, until the biobanking assessment methodology is published under this section.

(9) In this section, ***environmental contribution*** means any of the following contributions, or a part of such a contribution, if the contribution or part is required, or is to be used or applied, for the conservation or enhancement of the natural environment:

(a) a contribution (including a dedication of land or other material benefit) required by a planning agreement under Subdivision 2 of Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979*,

(b) a contribution (including a dedication of land or levy) required under Subdivision 3 or 4 of Division 6 of Part 4 of that Act.

No. 10 Page 9, schedule 1 [6]. Insert after line 24:

127C Publication, amendment and review of biobanking assessment methodology

(1) The Director-General is to ensure that a copy of the biobanking assessment methodology is available for public inspection:

(a) at the head office of the Department, and

(b) on the website of the Department.

(2) Copies of the biobanking assessment methodology, or of any part of the methodology, are to be made available to the public on request, on payment of a fee (if any) fixed by the Director-General.

(3) Subject to any requirements of the regulations, the biobanking assessment methodology may be amended, repealed or replaced by further order of the Minister published in the Gazette.

(4) The regulations may:

(a) prescribe the circumstances in which the Minister is authorised to make an order that amends, repeals or replaces the biobanking assessment methodology, including by requiring consultation to be carried out before such an order is made, and

(b) require the Minister to undertake a periodic review of the biobanking assessment methodology and provide for consultation in respect of that review.

No. 11 Page 10, schedule 1 [6], proposed section 127C, lines 8-10. Omit all words on those lines. Insert instead:

(7) The Minister must consult with the Minister administering the *Environmental Planning and Assessment Act 1979*, the Minister administering Part 2 of the *Mining Act 1992* and the Minister administering the *Petroleum (Onshore) Act 1991* before entering into any biobanking agreement.

(8) The regulations may:

(a) require the Minister, before entering into a biobanking agreement with a person, to consider whether the person (whether or not an individual) is a fit and proper person to enter into, and fulfil the obligations imposed by, the agreement, and

(b) specify the matters that may be considered by the Minister in determining whether the person is such a fit and proper person.

No. 12 Page 11, schedule 1 [6], proposed section 127E, lines 31-34. Omit all words on those lines. Insert instead:

(c) where the land is subject to a mortgage or charge, the mortgagee or chargee has consented in writing to the agreement, and

(d) where the land is subject to a covenant, the Minister has consulted with the person entitled to the benefit of the covenant about the terms of the agreement, and

(e) where the land is the subject of a mining lease or mineral claim under the *Mining Act 1992* or a production lease under the *Petroleum (Onshore) Act 1991*, the holder of the lease or claim has consented in writing to the agreement, and

(f) where the land is the subject of any mining authority or petroleum title not referred to in paragraph (e), the Minister has consulted with the holder of the mining authority or petroleum title about the terms of the agreement.

No. 13 Page 12, schedule 1 [6], proposed section 127E, lines 19-22. Omit all words on those lines. Insert instead:

(5) The Minister must not enter into a biobanking agreement for Crown land (within the meaning of the *Crown Lands Act 1989*), except with the consent of the Minister administering that Act.

(6) In this section, a reference to a person entitled to the benefit of a covenant includes, in the case of a covenant imposed under section 88D or 88E of the *Conveyancing Act 1919*, a reference to a prescribed authority (within the meaning of those sections) or a person entitled to exercise, on behalf of the Crown, the functions of a prescribed authority under those sections.

No. 14 Page 13, schedule 1 [6], proposed section 127G. Insert after line 37:

(2) The Minister must not agree to any variation of a biobanking agreement with the owners of the biobank site unless:

(a) if the land is subject to a mortgage or charge, the mortgagee or chargee has consented in writing to the variation, and

(b) if the land is subject to a covenant, the Minister has consulted with the person entitled to the benefit of the covenant about the variation, and

(c) if the land is the subject of a mining lease or mineral claim under the *Mining Act 1992* or a production lease under the *Petroleum (Onshore) Act 1991*, the holder of the lease or claim has consented in writing to the variation, and

(d) if the land is the subject of any mining authority or petroleum title not referred to in paragraph (c), the Minister has consulted with the holder of the mining authority or petroleum title about the variation.

No. 15 Page 14, schedule 1 [6], proposed section 127G. Insert after line 20:

(6) In this section, a reference to a person entitled to the benefit of a covenant includes, in the case of a covenant imposed under section 88D or 88E of the *Conveyancing Act 1919*, a reference to a prescribed authority (within the meaning of those sections) or a person entitled to exercise, on behalf of the Crown, the functions of a prescribed authority under those sections.

No. 16 Page 14, schedule 1 [6], proposed section 127H, line 26. Omit "make an entry". Insert instead "register the agreement, variation or termination by making an entry".

No. 17 Page 16, schedule 1 [6], proposed section 127K, lines 1-9. Omit all words on those lines. Insert instead:

(3) Without limiting subsection (2), the Court may:

(a) in the case of proceedings brought in the Court by the Minister, award damages against the owner of a biobank site for a breach of the biobanking agreement that arose from an intentional, reckless or negligent act or omission by or on behalf of the owner or a previous owner of the land (being an act or omission of which the owner had notice) including a failure by the owner or previous owner to prevent another person from causing a breach of the biobanking agreement, and

(b) in any case, direct the owner of the biobank site to retire biodiversity credits of a specified number and class (if applicable) within a period specified in the order and, if the owner does not hold sufficient biodiversity credits to comply with the direction, to acquire the necessary biodiversity credits for the purpose of retiring them.

No. 18 Page 19, schedule 1 [6], proposed section 127P, lines 28-31. Omit all words on those lines. Insert instead:

(b) the Minister is satisfied that any adverse effect of the development on biodiversity values (including any future improvement to biodiversity values that would otherwise be achieved by the management actions on the biobank site) will be offset by the retirement of biodiversity credits by the public authority, or

No. 19 Pages 19-20, schedule 1 [6], proposed section 127P, line 34 on page 19 to line 41 on page 20. Omit all words on those lines. Insert instead:

(3) The Minister may, as a condition of granting consent under this section, direct the public authority to retire biodiversity credits of a number and class (if any) specified by the Minister and, if the person does not hold a sufficient number of biodiversity credits to comply with the direction, direct the public authority to acquire the necessary biodiversity credits for the purpose of retiring them.

(4) The Minister may approve an arrangement under which:

(a) the retirement of some or all of the biodiversity credits is deferred pending the completion of restorative actions that will restore or improve the biodiversity values affected by the development, and

(b) the biodiversity credits the retirement of which is deferred pending the completion of those actions are required to be transferred to the Minister.

(5) Division 7 applies in respect of any such arrangement as if it were a deferred retirement arrangement approved by the Director-General under that Division.

(6) The Minister may, by order published in the Gazette, vary or terminate the biobanking agreement relating to a biobank site without the consent of the owner of the biobank site if consent to development is granted under this section and the variation or termination is necessary to enable the public authority to carry out the development.

(7) The owner of a biobank site is not entitled to any compensation as a result of the variation or termination of an agreement under this section.

(8) Subsection (7) does not affect any right to compensation the owner may have under the *Land Acquisition (Just Terms Compensation) Act 1991* or any other Act in respect of the development.

(9) This section does not apply:

(a) to any part of a biobank site that is a wilderness area within the meaning of the *Wilderness Act 1987*, or

(b) in respect of development proposed to be carried out by a public authority on a biobank site if the public authority is the owner of the biobank site and the proposed development is not inconsistent with the terms of the biobanking agreement.

(10) The consent of the Minister under this section is not an approval for the purposes of Part 5 of the *Environmental Planning and Assessment Act 1979*.

No. 20 Page 21, schedule 1 [6]. Insert after line 19:

127R Prospecting and mining on biobank sites

(1) The Minister may, by order published in the Gazette, vary or terminate a biobanking agreement without the consent of the owner of the biobank site if a mining authority or petroleum title is granted in respect of the biobank site and the Minister is of the opinion that the activity authorised by the mining authority or petroleum title:

(a) will adversely affect any management actions that may be carried out on the land under the biobanking agreement, or

(b) will adversely affect the biodiversity values protected by the biobanking agreement.

(2) If the Minister varies or terminates the biobanking agreement under this section, the Minister may, by order in writing to the holder of the mining authority or petroleum title, direct the holder to retire biodiversity credits of a number and class (if any) specified by the Minister within a time specified in the order.

(3) A direction may be given to a person under subsection (2) only if biodiversity credits have already been created in respect of management actions that were carried out or proposed to be carried out on the biobank site and have been transferred to any person.

(4) A person must not, without reasonable excuse, fail to comply with a direction under subsection (2).

Maximum penalty: 10,000 penalty units.

(5) It is not an excuse for a failure to comply with a direction under this section that the person who is the subject of the direction does not, at the time the direction is given, hold a sufficient number of biodiversity credits to comply with the direction.

Note. If the person who is the subject of the direction does not hold a sufficient number of credits to comply with the direction, the person may obtain the required number by purchasing them.

(6) A court that convicts a person of an offence under subsection (4) may, in addition to or in substitution for any pecuniary penalty for the offence, by order direct the person to retire, in accordance with this Part, biodiversity credits of a specified number and class (if applicable) within a time specified in the order and, if the person does not hold sufficient biodiversity credits to comply with the direction, to acquire the necessary biodiversity credits for the purpose of retiring them.

(7) The owner of a biobank site is not entitled to any compensation as a result of the variation or termination of an agreement under this section.

(8) Subsection (7) does not affect any right to compensation the owner may have under the *Mining Act 1992*, the *Petroleum (Onshore) Act 1991* or any other legislation in respect of the grant of the mining authority or petroleum title.

(9) In this section:

conviction includes the making of an order under section 10 of the *Crimes (Sentencing Procedure) Act 1999*.

127S General provisions relating to variation or termination of agreements without consent of owner

(1) This section applies if the Minister proposes to vary or terminate a biobanking agreement without the consent of the owner of the biobank site by order under section 127P or 127R.

(2) The Minister is not to make such an order unless:

(a) written notice of the Minister's intention to vary or terminate the agreement has been given to the owner of the biobank site stating that the owner may make submissions to the Minister within the period specified in the notice (being a period of not less than 28 days), and

(b) the Minister has considered any submissions made by the owner of the biobank site, being submissions made within that specified period.

(3) If the order is made, a copy of the order is to be laid before each House of Parliament within 30 sitting days of that House, or such other period as may be prescribed by the regulations, after publication of the order.

(4) If the order varies the agreement, the owner of the biobank site may, by written notice given to the Minister, terminate the agreement, but only if:

(a) no biodiversity credits have been created in respect of the biobank site, or

(b) in a case where biodiversity credits have been created, the owner of the biobank site is the holder of all credits that have been created since registration of the biobank site (that is, none of the credits created have been retired) and all the credits are cancelled by the Director-General with the consent of the owner.

127T Activities authorised by mining authorities and petroleum titles not affected by biobanking agreement

Nothing in this Division:

(a) prevents the grant of a mining authority or petroleum title in respect of a biobank site in accordance with the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*, or

(b) prevents the carrying out, on or in respect of a biobank site, of any activity authorised by a mining authority or petroleum title in accordance with the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*.

No. 21 Page 24, schedule 1 [6], proposed section 127V. Insert after line 9:

(4) The transfer of a biodiversity credit does not affect any requirement imposed on the owner of a biobank site under a biobanking agreement. In particular, it does not affect any requirement that the owner carry out, or continue to carry out, management actions in respect of the land in relation to which the credit was created.

No. 22 Pages 25-26, schedule 1 [6], proposed section 127Z, line 30 on page 25 to line 8 on page 26. Omit all words on those lines. Insert instead:

127Z Grounds for cancellation of biodiversity credit

(1) The Director-General may cancel a biodiversity credit that is in force, or that has been suspended under this Part:

(a) if the Director-General is of the opinion that any management action in respect of which the biodiversity credit was created has not been carried out or completed, or is not being carried out, in accordance with the biobanking agreement, or

(b) if the person who applied for the creation of the credit provided any information to the Director-General in, or in connection with, the application that was false or misleading in a material particular, or

(c) if the credit was created in error, or

(d) if the holder of the credit has requested or agreed to the cancellation, or

(e) if authorised to do so by any other provision of this Act or the regulations.

(2) Without limiting subsection (1), if the Minister varies or terminates a biobanking agreement because of activities authorised by a mining authority or petroleum title granted in respect of a biobank site, the Director-General may cancel any biodiversity credits created in respect of the biobank site that have not been transferred by the biobank site owner.

No. 23 Pages 26-27, schedule 1 [6], proposed section 127Z, line 28 on page 26 to line 9 on page 27. Omit all words on those lines.

No. 24 Page 27, schedule 1 [6]. Insert after line 9:

127ZA General provisions relating to cancellation of biodiversity credits

(1) The Director-General cancels a biodiversity credit by making a recording in the register of biodiversity credits, in relation to the biodiversity credit concerned, that indicates that the credit is cancelled.

(2) The Director-General must give the holder of the credit notice in writing of the cancellation.

(3) No compensation is payable for the cancellation of a biodiversity credit.

(4) However, if a biodiversity credit is cancelled because of activities authorised by a mining authority or petroleum title granted in respect of a biobank site, the reasonable costs incurred by the biobank site owner in carrying out, before the cancellation, the management actions in respect of which the biodiversity credits were created are taken, for purposes of the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*, to be a loss caused by deprivation of the possession or of the use of the surface of the land concerned as a result of the exercise of the rights conferred by the mining authority or petroleum title.

(5) If a biodiversity credit is cancelled, the Minister may vary or terminate the relevant biobanking agreement (with or without the consent of the owner of the biobank site) to make it clear that any obligation to carry out, or to continue to carry out, a management action that arises only because of the creation of that credit ceases to have effect.

(6) If the variation or termination is made without the consent of the owner:

(a) the variation or termination is to be made by the Minister by order published in the Gazette, and

(b) a copy of the order is to be laid before each House of Parliament within 30 sitting days of that House, or such other period as may be prescribed by the regulations, after publication of the order.

(7) The Minister is not to make an order referred to in subsection (6) unless:

(a) written notice of the Minister's intention to vary or terminate the agreement has been given to the owner of the biobank site stating that the owner may make submissions to the Minister within the period specified in the notice (being a period of not less than 28 days), and

(b) the Minister has considered any submissions made by the owner of the biobank site, being submissions made within that specified period.

(8) The cancellation of a biodiversity credit does not prevent the Minister from seeking an award of damages against the owner of a biobank site for a breach of a biobanking agreement.

No. 25 Pages 27-28, schedule 1 [6], proposed section 127ZB, line 23 on page 27 to line 19 on page 28. Omit all words on those lines. Insert instead:

127ZB Application for retirement of biodiversity credits

(1) The holder of a biodiversity credit that is in force may, by application in writing to the Director-General, retire the credit.

Note. Once the creation of a biodiversity credit is registered, it remains in force unless it is cancelled or retired—see section 127U.

(2) Any application to retire a biodiversity credit may be made by the holder of the credit:

(a) for the purpose of complying with a credit retirement condition specified in a biobanking statement, or

(b) for the purpose of complying with a direction made by the Minister or a court under this Part or under the *National Parks and Wildlife Act 1974*, or

(c) for the purpose of complying with a condition of an approval granted by the Minister under Part 3A of the *Environmental Planning and Assessment Act 1979* in respect of a project to which that Part applies, or

(d) on a voluntary basis.

(3) If the Director-General accepts the application, the Director-General is to retire the biodiversity credit.

Note. Biodiversity credits may also be retired under Division 7.

127ZC General provisions relating to retirement of biodiversity credits

(1) The Director-General retires a biodiversity credit by making a recording in the entry relating to the credit in the register of biodiversity credits to indicate that the credit has been retired.

(2) The retirement of a biodiversity credit does not affect any requirement imposed on the owner of a biobank site under a biobanking agreement. In particular, it does not affect any requirement that the owner carry out, or continue to carry out, management actions in respect of the land in relation to which the credit was created.

(3) A biodiversity credit that has been suspended by the Director-General may not be retired during any period in which the suspension has effect.

(4) The regulations may make further provision for the retirement of biodiversity credits, including the procedure for retiring a credit and the circumstances in which the Director-General may refuse an application to retire a credit.

No. 26 Page 29, schedule 1 [6], proposed section 127ZC. Insert after line 31:

(7) A court that convicts a person of an offence under subsection (5) may, in addition to or in substitution for any pecuniary penalty for the offence, by order direct the person to retire, in accordance with this Part, biodiversity credits of a specified number and class (if applicable) within a time specified in the order and, if the person does not hold sufficient biodiversity credits to comply with the direction, to acquire the necessary biodiversity credits for the purpose of retiring them.

No. 27 Page 29, schedule 1 [6], proposed section 127ZC. Insert after line 34:

(8) In this section:

conviction includes the making of an order under section 10 of the *Crimes (Sentencing Procedure) Act 1999*.

No. 28 Page 30, schedule 1 [6], proposed section 127ZD, lines 26-30. Omit all words on those lines. Insert instead "*1979*.".

No. 29 Page 30, schedule 1 [6], proposed section 127ZE, lines 33-34. Omit "(including any development for which biobanking is compulsory)".

No. 30 Page 31, schedule 1 [6], proposed section 127ZF, lines 30-31. Omit ", unless directed by the Minister to issue the statement under section 127ZG".

No. 31 Page 32, schedule 1 [6], proposed section 127ZF, lines 6-8. Omit all words on those lines. Insert instead:

(5) The Director-General must refuse an application for the issue of a biobanking statement if:

(a) the application relates to development that is not development for which biobanking is available, or

(b) the application relates to development that requires planning concurrence under section 127ZG and the Director-General of the Department of Planning does not concur with the issue of the statement.

No. 32 Page 32, schedule 1 [6], proposed section 127ZF, lines 22-36. Omit all words on those lines. Insert instead:

(8) A refusal by the Director-General to issue a biobanking statement in respect of development does not prevent the development being evaluated or assessed in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* that would apply in respect of the development, but for this Part.

Note. Participation in the biobanking scheme is voluntary. If a biobanking statement is not obtained in respect of a development (including because it is refused by the Director-General) the development may still be evaluated or assessed in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979*. These provisions may require (among other things) the preparation of a species impact statement and the concurrence of, or consultation with, the Minister for the Environment and the Director-General.

(9) A consent authority or determining authority cannot refuse to consent to or approve a development or activity under Part 4 or 5 of the *Environmental Planning and Assessment Act 1979* on the ground that an application for a biobanking statement in respect of the development or activity was refused.

No. 33 Page 33, schedule 1 [6], proposed section 127ZG, lines 1-25. Omit all words on those lines. Insert instead:

127ZG Concurrence of Director-General of Department of Planning required in certain cases

(1) If the Director-General is of the opinion that a proposed development requires planning concurrence, the Director-General must not issue a biobanking statement in relation to the development unless:

(a) the Director-General has given the Director-General of the Department of Planning notice of the proposal to issue the biobanking statement, and

(b) the Director-General of the Department of Planning concurs with the issue of the biobanking statement.

(2) For the purposes of this section, development requires planning concurrence if the development is of a kind declared by a State environmental planning policy made under the *Environmental Planning and Assessment Act 1979* to be development requiring planning concurrence.

(3) The Director-General of the Department of Planning may concur, or refuse to concur, with the issue of a biobanking statement by the Director-General of the Department of Environment and Conservation.

(4) The Director-General of the Department of Planning may refuse to concur with the issue of a biobanking statement on any grounds specified in a State environmental planning policy made under the *Environmental Planning and Assessment Act 1979*.

(5) If the Director-General of the Department of Planning fails to notify the Director-General of the Department of Environment and Conservation whether the Director-General concurs, or refuses to concur, with the issue of a biobanking statement by the end of the relevant consultation period, the Director-General of the Department of Planning is taken to have concurred with the issue of the biobanking statement.

(6) For the purposes of this section, the ***relevant consultation period*** means the period of 21 days after the Director-General of the Department of Environment and Conservation gives the Director-General of the Department of Planning notice of the proposal to issue a biobanking statement or such other period as may be agreed (either generally or in a particular case) by the Director-General of the Department of Environment and Conservation and the Director-General of the Department of Planning.

(7) For the purposes of the *Environmental Planning and Assessment Act 1979*, the kinds of development for which planning concurrence is required under this section, and the grounds on which the Director-General of the Department of Planning may refuse to concur to the issue of a biobanking statement, are taken to be matters of State environmental planning significance.

No. 34 Page 33, schedule 1 [6], proposed section 127ZH. Insert after line 40:

(2) If the biobanking statement specifies a credit retirement condition, it must also describe any deferred retirement arrangement that applies in respect of the credit retirement condition.

No. 35 Page 34, schedule 1 [6], proposed section 127ZI, lines 36-38. Omit all words on those lines.

No. 36 Page 35, schedule 1 [6], proposed section 127ZI, line 4. Omit "(but may)".

No. 37 Page 35, schedule 1 [6], proposed section 127ZI. Insert after line 5:

(6) An applicant for development consent under Part 4 of the *Environmental Planning and Assessment Act 1979* may request the consent authority to review its determination to impose any conditions on the consent (not being an environmental contribution condition) that are additional to the conditions of a biobanking statement on the ground that the condition is inconsistent with the conditions of the biobanking statement. In particular, a review may be requested because the additional condition relates to impacts that were assessed by the Director-General, in accordance with the biobanking assessment methodology, prior to the issue of the biobanking statement.

(7) Section 82A of the *Environmental Planning and Assessment Act 1979* applies in respect of any such review, with any necessary modifications, whether or not the consent authority is a council, and whether or not the determination is a determination to which that section would otherwise apply.

No. 38 Page 35, schedule 1 [6], proposed section 127ZI. Insert after line 17:

(8) In this section:

environmental contribution condition means a condition that requires an environmental contribution (within the meaning of section 127B).

No. 39 Page 36, schedule 1 [6], proposed section 127ZJ, lines 5-7. Omit all words on those lines.

No. 40 Page 36, schedule 1 [6], proposed section 127ZJ, line 21. Omit "(but may)".

No. 41 Page 36, schedule 1 [6], proposed section 127ZJ. Insert after line 22:

(8) A determining authority is to make arrangements that enable a proponent of an activity to seek a review by the determining authority of any conditions imposed on an approval that are additional to the conditions of a biobanking statement, for the purpose of ensuring that the additional conditions are consistent with the conditions of the biobanking statement. In particular, the arrangements should enable a review to be obtained in relation to any additional condition that relates to impacts that were assessed by the Director-General, in accordance with the biobanking assessment methodology, prior to the issue of the biobanking statement.

No. 42 Page 37, schedule 1 [6], proposed section 127ZK, lines 26-27. Omit "Except in the case of development for which biobanking is compulsory, participation". Insert instead "Participation".

No. 43 Page 38, schedule 1 [6], proposed section 127ZL, line 13. Omit "to the Minister".

No. 44 Page 39, schedule 1 [6], proposed section 127ZL. Insert after line 10:

(6) A court that convicts a person of an offence under subsection (4) may, in addition to or in substitution for any pecuniary penalty for the offence, by order direct the person to retire, in accordance with this Part, biodiversity credits of a specified number and class (if applicable) within a time specified in the order and, if the person does not hold sufficient biodiversity credits to comply with the direction, to acquire the necessary biodiversity credits for the purpose of retiring them.

(7) In this section:

conviction includes the making of an order under section 10 of the *Crimes (Sentencing Procedure) Act 1999*.

No. 45 Page 39, schedule 1 [6]. Insert after line 21:

Division 7 Arrangements for deferral of retirement of biodiversity credits

127ZN Deferred retirement arrangements

(1) If the Director-General proposes to issue a biobanking statement subject to a credit retirement condition and is satisfied that restorative actions will be taken in relation to the development that will restore or improve the biodiversity values affected by the development, the Director-General may approve an arrangement (a ***deferred retirement arrangement***) under which:

(a) the retirement of some or all of the biodiversity credits under the credit retirement condition is deferred pending the completion of those actions, and

(b) the biodiversity credits the retirement of which is deferred pending the completion of those actions are required to be transferred to the Minister.

(2) A credit retirement condition specified in a biobanking statement has effect subject to any such deferred retirement arrangement.

(3) Subject to the powers of the Director-General under this Division, the Minister is to hold biodiversity credits transferred to the Minister under a deferred retirement arrangement pending completion of the relevant restorative actions and is not permitted to transfer, retire, or otherwise deal with, the biodiversity credits.

(4) The biobanking assessment methodology may make provision with respect to deferred retirement arrangements, including:

(a) the types of restorative actions in respect of which deferred retirement arrangements are available, and

(b) the number and class of biodiversity credits that may be transferred back to a former holder of biodiversity credits (or to any person who acquires the rights of a former holder to apply for such a transfer) on completion of those actions.

(5) An application for registration of the transfer of biodiversity credits to the Minister under a deferred retirement arrangement is to be made in the manner required by Division 4. However, it is not necessary for the Minister to be a party to a transfer or application for registration of transfer.

(6) The provisions of Division 5 relating to the cancellation and suspension of biodiversity credits, and section 127ZQ (which relates to cost recovery), apply in respect of a biodiversity credit transferred to the Minister under a deferred retirement arrangement as if a reference to the holder of the biodiversity credit were a reference to the person who was the holder of the credit immediately before it was transferred to the Minister.

127ZO Transfer or retirement of biodiversity credits held subject to deferred retirement arrangement

(1) A former holder of a biodiversity credit may, on the completion of any restorative actions the subject of a deferred retirement arrangement, apply to the Director-General for the transfer to the former holder of any biodiversity credits held by the Minister under that deferred retirement arrangement.

(2) An application under this section:

(a) is to be in a form approved by the Director-General, and

(b) is to be accompanied by the fee (if any) approved by the Director-General for applications under this section and such information as the Director-General requires.

(3) The Director-General is to determine the application in accordance with any relevant requirements of the biobanking assessment methodology.

(4) If, as a result of the application, the Director-General determines that any of the biodiversity credits held by the Minister under the deferred retirement arrangement may be transferred back to the former holder:

(a) the Director-General is to register a transfer, from the Minister to the former holder of biodiversity credits, of those biodiversity credits (without requiring an application for registration of transfer), and

(b) the Director-General may retire any remaining biodiversity credits held by the Minister under the deferred retirement arrangement.

(5) If, as a result of the application, the Director-General determines that no biodiversity credits held by the Minister under the deferred retirement arrangement should be transferred to the former holder, the Director-General may retire all biodiversity credits held by the Minister under the arrangement.

(6) The Director-General must, before retiring biodiversity credits under this section, give notice of the retirement to the former holder of the biodiversity credits.

(7) The notice is to specify the date on which the biodiversity credits will be retired, being a date that is not less than 28 days after the notice is given to the former holder.

(8) The Director-General may reject an application under this section for the transfer of biodiversity credits to a former holder of the credits if an application has already been made and determined in respect of the development concerned, or for any other reason specified in the regulations.

(9) In this section, a ***former holder*** of a biodiversity credit means:

(a) the person who held the biodiversity credit immediately before the biodiversity credit was transferred to the Minister under a deferred retirement arrangement, or

(b) a person who acquires the rights of the person referred to in paragraph (a) to apply for a transfer under this section in respect of the biodiversity credit.

127ZP Deadline for completion of restorative actions

(1) A deferred retirement arrangement may provide for a period at the end of which the deferred retirement arrangement ceases to have effect.

(2) At the end of that period, the Director-General may retire any biodiversity credits transferred to the Minister under the deferred retirement arrangement that continue to be held by the Minister.

(3) The Director-General must, before retiring biodiversity credits under this section, give notice of the retirement to the person who held those credits immediately before they were transferred to the Minister.

(4) The notice is to specify the date on which the biodiversity credits will be retired, being a date that is not less than 28 days after the notice is given to the former holder.

No. 46 Pages 46-47, schedule 1 [6], proposed section 127ZX, line 33 on page 46 to line 10 on page 47. Omit all words on those lines. Insert instead:

(4) A person who applies for the transfer to the person of a biodiversity credit held by the Minister pursuant to a deferred retirement arrangement and who is dissatisfied with a decision of the Director-General in respect of the application may appeal to the Land and Environment Court against the decision.

(5) A person cannot appeal under subsection (4) against the provisions of the biobanking assessment methodology or the reasonableness of any determination of the Director-General made in accordance with that methodology.

(6) A person who held biodiversity credits immediately before they were transferred to the Minister pursuant to a deferred retirement arrangement and who is dissatisfied with a decision of the Director-General to retire those credits (other than a decision made as a result of an application referred to in subsection (4)) may appeal to the Land and Environment Court against the decision.

(7) An appeal may be made by a person under this section no later than 3 months after being notified by the Director-General of the decision.

No. 47 Page 47, schedule 1 [6], proposed section 127ZY, lines 29-30. Omit all words on those lines. Insert instead:

(a) provide for the accreditation of persons as conservation brokers, including by specifying matters that may be taken into consideration in determining whether a person (whether or not an individual) is a fit and proper person to be accredited as a conservation broker, and

No. 48 Page 48, schedule 1 [6], proposed section 127ZZB, line 19. Omit "scheme.". Insert instead:

scheme, and

(c) make provision for the resolution of disputes arising in connection with the operation of the scheme.

No. 49 Page 48, schedule 1 [6]. Insert after line 30:

127ZZD Review of operation of biobanking scheme

(1) The Minister is to cause a review of the operation of the biobanking scheme to be carried out as soon as possible after the period of 2 years after the biobanking assessment methodology is first published in the Gazette.

(2) The Minister may:

(a) determine the terms of reference of the review, and

(b) appoint a person or persons to carry out the review.

(3) The Minister is to ensure that the public are given an opportunity to make submissions on the review.

(4) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 2 years.

No. 50 Page 51, schedule 2.1 [1], lines 4-36. Omit all words on those lines.

No. 51 Page 52, schedule 2.1 [2]. Insert after line 9:

(6) The Minister may approve an arrangement under which:

(a) the retirement of some or all of the biodiversity credits is deferred pending the completion of any rehabilitation or restoration action proposed to be taken on the site of the project, after the project has been substantially completed, that will restore or improve the biodiversity values affected by the project, and

(b) the biodiversity credits the retirement of which is deferred pending the completion of those actions are required to be transferred to the Minister administering the *Threatened Species Conservation Act 1995*.

(7) Division 7 of Part 7A of the *Threatened Species Conservation Act 1995* applies in respect of any such arrangement as if it were a deferred retirement arrangement approved by the Director-General of the Department of Environment and Conservation under that Division.

No. 52 Page 52, schedule 2.1 [3], lines 21-27. Omit all words on those lines.

No. 53 Page 52, schedule 2.1 [5], lines 39-42. Omit "For some types of development it may be compulsory to obtain a biobanking statement under that Part before development consent is granted under this Part."

No. 54 Page 53, schedule 2.1 [6], line 5. Omit "(but may)".

No. 55 Page 53, schedule 2.1 [7], lines 8-22. Omit all words on those lines.

No. 56 Page 54, schedule 2.1 [11], line 39. Omit "(but may)".

No. 57 Page 55, schedule 2.1 [12], lines 7-9. Omit "For some activities, it may be compulsory to obtain a biobanking statement under that Part before the activity is carried out, or an approval is granted, under this Part."

No. 58 Page 55, schedule 2.1 [13], lines 10-31. Omit all words on those lines.

No. 59 Page 56, schedule 2.3 [3], line 24. Insert "127R," after "sections".

No. 60 Page 56, schedule 2. Insert after line 34:

2.5 Mining Act 1992 No 29

Section 381A

Insert after section 381:

381A Biobank sites

The Minister is to notify the Minister administering the *Threatened Species Conservation Act 1995* of the grant of any authority, mineral claim or opal prospecting licence in relation to land that is a biobank site (within the meaning of Part 7A of that Act).

No. 61 Page 57, schedule 2.5. Insert after line 1:

[1] Section 118E Court may order offender to restore habitat and take other actions

Omit section 118E (1). Insert instead:

(1) If a court convicts a person of an offence under this Part involving damage to any critical habitat or habitat of a threatened species, an endangered population or an endangered ecological community, the court may, in addition to or in substitution for any pecuniary penalty for the offence, make either or both of the following orders:

(a) an order directing the person to take any action to mitigate the damage or to restore that critical habitat or habitat,

(b) an order directing the person to retire, in accordance with Part 7A of the *Threatened Species Conservation Act 1995*, biodiversity credits of a specified number and class (if applicable) within a period specified in the order and, if the person does not hold sufficient biodiversity credits to comply with the direction, to acquire the necessary biodiversity credits for the purpose of retiring them.

[2] Section 118E (5)

Insert after section 118E (4):

(5) In this section:

biodiversity credit has the same meaning as it has in Part 7A of the *Threatened Species Conservation Act 1995*.

No. 62 Page 58, schedule 2. Insert after line 5:

2.6 Petroleum (Onshore) Act 1991 No 84

Section 9 Grant of petroleum titles

Insert after section 9 (5):

(6) The Minister is to notify the Minister administering the *Threatened Species Conservation Act 1995* of the grant of any petroleum title in relation to land that is a biobank site (within the meaning of Part 7A of that Act).

For the benefit of members just arriving—and I am anxious that the honourable member for Coffs Harbour is aware of this—the House has agreed that the amendments, which have been moved in globo, will be explained in groups so that the presentation of the Government's proposals is much more coherent. The first group of amendments, which are Government amendments Nos 1, 2, 4, 28, 29, 30, 35, 39, 42, 50, 52, 53, 55, 57 and 58, deals with the issue of compulsion. These amendments all deal with removing the ability of the Minister for Planning to make the biobanking scheme compulsory.

The Government intends to implement the biobanking scheme for a two-year trial period. A ministerial reference group will be established to assist in finalising the biobanking assessment methodology and regulation. The question of whether the scheme may be compulsory in the future will be examined in a formal statutory review, which will be conducted by the reference group I have referred to. The existing provisions in the bill enabling the scheme to be made compulsory and mandating the issue of a biobanking statement in relation to certain projects are no longer required.

The second group of amendments refers to temporary developments. Government amendments Nos 3, 7, 34, 45, 46 and 51 will provide a mechanism to enable biodiversity credits to be used as a security for major development activities instead of cash or bonds. Where impacts to biodiversity values will be of a temporary nature—for example, where rehabilitation is proposed following the carrying out of a development such as mining—these amendments will provide for credits to be used as a surety instead of cash bonds to be held by the Minister until the site has been rehabilitated.

Under these amendments, the retirement of credits for the development is deferred until rehabilitation is complete. Credits then would be released back to the proponent by the Minister for the Environment in line with the improvement to biodiversity values generated by the rehabilitation and then could be sold by the proponent to a third party. This gives the proponent an added incentive to restore the site. The original biobank site at which the biodiversity credits were originally created would continue to be managed for conservation in perpetuity. The next group of amendments refers to consultation and consent in setting up and varying a biobanking agreement. Government amendments Nos 5, 6, 11, 12, 13, 14 and 15 will ensure that all necessary consultation occurs prior to the establishment or variation of a biobanking agreement.

The next amendment relates to the "improve or maintain" principle, which is a crucial foundation of the scheme. Government amendment No. 8 inserts principles to guide the operation of the so-called "improve or maintain" test. One of the most important purposes of the biobanking scheme is to improve or maintain biodiversity values. The "improve or maintain" test will be set out in the biobanking assessment methodology, which will become part of the fundamental legal framework of the scheme. The "improve or maintain" test is a tough one. For example, it will not allow the clearing of viable patches of endangered ecological communities. That point cannot be too often emphasised. It was systematically denied and ignored by several speakers in debate on the bill last night. The "improve or maintain" test will not allow the clearing of viable patches of endangered ecological communities. For other areas where credits can be used to offset impacts, the methodology will ensure that credits are traded on a "like-for-like or better" basis. There will be extensive consultation as the methodology is developed. I intend to involve important interest groups through the ministerial reference group in this process.

The next amendments concern the content of the biobanking assessment methodology and arrangements for publication, amendment and review. Government amendments Nos 9 and 10 are largely

technical in nature and are being moved to resequence existing provisions. The next group of amendments relates to the "fit and proper person" test. Government amendments Nos 11 and 47 allow for a "fit and proper person" test to be included in the regulations for accrediting conservation brokers and for landowners signing up to a biobanking agreement. The test is intended to exclude persons who are unsuited to the long-term responsibilities of those roles. Such a test is already used for environment protection licences under the Protection of the Environment Operations Act 1997. The rules will be provided in the regulations and will apply to both individuals and corporations.

Government amendment No. 16 concerns the need to ensure that agreements are registered on title. This amendment clarifies that biobanking agreements will be registered on title by the Registrar-General. The next group of amendments relates to court orders to retire credits. Government amendments Nos 17, 26, 27, 43, 44 and 61 enable the Land and Environment Court to make orders requiring purchase and retirement of biodiversity credits if a biobank agreement is breached and for other threatened species offences. These sensible amendments extend the same ability already provided to the Minister for the Environment to enable the Land and Environment Court to order credits to be retired. This provision will equip the court to make orders that will directly achieve a practical rectification of impacts where threatened species laws have been broken.

The next group of amendments relates to proposals by public authorities within biobank sites, including the variation and termination of agreements. Government amendments Nos 18 and 19 are machinery amendments that simplify and clarify the existing text of the bill relating to proposals by public authorities over biobank sites. The next group, Government amendments Nos 20, 59, 60 and 62, relates to mining on biobank sites. These amendments will ensure that the Mining Act 1992 will apply to biobank sites in the same way it applies to any other land in New South Wales. These amendments will provide a mechanism to substitute new credits in the rare event that approved mining activities will impact on an existing biobank site that has already been used to offset another development. Once mining has been approved, the Minister for the Environment will issue a direction for an equivalent number and class of credits to be purchased and retired by the mining proponent to redress the loss of the biobank site and ensure that the "improve or maintain" outcome is retained. This will ensure that biodiversity offsets provided under the scheme are permanent and that any biodiversity loss caused by mining is fully offset.

The next group of amendments concerns clarification of obligations on a biobank site owner on the transfer of credits and in regard to the retirement of credits. Government amendments Nos 21 and 25 clarify that the transfer or retirement of a biodiversity credit does not affect any requirement imposed on the owner of a biobank site under a biobanking agreement. This ensures that once the biodiversity credits have been sold or retired, the owner of the biobank site continues to be responsible for carrying out or continuing to carry out the management actions necessary to improve biodiversity values at the site.

Government amendments Nos 22, 23 and 24 concern cancellation of credits. The amendments clarify procedures for the cancellation of biodiversity credits and varying or terminating biobanking agreements where mining activities impact on the biobank site and the obligations under the biobanking agreement. These amendments also include additional provisions to notify the biobank site owner and make public variations or terminations of the biobanking agreement if made without the consent of the owner. Amendments Nos 31 and 33 relate to concurrence of the Department of Planning. The amendments require the Department of Environment and Conservation to obtain the concurrence of the Director General of the Department of Planning prior to issuing a biobanking statement for development of a kind declared by a State environmental planning policy to be development requiring planning concurrence. This could include major proposals in environmentally sensitive areas or proposals that are inconsistent with applicable planning instruments or strategies. This will improve consistency between the implementation of the biobanking scheme and development assessment under the planning laws.

Amendment No. 32 will ensure the refusal of a biobanking statement is not prejudicial to the assessment of the development under the planning laws. Biobanking is provided as a voluntary, alternative mechanism for developers to comply with the State's threatened species conservation laws. It provides a better way to measure threatened species losses or gains and to ensure positive actions are put in place to counterbalance unavoidable loss. This amendment will ensure that if a developer is unsuccessful in obtaining a biobanking statement, and is therefore required to revert to the traditional assessment of significance in applying for a development consent, this is in no way prejudicial to the merits-based assessment of the development under the Environmental Planning and Assessment Act 1979.

Amendments Nos 36, 37, 38, 40, 41, 54 and 56 will ensure that councils do not duplicate threatened species assessment. The amendments provide an applicant with an opportunity to seek review of the decision of

a consent authority or determining authority where conditions have been imposed that relate to matters already dealt with through the biobanking statement. These amendments are necessary to provide biobanking as a real alternative to the current system, providing the necessary certainty for participants in the scheme. The amendments are intended to ensure that, where a developer obtains a biobanking statement, it will be conclusive for the purposes of considering the impacts on biodiversity required under the Environmental Planning and Assessment Act 1979.

I wish to make one point especially clear with respect to this group of amendments: they are not intended to constrain the ability of a consent authority to attach other appropriate conditions to a development consent. The amendments recognise that biodiversity, including trees and native vegetation, can be important for a variety of reasons. Planning conditions that seek to protect amenity, privacy, cultural or historical attributes, soil or rivers or minimise visual impact would not be excluded under these provisions. For example, although a biobanking statement ensures threatened species are addressed, a council may still impose a condition protecting bushland to provide open space and so create liveable and sustainable neighbourhoods. Notwithstanding the establishment of the biodiversity banking scheme councils will continue, as common sense would suggest they should, to be able to put conditions on vegetation, for instance, that have the purpose of protecting amenity or some cultural or historical attribute notwithstanding that the biodiversity of the area is not particularly flash.

Mr Andrew Fraser: But the Minister can override that.

Mr BOB DEBUS: The planning Minister's powers remain unchanged in this respect. Development contributions under the Environmental Planning and Assessment Act that relate to conservation and enhancement of the natural environment would not be affected by these amendments as there is already a method to take these contributions into account. The next group of amendments concerns time to appeal and the resolution of disputes. Amendments Nos 46 and 48 provide an extension of the appeal period from 28 days to three months where a person is not satisfied with a decision under the scheme—for example, in relation to the suspension or cancellation of biodiversity credits.

Amendment No. 49 will formalise the Government's intention to trial the scheme over its first two years of operation. During this time the legislation will be fully operational to allow for a full examination of the scheme's effectiveness. This means that during the trial biobanking statements and biobanking agreements will have full legal status provided by the bill and trading in biodiversity credits can legally occur. The amendment will require a formal public review of the operation of the scheme. The review will identify any changes that are needed to improve the operation of the scheme identified in light of experience. To assist with this process the Minister will also specify the terms of reference for the review and appoint a ministerial reference group to assist in the establishment, operation and review of the scheme. I point out that this amendment responds to a number of submissions received during the consultation process. I recognise that the Opposition intends to move an amendment to give effect to a resolution passed last night with respect to a committee of the Parliament.

Mr MICHAEL RICHARDSON (The Hills) [10.56 a.m.]: I listened to the Minister's comments with interest. One of the things that he did not say was that the way in which the bill has been presented to the House is an absolute disgrace: it has been a real dog's breakfast. To introduce a bill not as a draft exposure bill but as a fully second read bill and then to move 62 amendments—it was 61—in I think the fifth set of amendments is an indication that the Government has not done its homework and has introduced the bill prematurely. Indeed, I was given by Ted Plummer, the Minister's adviser, a copy of the changes integrated into the original bill. He said that might be useful to me. I thought it would have been useful as well. The additions are in green ink and the deletions are in red. But, unfortunately, because the changes related only to the first draft of the amendments the numbers changed and it was impossible to make head or tail of the document. Last Friday I was absolutely flabbergasted when I contacted Mr Plummer to discover that at that stage we were up to the fourth set of amendments. The fifth version involves 62 amendments. I have not gone through to compare the final version; an army of people would be needed, which of course the Opposition does not have at its disposal.

I accept that many of the Government amendments improve the very rudimentary draft of the bill as originally introduced. Many of the amendments have been suggested by stakeholder groups. The Minister sent me a letter and gave me a list of the consultation that the Government has undertaken. A massive number of consultations have taken place—unusually—but probably because the Government recognised that the bill as originally drafted was unworkable. The Government's amendments provided that where a developer obtains a biobanking statement it will be conclusive for the purposes of considering the impacts on biodiversity required under the Environmental Planning and Assessment Act.

I know there was great concern among the development industry that it would not be conclusive, and that local councils would impose additional requirements on a developer in relation to threatened species, notwithstanding the fact that the developer had obtained a biobanking statement, which would have rendered the scheme pretty much unworkable. The amendments ensure that if a developer is successful in obtaining a biobanking statement, it is in no way prejudicial to the merits-based development assessment of the application under the Environmental Planning and Assessment Act—that is, it is not a relevant consideration by the consent authority in assessing the merits of the application. If the developer does not manage to obtain a biobanking statement in relation to the development then the developer is not prejudiced in pursuing that development. One can understand that is necessary to provide a degree of certainty to the development industry.

A number of amendments were made as a result of lobbying by the mining industry. The one the Minister referred to as a machinery amendment provides that a biobanking site can be exchanged for another site when mining activities take place on that biobanking site. The amendment highlights the rather fragile and transient nature of the protection the legislation will provide for biodiversity. I know that conservationists have expressed their concern about the potential impacts of the bill on biodiversity in many parts of an area where development is likely to be carried out. After some adverse publicity in the *Sydney Morning Herald* relating to a particular developer, amendments were introduced to provide that the power to create a fit and proper person test be included in the regulation-making powers. We welcome the inclusion of a fit and proper person test in the legislation. The amendments make it clear in proposed section 127ZG that a biobanking statement can be issued only if the project improves or maintains biodiversity values by removing a provision relating to part 3A projects that allow a biobanking statement to be issued, even if the test is not met.

Part 3A of the Environmental Planning and Assessment Act relates to critical major infrastructure. There was concern that the Minister for Planning would simply override all environmental considerations in this area. However, the Minister has explained that the provisions are necessary given the option for the Minister for Planning to approve a part 3A project subject to acquiring and retiring biodiversity credits, or complying with a biodiversity statement. We support that amendment. Another amendment relates to improving or maintaining biodiversity values to incorporate principles in the legislation to guide the Minister for the Environment in approving the biobanking assessment methodology, and states that biodiversity values must be conserved across appropriate geographic scales—that is, the relative importance of a site being assessed must be evaluated against regional and local conservation status and priorities. All types of ecological communities must be adequately conserved—that is, the relative scarcity of ecological communities must be considered—and areas conserved must be ecologically viable in the long term. The inclusion of those guidelines at least clarifies an important part of the legislation

The amendments require the Department of Environment and Conservation to obtain the concurrence of the Director General of the Department of Planning prior to issuing biobanking statements in relation to a development that is inconsistent with current land use zoning, or that is incompatible with any applicable regional strategy. A subdivision development involves a significant number of new lots as specified in the regulation or State environmental planning policy and development that is located in coastal or other environmentally sensitive areas as specified in the regulation or State environmental planning policy. Once again, we support that amendment. However, we are less supportive of some of the other amendments and we are concerned about the amended legislation. We have dealt with the Ministerial Reference Group, which will be established to assist in finalising the biobanking assessment methodology and regulations, by the Government's acceptance of the motion I moved last night to establish a joint select committee, which would have an input into the methodology and the regulations.

We certainly believe the Parliament should be involved, given that so much of the detail of the bill will be in the accompanying regulations. In fact, the regulations will probably be significant longer than the legislation. The Government's intention to trial the biobanking scheme for two years, which will encompass the whole State and which was supposed to have been explicit in the bill, is a bit of a Clayton's trial. I put it to the Minister that if the scheme does not work, if hundreds of biobanking credits have been written across the State, how will he unscramble it? How will he pay back those who have paid good money for biobanking credits and those who have established biobanking sites? It seems to me that it will not be a trial at all, even though the Minister's adviser, Ted Plummer, told me, "If it does not work we will scrap the scheme." I do not understand how he could scrap the scheme.

When the legislation goes through it will apply across the State. Almost inevitably there will be some fine-tuning down the track because this is pioneering legislation. Nothing quite like it has been introduced elsewhere in the world. It is inevitable that there will be changes to the scheme. But if the scheme proves to be

impractical and unworkable how will the Government stop what it has put in train? I would be interested to hear the Minister address that question in his reply. We believe the bill continues to place a disproportionate emphasis on home buyers to fund biodiversity conservation. Obviously, the protection given to biodiversity sites is far less than that given to parks and reserves. There has been some talk of this protection lasting in perpetuity, but I understand a biobanking agreement may last for only 20 to 25 years.

When the money that has been put into maintaining and improving the site runs out, who would look after it? Presumably it ceases to be a biodiversity site because it is of no value in improving biodiversity. The legislation also disadvantages those who have already entered into a voluntary conservation agreement with the Government. They get nothing for their land. They have done the right thing. They have put aside a parcel of land for conservation purposes, but, unlike the people who now will be able to enter into a biobanking agreement, they will get nothing for their land. Most importantly, the bill does not specify the methodology for drawing up a biobanking statement or determining how many biodiversity credits can be created on a particular site. Those things will be specified by the regulations, and the devil could well and truly be in the detail. We simply do not know how many credits will be applicable to a particular type of ecological community.

This scheme will apply across the State. I understand that there may be trading between regions, not just within a region or within an area, and that fills me with apprehension. I do not see how the value of a threatened ecological community on the North Coast, for example, can be compared with one near Albury. I know that is an issue that the environment movement feels strongly about. The Environment Liaison Office wrote to me and stated its continuing concerns in relation to the bill. Those concerns are that high conservation value areas are not defined as being off limits to development. The instant loss of biodiversity will be traded for slow gain because the scheme relies on increases in biodiversity value that may take 75 years or more to materialise. In the context of biodiversity sites not being maintained in perpetuity, the import of the objection is understandable. Trees usually do not reach maturity within 20 or 25 years.

Mr Andrew Fraser: Eighty years.

Mr MICHAEL RICHARDSON: As the honourable member for Coffs Harbour said, many native species take 80 years to reach maturity. A scheme that simply provides money to maintain or improve a biodiversity site for 20 to 25 years is simply inadequate as far as biodiversity is concerned. The Environment Liaison Office also states that there is no guaranteed permanent protection of offset sites and that they could later be offset themselves or approved for development by a public authority. The office points out that biodiversity values that are not like for like can be traded under the scheme and that the science behind the scheme is very limited and as yet is untested. The same type of criticism could be levelled at the zoning of two new marine parks that the Government has created. The office also points out that the most damaging developments are being assessed under part 3A and are exempt from biobanking.

Mr Bob Debus: The honourable member for Bligh read all that out last night.

Mr MICHAEL RICHARDSON: That is good. The office also points out that the scheme does not ensure that biobanking offsets will be used only as a last resort, after all efforts to avoid and minimise impacts have been made. Perhaps equally pertinent to the environment movement's concerns relating to the legislation is the concern of the New South Wales Farmers Association. New section 127ZD (a) specifically excludes farming from the application of provisions of this bill. I foreshadow an amendment that will be moved by the Opposition in the other place to delete new section 127ZD (a).

The Opposition believes there is a real opportunity here for the Government to provide a way through the impasse that has been reached with farmers over the past few years in relation to native vegetation. By acceptance of amendments to regulations regarding native vegetation, a real opportunity may be created to provide benefits to farmers and to the environment. The President of the New South Wales Farmers Association, Mr Jock Laurie, has stated that the bill creates a situation whereby one sector of industry is given an unfair advantage over another because a property developer may purchase offsets to enable his business plans whereas a farmer cannot. He also made the point that biobanking credits may be used to meet development approval requirements under the Environmental Planning and Assessment Act 1979 but cannot be used to meet requirements under the Native Vegetation Act.

The way that farmers feel about this legislation is understandable. Currently, farmers feel as though they are under siege from all sides. Of course, they are also suffering under the drought that affects all areas throughout New South Wales. Farmers perceive this bill as just another example of the Government's lack of

concern for the rural sector—for people who live in country areas and who are the backbone of our State. Government amendment No. 9 proposes to amend section 127B that relates to biobanking assessment methodology and lays down some general principles for establishing the methodology. The amendment illustrates two major weaknesses of the bill. It does not necessarily conserve particular ecological communities, nor is there any guarantee that biobanking sites will be conserved in the long term. That is a matter of real concern to members of the Opposition.

The other point that struck me about the Government's amendments was that so much of the devil will be in the detail of the regulations, notwithstanding that the Government seems to have gone into enormously specific details about issues that one would think could be taken for granted. Government amendment No. 25 states in relation to new section 127ZC (1):

> The Director-General retires a biodiversity credit by making a recording in the entry relating to the credit in the register of biodiversity credits to indicate that the credit has been retired.

I am sure the honourable member for Coffs Harbour is right up to speed on that issue and understands what the amendment means. The point is self-evident. If a credit is retired, an entry will have to be made somewhere, and if there is a register of biodiversity credits, that is where the entry will be made. I am surprised that the amendment does not specify what type of pen should be used to make the entry. Surely it is not necessary to spell out procedures in that type of detail. Surely a bit of commonsense will prevail. I should also point out that there is section after section of similar ilk. [*Time expired.*]

Mr ALEX McTAGGART (Pittwater) [11.16 a.m.]: The purpose of this debate is to address issues related to amendments that have been moved by the Government. I acknowledge that last night and today the Minister for the Environment has spent considerable time listening to the debate. I reiterate the position I take. I believe that the intention of this bill fails unless rural land is separated from metropolitan land. It is imperative for us to do an audit of areas of high conservation value in the metropolitan area so that the areas can be protected. Knowing what we have is an essential precursor to knowing what provisions should be formulated. As I understand it, the intention of this bill is to determine and protect the high conservation value in land.

Last night I mentioned, and I reiterate the point now, that we should take advantage of the introduction of the new local environmental plan [LEP] template that is being introduced by the Minister for Planning because it represents an opportunity for metropolitan areas to have a light LEP and to identify areas of high conservation within that. I urge the Minister to separate metropolitan land from rural land. It is incongruous to have high value coastal pockets of land traded for large areas of degraded land in the west. It is incongruous to swap chalk for cheese or apples for oranges and to contend that one ought to be compensated by the other. I cannot emphasise strongly enough the importance of separating metropolitan land from rural land so that conservation areas of a consistent standard may be created.

Mr ANDREW FRASER (Coffs Harbour) [11.18 a.m.]: I endorse the comments made by the honourable member for The Hills. It is a disgrace that legislation that is rushed into the Parliament has resulted in 62 amendments being moved by the Government. If the Government is serious about this legislation, as it should be, it should withdraw the legislation, recompose it and reintroduce it. Three weeks of sittings still remain. Let us look at the bill in a form that we understand. Trying to transpose the amendments into the bill, as the honourable member for The Hills said, is almost impossible because they are changing as we proceed: this is a movable feast, and the Minister said as much. We need to deal with the amendments in a way that is much more coherent for the House and for Hansard. I fully support, in principle, biobanking and offsets. What worries me is that the farming and forestry communities, those in primary industries, have been left out of this debate. The honourable member for The Hills referred to the concerns of the New South Wales Farmers Association and the changes to section 127ZD (a), which the Opposition will seek to amend in the upper House.

As I stated in my contribution to the second reading debate, that amendment will be moved because why should there be one rule for metropolitan areas and developers and another rule for farmers? Farmers are trying to manage their properties in fairly harsh conditions—and have managed in a very good way—to the extent that the Government has attempted to introduce private native forestry regulations that will, in effect, lock up private land that has been logged for years. There is a real dichotomy between what the Government is trying to do with this bill in relation to development in, I suggest, Newcastle, Sydney and Wollongong, and what it is doing to farming and primary industries in regional New South Wales. I have real concerns with some of the amendments. Unfortunately, the Opposition was provided with the amendments at very short notice. Subsection (9) of proposed section 127B states:

> In this section, ***environmental contribution*** means any of the following contributions, or a part of such a contribution, if the contribution or part is required, or is to be used or applied, for the conservation or enhancement of the natural environment:

As the honourable member for The Hills said, that wording is somewhat confusing. I believe it is an attempt to disguise what the Government is trying to get away with. Paragraph (a) of that subsection states:

> a contribution (including a dedication of land or other material benefit) required by a planning agreement …

To me "other material benefit" means a cash payment by a developer to, I guess, an environmental trust. In the farming community when farmers were clearing woody weeds, police arrived at their door with threats of fines of $200,000. On top of that, when a conviction is made—and normally successfully overturned in the Land and Environment Court—a fine of $200,000 or more is imposed and the farmer has to set aside huge areas. With 10 hectares damaged, 200 hectares are to be set aside and maintained by the private property owner, the farmer. Yet, a clear signal has been sent to developers to provide cash and they will be allowed to destroy habitat and native vegetation. That is not the way we should proceed.

I turn now to the plantation pine industry, especially that in the electorate of Monaro. Currently there is a huge conflict in that area between farming communities and the pine industry. Why? Because the farming community claims, rightly in some cases, that land prices have been forced up because the pine industry is finding it very hard to get offsets. They will not buy blocks of land at higher altitudes, which are more suited to pine production: they buy cleared farming land. When they try to grow their plantations and buy a block of land they find that no offsets are available; biobanking is not available to farm forestry companies. Why does this bill not apply to farm forestry? Why are we not giving an opportunity for an industry that employs hundreds of people in very meagre circumstances in areas under drought—yet pine will grow over a period of 25 years and can be harvested—to have offsets or biobanking, as the bill states?

Why are we not saying to them that they can clear land on the basis of replanting with pine and purchasing neighbouring land and conserving it? The downstream effect of this bill is that viable farming land that has been cleared is now utilised for pine plantation. The pine plantation companies say that that is not always the best land. Those river flats are not necessarily the land where pine thrives; pine likes higher rainfall and less wet feet. If the Government were serious, it should look at primary industries in an holistic fashion and include the farmers. I support the needs of the New South Wales Farmers Association. The Opposition will move an amendment to delete that proposed subsection. The Minister needs to talk with the farmers in the same way that he has talked with the developers. What if the biocredits fail in the future? In this two-year scheme, how many times could those biocredits be sold on to someone else? What happens if, as provided in the bill, that in the opinion of the Minister—and there is a hell of a lot of "in the opinion of the Minister" in the bill—

Mr Bob Debus: I should think so.

Mr ANDREW FRASER: What happens if you, Minister, decide to cancel credits that have been traded for a third time? Who loses? Does the loss go back to the original person? No, it does not: it is stuck with the person who bought the credits in good faith.

Mr Bob Debus: If I did it unjustly there would be a remedy at court.

Mr ANDREW FRASER: A remedy at court, which means that the Minister will send someone who has acted in good faith into the Land and Environment Court, at huge cost to him, and to the Government for that matter, to resolve an issue. However, if the bill and the amendments were put together in a co-operative way—as the honourable member for The Hills said, if the bill had been released as a draft—and circulated to people for input, rather than being introduced and having 62 amendments proposed, the reality would have been different. The Minister can look back and belt his brow, but for him to move 62 amendments to his own bill is bizarre.

Mr Bob Debus: It is reasonable for you to ask for consultation, but you do not appear to be aware that this bill was put out for consultation last June and has gone through the longest consultation of any bill I have ever introduced.

Mr ANDREW FRASER: If it has gone through that long consultation, why has the Minister moved 62 amendments? Why were those amendments not incorporated into the bill before it was introduced in the House? The provision for regional transfers absolutely scares me. The cost of land in relative terms in regional areas is very cheap. There could be massive development in Sydney, Newcastle and Wollongong and then a

developer could purchase land at the back of Bourke, or somewhere else, which is comparatively cheap. There would then be a regional transfer. People on the coast are fearful because the coastal committee that was formed, under great stewardship at the time, looked at keeping the green fringe on the coast. If we allow this to apply to the coast, will we end up with a situation where developers' dollars allow for that green fringe to be cleared on the basis of an offset in Bourke or another area?

The Opposition wants to see sensible development, not a bill that is developer driven. However, at the same time we want an opportunity for more land to be made available to young families to build homes; we do not want to stop progress. If the Government had a decent regional development policy it would find less need to push this bill through at such a rate of knots. Why is the Government not encouraging families to build west of the sandstone curtain? We could talk about payroll tax concessions and all the rest, which have not been recognised, but in a pure environmental sense the Government is tipping the scales in favour of overdevelopment in the major metropolitan areas which, as I said in my contribution to the second reading debate, do not have transport, roads, water or the infrastructure that they need. Is the Government going to push that on to the developers? Will that be a trade-off? A cash credit is available under amendment No. 9. That is what I understand the amendment to mean. Paragraph (b) of subsection (9) refers to:

> a contribution (including a dedication of land or levy) …

That is a thinly disguised pay-off. As I said before, I support fully the principles of biobanking and offsets but they must be applied fairly and equitably. The process must be open. The Government should not introduce legislation, move 62 amendments to it and then expect the Opposition, or indeed Parliament as a whole, to accept them. I have not had time to go through the amendments line, chapter and verse. It is somewhat amazing that the Minister and his department have released a document that explains the amendments not in seriatim but globally. It simply states, "This is what we intend to do." That is not the best way to proceed.

The document to which I refer is entitled "Refinements to the development and implementation of the biodiversity banking bill after stakeholder consultation". If the Government consulted stakeholders before it introduced the bill why has it produced an eight-page document in an attempt to convince the Opposition that this is the right way to proceed? I support the principle of the bill but I cannot support the bill in its present form. I certainly cannot support regional transfers. I would like to hear what the Minister has to say about the cash injection, because I see the bill as a cash injection rather than as a sensible biobanking process.

Mr MICHAEL RICHARDSON (The Hills) [11.31 a.m.]: I have some remarks to make consequent upon the contribution of the honourable member for Coffs Harbour. He expressed some concerns about the likely impact of the legislation on coastal development. He represents a coastal electorate and he could genuinely expect some major changes to his area as a result of the passage of this bill. Despite the "maintain and improve" test, it is incumbent on the Minister to reassure the honourable member for Coffs Harbour and other members who represent coastal electorates, such as the honourable member for Ballina, that the bill will not affect adversely the amenity of their constituents. I said earlier that many of the Government's amendments were either superfluous or extremely convoluted. I draw the attention of the Committee to amendment No. 41, which states:

> Insert after line 22:
>
> (8) A determining authority is to make arrangements that enable a proponent of an activity to seek a review by the determining authority of any conditions imposed on an approval that are additional to the conditions of a biobanking statement, for the purpose of ensuring that the additional conditions are consistent with the conditions of the biobanking statement. In particular, the arrangements should enable a review to be obtained in relation to any additional condition that relates to impacts that were assessed by the Director-General, in accordance with the biobanking assessment methodology, prior to the issue of the biobanking statement.

I am glad that that has been clarified! Sir Humphrey Appleby could not have put it any better. I will repeat the text of the amendment for the benefit of the Committee because I am sure that some honourable members have not come to grips with its nuances. Amendment No. 41 states:

> (8) A determining authority is to make arrangements that enable a proponent of an activity to seek a review by the determining authority of any conditions imposed on an approval that are additional to the conditions of a biobanking statement, for the purpose of ensuring that the additional conditions are consistent with the conditions of the biobanking statement. In particular, the arrangements should enable a review to be obtained in relation to any additional condition that relates to impacts that were assessed by the Director-General, in accordance with the biobanking assessment methodology, prior to the issue of the biobanking statement.

I think the Committee will understand why the honourable member for Coffs Harbour expressed concern that the briefing we received was not on an amendment-by-amendment basis. I defy any member of this House to understand what amendment No. 41 means without the benefit of some guidance from the bureaucrats. I defy any member in this place, including the lawyers, to explain exactly what it means. It is not surprising that the Opposition is expressing concern about the legislation, even as amended, because in many respects the amendments do not make sense. Amendment No. 49 provides for a review of the operation of the biobanking scheme. Proposed new section 127ZZD states:

> The Minister is to cause a review of the operation of the biobanking scheme to be carried out as soon as possible after the period of 2 years after the biobanking assessment methodology is first published in the Gazette … The Minister may … determine the terms of reference of the review, and … appoint a person or persons to carry out the review ... The Minister is to ensure that the public are given an opportunity to make submissions on the review … A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 2 years.

I assume that the parliamentary committee will be involved in this process. That would be beneficial because Parliament should play a lead role in ensuring that the scheme is rolled out appropriately across the State. However, the Opposition would prefer that the scheme not be rolled out in this way at all. We would prefer that there be a genuine trial in only one area. We think that is the only way to get around the problem that I mentioned earlier. If the scheme does not work, how do we unscramble it? How do we pay back all the money that has been put into the fund? How do we undo all the biobanking sites and biobanking credits?

By restricting the trial to one area, which we believe should be the lower Hunter, we will get around that problem. We will make sure that the scheme works, that it is robust and that it will achieve its stated objectives of enhancing biodiversity as well as facilitating development. If that can be done the bill will receive the wholehearted support of the Opposition, and I suspect of every member of the House. I foreshadow that we will move a second amendment to that effect in the upper House. The Opposition believes there should be a restricted trial rather than a simple review of the scheme's operation on a statewide basis. We do not think the latter is a trial at all. Because of those concerns it will be difficult for the Opposition to support the bill as it stands.

Mr BOB DEBUS (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [11.38 a.m.]: I thank honourable members for their contributions to the consideration of the amendments in Committee. I have some general comments. First, although the honourable member for Coffs Harbour expressed some sympathy for the general notion of biobanking, he criticised the Government's lack of consultation and what he thought was the precipitate introduction of the bill into Parliament. I refer honourable members to the description that I gave of the length and depth of the consultation on the bill, which began last June, that took place with everybody who had an interest in it. In my speech in reply to the second reading debate I think I detailed adequately the quite exceptional level of consultation that has occurred. That is exactly why there are so many amendments to the bill. We would have had far fewer amendments if we had been less concerned about talking to every interest group involved in the consultation process.

I made a systematic response to the concerns of the environment movement which were raised in Committee and were also read out by the honourable member for Bligh in the second reading debate last night. The issues raised by the honourable member for Coffs Harbour, and to a degree by the honourable member for The Hills, concerning the Farmers Association and its desires were also dealt with at great length by me in my speech in reply last night. I do not believe I would particularly assist the understanding of the House by repeating those explanations. On about 26 September I wrote to the Farmers Association, and I am happy to make that letter available to honourable members should they wish better to understand the position taken by the Government towards farmers.

It is not possible to have a biobanking arrangement, an offsetting arrangement, that is identical in metropolitan areas, in developed areas on the coast and in the bush as the differences in scale, land values and development potential are just too far apart. However, as I explained in the letter of 26 September and in the debate last night, the Government is more than anxious to seek ways in which it can better harmonise the arrangements that are being introduced for biobanking, essentially in metropolitan and developed areas, and arrangements that exist under the native vegetation legislation affecting areas that are not covered by the Environmental Planning and Assessment Act.

I refer to the question asked by the honourable member for The Hills about what would happen if the trial had to be unscrambled. As I have said on many occasions during the debate, the Government intends to trial the scheme, which it is confident will work, for two years. The scheme works in several parts of the United

States of America, including Florida and California. The Government is committed to continuing to work with all those who are called stakeholders these days to ensure that the biobanking scheme operates both effectively and efficiently. In order for a trial to take place, the legislation is required to provide an appropriate legal framework. That means that biobanking statements and agreements will have legal status conferred by the bill. In other words, credits purchased during the trial will, whatever happens, exist beyond the length of the trial. Fundamentally, a trial is a trial, and if biobanking is altered significantly at the end of it, the Government will be obliged to act to ensure that the rights and responsibilities of landholders remain protected.

The honourable member for The Hills raised mining. The Mining Act 1992 will continue to apply as it presently does. It is a powerful Act in terms of securing its objectives and it will not be weakened. In appropriate circumstances the Mining Act can overcome the provisions of any other Act, with the exception of the national parks legislation, that concerns itself with land management. So far as these provisions are affected by the Mining Act they contain nothing that suggests in any way that the biobanking scheme is fragile. Mining interests can be granted over biobank sites. Nothing in the bill expressly prohibits mining on a biobank site. The Mining Act will apply to biobank sites in the same way as it applies to other land in the State. That means that the Minister for Primary Industries, where he is permitted to do so, can grant exploration licences and mining leases over any land, including a biobank site, although in some circumstances the consent of the biobank site owner may be required. Authority to mine, however, also requires planning approval where potential environmental impacts are considered.

The bill already provides that the Minister must consult with the Minister for Primary Industries before entering into each biobank agreement. That will ensure that any implications of mineral extraction are considered before establishing land as a biobank site. That is the first insurance as it were. In addition, the bill requires that owners, lessees and mortgagee of land consent to a biobanking agreement. The proposed amendments will also provide a mechanism, as I have described, to substitute new credits where approved mining activities will impact on an existing biobank site. The requirement to provide alternative actions is consistent with similar arrangements that apply now to public authorities. The amendments will ensure that biobank site owners are afforded the same protection and status as all other private landowners whose land may be affected by mining. They will also ensure that any biodiversity losses that are caused by mining are fully offset. That is to say, the provisions concerning mining demonstrate not that the biobanking scheme is fragile, but that it is well thought out and effective.

Several members of the Opposition, including the honourable member for The Hills and the honourable member for Coffs Harbour, raised trading between regions under the biodiversity scheme. Trading between regions will be specifically considered by the Ministerial Reference Group. The aim is to ensure that trading rules are practical and that they do not allow inappropriate trading. For example, it will not be possible to trade between far-flung parts of the State; it will not be possible to trade between different ecosystems. So it will not be possible under the rules, for example, for somebody in Coffs Harbour to buy credits in Albury. It will not be possible for someone who is dealing with a coastal ecosystem to buy credits out in the arid desert. The issues generally raised by the honourable member for The Hills and the honourable member for Coffs Harbour are legitimate, but they are also questions that are well and truly anticipated in this scheme.

I point out, for example, that the Department of Environment and Conservation has significant experience in designing market rules that deal exactly with these kinds of problems. In essence, the trading rules will work in this way. The trading rules will be applied through the "improve or maintain" test. In the debate I have often emphasised the crucial role of the "improve or maintain" test in securing positive outcomes for biodiversity. The "improve or maintain" test will be incorporated into the assessment methodology. Although those methodologies are complex to talk about, the fact is again that the Department of Environment and Conservation and other parts of government now have good experience in working out these kind of methodologies—for example, with respect to the Native Vegetation Act. The "improve or maintain" test, incorporated into the assessment methodology, will be part of the legislative framework for the scheme.

As I have already indicated, the clearing of viable patches of endangered ecological communities will not be permitted under the "improve or maintain" test. Again, that is the essential answer to the concerns of people such as the honourable member for Pittwater. The clearing of viable patches of endangered ecologically species will not be permitted because of the "improve or maintain" test, but for other areas where credits can be used to offset impacts there will be strict rules applying to ensure, first, that credits are obtained from a biobank site with either the same ecological community as the development site or a more endangered ecological community.

That partly answers the concerns raised by the honourable member for Coffs Harbour. The credits are obtained from a biobank site with the same threatened species habitat as the development site, so that also answers the concerns of the honourable member for Coffs Harbour. Credits are obtained from the same geographical subregion, based on catchment management authority boundaries, or other subregions with similar habitats. I can only repeat that this question about trading between regions will be adequately constrained by the kinds of trading rules that I am here describing. These rules are to be further developed, but I have given their outline, intent and purport. I hope that the Committee, like me, is persuaded that this approach is satisfactory. I commend the amendments.

Mr ANDREW FRASER (Coffs Harbour) [11.50 a.m.]: I listened carefully to what the Minister had to say. However, we need more fleshing out. The Minister said it would be inappropriate to have different and far-flung ecosystems. I accept that. It will be coastal. I note also that the Minister said that geographical subregions will be based on catchment management authority boundaries. He needs to understand that the catchment management authority area on the North Coast runs basically from south of Port Macquarie to Tweed Heads and inland as far as Glen Innes. I think there will be a problem where a Tweed developer may seek biobanking credits in respect of an area on the fringe of a coastal settlement, say the back of Port Macquarie inland, that would be far cheaper. Whilst the credits are similar, I would suggest the ecosystems would be vastly different. So coast-to-inland is out, but coast-to-coast is not out.

One matter that I meant to raise in the second reading debate is the meaning of the term "viable patches". What is a viable patch? I have seen development, for example in North Boambee Valley, where the Department of Environment and Conservation has basically said to developers that they must leave camphor laurel trees, an introduced species, as koala shelter trees. The sensible thing would be to leave them there in the short term while growing a couple of native species that koalas may use. The Minister may laugh, but it is fact that camphor laurel trees, which koalas do not climb and do not feed on, have been left on instructions from his department as koala shelter trees.

The Minister is now talking about viable patches. What is a viable patch? Is it five acres, two acres or half an acre? We do not know. But that is the sort of area being isolated and singled out for the reservation, preservation, or whatever you want to call it, of camphor laurel trees for koala shelter trees. We need more than the Minister's assurance that an area is or is not viable. He may say, if the cash donation to the environment trust is large enough, that 200 or 300 acres is an unviable area. On the other hand, we regularly hear that some North Coast areas of 30-year-old regrowth the subject of development applications have rare and endangered ecological communities, when the area might be as small as 10 or 15 acres. We need a definition that is a little stronger than "viable patch." Further, are these rules to be in the regulations? The Minister spoke earlier about the inappropriateness of far-flung ecosystems. Is that spelt out in the legislation? Will that be done by way of amendment or will it be addressed by way of regulation? We need to know that. The people who are raising questions about this legislation are asking that sort of question.

Mr BOB DEBUS (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [11.54 a.m.]: I will have one go at that and hope we will then be able to move on to other matters. It is important to understand that the legislation will ensure that the rules incorporate the criteria I mentioned. The details of the rules, of course, would be in the regulations. It cannot be otherwise; it would not make any sense if it were otherwise. But the principles that the trading rules reflect, I repeat, are that credits are obtained from a biobank site within either the same ecological community as the development site or one that is more endangered, credits are obtained from a biobank site with the same threatened species habitat as the development site, and credits are obtained from the same geographical subregion or other subregion with similar habitats. As to the honourable member's example of koala shelter trees, I am able to give him the must unequivocal assurance that camphor laurel trees will not provide credits under our scheme.

Mr Andrew Fraser: That was an example.

Mr BOB DEBUS: It was an example, and I am able to give the honourable member that assurance. But when it comes to the question of what area is viable, again a legitimate question, I answer by referring the honourable member to the circumstance that the legislation will introduce the so-called "improve or maintain" test into the assessment methodology. So I cannot answer now from across the table what will be a viable patch, because that will depend on the circumstances of every individual location. However—and this is the very important point—under the existing native vegetation legislation a methodology for what is called the PVP, or property vegetation plan, a developer—

Mr Andrew Fraser: But it is not working.

Mr BOB DEBUS: There were initial difficulties with that methodology, but the science behind the methodology is established and proven. The honourable member will find, if he talks to the relevant peak organisations, that following some amendments made within recent months there is a fairly widespread agreement that that methodology is now working.

Mr Andrew Fraser: It is established, not proven.

Mr BOB DEBUS: It is established. The honourable member knows that there used to be quarrels and a degree of agitation about something called invasive native scrub. Those difficult technical issues around the development of the methodology for the native vegetation assessment are largely now settled. I do not say that they are settled in every fine detail, but they are now largely settled and there is widespread acceptance that they are working. It is for that reason that I have confidence that, for any spot in the honourable member's electorate, I will be able to tell him, after the appropriate scientists have made their assessment, what is and what is not a viable patch.

Amendments agreed to.

Mr MICHAEL RICHARDSON (The Hills) [11.58 a.m.]: I move the amendment standing in my name:

Page 7, schedule 1 [6], proposed section 127A. Insert after line 24:

(3) The biobanking scheme is not be implemented until:

(a) a joint committee of the Legislative Assembly and the Legislative Council has been appointed with functions that include the function of drafting guidelines for the operation of the scheme during a trial period, and

(b) the draft guidelines have been provided to the Minister, and

(c) the Minister has caused the following to be tabled in each House of Parliament:

(i) a copy of the guidelines prepared by the joint committee,

(ii) a report by the Minister setting out what the Government has done or proposes to do in response to those guidelines.

(4) Despite subsection (3), the biobanking scheme may be implemented if the guidelines referred to in subsection (3) (a) have not been prepared by the joint committee and provided to the Minister by the end of the period of 6 months after the commencement of this Part.

(5) For the purposes of subsections (3) and (4), each of the following actions constitutes implementation of the biobanking scheme:

(a) the publication of the biobanking assessment methodology in the Gazette,

(b) the establishment of any biobank site,

(c) the issue of any biobanking statement.

This amendment is consequential on the motion passed by the House last night to establish a joint select committee. I am assured by Parliamentary Counsel that this is necessary as an enabling amendment to the legislation. It provides that the biobanking scheme is not to be implemented until the joint committee has been able to conduct its preliminary work. But there is a let-out clause for the Government if the committee were to be dragging the chain, and that is, despite the fact that the scheme is not to be implemented, the biobanking scheme may be implemented if the guidelines referred to in subsection (3) (a) have not been prepared by the joint committee and provided to the Minister by the end of the period of six months after the commencement of this part.

That is a message to the committee to get its work done. We understand that Parliament is likely to be prorogued in December and it may be difficult for the committee to complete its work. I would expect that the Minister, whoever that may be after the next election, will exercise a degree of discretion and allow a reasonable period for the committee to complete its work. It is not our intention that the implementation of the trial is unduly delayed as a consequence of the committee's work. We see the committee as being integral in assisting

with establishing a methodology for the trial, monitoring the trial over the next two years and reporting back to Parliament.

Mr BOB DEBUS (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [12.00 p.m.]: As I indicated last night, the Government accepts the amendment about the establishment of a parliamentary committee. I do not have any reason to comment further on the amendment.

Mr Andrew Fraser: Could you put me on the committee?

Mr BOB DEBUS: Unless the honourable member for Coffs Harbour is to be a member. I thought it had already been agreed that he would not.

Amendment agreed to.

Schedule 1 as amended agreed to.

Schedule 2 agreed to.

Bill reported from Committee with amendments and report adopted.

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

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Mr BOB DEBUS (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [12.02 p.m.]: I move:

> That standing and sessional orders be suspended to permit, at this sitting, the resumption of the adjourned debate and passage through all remaining stages of the Crimes (Administration of Sentences) Amendment Bill.

Mr CHRIS HARTCHER (Gosford) [12.02 p.m.]: The Crimes (Administration of Sentences) Amendment Bill was introduced pursuant to notice given yesterday afternoon. The second reading speech was delivered last night at 11.38 p.m. by the Parliamentary Secretary, the honourable member for Heathcote. At 10.30 this morning the honourable member for Kiama moved to suspend standing orders to bring the bill on for debate straightaway. The bill had been introduced barely 10 hours before. Leave was not granted. Now through the Attorney General the Government moves to suspend standing orders to bring the bill on for debate and to pass it through all remaining stages.

Standing orders clearly state that notice must be given, the bill must be moved and then the normal five-day period must apply. That allows members to look at the bill and consult with interested parties, such as the Law Society and the Bar Council, and the general community so that the views of the community can be expressed during the second reading debate. That is why we have a parliament. Members are not here simply to make speeches. They carefully consider the legislation put to Parliament by the Executive, in this case through the Attorney General, and consult their electorates and their parties and other interested groups. None of that can happen when a bill is introduced at half past 11 at night and then rushed through at 10 o'clock or 12 o'clock the next day. Why the hurry? Why the unseemly need to rush the bill through Parliament in a 12-hour period? The Government does not give a reason. It is simply because of the backlog created by the Government.

The Government is prepared to endlessly waste parliamentary time on all sorts of non-issues. Parliament does not sit on the Friday of sitting weeks. Every year the Government produces a schedule stating that Parliament will sit on Fridays, yet every Thursday afternoon Parliament is adjourned to the following Tuesday. The Government never sits on Fridays, although Fridays are available and scheduled as sitting days. Thursday of a sitting week is supposed to be private members' day, but again and again it is cancelled so that Government business can take priority. The reason is that the Government has not got its act in order. The people of New South Wales are entitled to better representation. The Government can forget about the Opposition and the crossbench. They are ordinary people seeking to do their job. But, importantly, the job they seek to do is for the people of New South Wales. The legislation being introduced into this Parliament is not being afforded proper scrutiny by Parliament because it is introduced at half-past 11 at night and rammed through at 12 o'clock the following day.

The Government cannot manage the economy. That is why we have high State taxes and a massive State debt. It cannot manage Parliament. That is why legislation is introduced at all hours of the night and then pushed through. It cannot manage the train system. That is why trains are overcrowded and run late. It cannot manage the schools. That is why children are missing out on educational opportunities. Recent reports show the extraordinary figure that one-half of students undertaking the Higher School Certificate this year attend private schools. That is because the Government has so mismanaged education in this State that parents have lost faith in public education. The Government has mismanaged hospitals. That is why emergency departments are overcrowded. In my electorate of Gosford ambulances wait up to five hours to discharge patients into the emergency system. The Government rules by mismanagement. It rules by the jackboot and overrides the rights of members of Parliament. By overriding their rights, the Government overrides the rights of constituents who elect the members to scrutinise legislation.

The Crimes (Administration of Sentences) Amendment Bill consists of 14 pages and makes 60 amendments to legislation as to how criminals are to be dealt with in this State, how the laws of the State are to be enforced, the conditions to be imposed on parolees, home detention and all sorts of issues involving crime, criminals and sentences. The Government now seeks to force the bill through Parliament without any scrutiny by Parliament at all. I give notice that the Opposition will look closely at this bill in the Legislative Council. This is another jackboot approach by the Government of New South Wales. [*Time expired.*]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 45

Ms Allan	Mr Greene	Mrs Perry
Mr Amery	Ms Hay	Mr Price
Ms Andrews	Mr Hickey	Ms Saliba
Mr Bartlett	Mr Hunter	Mr Sartor
Ms Beamer	Ms Judge	Mr Shearan
Mr Black	Ms Keneally	Mr Stewart
Mr Brown	Mr Lynch	Mr Tripodi
Mr Campbell	Mr McBride	Mr Watkins
Mr Chaytor	Ms Megarrity	Mr West
Mr Corrigan	Mr Mills	Mr Whan
Mr Crittenden	Mr Morris	Mr Yeadon
Mr Daley	Mr Newell	
Mr Debus	Ms Nori	
Ms Gadiel	Mr Orkopoulos	*Tellers,*
Mr Gaudry	Mrs Paluzzano	Mr Ashton
Mr Gibson	Mr Pearce	Mr Martin

Noes, 35

Mr Aplin	Mrs Hopwood	Mr Roberts
Mr Armstrong	Mr Humpherson	Ms Seaton
Mr Barr	Mr Kerr	Mrs Skinner
Ms Berejiklian	Mr McTaggart	Mr Slack-Smith
Mr Cansdell	Mr Merton	Mr Souris
Mr Constance	Ms Moore	Mr Tink
Mr Draper	Mr Oakeshott	Mr Torbay
Mrs Fardell	Mr O'Farrell	Mr J. H. Turner
Mr Fraser	Mr Page	Mr R. W. Turner
Mrs Hancock	Mr Piccoli	*Tellers,*
Mr Hartcher	Mr Pringle	Mr George
Ms Hodgkinson	Mr Richardson	Mr Maguire

Pair

Ms D'Amore	Mr Hazzard

Question resolved in the affirmative.

Motion agreed to.

DISTINGUISHED VISITORS

Mr SPEAKER: I welcome to the public gallery Ms Susan Matovo Nakawuki, a member of Busiiro County East Constituency, Uganda, a guest of the honourable member for Illawarra.

CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT BILL

Second Reading

Debate resumed from 17 October 2006.

Mr CHRIS HARTCHER (Gosford) [12.16 p.m.]: The bill was introduced at 11.38 last night. Now, pursuant to a forced suspension of standing orders, the bill has been brought on for debate in the Legislative Assembly when its members have had all of 12 hours to consider it, which reflects enormously on the competence of the Government. Its mismanagement of Parliament is equal to its mismanagement of trains, hospitals, schools and the whole administration and finance of New South Wales. Accordingly, the New South Wales Coalition reserves its rights in the Legislative Council to amend or oppose as it thinks fit. The Coalition has had no opportunity to examine the legislation, no opportunity to consult its members about their views, and no opportunity to consult the wider community of New South Wales and interested bodies, such as the Bar Council, the Law Society of New South Wales or other organisations that deal with crime or the victims of crime.

It is a standing indictment of any government that it can introduce a 14-page bill containing 60 amendments to the administration of justice in the State, yet deny Parliament the right to examine the legislation or give its members the opportunity to understand it. The first amendment in the legislation deals with the transfer of juvenile inmates to prison hospitals, which will, allegedly, remove restrictions that impede emergency transfers to a prison hospital. Even though it is an emergency transfer Justice Health will have to be consulted before any such transfer is made. What is the level of emergency? If it is an emergency, how on earth can there be prior consultation with Justice Health? It is either a genuine amendment to deal with emergencies or it is another layer of bureaucracy that people have to get through before a juvenile can be transferred to a prison hospital.

No explanation of why a bureaucratic layer of consultation is part of the procedure has been offered by the Government in the second reading speech. I am sure that the issue of home visits, periodic detention and home detention orders will be dealt with eloquently by the honourable member for Davidson, who has a practised skill and has taken a great deal of interest in the supervision of the parole of offenders who are serving life sentences. The whole issue of parole mismanagement by this Government was revealed by the Lewthwaite affair, which is an extraordinary indictment of the slack approach adopted by the Iemma-Carr Government to criminals. Mr Lewthwaite had been released on parole, yet he was unsupervised and nobody knew where he was.

I welcome to the advisers lobby the new chief of staff of the Hon. Tony Kelly, Belinda Neal. It is great to see her here. It is unfortunate that she is not a candidate for Gosford, as she would have liked, but different things happen to people in life. I acknowledge her in the lobby as an adviser to the Hon. Tony Kelly. No doubt we will see her frequently around New South Wales Parliament. It is interesting to note how circumstances change in New South Wales Parliament. The Government so mismanaged the treatment of Mr Lewthwaite that two weeks ago it introduced legislation to deal with the management of lifetime parolees. That legislation was specifically aimed at Mr Lewthwaite, a vicious killer who was let out of prison by the Labor Government.

Mr Alan Ashton: No, you let him out. It was your government that let him out.

Mr CHRIS HARTCHER: When Mr Scully was in Opposition, he regularly attended Australian Labor Party conferences and said that Lewthwaite would never be allowed out on his watch. On whose watch was Lewthwaite allowed out? It was while Mr Scully was the Minister for Police, so the people of New South Wales can thank Mr Scully for Mr Lewthwaite being at large. According to the *Sydney Morning Herald*'s editorial just two weeks ago, not only has Mr Scully been incompetent in the Transport and Roads portfolios,

but also has been incompetent as the Minister for Police. Mr Scully is the man who is responsible for John Lewthwaite being at large, and that has necessitated two Acts of Parliament being passed to clean up a mess that was first revealed by the honourable member for Davidson when he exposed the incompetence of this Government. We have had the Bail Amendment (Lifetime Parole) Bill and now we have this special amendment for the supervision of parole in relation to offenders serving certain life sentences.

Let me read what the Government has been saying about this bill. New section 128B will be inserted to provide that any parole granted to an offender serving an existing life sentence is to be subject to a condition requiring lifetime supervision during which the offender must comply with obligations imposed by the Commissioner of Corrective Services. That should have been the standard, the norm. The Commissioner of Corrective Services is the person who should have been imposing conditions. What happened under this Government? Nothing at all! Lewthwaite was allowed to frolic on the beaches of Cronulla where young children were exposed to the danger of his presence. His whereabouts were unchecked and unknown by this Government. Over the next four months Mr Lewthwaite will be very much in the forefront of the minds of the people of New South Wales because he typifies the administration of the parole system in New South Wales under the Iemma-Carr Government.

Let me examine some of the amendments that this legislation will effect. It will reinstate periodic detention orders that have been revoked. Honourable members should think about that. A periodic detention order that is revoked certainly could be reinstated, yet the Government's incompetence has been such that it now has passed special legislation to enable it to occur. The bill suspends warrants of commitment and deals with issues of documents to which an offender's victim may be given access. Have we reached the stage where victims' rights are being so poorly looked after by this Government that years after the charter of victims rights was first introduced and years after the Government promised to do something for victims, further legislation has to be passed to allow victims to have access to documents? The whole bill is a continuous litany of this Government's failures.

There is every reason to understand why the Government wanted to introduce this legislation at 11.30 one night and rush it through at 12.30 p.m. the following day without proper scrutiny and without consultation. This legislation is designed to clean up the Government's litany of errors, the Government's mistake after mistake after mistake, and its incompetence after incompetence in the administration of the parole system and sentences that have allowed the Lewthwaite's of this world to wander unchecked throughout the community. The Government has refused to introduce legislation such as Megan's Law and has failed to ensure that the Commissioner of Corrective Services maintains proper control of people who are on parole. Again and again this Government has been shown to have failed and it has a long list of mistake after mistake. Let us correct mistake No. 1 which relates to the transfer of juveniles to hospitals. Let us correct mistake No. 2 which relates to home detention orders. Let us correct mistake No. 3 which relates to the supervision of parole in relation to offenders who are serving life sentences. Let us correct mistake No. 4 about the reinstatement of periodic detention orders.

Again and again this Government makes mistakes. Again and again this Government's incompetence is revealed. It is no wonder the Government did not want this legislation to be scrutinised. It is no wonder the Government did not want legislation of this type to ever see the light of day. The Hon. Tony Kelly may have a new chief of staff, but whether he will take a new approach and have a new level of competence is yet to be determined. It is very interesting to note the way in which the Labor Party tries to bury its mistake in legislation and in jobs. One who has missed out on the Gosford preselection suddenly finds herself in the position of chief of staff to the Hon. Tony Kelly. Morris said that the Labor Party had to keep Marie Andrews in Gosford, but will find the unsuccessful candidate for Gosford a job with the Hon. Tony Kelly.

Mr Alan Ashton: Point of order: The honourable member for Gosford has been a member of this House long enough to know that if he wishes to launch a substantive attack on chiefs of staff and others in the Labor Party, that is out of order. I ask you to rule accordingly and bring him back to the debate on the bill.

Mr DEPUTY-SPEAKER: Order! I uphold the point of order. The comments of the honourable member for Gosford are out of order. I direct him to return to the leave of the bill.

Mr CHRIS HARTCHER: I certainly will. It has been brought to my attention that the ALP's unsuccessful candidate for the Clarence electorate, Terry Flannagan, also has been given a job by the Hon. Tony Kelly, who has been given the role of silencer. People who miss out are silenced by the Hon. Tony Kelly with a job. He silenced Terry Flannagan and he will silence Belinda Neal.

Mr Bryce Gaudry: Point of order: It has been drawn to your attention by the Deputy Whip that the honourable member for Gosford has strayed completely from the leave of the bill and is engaging in a vitriolic attack on people who are not able to respond. Obviously honourable members would respond if the honourable member for Gosford were game enough to move a substantive motion, and he would be brought to book very quickly. I ask you to bring him back to the leave of the bill.

Mr DEPUTY-SPEAKER: Order! For the second time I warn the honourable member for Gosford that he should return to the leave of the bill. I hope he heeds that warning.

Mr CHRIS HARTCHER: I certainly will. I will refrain from any comment about a job for the honourable member for Newcastle.

Mr Alan Ashton: He will be looked after.

Mr CHRIS HARTCHER: Yes, he will be looked after, as the honourable member for East Hills said. He is a good fellow, and he should be looked after.

Mr Bryce Gaudry: Point of order: I hesitate to raise this point of order, but I will do so. I require no assistance from any member of the Liberal Party in any campaign that I might have regarding my future job. I ask that the member be brought back to the leave of the bill.

Mr DEPUTY-SPEAKER: Order! I am sure the honourable member for Gosford understands my previous ruling and will comply with it forthwith.

Mr CHRIS HARTCHER: I certainly do understand. Let us look at the issue that the bill relates to: the administration of criminal justice in New South Wales. Let us look at the total failure of the Government to administer criminal justice, so much so that the people of this State, again and again, express their concern. Last Wednesday night at Lemon Tree, an area which Mr Deputy-Speaker represents, 500 people attended a meeting to complain about the lack of law and order in New South Wales, about crime and about the failure of the Government to properly administer criminal justice. The meeting from that small crowded hall was covered by Channel 3 and NBN. It was attended by the excellent mayor of Port Stephens, Craig Baumann, and the Leader of the Opposition in the Legislative Council, the Hon. Michael Gallacher.

The 500 attendees at the Lemon Tree Passage meeting cheered Craig Baumann and Michael Gallacher, who were talking about the administration of crime in New South Wales. Hooligans are allowed to run riot in Lemon Tree Passage and thugs are allowed to run riot in East Hills. The honourable member for East Hills is good at interjecting, but he is never good at standing up for his constituents when criminals are running riot in East Hills, as they are running riot across the State. The criminal justice system in this State—as typified by the way that bills such as this are raced through Parliament—is in disarray, just as the Government is in disarray.

Mr ANDREW HUMPHERSON (Davidson) [12.32 p.m.]: Contrary to assurances given by the Minister's office yesterday that the Crimes (Administration of Sentences) Amendment Bill—

[*Interruption*]

Mr DEPUTY-SPEAKER: Order! The House will come to order.

Mr ANDREW HUMPHERSON: —would not proceed for a number of weeks, obviously it has been brought on at short notice. Sadly, the change in staff—

Mr Alan Ashton: Point of order: When a member is making an inaugural speech in Parliament there is a practice that the member not be interrupted. When a member is making a valedictory speech in Parliament we should not interrupt either. Therefore, I ask my Government colleagues to not interrupt the honourable member for Davidson.

Mr DEPUTY-SPEAKER: Order! That is not a point of order. The honourable member for Davidson may continue.

Mr ANDREW HUMPHERSON: I am pleased to have an audience. It is not often that I have an opportunity to hear a contribution from members opposite, but I look forward to a contribution from the

honourable member for Monaro. It is proof positive that there is no wit when the honourable member for Monaro and the honourable member for East Hills are together in the Chamber—no wit at all from the two half-wits opposite. After Shoshana Lenthen sadly got the bullet from Tony Kelly's office I thought there would be an improvement in the administration of that office, but that was not to be. The bill has a number of components that address shortcomings in Government legislation and the administration of justice and, in many respects, with regard to the parole system. We have no problems with some changes, but we have problems with others.

I indicate that the Opposition is contemplating moving amendments in this Chamber and in the other House. At the appropriate time we will advise whether we intend to proceed with those amendments and what they may be. I indicate at this stage that I am most strongly minded towards moving an amendment to delete item [35] from schedule 1 to the bill, which seeks to constrain the access of victims families or registered victims to information that relates to the administration of the sentencing behaviour of inmates within the correctional system. My strong view is that any information with regard to the offender, how the offender behaved and performed while in custody, is not something that only victims are entitled to have access to. The community and the public are also entitled to that information, because for there to be public confidence in the administration of justice there has to be greater transparency.

The amendment regarding the transfer of juvenile inmates to prison hospitals is intended to remove restrictions that impede emergency transfers. I am sure that the shadow Minister for Juvenile Justice will address this matter in the upper House. I do not propose to expand on it on this occasion. I raise no objection to it. In response to interjections from across the Chamber, at about 5.00 p.m. yesterday we received a briefing, so there has not been time to consult with the Law Society, the Bar Association, the Victims of Crime Assistance League, the Homicide Victims Support Group or other comparative organisations to get their input. There is no way of corroborating whether the assertions contained in the briefing to the Opposition, the crossbenchers and the Independents were true. I hope that will be resolved by the time the bill is debated in the other House.

The Opposition has no objection to removing barriers to home visits to offenders under periodic detention or home detention orders so that Corrective Services staff are able to attend and supervise as and when required. Approximately 20 offenders are serving life sentences after a redetermination of sentences following legislative changes in 1989. This matter came to the fore with John Lewthwaite last month. It is clear that lifetime parole does not come with ongoing supervision, as the current legislation provides. It is possible for that to occur for only three years. John Lewthwaite was unsupervised for the past four years of his parole period. This bill is supposed to address that situation and, similarly, in principle address shortcomings in parole and supervision of other offenders on parole under this lifetime arrangement. Tidying up that provision is a step in the right direction. I will not revisit the entirety of the Lewthwaite debate, which certainly highlights the shortcomings on the part of the then Minister for Corrective Services, the Hon. Bob Debus, who released Lewthwaite despite a commitment from the Labor Party that nothing would come from it.

Mr Gerard Martin: It was the parole board, not the Minister.

Mr ANDREW HUMPHERSON: And you appoint your mates to the parole board. The Government discerns the legislation under which the State Parole Authority operates.

Mr Gerard Martin: Get back onto the red-back serum; remember that stuff you had all prisoners inject themselves with?

Mr ANDREW HUMPHERSON: No. The Parole Authority is not a judicial body, it is a Government appointed committee made up largely of the mates of the honourable member for Bathurst. Someone needs to educate him on that matter. Some changes are proposed with regard to reinstating periodic detention orders that have been revoked. I have no specific concern with that, and similarly regarding the suspension of warrants commitments. The access of victims or registered victims in the parole process to documentation has been highlighted, particularly in regard to the Maddison Hall case. The Government—perhaps inadvertently or perhaps deliberately—is trying to tighten the process to prevent access to a range of information pertaining to an offender's privacy. The Opposition believes serious and violent offenders do not have a right to privacy while they are in the corrections system. If a prisoner wants to have a sex change operation, with the co-operation of the Labor Party in government and funded by taxpayers, that development should not remain free from public scrutiny or comment.

Maddison Hall, formerly known as Noel Crompton, was in the early stages of sex reassignment when he was placed in Mulawa women's prison, where he raped several female inmates and committed a number of

other very serious sexual assaults. That information should not remain private and confidential as it is relevant to the administration of justice and management of the prison system from a public confidence point of view. Furthermore, victims and their families may have misgivings about the appropriateness of granting an offender parole. That issue was raised by Marrion Saunders, whose son Lyn Saunders was killed by Noel Crompton. Several other people who were close to Noel Crompton, now Maddison Hall, before he committed that cold-blooded murder on the Victorian border were of the strong view that he should never see freedom again both because of that crime and because of the general approach and attitude to others that he displayed before he committed the murder. Those people fear for their safety if Maddison Hall is ever released.

The community as a whole has a right to know about serious offenders who have behaved as appallingly as Maddison Hall. It is not simply a matter of supervising an offender on parole initially or of rehabilitation. We must take account—particularly in the five or six years before an offender is eligible for parole—of whether an offender has behaved appropriately while in gaol and has made a commitment to rehabilitation. Maddison Hall did neither of those things, which highlights the shortcomings of the present system. I think there is a good argument for giving the Minister far more direct oversight or veto powers with regard to the most serious offenders if the parole authority seeks to make decisions that are out of step with government or community expectations. The Government is able to change the legislation in that regard. It is about administering, not applying, a sentence. The parole system gives offenders the opportunity to serve some of their sentence outside the correctional system but under some terms or conditions of supervision.

The final primary change proposed in the legislation relates to the appointment of functions of departmental compliance and monitoring officers. I have not had an opportunity to scrutinise those provisions closely so I will leave any potential consideration of that area, and of a number of other components of the bill, to occur in the Legislative Council. I flag the Opposition's intention not to oppose the bill but to seek to delete item [35] in schedule 1. We believe victims and their families and the public at large should be entitled to access any information that relates to serious offenders in the prison system, particularly if that information pertains to their behaviour, their commitment to rehabilitation and the potential threat they pose to victims and the wider community upon their parole or release.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [12.44 p.m.], in reply: I thank honourable members who contributed to the debate on the Crimes (Administration of Sentences) Amendment Bill. However, during the speech of the honourable member for Gosford I was somewhat confused as to whether he was attempting to be Spencer Tracy or Frederic March. This serious legislation introduced by the Government makes specific reference to the administration of justice. Opposition members have no arguments to stand on when it comes to consideration of the bill and they brought nothing to the debate. They made it clear that they have no concern for the victims.

Turning to that issue, consultation has occurred with various stakeholder bodies and victims groups such as the Homicide Victims Support Group, the Victims of Crime Assistance League and Enough is Enough about the lifetime parole provisions and restricting victims' access to documents held by the State Parole Authority. It may interest the honourable member for Davidson to know that the key victims lobby groups have been consulted about these changes. In fact, those victims groups asked that the existing rights of victims to access documents held by the State Parole Authority be limited. Victims want to access only those documents that show what the offender has done, or is doing, to address his or her offending behaviour.

As to the comments about Lewthwaite, I make it clear that Lewthwaite was supervised. The honourable member for Gosford claimed that no-one knew where Lewthwaite was. That is a lie. Lewthwaite was on the Child Protection Register maintained by the police and was visited by police only two weeks prior to the Wanda Beach incident. As to the movement of juvenile inmates between correctional centres and to hospital, consultation is a telephone call between Justice Health and the Department of Corrective Services. That consultation occurs in order to avoid the allegation that a juvenile inmate is being moved inappropriately between correctional centres.

Referring to the revocation of a periodic detention order, the honourable member for Gosford said, "Of course it would be reinstated." The honourable member is completely wrong as usual. There is no automatic expectation or presumption in the legislation that a revoked periodic detention order will be reinstated automatically, contrary to the statements by the honourable member for Gosford. The proposed amendment to section 164A provides that an offender whose periodic detention order has been revoked by the State Parole Authority must serve at least three months in full-time detention before he can apply for reinstatement of his periodic detention order by the State Parole Authority. The offender must state what he has done, or is doing, to

ensure that he will comply with the periodic detention order if it is reinstated. For the record, the State Parole Authority is an independent statutory authority constituted by section 183 of the Crimes (Administration of Sentences) Act. It is chaired by a judicial member.

The bill will deliver a number of benefits in the administration of sentences in New South Wales. It will enable juvenile inmates who are in need of emergency medical treatment to be transferred quickly to a prison hospital or psychiatric facility to receive the best medical care, reduce the risk of escape and avoid the cost of securing an inmate in a public hospital. The proposed changes will also minimise the distress that victims of serious crimes may experience inadvertently by allowing them to access only those documents that relate to the offender's rehabilitation efforts. This proposal was initiated at the behest of victims groups, who have been consulted fully throughout the drafting process. The bill will also protect our community by ensuring that an offender on life parole is supervised for life. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 6 agreed to.

Mr ANDREW HUMPHERSON (Davidson) [12.50 p.m.]: I move the amendment standing in my name:

Omit item [35] of schedule1.

In recent months victims of serious offenders have been dealt with very poorly by the Government's parole system and Parole Authority. It is clear that they would like access to information, notwithstanding claims by the Government that the representative groups of victims have been consulted. That is very well and good, but the Opposition has received no advice or comment to corroborate what the Government says from either Howard Brown from the Victims of Crime Assistance League or Martha Jabour from the Homicide Victims Support Group. I noted in a Sunday newspaper that Ms Jabour has been appointed to the Parole Authority. It is more appropriate to listen not so much to those who have been granted appointments that dilute their independence but to what victims and the wider community wish. They believe there should be more transparency as to how offenders have performed and been managed within the Corrections system.

With regard to Maddison Hall, Marrion Saunders and Rod Horner, who were both victims, indicated to the Opposition that they are disappointed with their treatment by the parole system. They are of the view that the information to which they had access should be preserved and there should be no tightening of the privacy of an offender to prevent information that is highly pertinent to them and to the wider community from being released. If an offender has undergone a sex-change operation and has committed numerous sexual and physical assaults such information should be disclosed not only to victims but to the community.

Nigel Boland and Paul Hart murdered the son of Shirley McHugh. Earlier this year she similarly had a poor experience with the parole system and had great difficulty finding out information in regard to the offenders. The family of Nicole Hanns, who was killed by John Lewthwaite, has found it difficult to get access to information in relation to the management and supervision of John Lewthwaite, who was supervised on parole for the first three years of his release. Registered victims want to know how offenders have behaved in gaol and if any further offences have been committed, whether they be correctional or chargeable offences that may have brought them before a court. Even if no conviction was brought against Noel Crompton for having raped at least one female offender, because of the threats of Noel Crompton against that woman—and we know at least of two, and possibly three, other serious sexual physical assaults by him on women at Mulawa—such information is relevant to victims who seek to oppose or comment on parole. The community needs to have confidence in what the parole system does when considering and/or granting parole for serious offenders. This information should be released.

I put on record that I am concerned by the treatment of victims by the parole system and by the Government. When the public debate and parole hearing of Maddison Hall was conducted Parliament was sitting. Rod Horner and Marrion Saunders came from Adelaide, where they live, to observe the parole hearing.

They were granted a meeting with Minister Tony Kelly, which was the first occasion on which there had been any concern shown to them as victims. They had been treated very shabbily over a large part of this year by the Government and by the parole system. However, the Minister mistreated them because he kept them in his office for 2½ hours at a time when they were aware that questions were being raised in this Chamber in regard to their case. The Minister told them that Parliament was not sitting and that nothing was happening. He mislead them—which I am putting very lightly—into believing that nothing was happening in Parliament and that Parliament was not sitting. In effect, they were hijacked by the Minister.

Mr Bryce Gaudry: Point of order: In my view, the honourable member is straying from the amendment. He is now transgressing into areas of making a fairly strong attack in a very personal way upon a Minister in the Legislative Council. I ask him to come back to his clear-cut amendment, which is to delete item [35] from schedule 1 to the bill.

Mr Andrew Humpherson: Point of order—

The TEMPORARY CHAIRMAN (Ms Marie Andrews): Order! I have not yet ruled on the point of order taken by the Parliamentary Secretary. I uphold the point of order and remind the honourable member for Davidson—

[*Interruption*]

The TEMPORARY CHAIRMAN (Ms Marie Andrews): Order! I ask the honourable member for Davidson to resume his seat. He should have resumed his seat when the point of order was taken. I uphold the point of order taken by the Parliamentary Secretary. I remind the honourable member for Davidson that he should confine his remarks to the amendment.

Mr ANDREW HUMPHERSON: If I had had an opportunity to speak to the point of order, I would have concurred with the Parliamentary Secretary. I was moving away from the core component of my amendment, but I thought it was a good opportunity to highlight precisely how victims have been treated by the Minister. I stand by those comments. I am more than happy to conclude my comments on this amendment. The Opposition believes that victims deserve to be treated better and this amendment will enable that to happen. The Opposition believes that such information should not be kept private. The Government seems to be bending over backwards to protect the privacy of offenders and shows scant regard to the interests of the wider community and victims. In many cases, the victim is deceased and the relatives are the victims.

We are talking about people who have committed very serious offences—cold-blooded murders, sexual assaults—on others. They do not deserve to be protected. This legislation seeks to change that. This amendment will remove that protection. It will allow registered victims to continue to have access. This information should be far more broadly and openly available to the public than it is now. I think the public agrees with me that these sorts of animals, these extreme offenders, who commit the sorts of offences and do the sorts of things they do whilst in the prison system, do not deserve to be protected and do not deserve to have privacy.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [1.00 p.m.]: During the time that Labor has been in office, the Government has demonstrably given increasing attention to the needs of the victims of crime, both in a legislative sense and in a compassionate sense, because of the horrific issues they face. That is the very reason why, in the period leading to the presentation of this bill, the Minister has been in consultation, as I said before, with victims groups—the Homicide Victims Support Group, the Victims of Crime Assistance League, and Enough is Enough. Those victims groups said that the existing rights of victims to access documents held by the State Parole Authority should be limited, and they wanted access to only those documents that show what offenders have done, or are doing, to address their offending behaviour. The Government rejects the amendment.

Question—That the words stand—put.

The Committee divided.

Ayes, 51

Mr Amery	Ms Hay	Mr Pearce
Mr Barr	Mr Hickey	Mrs Perry
Mr Bartlett	Mr Hunter	Mr Price
Ms Beamer	Ms Judge	Ms Saliba
Mr Black	Ms Keneally	Mr Sartor
Mr Brown	Mr Lynch	Mr Scully
Mr Campbell	Mr McBride	Mr Shearan
Mr Chaytor	Mr McLeay	Mr Stewart
Mr Collier	Mr McTaggart	Ms Tebbutt
Mr Corrigan	Ms Megarrity	Mr Tripodi
Mr Crittenden	Mr Mills	Mr West
Mr Daley	Ms Moore	Mr Whan
Mr Debus	Mr Morris	Mr Yeadon
Mr Draper	Mr Newell	
Mrs Fardell	Ms Nori	
Ms Gadiel	Mr Oakeshott	*Tellers,*
Mr Gibson	Mr Orkopoulos	Mr Ashton
Mr Greene	Mrs Paluzzano	Mr Martin

Noes, 28

Mr Aplin	Mr Humpherson	Mrs Skinner
Mr Armstrong	Mr Kerr	Mr Slack-Smith
Ms Berejiklian	Mr Merton	Mr Souris
Mr Cansdell	Mr O'Farrell	Mr Tink
Mr Constance	Mr Page	Mr J. H. Turner
Mr Fraser	Mr Piccoli	Mr R. W. Turner
Mrs Hancock	Mr Pringle	
Mr Hartcher	Mr Richardson	*Tellers,*
Ms Hodgkinson	Mr Roberts	Mr George
Mrs Hopwood	Ms Seaton	Mr Maguire

Pair

Ms D'Amore Mr Hazzard

Question resolved in the affirmative.

Amendment negatived.

Schedule 1 agreed to.

Schedules 2 and 3 agreed to.

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

CRIMES AMENDMENT (APPREHENDED VIOLENCE) BILL

Message received from the Legislative Council returning the bill without amendment.

[*Mr Deputy-Speaker left the chair at 1.11 p.m. The House resumed at 2.15 p.m.*]

MINISTRY

Mr MORRIS IEMMA: In the absence of the Minister for Tourism and Sport and Recreation, Minister for Women, and Minister Assisting the Minister for State Development, the Minister for Aboriginal Affairs, and Minister Assisting the Premier on Citizenship will answer questions on her behalf.

PETITIONS

Artarmon Public School Bus Service

Petition requesting the provision of a school bus for the children within the southern precincts of the catchment area for Artarmon Public School, received from **Ms Gladys Berejiklian**.

Pensioner Travel Voucher Booking Fee

Petition requesting the removal of the $10 booking fee on pensioner travel vouchers, received from **Mrs Shelley Hancock**.

South Coast Rail Services

Petition opposing any reduction in rail services on the South Coast, received from **Mrs Shelley Hancock**.

CountryLink Rail Services

Petitions opposing the abolition of CountryLink rail services and their replacement with bus services in rural and regional New South Wales, received from **Mrs Judy Hopwood** and **Mr Andrew Stoner**.

Hornsby and Berowra Train Station Parking Facilities

Petition requesting adequate commuter parking facilities at Hornsby and Berowra train stations, received from **Mrs Judy Hopwood**.

Bus Service 311

Petition praying that the Government urgently improve bus service 311 to make it more frequent and more reliable, received from **Ms Clover Moore**.

Inner Sydney Light Rail

Petition requesting the development of an integrated light rail network through inner Sydney, received from **Ms Clover Moore**.

Bus Service 300

Petition requesting improved bus services including expansion of the 300 series bus service to adequately serve the inner city, particularly during peak-hour travel, received from **Ms Clover Moore.**

Shoalhaven River Water Extraction

Petition opposing the extraction of water from the Shoalhaven River to support Sydney's water supply, received from **Mrs Shelley Hancock**.

Jervis Bay Marine Park Fishing Competitions

Petition requesting amendment of the zoning policy to preclude fishing competitions, by both spear and line, in the Jervis Bay Marine Park, received from **Mrs Shelley Hancock**.

Police Resources

Petition requesting increased police resources for New South Wales, received from **Mr Steven Pringle**.

Nambucca Policing

Petition requesting a permanent 24-hour police station at Nambucca, received from **Mr Andrew Stoner**.

Forster-Tuncurry Policing

Petition requesting a permanent 24-hour police station at Forster-Tuncurry, received from **Mr John Turner**.

Shoalhaven Mental Health Services

Petition requesting funding for the establishment of a dedicated mental health service in the Shoalhaven, received from **Mrs Shelley Hancock**.

Breast Screening Funding

Petition requesting funding to ensure access to breast screening services for women aged 40 to 79 years and to reverse falling participation rates, received from **Mrs Judy Hopwood**.

Parkinson's Disease Funding

Petition requesting funding for Parkinson's-specific support services for people living with Parkinson's disease, received from **Mrs Judy Hopwood**.

Sunflower House, Wagga Wagga

Petition requesting funding to facilitate the operation of Sunflower House, Wagga Wagga, received from **Mr Daryl Maguire**.

Jervis Bay Land Rezonings

Petition requesting a moratorium on further land rezonings within the catchment of Jervis Bay, received from **Mrs Shelley Hancock**.

Rivers Protection Zones

Petition requesting a safety zone of at least one kilometre around all rivers to protect them from irreparable damage from mining operations, received from **Mr Graham West**.

Community-based Preschools

Petitions requesting increased funding to community-based preschools so that young children are able to access two years of preschool before they start school, received from **Mr Barry Collier** and **Mrs Shelley Hancock**.

Sow Stall Ban

Petition requesting the total ban of sow stalls, received from **Ms Clover Moore**.

Pet Shops

Petition opposing the sale of animals in pet shops, received from **Ms Clover Moore**.

Private Native Forestry

Petition requesting a review of the draft code of practice for private native forestry, received from **Mr Andrew Stoner**.

Recreational Fishing

Petitions opposing any restrictions on recreational fishing in the mid North Coast waters, received from **Mr Andrew Stoner** and **Mr John Turner**.

HMAS *Canberra* Artificial Reef

Petition requesting that HMAS *Canberra* be sunk in Jervis Bay for scuba diving purposes, received from **Mrs Shelley Hancock**.

Shoalhaven City Council Rate Structure

Petition opposing a 27 per cent rate increase proposed by Shoalhaven City Council, received from **Mrs Shelley Hancock**.

CSR Quarry, Hornsby

Petition requesting a public inquiry into Hornsby Shire Council's acquisition of CSR Quarry in Hornsby, received from **Mrs Judy Hopwood**.

Kempsey Shire Council

Petition requesting an inquiry into Kempsey Shire Council, received from **Mr Andrew Stoner**.

Inner City Bicycle Lanes

Petition requesting dedicated bicycle facilities for the entire length of William Street, and on Craigend Street and Kings Cross Road, received from **Ms Clover Moore**.

Cross City Tunnel

Petition requesting government decisions concerning the Cross City Tunnel to be based on the public interest, received from **Mr Andrew Stoner**.

Forster-Tuncurry Cycleways

Petition requesting the building of cycleways in the Forster-Tuncurry area, received from **Mr John Turner**.

BUSINESS OF THE HOUSE

Reordering of General Business

Mr RICHARD TORBAY (Northern Tablelands) [2.24 p.m.]: I move:

> That General Business Order of the Day (for Bills) No. 14 [Firearms Amendment (Good Behaviour Bonds) Bill] have precedence on Thursday 19 September 2006.

The Firearms Amendment (Good Behaviour Bonds) Bill 2006 deserves priority because a significant anomaly under the current Firearms Act requires debate in this Chamber. When the court issues a good behaviour bond, a person automatically loses his or her firearms licence. The problem is the term "automatically". It is appropriate that the bill be given precedence. It is not an attempt to water down processes that would interfere with the discretion of the court to deal with these matters on their merit. The automatic revocation of a firearms licence can result in double jeopardy. Those of us who represent rural communities have received significant representations about it. The honourable member for Dubbo and the honourable member for Tamworth have raised this matter with me on a number of occasions.

The bill passed through the other place with significant support and was received in this House during the last session of Parliament. It would not take much time to deal with it. There are limited sitting days left in this session. For these reasons I urge the House to deal with it. The amendment will allow the court to use its discretion, which is important. In exercising that discretion the court takes into account the seriousness of the matters before it, and a court would not remove a firearms licence if the person holding the licence were placed on a good behaviour bond for an offence that would not prevent the person from holding the licence. Whether a person loses a firearms licence should be determined by the court. The licence should not be revoked automatically, regardless of the offence. I commend the motion to the House.

Motion agreed to.

BUSINESS OF THE HOUSE

Reordering of General Business

Ms GLADYS BEREJIKLIAN (Willoughby) [2.27 p.m.]: I move:

> That the General Notice of Motion [General Notice] given by me this day [Community-based Preschools] have precedence on Thursday 19 September 2006.

The motion deserves precedence tomorrow because thousands of parents and supporters of community-based preschools across New South Wales are concerned about the Government's lack of understanding and appreciation of the hardships they are currently experiencing. Earlier in the year, after many years of lobbying the current Minister for Community Services, the Government finally announced a preschool package. However, the package was woefully inadequate and did not ensure the continuing viability of many schools across the State. The package is less than one-quarter of what the Coalition has promised following the March election. Funding issues aside, many community preschools—

[*Interruption*]

Mr SPEAKER: Order! The honourable member for Willoughby has the call.

Ms GLADYS BEREJIKLIAN: Many community preschools have contacted the Opposition about the process embarked on by the Government in distributing the funding that was allocated in June. During the estimates committee hearing of 4 September 2006, the Minister for Community Services stated:

> All community-based preschools were advised by letter of the preschool investment and reform plan, including the allocation of emergency funding.

I can assure the House that many preschools were not advised of the funding allocated. For example, one preschool said:

> We received no funding in the last emergency funding distribution. I cannot locate any info that may have been sent to the preschool on how or when to apply so no application was submitted.
>
> We have 25% of families on fee relief. Our fees are going to have to increase as early as next month to keep the preschool financially afloat.

In response to the Minister's claims that all preschools were advised about emergency funding, another preschool said:

> [The Minister] said all preschools knew of the funding and were able to apply. This was not the case. We only knew to apply in the second round because Country Children's Services Association—

a wonderful country-based preschool advocate—

> sent an email around to all its members.

Another country preschool stated:

> We have definitely not received any information about either round of funding and we have relied on your updates to keep us informed.

Again, another preschool said:

> When the funding became available we were not even contacted by DoCS. In fact we did not even have a DoCS adviser and have not had one since approximately September last year! This in itself is outrageous! We were not given the opportunity to apply for funding. Many pre-schools in our area were in the same situation!

The list of preschools making similar comments goes on and on, and I could continue for a long time. But the community has a right to know why all preschools were not advised of the funding. Who determined which preschools should receive the funding? What is the Government's real agenda? [*Time expired.*]

Mr CARL SCULLY (Smithfield—Minister for Police) [2.30 p.m.]: The advice I have received from the Minister is that this is a dorothy dixer and the Government ought to welcome debate. I know that tomorrow morning the Minister will welcome the opportunity of reminding the House that it was the Greiner Government that froze funding for preschools. This Government lifted the restriction. It was this Government that put a 30 per cent increase into this area of government services. The Minister welcomes debate on this issue. We want Gladys to open a Drumstick and ram it onto her forehead because that is how foolish she will look at the conclusion of the debate. So, yes! Bring it on!

Motion agreed to.

STANDING COMMITTEE ON PUBLIC WORKS

Report

Mr Kevin Greene, as Chairman, tabled report No. 53/06, entitled "Inquiry Into Municipal Waste Management in NSW", dated October 2006.

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

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MACQUARIE FIELDS JASON GREEKS ASSAULT OMBUDSMAN REPORT

Mr PETER DEBNAM: My question is directed to the Minister for Police. In addition to the police report on the Cronulla riots and revenge attacks, will he ensure that the Ombudsman's report on the police response to the bashing of Jason Greeks at Macquarie Fields is released to the public today? If not, why is he hiding both reports?

Mr CARL SCULLY: In relation to the Jason Greeks matter, my advice is that that was an investigation oversighted by the Professional Standards Command and, in turn, the overall investigation of the matter was oversighted by the Ombudsman. When the preliminary report was finished, the Ombudsman expressed a number of concerns and asked for a whole range of matters to be considered in greater detail. That has taken some time. I am advised that the report has been completed and that the Ombudsman's oversighting report has also been concluded. In terms of the Ombudsman's role, it is a matter for the Ombudsman whether or not he wishes to release his report. That is not a role I play: it is up to him whether he wishes to release it. In relation to the police aspect of it, I am happy to seek the advice of the commissioner. I also state that after exhaustive inquiry by the police, the Professional Standards Command and by the Ombudsman's office—I repeat, exhaustive inquiry—the advice I have received is that the allegation, that this particular officer directed the car not to go under there, was not sustained.

STATE BUDGET AND FISCAL MANAGEMENT

Ms VIRGINIA JUDGE: My question without notice is addressed to the Premier. What is the latest information on the Government's sound management of the State's finances and a strong budget result?

[*Interruption*]

Mr MORRIS IEMMA: The honourable member for Coffs Harbour is wrong. It was the Leader of the Opposition who tipped me off yesterday. I inform the honourable member for Strathfield and the Leader of the Opposition that the result is that the Government has recorded a budget surplus for the financial year 2005-06 of just over $1 billion.

Mr SPEAKER: Order! Government and Opposition members will come to order. The Premier has the call.

Mr MORRIS IEMMA: Is the Opposition not disappointed for the State of New South Wales? Yesterday the Leader of the Opposition was—

Mr Peter Debnam: Point of order: I find that offensive.

Mr SPEAKER: Order! The Leader of the Opposition should not be so thin-skinned. I direct him to resume his seat. The Premier has the call.

Mr MORRIS IEMMA: The Leader of the Opposition might find budget surpluses offensive—we do not. The reason he finds budget surpluses offensive is that for the entire period when the Coalition ran the finances of New South Wales, between 1988 and 1995, it did not once record a budget surplus—not once. That is a serious indictable offence when it comes to budgets.

Mr Barry O'Farrell: Point of order. My point of order relates to Standing Order 138. For that entire period, we had to put up with a Federal Labor Government, a lousy Federal Treasurer.

Mr SPEAKER: Order! The Deputy Leader of the Opposition will resume his seat. The Premier will be allowed to provide his response to the House. The Premier has the call. I call the honourable member for Wakehurst to order.

Mr MORRIS IEMMA: Has the honourable member for Wakehurst not being trying just a little bit harder lately?

Mr SPEAKER: Order! The Minister for Police will come to order.

Mr MORRIS IEMMA: The final budget result is $1 billion surplus.

Mr SPEAKER: Order! The honourable member for Willoughby will come to order.

Mr MORRIS IEMMA: After the effort of the honourable member for Willoughby with the Association for the Relatives and Friends of the Mentally Ill [ARAFMI], I would have thought she would have nothing further to say about the issue of mental health, even more so after last week's pathetic effort. Let us take the honourable member for Willoughby's lead on preschools and say, "Let's leave the funding aside. Don't worry about where the money comes from." Last week the Opposition released its mental health plan—$394 million over four years.

Ms Gladys Berejiklian: It is $396 million.

Mr MORRIS IEMMA: Oh, $396 million! However, that is somewhat short of $1 billion over the next four years—somewhat short. So, the honourable member for Willoughby commits herself to every program and every single cent that the Government has announced. The Opposition's commitment is $1.12 billion. We will "leave the funding aside" on that one too. I return to the important matters of the State's finances, something that the Leader of the Opposition finds offensive. Of course, he would find it offensive—it is the tenth successive budget surplus. It was a better result than predicted and one that reflects two factors. First, it reflects the underlying strength of the State's finances and, second, the underlying strength in the State's economy. That is exactly why the triple-A credit rating has been reconfirmed three times in the past 12 months; a strong record of sound financial management, maintenance of the triple-A credit rating and at the same time directing more funding straight into frontline services in health, education, police and transport.

Mr SPEAKER: Order! The honourable member for Myall Lakes will come to order.

Mr MORRIS IEMMA: The honourable member for Myall Lakes has been here a long time, and is getting old and bitter, and bored too. If I had to put up with that lot opposite I would be bored too. That result makes a complete nonsense of the lie peddled by the Leader of the Opposition about the position of the State's finances, and yesterday was the latest instalment. But let us rewind to late last year and that celebrated statement, reproduced faithfully by the *Daily Telegraph*, in which the Leader of the Opposition predicted a 2005-06 financial year result of a deficit of $700 million. Figures released today show a surplus of $1 billion. The Leader of the Opposition has been talking down the State and talking down the budget and how he hates the result that has been announced, a $1 billion surplus.

Only 12 months ago the Leader of the Opposition predicted a $700 million deficit. Yesterday he again spoke about the budget black hole. Today's figures, and the accounts have been signed by the Auditor-General, reveal a budget surplus for the financial year of 2005-06 of $1 billion. Those dollars can be invested in frontline

services and it makes a complete nonsense of the statements peddled by the Leader of the Opposition. No wonder he gets it so wrong when it comes to money, the State's finances, and it is no wonder that the honourable member for Willoughby, his loyal frontbench member, can make statements such as, "Let us leave aside the question of money. Let us not worry about where the money comes from. Let us just pluck some more figures out of the air"—more unfunded promises. No wonder the Peter meter is now at $25 billion, and rising, and they have not the foggiest idea of how they are going to pay for any of their commitments on preschools.

They have no idea how they are going to pay for any of the commitments made by the Leader of The Nationals over the past month on roads, bridges or drought relief. They do not have the foggiest idea of how they are going to pay for anything. Certainly there will be a black hole in the New South Wales finances on day one should the present Leader of the Opposition become the New South Wales Premier. That will be a black day for the people of New South Wales because that will be the day that he bankrupts New South Wales.

SMALL BUSINESS DROUGHT RELIEF

Mr ANDREW STONER: My question without notice is directed to the Premier. With the drought biting right across country communities affecting small businesses such as Seeley's Trucking in Narrabri—

[*Interruption*]

Are the members opposite not interested in this? With the drought biting right across country communities affecting small businesses such as Seeley's Trucking in Narrabri, which faces bankruptcy, and harvest contractors such as John Fairman from Temora, who stands to lose his headers and even his home, will the Premier extend drought assistance measures to small businesses as well as to farmers?

Mr MORRIS IEMMA: I inform the Leader of The Nationals, in addition to the comprehensive answer that was provided yesterday about drought relief measures, that the $223 million commitment the Government has made over the past four years to standing by our farmers and our rural communities includes small business assistance of $300,000 and payroll tax concessions of $5.8 million. As announced recently, the Government has extended drought relief and will continue to stand by rural communities and our farmers.

CRIME VICTIMS SUPPORT SERVICES

Ms ALISON MEGARRITY: My question without notice is addressed to the Attorney General. What is the latest information on the Government's effort to better support victims of crime?

Mr BOB DEBUS: The honourable member is well aware that the New South Wales Government has a proud and unprecedented record of supporting the rights of victims of crime. In 1996, the landmark Charter of Victims' Rights was created. At the same time, the Victims Advisory Board was established to advise the Government on matters of concern to victims. The Government introduced also free counselling services for victims of crime and comprehensively reviewed and improved the framework for victims' compensation.

The Government has also progressively enabled victim impact statements to be made in courts. Victim impact statements can now be made for a large range of offences in the Supreme Court, the District Court and the Local Court. Importantly, a victim, or their representative, may now read an impact statement to the court at the time of sentencing. That process gives victims the opportunity to tell the court about the impact of the crime upon them. When these measures were first introduced many said the sky would fall, but that claim was wrong then and is even more so now. I think it is incontrovertible that a court should hear about the impact of a crime on victims or their families where such a statement can be made. It is easy to think that victims are just part of the fabric of the present legal system, but these rights and services are, of course, the product of the advocacy of victims of crime and the Government's preparedness to listen to advocates.

It is worth remembering that back in 1995 the Government inherited a system that gave little more than lip-service to victims' rights. Today, I can add to the list of Government action and Coalition neglect. The Premier today announced a range of new Government initiatives. These include a new Victims Assistance Scheme, which will give eligible victims timely access to funds for actual expenses incurred resulting from an act of violence. The kinds of expenses that will be covered include ambulance, dental and physiotherapy costs; replacement of prescription glasses or contact lenses; living expenses while recovering; cleaning costs related to an act of violence; and security costs.

To be able to make a claim, a victim will need to demonstrate that he or she has a compensable injury under the relevant legislation, but the $7,500 threshold for monetary compensation will not apply. The maximum amount of a claim will be $1,500. That scheme will further emphasise the rehabilitation role of statutory victims support in New South Wales. It recognises that there are certain financial costs which a victim of violent crime bears after the crime has taken place. It will help victims re-establish their lives in the aftermath of a crime.

The Government will also make other important adjustments to the compensation regime. For example, a person, including a victim's grandparent, who has incurred reasonable expenses for the funeral of a homicide victim, will be compensated for those expenses even if there is no other family victim eligible for compensation. Half siblings will become eligible for compensation in homicide cases. The Government will also move to extend the range of persons who may make a victim impact statement to include a victim's grandparent, grandchild, half sibling or fiancé so that they are entitled to give a victim impact statement in homicide cases. These changes are consistent with the approach taken to defining "immediate family members" for a range of other laws in New South Wales and in other jurisdictions.

The Government will also change the definition of "injury" in the Victims Support and Rehabilitation Act 1996 so that a person who has suffered psychological or psychiatric harm rather than a disorder will be eligible for counselling services. This change will better meet the needs of victims who suffer a significant psychological or psychiatric harm but whose injury does not amount to a disorder according to the "Diagnostical and Statistical Manual of Mental Disorders". In practical terms this change means that victims of domestic violence and sexual assault will now have to prove only psychological or psychiatric harm to be able to apply for monetary compensation. They will not need to show that they have a medically defined disorder.

This measure responds to the concerns of sexual assault victims who, understandably, refuse to undergo another psychiatric or psychological examination for the purposes of making a victim's compensation claim. They also respond to the concerns of parents of child sexual assault victims who are particularly reluctant to allow their children to undergo further examination, which may result in the child reliving the trauma of the assault. The initiatives announced today, and indeed many of the measures that the Government has taken in the past decade, have benefited from the tremendous experience and advocacy of victims of crime representatives, including Martha Jabour, Ken Marslew and Howard Brown. They have performed a very difficult job with the greatest empathy and skill and I have no doubt that they will make prominent contributions to the upcoming review of victim services. No government has all the answers in terms of responding to the needs of victims of crime. It is important that we take the step of consulting the community about what the next best steps are. I am sure that review will lead to the next stage of landmark reforms for victims of crime—a group that suffers so much within our society.

NURSE RECRUITMENT

Mrs JILLIAN SKINNER: My question is directed to the Premier. How can the Premier claim to have a good record in nurse recruitment when Kate Sharp, who has been a member of one of the Government's expert advisory committees and is an expert in wound management and infection control, has been told that she is not wanted in one of our major teaching hospitals?

Mr MORRIS IEMMA: Mr Speaker—

[*Interruption*]

Mr SPEAKER: Order! The honourable member for North Shore will resume her seat. The Premier has the call.

Mr MORRIS IEMMA: The question contains a number of points, and I will deal with each one. The first point was about recruitment. I can inform the honourable member for North Shore that 6,500 nurses have been brought back to the system and recruited to the New South Wales public hospital system. Those 6,500 nurses were recruited over the past four years, and we are proud of that fact. I can also provide the honourable member for North Shore with the latest employment figures for our nursing staff. There are 40,500 permanent nursing staff, which is an increase—for the information of the honourable member for Bega, via Vaucluse—of 20 per cent over the past four years.

Mr SPEAKER: Order! The honourable member for Bega will come to order.

Mr MORRIS IEMMA: There are 40,500 nursing staff, which is an increase of 20 per cent over the past—

Mrs Jillian Skinner: There are 1,400 vacancies as shown on your web site. What about Kate Sharp?

Mr SPEAKER: Order! The honourable member for North Shore has asked a question. She will sit quietly and listen to the answer.

Mr MORRIS IEMMA: Yes, there are nursing vacancies, as the honourable member for North Shore points out. But she asked me about nurse recruitment and I have given her the figures. Some 6,500 nurses have been recruited over the past four years and we have a permanent nursing work force of 40,500, which is an increase of 20 per cent. Yes, it is the case that there are nursing vacancies, which we are working to recruit to and fill. That is why on a number of occasions the Government has settled the biggest pay rises for nurses of any jurisdiction in the country. We are proud of the fact that nurses in New South Wales have—through their industrial organisation, the New South Wales Nurses Association—negotiated agreements with successive Labor governments in the spirit of co-operative industrial relations and secured several record salary increases. Nursing salaries are an important factor in recruiting nurses into the profession and into our public hospitals. We have added to that record in recent times through special legislation—

Mrs Jillian Skinner: Point of order: My point of order is about relevance. I asked the Premier about a specific nurse, who is a member of one of the Government's expert committees, who cannot get a job in the public hospital system.

Mr SPEAKER: Order! There is no point of order. The question from the honourable member for North Shore had several aspects, and the Premier is dealing with those matters.

Mr MORRIS IEMMA: The question from the honourable member for North Shore touched on several matters, and I am dealing with them. The honourable member started with nurse recruitment. She attacked the Government about nurse recruitment so I am outlining the measures that the Government has taken to recruit nurses.

Mrs Jillian Skinner: I asked you about Kate Sharp.

Mr MORRIS IEMMA: Yes, I understand that the honourable member for North Shore asked about an individual case and that nurse's application to work in one of our hospitals. Coming back to the Government's efforts in the area of nurse recruitment, in addition to the figures that I have cited and the agreements that have seen pay rises for our nurses—an important factor when recruiting people into the nursing profession—the Government has introduced special legislation to protect nurses in this State from the ravages of WorkChoices. We are very proud of that.

This Government is also proud of the fact that we have been able to negotiate, also through the industrial association that represents our nurses very well, a nursing workloads model that will be rolled out in a number of public hospitals. It is all about reasonable workloads for our nurses in order to sustain our nursing work force and retain nurses in our public hospitals. A number of hospitals have introduced 10-hour shifts for nurses. In addition, there are many programs in relation to nurse study leave and provisions to encourage people to undertake nursing scholarships. While on that subject I should mention the 600 scholarships that are coming in the area of mental health and the success that we have had in recruiting nurses through the Nurse Reconnect Program, which has had a 75 per cent success rate. As to the individual case that the honourable member for North Shore highlighted, she may wish to refer that part of her question to the hospital involved.

WATER SAVINGS FUND

Mr BARRY COLLIER: My question is addressed to the Minister for Water Utilities. Can the Minister please advise the House on the status of the New South Wales Government's $130 million Water Savings Fund and related matters?

Mr DAVID CAMPBELL: I can advise the House that the $130 million Water Savings Fund was established by the Iemma Government last year to provide an incentive for investment in water savings. Two funding rounds have been held to date, allocating more than $33 million to 68 recycling, stormwater harvesting, groundwater and efficiency projects. To mark National Water Week, I am pleased to advise the House today—

Mr Andrew Stoner: Point of order: My point of order is about relevance. The Minister for Water Utilities should in his answer address the grants to Macquarie Bank.

Mr SPEAKER: Order! The Leader of The Nationals will resume his seat. The Minister for Water Utilities has the call.

Mr DAVID CAMPBELL: Another interjection from the Leader of The Nationals that is entirely city centric. Is it any wonder that the influence of the Independents continues to spread? To mark National Water Week, I am pleased to advise the House today that round three of the Water Savings Fund is open for applications. The priorities for round three are recycling, stormwater harvesting and projects implementing actions identified by high water users. The Water Savings Fund is one of the many diverse measures introduced by the Iemma Government to secure a sustainable water supply for Sydney. The Government's program is clearly laid out in the Metropolitan Water Plan and involves a multipronged approach to water management, including actions to increase supply, reform the industry and reduce demand.

The fund is bringing new water-savings ideas to the fore. The first two rounds of supported projects save, recycle or improve water efficiency across every sector. They range from major sewer-mining projects to intercept, treat and reuse millions of litres of effluent currently being sent out to sea via ocean outfalls, to projects giving small business a start to get new water-saving products into circulation. Successful projects include: $1.8 million to Willoughby City Council for an integrated water management system at Chatswood, saving 82 million litres of water a year; more than $4 million to Manly, Sutherland and Kogarah councils for sewer-mining projects which will recycle wastewater currently being discharged through ocean outfalls, saving nearly 700 million litres of water a year; $300,000 to North Sydney Council for a stormwater capture and reuse project at Cammeray and St Leonards parks, saving 99 million litres a year; and a project in partnership with the City of Sydney that looks to Busby's Bore for water at Cook and Philip Park and Hyde Park.

The fund is also helping small business by supporting good ideas for water savings and helping companies get new products into the market. The Iemma Government extended the water savings fund to the Central Coast earlier this year to provide financial support for projects which will help address the region's serious water shortage. The Water Savings Fund is an important component of the Metropolitan Water Plan, a plan which secures Greater Sydney's water supply.

Mr SPEAKER: Order! The honourable member for Bega will come to order.

Mr DAVID CAMPBELL: The Government has a sensible, practical plan but what does the Leader of the Opposition have? How will the Leader of the Opposition manage Sydney's water supply?

Mr Brad Hazzard: Point of order: Relevant to the plan, can the Minister tell us what is happening with the—

Mr SPEAKER: Order! The honourable member for Wakehurst knows that has nothing to do with the standing orders. He will resume his seat. The Minister for Water Utilities has the call.

Mr DAVID CAMPBELL: If poor old Brad had been listening he would have heard me mention the project with Manly council and the project with Sutherland Shire Council that is taking treated effluent and using it in its parks. Instead of the honourable member plotting and scheming as to who is next to get the stab, he should listen to the answer.

Mr Andrew Stoner: Why don't you tell us about how you are sucking all the water out of the Shoalhaven?

Mr SPEAKER: Order! The Leader of The Nationals will resume his seat.

Mr DAVID CAMPBELL: The Government has a sensible and practical plan, but what does the Leader of the Opposition have and how would he manage Sydney’s water supply? The Leader of the Opposition would make alarmist and populist calls that we should declare a state of emergency on water.

Mr Peter Debnam: Point of order: You are a joke!

Mr SPEAKER: Order! The Leader of the Opposition will state his point of order.

Mr Peter Debnam: My point of order is very simple: there is a state of emergency in this State—

Mr SPEAKER: Order! The Leader of the Opposition knows there is no point of order. He will have the opportunity to announce his policies at an appropriate time, and this is not the appropriate time. The Leader of the Opposition will resume his seat. The Minister for Water Utilities has the call. The honourable member for Bathurst will come to order.

Mr DAVID CAMPBELL: The Opposition cooked up a deal for second-chance Pru, and I think it was starting to cook up a deal to have a safety net for the honourable member for Hawkesbury because last week when the Leader of the Opposition was asked how would he manage a state of emergency he said he was going to find somebody who had a uniform. That all came unstuck on the weekend and spectacularly came unstuck yesterday.

Mr Andrew Stoner: Point of order: My point of order relates to Standing Order 138. The people of New South Wales want to know that the $4 million the Minister spent on the Water for Life campaign—

Mr SPEAKER: Order! The Leader of The Nationals will either state his point of order or resume his seat.

Mr Andrew Stoner: Tell us about the $4 million advertising campaign.

Mr SPEAKER: Order! There is no point of order.

Mr DAVID CAMPBELL: Given the track record of the Leader of the Opposition a sensationalist ill-considered approach to such a serious issue is probably all we should have expected. His clichéd rubbish will not make it rain and it will not deliver an extra drop of water for New South Wales families. If he had a plan he would declare it. The fact is he does not have a plan. Let us look at what a state of emergency means. In the State Emergency and Rescue Management Act 1989, "emergency" means an emergency due to an actual or imminent occurrence, such as fire, flood, storm, earthquake, explosion, terrorist act, accident, epidemic or warlike action.

Mr SPEAKER: Order! The honourable member for Gosford will come to order.

Mr DAVID CAMPBELL: The warlike action is over there with the extremists on the run, as we heard yesterday in this place. "Emergency" means all of those things which, first, endanger, or threatens to endanger, the safety or health of persons or animals in the State or, second, destroys or damages, or threatens to destroy or damage, property in the State.

Mr SPEAKER: Order! The honourable member for South Coast will come to order.

Mr DAVID CAMPBELL: Declaring a state of emergency would activate the power to block traffic, evacuate streets and suburbs, knock down walls and disconnect people's water supply. The solution of the Leader of the Opposition is to disconnect water supply. That is hardly an answer to solving our water issues.

Mr SPEAKER: Order! I call the Minister for Aboriginal Affairs to order. I call the honourable member for South Coast to order.

Mr DAVID CAMPBELL: While the Leader of the Opposition runs around like a headless chook trying to scare people, the Government is getting on with the job of delivering vital infrastructure to secure Sydney's water supply. In the past six weeks alone the Iemma Government has either commissioned or taken significant steps forward on five major recycling projects worth more than $650 million.

Mr Brad Hazzard: Point of order: While the Minister was mayor he let the Labor Party close down the Jamberoo recycling proposal. He killed the Jamberoo recycling proposal.

Mr SPEAKER: What is your point of order?

Mr Brad Hazzard: Why would we believe anything the Minister has to say?

Mr SPEAKER: Order! The Chair has extended a degree of latitude to the honourable member for Wakehurst. I call him to order for the second time.

Mr Brad Hazzard: I appreciate that.

Mr SPEAKER: Order! If the honourable member for Wakehurst continues his present behaviour I will call him to order for the third time and direct that he be removed from the Chamber. He will resume his seat. The Minister has the call.

Mr DAVID CAMPBELL: I know the honourable member for Wakehurst often visits Wollongong. He told me that he goes to the State junior touch footie championships. He should explore a little further because he would know that Jamberoo is nowhere within the boundaries of the local government area of Wollongong. It is in the local government area of Kiama. The honourable member for Kiama knows that for sure.

Mr SPEAKER: Order! The honourable member for Kiama will come to order.

Mr DAVID CAMPBELL: Brad, just remember three strikes and you are out! The five projects I mentioned will have a combined water savings of almost 44 billion litres of water once commissioned. The projects are: Australia's largest industrial water recycling scheme at Wollongong sewage treatment plant in conjunction with BlueScope Steel at Port Kembla; a $52 million contract to expand Australia's largest residential recycling plant at Rouse Hill; and a short-list of companies to tender for the Western Sydney Recycling Initiative, which will be Australia's largest residential and industrial water recycling scheme; the 41 initiatives under round two of the Water Savings Fund; and a contract for an 8.5 kilometre pipeline to deliver recycled water to Elizabeth Macarthur Agricultural Institute as part of the $50 million upgrade to West Camden sewage treatment plant, a site that I visited not long ago with the honourable member for Camden. I have mentioned the contract for the $52 million expansion of residential recycling at Rouse Hill which, Mr Speaker, you and I inspected last week—an initiative roundly supported by a number of local residents. These are real projects—not "on day one" nonsense!

Mr SPEAKER: Order! The honourable member for Gosford will come to order.

Mr DAVID CAMPBELL: There is always more work to be done, but the Iemma Government is investing time, money and effort and has a comprehensive plan to secure Sydney's water supply. The only thing the Leader of the Opposition has promised is to shut down the ocean outfalls. But, when pressed on this pie-in-the-sky suggestion, which would come with a price tag of more than $4 billion—but the honourable member for Willoughby would not worry about that—it is obvious the Leader of the Opposition has no idea how far-fetched that idea is. Clean Up Australia chairman Ian Keirnan said it was "not realistic". But he commended the Government's funding for two recycling projects in Manly and Cronulla, saying they would "help avoid future supply" crises.

The people of Sydney and New South Wales should worry about only one state of emergency—and that is what would happen to New South Wales if the Leader of the Opposition ever became Premier. The Government has solutions that are delivering millions of litres of recycled water every day. The Leader of the Opposition has ridiculous panic-stricken statements, thought up by Mark Textor and Lynton Crosby, I would suggest, that will not deliver a single drop of water. How can the people of New South Wales take the Leader of the Opposition seriously when he will not even stand up to the extremists in his own party? If he cannot manage his own party, he cannot manage New South Wales. If he cannot secure the seats of his own members of Parliament, how will he secure the State's water supply?

GOVERNMENT POLICIES

Mr JOHN TURNER: My question is directed to the Premier. Given that last month it was revealed that the Premier planned to hike up New South Wales electricity prices in April next year, and that this week it has been revealed that his temporary new CountryLink timetable ends on 1 April, what other bad news is he hiding from New South Wales until after the State election?

Mr MORRIS IEMMA: I think it was about three or four weeks ago that the Liberals had a seminar at a city hotel, where they were advised by experts on government: get into government, and then manage when you are in government. None other than former Premier Nick Greiner, along with Gary Sturgess, assisted in the love-in and seminar. What was the advice that former Premier Greiner gave the Leader of the Opposition? It

was not to worry about policies and releasing those; just stick to vague and general statements, and worry about the bottom drawer after the election.

Why does the Leader of the Opposition not come clean and tell us what is in the bottom drawer after the election? No, we have all these vague and general statements about what he hopes to do. The honourable member for Willoughby says she just assumes that the money will fall out of the sky. Why does the Leader of the Opposition not come clean and tell us what his plans are for New South Wales should he end up on the Treasury benches? Why does he not come clean?

Mr SPEAKER: Order! The honourable member for Myall Lakes will resume his seat.

Mr MORRIS IEMMA: I inform the honourable member for Myall Lakes that what the Leader of the Opposition is saying just does not add up. When in government you cannot go round to every single organisation in this State and say yes to an increase in funding. You cannot go round to every single group in this State and say, yes, we will deny ourselves revenue, we will cut every tax, we will say yes to every proposal to increase spending. The Peter meter is running at $25 billion. I challenge the Leader of the Opposition to tell the House what sort of attitude he is going to take to mental health issues should he win the election. I invite the Leader of the Opposition to tell us how many Department of Community Services [DOCS] workers he will cut.

Mr Brad Hazzard: Point of order: In fact, those at the hotel heard how under Labor taxes have gone up in the past 10 years.

Mr SPEAKER: Order! The honourable member for Wakehurst continues to flout rulings of the Chair. I call him to order for the third time.

[*Interruption*]

Mr SPEAKER: Order! The honourable member for Wakehurst will resume his seat or he will be removed from the Chamber. The Premier has the call.

Mr MORRIS IEMMA: Why does the Leader of the Opposition not tell us how many child support workers in Myall Lakes will go? Will the honourable member for Myall Lakes sit in silence as the city Liberals slash and burn? Why does the honourable member for Myall Lakes not tell us how many of the 29,000 public servants in Myall Lakes—nurses, teachers and police—he will tolerate being sacked? Why does he not stand up for the people of Myall Lakes against the plan of the Leader of the Opposition to deny Myall Lakes hospitals of nurses, his police stations of police officers and his schools of teachers? Why does the member not defend the children and vulnerable families of this State instead of sitting there in silence? He saw two elections come and go, with his party going to both elections promising to gut the DOCS budget, promising to cut DOCS centres and DOCS workers? He is gutless! He will not stand up for Myall Lakes, and he will not stand up for the people of New South Wales.

SYDNEY FERRY SERVICES

Mrs BARBARA PERRY: My question without notice is to the Minister for Transport. What is the latest information on ferry service improvements and related matters?

Mr JOHN WATKINS: Sydney Ferries carries 14 million passengers annually to 38 wharves. Patronage is up, with independent predictions of future growth of up to 3.6 per cent a year. Sydney Ferries has been paying close attention to this patronage growth. A study conducted late last year found passengers wanted more service flexibility and frequency on the Parramatta River, and we have recently seen a significant increase in passengers at King Street wharf. As a result of the feedback, from this Sunday Sydney Ferries will introduce new timetables that increase services on the Parramatta River, Woolwich and Neutral Bay routes.

Parramatta River services will increase by approximately 30 per cent on weekdays, with services continuing two hours later into the evening. Weekend services will increase by more than 70 per cent. And, after representations from the honourable member for Drummoyne, Sydney Ferries will start operating services from Bayview Park wharf, in Concord. More services will operate from or terminate at King Street wharf, with eight additional services daily on inbound trips and five outbound. It is the same story right up the river. On weekdays there will be 10 additional services to Drummoyne and Huntleys Point; 11 additional services to Chiswick, with Cabarita getting 6, Meadowbank 7, Kissing Point 3, and Abbotsford 10. On weekends, Sydney Ferries will run

17 extra services to Olympic Park. The frequency of the popular Sunday service to Woolwich and Neutral Bay will be increased from every two hours to hourly. The timetables demonstrate the Iemma Government's commitment to public transport, and ferry transport in particular.

One of the issues confronting Sydney Ferries on its daily runs are other users of our waterways—like canoeists and other water craft using areas like the Parramatta River, or like these two recreational canoeists photographed by the Penrith press.

Mr SPEAKER: Order!

Mr JOHN WATKINS: The one in the red is Lieutenant-Commander Pringle, powering ahead up the river.

Mr SPEAKER: Order! The Minister will cease using a prop.

Mr JOHN WATKINS: And the one left in the wake is our dear friend the Leader of the Opposition!

Mr SPEAKER: Order! The honourable member for Myall Lakes will resume his seat.

Mr JOHN WATKINS: It is funny that the Penrith press did not say where the shot was taken! It did not say exactly which creek Debnam was headed up—but it is safe to say that pretty soon he won't have a paddle! On related nautical matters, a caller Graeme rang Virginia Trioli on 2BL this morning, revealing a 37-year membership of the Liberal Party. Just like the Leader of the Opposition constantly does, Graeme wanted to make reference to Peter Debnam's naval credentials. Graeme revealed that he and his Liberal friends had taken to referring to Mr Debnam as Captain Edward Smith. Edward Smith was, of course, the captain of the Titanic!

Mr Adrian Piccoli: Point of order: We often see vaudeville in the House. However, the Government goes too far when it makes fun of people's military service. The Opposition accepts a certain degree of jokes. However, I am sure that people in the public gallery do not expect their leaders, particularly the Minister for Transport, to belittle people who have served Australia in the military, particularly when Australians are currently serving in the Gulf and elsewhere overseas. The Minister is making fun of people who serve in the military, whether it is the Leader of the Opposition or anyone else.

Mr SPEAKER: Order! The honourable member for Murrumbidgee will resume his seat. The Minister for Transport will return to the leave of the question.

Mr JOHN WATKINS: That is very unfair. I am not criticising Captain Smith at all.

Mr SPEAKER: Order! I call the honourable member for Murray-Darling to order.

Mr JOHN WATKINS: The analogy is a good one. The *Titanic* was a big, proud ship in solid shape ready for a great voyage, just like the Liberal Party 12 months ago.

Mr SPEAKER: Order! I call the honourable member for Illawarra to order.

Mr Malcolm Kerr: Point of order: The Minister has been directed to return to the leave of the question.

Mr SPEAKER: Order! There is no point of order. The Chair is able to listen to the Minister's reply. The Minister will respond to the question.

Mr JOHN WATKINS: As I said, the *Titanic* was a proud ship in solid shape and ready for the voyage, just like the Liberal Party 12 months ago. But when you put a person at the helm who cannot lead, cannot manage the crew or the conditions and cannot steer a safe course, you are bound to strike trouble. The Liberals are only too aware that with the departure of Tink, Seaton, Pringle and Forsythe the lifeboats are well and truly full. How long do they have to wrest control from their Captain Smith?

Mr Malcolm Kerr: Point of clarification: What does this have to do with the question?

Mr SPEAKER: Order! There is no point of order. The Minister for Transport has the call.

Mr JOHN WATKINS: How long before they wrest control from their Captain Smith, who is steering the ship of the Liberal Party into the uncharted, cold, murky, shark-infested waters of Liberal Party extremism?

WINDSOR PUBLIC CAR PARKING SPACE

Mr STEVEN PRINGLE: My question is directed to the Deputy Premier, and Minister for Transport. Will the Minister advise on progress to open the former Windsor goods yard, which is adjacent to Windsor railway station, to make the land available for public parking?

Mr JOHN WATKINS: I thank the Independent member for Hawkesbury for his question, Just 24 hours out of the clutches of the extremists and he is asking questions about transport policy. We do not get questions like that from Opposition members. They do not have any transport policies, other than the Leader of the Opposition wanting to put trams down George Street. It would end up the biggest car park in Sydney if that happened. I think the Deputy Leader of the Opposition has transport policies, but he is not allowed to utter them. If he did, he would highlight the fact that his leader is a dope.

Mr Adrian Piccoli: Point of order: I am aware that the Minister for Transport had a good Catholic education. I am sure the nuns at St Marys would be offended to hear his disgraceful language.

Mr SPEAKER: What is the point of order?

Mr Adrian Piccoli: My point of order is that the Minister should refer to members of Parliament by their proper title and quit making insults. It is demeaning, even for a rat from Ryde.

Mr SPEAKER: Order! The honourable member for Murrumbidgee will resume his seat. I call him to order.

Mr JOHN WATKINS: That hurts! I digress, the former Liberal shadow Parliamentary Secretary for Transport asked me about Windsor station. As a result of recent representations from you, Mr Speaker, I am aware that access to parking at Windsor station is an issue for local commuters and residents. I am pleased to advise the House that work is under way to improve parking at Windsor station. I am advised that transport planners are undertaking a study to look at proposed designs to improve existing parking and expand the number of spaces available. We also want to make sure that the area is safe for pedestrians, bus users and rail commuters. The study will look at the operation of the existing parking area to examine how parking and pedestrian safety can be improved. I am advised that options for separating vehicle and pedestrian activity will be investigated. Bus routes in and out of the station area will be reviewed and the introduction of kiss-and-ride facilities will be considered.

I am advised that the intention is to improve the existing at-grade parking area and look at expanding parking into the adjacent disused goods yard. I understand that further meetings to discuss these options will be held next month with a view to completing the preliminary study by early in the new year. I will keep you, Mr Speaker, the Independent member for Hawkesbury and the wider community informed on the progress of commuter car parking at Windsor. I once again thank the Independent member for Hawkesbury for his question.

DEPARTMENT OF COMMUNITY SERVICES HELPLINE

Ms TANYA GADIEL: My question without notice is addressed to the Minister for Community Services. What is the latest information on the Department of Community Services' Helpline and the Iemma Government's efforts to protect vulnerable children?

Ms REBA MEAGHER: Helpline is the Department of Community Services' single entry point for people wanting to report child protection concerns in New South Wales. It is a 24-hours-a-day, 7-days-a-week service that handles more than 5,200 contacts a week. It employs 178 child protection specialists who diligently document nearly a quarter of a million child protection reports received each year. Before Helpline was established, reports were received by individual community service centres. This meant that caseworkers were tied up on the phone, rather than investigating cases of child abuse and neglect.

Mr SPEAKER: Order! There is too much conversation in the Chamber. The Minister for Community Services will be heard in silence.

Ms REBA MEAGHER: Helpline is now an effective triage system at the front line of our child protection system. Average call waiting times are now down to about three minutes, which continues a downward trend that was praised last year by the Auditor-General. To put it simply, Helpline makes the whole system work more effectively than ever before, and we are working to improve it all the time. If the Opposition had its way, it would gut it. Its method to cut the number of child protection reports is not through extra programs or more resources but by a secret plan to dismantle Helpline and sack its work force, as part of the Leader of the Opposition's 29,000 job cuts in New South Wales. We know this is so because the former shadow spokesperson for the Department of Community Services made it a Coalition policy. The honourable member for Wakehurst said, "It's time the Government bit the bullet and dismantled Helpline". The Coalition has not once renounced the policy to dismantle Helpline.

The Coalition has laid low on this subject ever since. If it did not, it would have to admit that it will sack 180 workers in Parramatta. As a result of the Opposition's plan, 180 workers in Parramatta would lose their jobs. It is like the Nick Greiner top drawer-bottom drawer plan the Opposition has been talking about: tell people what they want to hear before the election and then implement the proposals in the real plan after the election. The Coalition has gone quiet on Helpline, otherwise it will have to admit during the election campaign that 180 workers will lose their jobs.

The reckless indifference of the Leader of the Opposition to cut 180 jobs is another indication that he is out of touch and has no idea about the plight of vulnerable children and families in this State. Without a centralised Helpline to gather child protection reports across New South Wales the Department of Community Services [DOCS] would be returned to a pen and paper organisation. It is a ticket back to the last century. But what does the current shadow spokesperson, the honourable member for Willoughby, have to say about the Helpline? I am profoundly disappointed, because she does not seem to know it exists. According to a press release she issued recently, she said, "Community services centres are the contact point for receiving reports of child abuse", which is just plain wrong, wrong, wrong. They are not the contact point; the Helpline is. It is a $32 million part of the Department of Community Services with 180 staff, yet the honourable member for Willoughby does not seem to know it exists.

If the honourable member for Willoughby is not across her brief it may be that she is just lazy. I am not normally in the business of accusing people of being lazy, but prior to question time when I looked at the Liberal Party web site, particularly the way it deals with women, I was very surprised to see the entry for Gladys Berejiklian, who it describes as the member for Willoughby. It says that Gladys was elected to the Parliament in 2003. Good. She was previously President of the Young Liberal Movement. Good. And she was appointed shadow Minister for Mental Health. Printed today from the Liberal Party web site, "Women in the Liberal Party", Gladys Berejiklian, after seven months in the job, has not taken the time to update the web site and publicly acknowledged that she is the shadow spokesperson for Community Services in New South Wales. I would like to take up the point—

Ms Katrina Hodgkinson: Point of order: On many occasions during the answer to the question the Minister has referred to the honourable member for Willoughby by her Christian name and her surname. On many occasions you have ruled that members should be addressed by their proper title. I would appreciate your telling the Minister to address her properly.

Mr SPEAKER: Order! I would normally uphold the point of order, but I understand the Minister was reading from a document where the member's name was referred to rather than her title. However, members should be referred to by their correct title.

Ms REBA MEAGHER: I take up the point raised before that interjection by the honourable member for North Shore about the performance we saw in this place today by the honourable member for Willoughby. She called it a motion. I call it vaudeville. The honourable member for Willoughby came in here saying, "I can't ask a question because I will get an answer, but what I will do is say, 'Look over here. Look at our preschool policy. Don't worry about the financial details. Don't worry about how we are going to pay for it because that is just a side issue.'" She constantly requires—

Mr Barry O'Farrell: Point of order: My point of order relates to Standing Order 139. This has nothing to do with the question asked, but if it does the Minister might want to tell us where she is living at the moment.

Mr SPEAKER: Order! The Deputy Leader of the Opposition will resume his seat.

[*Interruption*]

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order.

[*Interruption*]

Mr SPEAKER: Order! The Deputy Leader of the Opposition is totally out of order. He will resume his seat. I call him to order for the second time.

Ms REBA MEAGHER: That behaviour is barely befitting a leadership candidate. I am profoundly disappointed by the performance of the Deputy Leader of the Opposition. I return to my point. The honourable member for Willoughby comes in here and says, "Look at preschool policy. Don't worry about the money, but look over here." The real issue is why the Opposition will not talk about its DOCS budget, why it will not talk about the fact that it is committed to cutting $700 million from the department and cutting 650 jobs.

Mr Brad Hazzard: Have a debate.

Ms REBA MEAGHER: I am very happy to have a debate. Some 180 of those jobs will be cut from Parramatta. The Liberal Party in this State stands condemned because the Leader of the Opposition has resisted every opportunity to commit to the vulnerable families and children in the State. It is an indictment of the kind of mob extremist outfit it really is.

Questions without notice concluded.

HANSARD RECORD OF QUESTIONS WITHOUT NOTICE

Privilege

Mr ADRIAN PICCOLI (Murrumbidgee) [3.35 p.m.]: I raise a matter of privilege. Yesterday the Minister for Transport gave an answer to a question from one of the Government members. When I was reading *Hansard* this morning I was disturbed to see that the answer that was given yesterday had been changed. There could be no more serious breach than all of the—

Mr SPEAKER: Order! I understand the thrust of the point of privilege. With the Clerk I will undertake to investigate the matter with Hansard, and provide an answer to the House.

Mr ADRIAN PICCOLI: Can I not tell you what the change was? It was significant. I feel that I should be able to tell the House the change that was made, because I believe that all of our privileges have been compromised. Yesterday the Minister said, "Members on this side of the House recognise the service to the community that the honourable member for Vaucluse has made to the north-west of Sydney."

Mr Barry O'Farrell: That's what he said.

Mr ADRIAN PICCOLI: That is what he said in the House, and I have a copy of the video available. He, or somebody from his office, has changed it to "the honourable member for Hawkesbury". If we cannot rely on what is being said—

Mr SPEAKER: Order! I have enough information to undertake an investigation, which I will do with the Clerk. I will provide an answer at a later stage.

SPECIAL ADJOURNMENT

Motion by the Mr Carl Scully agreed to:

That the House at its rising this day do adjourn until Thursday 19 October 2006 at 10.00 a.m.

CONSIDERATION OF URGENT MOTIONS

Water Management

Mr PETER BLACK (Murray-Darling) [3.40 p.m.]: The matter is urgent because, in coming down in the lift with that great old warrior, the mallee bull from Lachlan, Ian Armstrong, he said to me that after the great entertainment in this place of yesterday we have to maintain standards. By the way, I also noted the new seating arrangements. There are now eight Independents, so what do we do? We had to move two across from there, the honourable member for Barwon and the honourable member for Lachlan, to make it better for seating over there. What a disgrace! This matter is urgent—

Mr Andrew Fraser: Point of order: We are determining consideration of urgent motions. The honourable member for Murray-Darling has not referred to the motion. He referred to urgency. All he has done is slated members of the House. Bring him back to the forms of the House.

Mr SPEAKER: Order! I uphold the point of order. I direct the honourable member for Murray-Darling to show reasons why his motion should be given priority.

Mr PETER BLACK: Yesterday we heard about Opus Dei. Doomsday for The Nationals will be 24 March 2007. There is no doubt about that. Last Thursday week—

Mr Andrew Fraser: Bring him back or sit him down.

Mr SPEAKER: Order! The honourable member for Coffs Harbour has now spoken longer than the honourable member for Murray-Darling. The honourable member for Murray-Darling has the call.

Mr PETER BLACK: The honourable member for Coffs Harbour should look at his polling and tell everybody about it. Last Thursday week I had the pleasure of meeting Malcolm Turnbull at Buronga at the launching of the Moore Pond Salt Interception Scheme. What an interesting thing that is! The Liberal Party has become very smart indeed because it has taken the carriage of water away from The Nationals. It is also challenging The Nationals on a single export desk for wheat, which is long overdue. I met with Malcolm Turnbull, who was a little bit appalled to know that John Grabbe has put a poll on Cubbie Station.

The Federal Parliamentary Secretary to the Prime Minister, Malcolm Turnbull, knows that only five short years ago during this dire emergency caused by the drought the Queensland Premier, Peter Beattie, offered to put up half of the value of Cubbie Station on the table—$80 million—to purchase the property. What a good thing it is that the six-fingered lot opposite are out of the way and that the far more responsible party in the Coalition, the Liberal Party, is handling water resources. I come to the point of what is going on at Cubbie Station. There is an unusual business alliance between John Grabbe and Leith Boully. Suffice it to say in relation to Leith Boully that that is a very unusual business arrangement. Cubbie Station is stealing water from the three States as I speak. Yesterday when I held up a picture of the lower Darling River with virtually nothing in it, the urgency of the matter was obvious.

Mr Peter Debnam: Point of order: The honourable member for Murray-Darling seems to have forgotten that he is supposed to be discussing the urgency of the matter. In his current state, I am not sure what he is discussing.

Mr Peter Black: I was discussing your doomsday, which is 24 March 2007.

Mr SPEAKER: Order! I was listening intently to the honourable member for Murray-Darling. There is some validity in the point of order. The honourable member for Murray-Darling will return to the leave of the motion.

Mr Peter Debnam: Mr Speaker, I think the—

Mr SPEAKER: Order! I have ruled on the point of order. The Leader of the Opposition will resume his seat.

Mr PETER BLACK: In relation to urgency, I point out what is happening right now with respect to Senator Bill Heffernan. As it is happening right now, there can be nothing more urgent. Senator Bill Heffernan

is promoting Malcolm Turnbull in relation to water resources issues. That is happening right now because John Grabbe was a major financial backer of Barnaby Joyce. We find out that a blue is going on now between the Liberals—and, as I have said, nothing could be more urgent than something that is occurring now—who look like doing the right thing, and The Nationals, who continue to walk away from their constituents.

Mr Brad Hazzard: Point of order: I do not think I need to tell you, but I think the honourable member for Murray-Darling again has strayed from the leave of the motion in defiance of your ruling on establishing priority.

Mr SPEAKER: Order! I do not believe the honourable member for Murray-Darling is defying my ruling. He probably has not got to the point of it.

Mr PETER BLACK: I am about to. Is it not interesting that in these discussions considering urgency we take note of the Independent who is about to win the seat of Calare from John Cobb? [*Time expired.*]

Tourism Industry

Ms KATRINA HODGKINSON (Burrinjuck) [3.45 p.m.]: I speak in support of my motion:

That this House condemns the Government for undermining the tourism sector in New South Wales.

This motion is urgent because today the Tourism Transport Forum and the Australian Hotels Association launched a tourism atlas showing that the tourism industry in New South Wales directly employs 185,000 people.

Mr SPEAKER: Order! The honourable member for Murray-Darling will cease interjecting.

Ms KATRINA HODGKINSON: A further 60,000 jobs are indirectly linked to tourism. This motion is urgent because the tourism industry in New South Wales generates approximately $23 billion in expenditure in this State. Tourism provides a greater contribution to the economy of New South Wales than do agriculture, transport and mining. This motion is urgent because the New South Wales Labor Government's spending on tourism marketing and destination development is still $4.9 million short of the high rate of funding a few years ago.

Despite the significance of tourism in our economy, New South Wales Labor's spending on tourism and major events this year is a paltry $52 million whereas Victoria is spending $101 million. Year after year, an ineffective tourism Minister, whom I saw this morning but who I notice was absent from question time today, has been rolled by the heavies in Cabinet and has been unable to deliver much-needed and called-for budget increases for the tourism industry. This motion is urgent because tourism is responsible for approximately 5.7 per cent of total employment in New South Wales, yet tourism's total share of employment in New South Wales has declined, according to the latest figures, from 6.2 per cent before the Sydney Olympics to just 5.7 per cent in 2004-05.

This motion is urgent because Sydney is the only Olympics host city that, five years after the Olympics, has had its market share of international visitors and domestic overnight visitors reduced to lower than before that once-in-a-lifetime marketing opportunity occurred. This motion is urgent because tourism is vitally important to employment in regional New South Wales. Tourism in regional New South Wales employs approximately 65,000 people. In the Snowy Mountains 13.8 per cent of the work force is employed by the tourism industry. The Murray, the South Coast, the mid North Coast, the Northern Rivers, tropical New South Wales and Lord Howe Island all have tourism work forces higher than the State average.

This motion is urgent because in all but three of the 16 tourism regions in New South Wales tourism's share of total employment fell between 1997 and 2005. On mainland New South Wales only the Hunter has recorded an increase in employment share—a marginal 0.1 per cent—and the Snowy Mountains has shown zero growth. After 12 years of Labor, tourism in New South Wales has seen an unending litany of bad results and below average performance. This motion is urgent because the report on tourist accommodation released in July by the Australian Bureau of Statistics [ABS] shows that New South Wales had the slowest growth in tourism accommodation in Australia—8 per cent below Western Australia. In February, New South Wales won just a single award from the Australian Tourism Awards—the worst result for any State. Domestic tourism expenditure per night in New South Wales is the second worst in Australia and lags behind Tasmania, Queensland and Victoria.

Mr Barry O'Farrell: Tasmania?

Ms KATRINA HODGKINSON: Yes. The ABS tourism accommodation data show that the New South Wales accommodation industry alone has lost 1,200 jobs since 2002. What a shame! This is outrageous. This year both Victoria and Queensland overtook New South Wales in the return on tourism accommodation as this State slips further behind its competitors. What has been the response by the Minister for Tourism and Sport and Recreation? In typical Labor fashion, she tries to blame everybody but herself. Recently she said on ABC Radio that the downturn in tourism in New South Wales is because of the GST and high petrol prices. Why is the rest of Australia dramatically outperforming New South Wales? They have high petrol prices and the GST as well.

The tourism industry in New South Wales is desperately crying out for real leadership. The Tourism and Transport Forum, the Australian Tourism Export Council, the Tourism Industry Council, and the Hotel, Motel and Accommodation Association of Australia have all criticised the failure of the Labor Government to support the tourism industry. Peter Olah from the Hotel, Motel and Accommodation Association said on 19 July:

> Unfortunately the recent reality has been that Tourism has done poorly in State Budget after State Budget, with the Minister being overridden every year by Treasury bureaucrats.

This is the epitaph that the Minister for Tourism will take to her retirement. This motion is urgent because this Labor Government should be condemned for failing to protect tourism jobs and for failing to conduct essential tourism marketing and destination development.

Question—That the motion for urgent consideration of the honourable member for Murray-Darling be proceeded with—put.

The House divided.

Ayes, 49

Ms Allan	Mr Gibson	Mr Pearce
Mr Amery	Mr Greene	Mrs Perry
Ms Andrews	Ms Hay	Mr Price
Mr Bartlett	Mr Hickey	Ms Saliba
Ms Beamer	Mr Hunter	Mr Sartor
Mr Black	Ms Judge	Mr Shearan
Mr Brown	Ms Keneally	Mr Stewart
Ms Burney	Mr Lynch	Ms Tebbutt
Mr Campbell	Mr McBride	Mr Tripodi
Mr Chaytor	Mr McLeay	Mr Watkins
Mr Collier	Ms Meagher	Mr West
Mr Corrigan	Ms Megarrity	Mr Whan
Mr Crittenden	Mr Mills	Mr Yeadon
Mr Daley	Mr Morris	
Mr Debus	Mr Newell	*Tellers,*
Ms Gadiel	Mr Orkopoulos	Mr Ashton
Mr Gaudry	Mrs Paluzzano	Mr Martin

Noes, 36

Mr Aplin	Ms Hodgkinson	Ms Seaton
Mr Armstrong	Mrs Hopwood	Mrs Skinner
Mr Barr	Mr Humpherson	Mr Souris
Ms Berejiklian	Mr Kerr	Mr Stoner
Mr Cansdell	Mr McTaggart	Mr Tink
Mr Constance	Mr Merton	Mr Torbay
Mr Debnam	Mr Oakeshott	Mr J. H. Turner
Mr Draper	Mr O'Farrell	Mr R. W. Turner
Mrs Fardell	Mr Page	
Mr Fraser	Mr Piccoli	
Mrs Hancock	Mr Pringle	*Tellers,*
Mr Hartcher	Mr Richardson	Mr George
Mr Hazzard	Mr Roberts	Mr Maguire

Pair

Ms D'Amore	Mr Slack-Smith

Question resolved in the affirmative.

WATER MANAGEMENT

Urgent Motion

Mr PETER BLACK (Murray-Darling) [4.00 p.m.]: I move:

That this House:

(1) calls on the New South Wales Nationals to lobby the Federal Government to show leadership on water management and other matters; and

(2) urges The Nationals to back a Country Labor proposal that would see the Commonwealth purchase Queensland's Cubbie Station, to help put an end to the water theft that is devastating irrigators and farmers across three States, including New South Wales.

In my reason for declaring this matter urgent today, I referred to a number of matters in the west. To summarise, the four great issues confronting the west are, not necessarily in order, drought, woody weed, John Cobb and fuel prices. Of course, that is all reflected in the argument over water and the fact that Senator Ron Boswell, a Queensland National party member, was very careful to tell his Canberra colleagues last weekend that he would ship up, as it were, to avoid the errors as he might see them of Barnaby Joyce, because of the dying relevance of The Nationals and the threat of the Independents. Indeed, I have no hesitation in saying, and am happy to be proven wrong, that Sussan Ley will be re-elected to the seat of Farrer and that Kay Hull will be re-elected to the seat of Riverina.

As far as John Cobb is concerned, a great Independent candidate who has spoken on ABC Radio in Broken Hill is Gavin Priestley, a well-known and highly respected person in the shires. Who knows, he may well be another National burnt-out, destroyed in part for ignoring the traditional constituency of what was once a great party, the Country Party. While talking about Independents, it is interesting that there have been Independents in Manly and Pittwater for some time now, but from yesterday Hawkesbury is now represented by an Independent. I note that the mayor of Goulburn, a great local government identity, said yesterday that he would challenge the seat of Goulburn. It is even more interesting that a leading luminary from the Local Government Association will challenge none other than the honourable member for North Sydney for her seat. Of course, North Sydney has a very proud record of producing Independents. I wish the Opposition well, but their Opus Dei of yesterday will be their doomsday on 24 March 2007—there is nothing surer.

Mr Daryl Maguire: Point of order: I have read carefully the notice of motion for urgent consideration and I have listened to the honourable member for Murray-Darling for some minutes now. Quite clearly he is not addressing the content of his motion. I ask you to draw him back to his motion.

Mr PETER BLACK: My motion refers to water management and other matters.

Mr ACTING-SPEAKER (Mr John Mills): Order! At this stage I do not uphold the point of order.

Mr PETER BLACK: By the way, last night I did not join in discussion on the condolence motion for the late Charlie Cutler. It was possibly a mistake on my part because in the days of the bond he sent me to Broken Hill, which started me on my political career. I thank him in retrospect for that.

On the subject of the drought, yesterday I referred to the front page of an edition of the Adelaide *Advertiser* from the week before last. It displayed a photograph of the daughter of a good friend, Cheryl Rix, straddling what is left of the Darling River at Palinyewah. We are in a desperate situation that must be addressed very quickly. I draw the attention of the House—if the old mallee bull from Lachlan were in the Chamber he would do the same—to the fact that, notwithstanding the drought, we have record sheep sales at places such as Wagga Wagga. In the Riverina in the south an unprecedented number of dairy cattle are being sent to market. A 20 per cent cut in high-security water has been announced. A meeting is taking place this afternoon between the leading irrigator organisations and the Hon. Ian Macdonald to discuss that matter.

A week ago when I last looked at the temporary exchange at Deniliquin water had topped $150 a megalitre. In the Goulburn Valley it has reached more than $300 a megalitre, which is absolutely unprecedented. We have not experienced anything like this before. In terms of the Murray, since records have been kept the average intake for the month of September is 15,059 gigalitres. The average intake for last September, which was an absolute failure, was only 114 gigalitres. The previous lowest number was recorded in 1906, when the inflow was 178 gigalitres. The current situation is without question one of sheer desperation. Yet The Nationals continue to fail, and they have failed again on the issue of Cubbie Station. A press release from The Nationals—or the notionals; whatever they call themselves these days—dated Tuesday 17 October states:

> The Nationals in a State Coalition government have committed to a $55 million program over three years to upgrade the Menindee Lakes including a secure water supply for Broken Hill. Our Federal National Coalition colleagues are desperate to work with a like minded State Government capable of producing commonsense outcomes.

The Nationals at Federal level will never work with a like-minded State government because we have minds and The Nationals certainly do not when it comes to this issue. They are certainly not being mindful of their traditional constituents. Spending $55 million fiddling around at Menindee without retaining or increasing flows into the Barwon-Darling system will not help.

Curiously, Rory Treweek, Chair of the Western Catchment Management Authority, said on ABC Radio at Tamworth that he would not comment on the matter. Several years ago the Cubbie scheme stole seven-eighths of the water that should have flowed, in part, through his property. Cubbie literally stole that flow from the Culgoa, and a similar thing happened with respect to the Balonne. This is a disastrous state of affairs. Rory Treweek is a member of The Nationals but we appointed him and he was a nominee from New South Wales Farmers. There was no spill from the profile of the river and no benefit to his pastures. That water was stolen.

Honourable members will recall the famous statement by Joh Bjelke-Petersen: "Not one drop of water to those southern socialists." I have often wondered who the hell he was referring to. Was he referring to the mayor of Bourke? Was he referring to the cotton industry or the red globe grape industry at Bourke? Was he referring to something else at Wentworth? We do not know, but his attitude was clearly that not one drop of water would go to the southern socialists. A little over two years ago at a second meeting in the Parliament House theatrette—the first meeting was held in Ivanhoe—the mayors of the Murray-Darling signed off on a proposal to pursue this matter to the High Court if necessary.

We received advice from the Solicitor-General that perhaps Joh Bjelke-Petersen was right. The bottom line is that we must act now to secure the future of Western New South Wales and the entire Murray-Darling Basin. There are no two ways about it. The dopey Nationals have to come on board and recognise that John Grabbe's money is not good enough—even though he is sponsoring Barnaby Joyce. He has to come on board and recognise that something must be done about Cubbie Station. That is why I tend to support Malcolm Turnbull in this matter.

Turning to another interesting issue, solicitors Garden and Green—they are obviously social climbers who married into the Green family—have threatened to sue me for statements I have made about the Greens. Isn't it interesting that although the firm is threatening to sue me it is not threatening to sue the honourable member for Murrumbidgee or The Nationals? That makes me question what deals The Nationals have done in Sydney for seats such as Balmain and Marrickville. It is incredible. The drought action plan developed by the National party—or the notional party—is an absolute joke. I will prove that later this afternoon. [*Time expired.*]

Mr ADRIAN PICCOLI (Murrumbidgee) [4.10 p.m.]: The honourable member for Murray-Darling is being threatened with legal action because he made foolish statements outside this Chamber attacking individuals. If he is not smart enough to know that, that raises even more questions. The first part of the motion calls on the New South Wales Nationals to lobby the Federal Government to show leadership on water management and other matters. The New South Wales Nationals have lobbied the Federal Government to show leadership, and that is what it is doing. The national water initiative, which is a $2 billion fund, has been established and the Parliamentary Secretary to the Prime Minister is responsible for water matters. The Federal Government is setting up an Office of Water Resources within the Department of Prime Minister and Cabinet and it has allocated $2 billion to water initiatives across Australia. That is what I call showing leadership on water. Prior to the last Federal election, obviously following much lobbying by The Nationals, the Prime Minister identified water as a priority. We should give John Anderson credit for his efforts as Deputy Prime Minister in formulating the national water initiative.

Mr ACTING-SPEAKER (Mr John Mills): Order! The honourable member for Murray-Darling will cease interjecting. He has a right of reply.

Mr ADRIAN PICCOLI: Without John Anderson and without the involvement of the Commonwealth I do not know where we would be in terms of water management in New South Wales and across Australia as a whole. The Federal Government's intervention is the only thing saving us at the moment. No-one can make it rain; we all know that. The question is what we do with existing natural resources and infrastructure. It is about making plans and managing rivers, and the Federal Government has committed $2 billion to a variety of programs and water-saving projects.

The honourable member for Murray-Darling mentioned the Darling River. Last week the Minister for Natural Resources announced that a tender had been issued to a company to come up with a 20-year plan for the Darling River and its upper reaches. Honourable members may not believe it, but that report is due to be released at the end of February—a convenient three weeks before the State election. Between now and 25 February next year that company must consult across the Darling to Broken Hill, the Barwon and the Culgoa—all the tributaries of the Darling River. It must hold meetings with the community and local government in places such as Gunnedah, Tamworth, Moree and Bourke. It must do all those things between now and 25 February next year.

We will have to take out a month for the silly season and the beginning of January, when everybody is on holidays. Does the Government seriously expect a credible 20-year plan for the Darling and its tributaries in such a short period? I am told the so-called plan will cost $2 million of taxpayers' money after the Government has been in office for 12 years and has done nothing on the ground. Approximately a year ago a URS study was conducted on Menindee Lakes. Plenty of reports have been produced, but what action has the Government taken to secure the water supply of Broken Hill? It has done absolutely nothing in 12 years. The problem in Broken Hill did not arise five minutes ago; it has been there for a long time. The honourable member for Murray-Darling is a former mayor and I can imagine what he knew about it. He has been in this House for eight years and he has done absolutely nothing.

Mr Matt Brown: Point of order: The honourable member for Murrumbidgee is not addressing the substance of the motion. In fact, he is going off on a bizarre tangent. I ask that you direct him back to the urgent motion.

Mr ACTING-SPEAKER (Mr John Mills): Order! I have heard enough on the point of order. The honourable member for Murrumbidgee may resume his address, and I will listen a little more carefully.

Mr ADRIAN PICCOLI: Water management of the Darling River is critical to the Broken Hill water supply. The Australian Labor Party has had 12 years in office in this State; the honourable member for Murray-Darling has been a member of this House for eight years and prior to that he was the mayor of Broken Hill for about 20 years. He had two previous unsuccessful attempts against Noel Hicks from The Nationals, who thrashed him. The honourable member for Murray-Darling has had plenty of time to use his influence to get the Labor Party to do something about the Darling and the Broken Hill water supply, but to date it has done nothing.

The Government will throw another $2 million down the drain to dress up an attempt to do something so that it can issue a press release three weeks prior to the next election. A consulting firm will produce a glossy brochure showing the wonderful things the Government will do. A comprehensive management plan cannot be produced in such a short period. Members of the Opposition have no problem with planning, but it should be done properly. A year should be allowed to consult properly with the community. The criticism from the Opposition is of the lack of consultation on water management. If the Government wants to be fair dinkum, an appropriate length of time should be given for the preparation of a proper management plan for the Darling and for securing Broken Hill's water supply.

In eight years the honourable member for Murray-Darling has done zero. Broken Hill's best chance is to elect John Williams, who has a great record of achievement in everything in which he has been involved, including a small business in Broken Hill. I believe the people of Broken Hill will give him a go as we need a change of government in New South Wales. Working with the Federal Government, the Coalition will get something done about the Darling and give the people of Broken Hill a water supply, water security and the quality of life they deserve. I do not believe anyone denies the problems with Cubbie Station, but let us not forget that the Labor Government in Queensland can do anything it likes at Cubbie Station. In the past couple of weeks we have heard that the management of water resources is a State responsibility. Even the Prime Minister acknowledged that. In Queensland Peter Beattie and the Labor Party are in control of Cubbie Station and can do whatever they like.

A Federal election will be held next year. The Federal Labor Party talks about an extra 1,500 gigalitres of environmental flows down the Murray. What will that do to places along the Murray such as Deniliquin,

Finley and Wentworth? It will have a devastating impact, but that is the commitment of the Federal Labor Party on its web site. It is a Mark Latham special for the people of south-western New South Wales to which the Labor Party is still committed. In the reply of the honourable member for Murray-Darling, the people of New South Wales would like to hear him say that the New South Wales Labor Party will not support the Federal Labor Party's promise to put an additional 1,500 gigalitres of environmental flows down the Murray River. I would also like to hear him say that. That bottom-drawer policy was announced prior to the last Federal election, and the Labor Party remains committed to it.

Irrigators, every farmer and every community in New South Wales, including the 8,000 people who live in Deniliquin and the couple of thousand people in Finley, rely on irrigation. They have everything to fear from a Federal Labor Government and a State Labor Government. If the Government is whacked at the next election, they hope it will be given the whack of a lifetime. The irrigators that those communities rely on have suffered hugely at the hands of the State Labor Government. Imagine their despair if a Federal Labor Government were to be elected! It would be a complete disaster. Before the Government lectures The Nationals in New South Wales about the Federal Coalition it should look at its own bad performance. At the next election the honourable member for Murray-Darling will be judged on the record and performance of the Government, and the judgment will be damning—if the House will pardon the pun!

Mr MATT BROWN (Kiama—Parliamentary Secretary) [4.20 p.m.]: The Coalition's appalling track record on water issues continues to amaze me. At the Federal level a city-centric Liberal Party member, Malcolm Turnbull, has wrested control of water policy issues away from The Nationals because they have been so ineffective. At a State level The Nationals stood by as their Liberal master unveiled what would surely be the most ridiculous water policy ever proposed, that is, that we declare a state of emergency. The Leader of the Opposition, the man who wants to lead this State, does not even know what a state of emergency involves. If he did, he would not have uttered such nonsense. If he had even read the relevant legislation, he would know that a state of emergency gives authorities the power to carry out evacuations, close public places, close traffic on any street, road, lane, thoroughfare or footpath, and shut off or disconnect the supply of gas, electricity, grain and even water.

How in the world would any of that make it rain? What is worse, The Nationals did not have the sense to point out what a silly position that was. Last Friday Duncan Gay from The Nationals stood shoulder to shoulder with the Leader of the Opposition as the Sydney media challenged him to explain exactly how a state of emergency would deliver a single drop of water for the people of New South Wales. The Opposition's credibility on water issues has sprung a leak, with the Leader of the Opposition proving himself its biggest drip. The greatest state of emergency facing the people of New South Wales is the Leader of the Opposition and the Leader of The Nationals. While the Liberal leader spouts absurdities, the Iemma Government is getting on with the job of helping farmers and regional communities through this drought until the rains come. So far the Labor Government has committed more than $220 million in drought support measures for our farmers, and it continues to spend every day. The Drought Support Workers Program and transport subsidies remain in place to ensure farmers have the help they need most.

Mr Daryl Maguire: Point of order: As much as I hate to do so, I draw your attention to the motion. I have listened carefully to the honourable member for Kiama for a number of minutes, and he is not speaking to this important motion.

Mr ACTING-SPEAKER (Mr John Mills): Order! There is no point of order. The honourable member for Kiama may resume his contribution.

Mr MATT BROWN: It is obvious that the Liberal Party and The Nationals want to close down this debate every chance they get. New South Wales is also leading the way on water reform, a fact the Federal Government and the New South Wales Opposition just cannot understand. Even the New South Wales Irrigators Council recognised this when in June of this year it issued a press release that said:

> New South Wales has in the past and continues to lead water reform and industry investment in water efficiency and new and innovative water use technology practices.

That news release also highlighted the Federal Government's steady string of shortcomings, noting that the national water initiative has little national focus, is poorly led by the National Water Commission and has failed to deliver unified water resource management. No wonder The Nationals do not want to hear this news! At the Federal level, the Australian Government's report card on water was issued last week. To say this so-called report card was selective in its comments is a vast understatement. It appears from recent media coverage that

the Prime Minister's Parliamentary Secretary for Water, Malcolm Turnbull, is at the heart of spreading this misinformation. Either that, or he is completely ignorant of what New South Wales has been doing to spearhead water reform.

New South Wales has been proactive in meeting its obligations under the national water initiative, and our record in water management speaks for itself. We were the first State to separate water rights from land title and introduce a Torrens title system equivalent for water rights, the first to submit a national water initiative implementation plan, the first to commence water-sharing plans covering 80 per cent of water usage, the first to introduce the national water initiative risk assignment framework, and we have legislated to remove barriers to trade within Irrigation Corporation areas.

The honourable member for Murray-Darling has proposed a rational and much-needed solution that the Federal Government can and should act on. Every year we see cattle, crops and trees in New South Wales, Victoria and South Australia die, while Queensland's Cubbie Station hoards masses of our water. The Iemma Government has continually lobbied Queensland officials to find a solution. So far the only response has been a suggestion from Queensland to have the New South Wales Government purchase properties downstream of Cubbie Station. That will not help. Malcolm Turnbull is on record as saying water flows do not stop at State borders. It is now up to the Queensland and Federal governments to sort this mess out. The Nationals should join Country Labor in lobbying the Federal Government for action on this, unless of course they want to continue to let our farmers and irrigators suffer. [*Time expired.*]

Mr IAN ARMSTRONG (Lachlan) [4.25 p.m.]: In recent years there has been a lot said in this place about Cubbie Station. It is only fair that we get the record straight. In 1978 Cubbie Station was one of a group of some nine Queensland stations. That group went into receivership, under the old Commercial Bank of Australia, in 1978. At that time a whole string of stations could have been purchased for something like $9.4 million. Indeed, a New South Wales consortium approached the then New South Wales Labor Government, under Premier Wran, for assistance. Their reception was not even warm; the proposal hardly got acknowledgment. That bid by the consortium failed because of lack of government support. It is now history that the group was broken up and sold off. It would be fair to say, from a quick exercise in mental arithmetic, that if those stations were on the market today they would be worth upwards of about $300 million, plus livestock.

The bottom line is that Cubbie Station has been available to Labor governments. It has been available to a Labor Government in Queensland, which could have negotiated a process for purchase of the property. But Cubbie Station is being used by the New South Wales Government as a weak excuse to cover up its inadequate management. The bottom line is that in this place this afternoon we have had a lot of hot air coming from Government members. The Lachlan River, which is fed by the Wyangala Dam, is only at 18.2 per cent of capacity. It has not been at more than 30 per cent for 18 months. No capital expenditure has been made on containment of water in the Lachlan Valley since 1962. Where has the Government been? The Burrinjuck facility, just out of Yass, which services the Murrumbidgee Irrigation Area, has had a flush in the last three days, and it is at about 30 per cent of capacity. But there has been no natural run-off of any consequence into the dam for something like 2½ years. Indeed, the natural dam would be back to only Childowla if it were not for the flush coming in from the snow country.

I come back to the Lachlan River, which is part of the Murray-Darling Basin. The fact is that for three years the New South Wales Government has imposed on irrigators $9.40 per megalitre as a standing charge and water use charge, despite the fact that it has not been able to deliver anything better than 18 per cent of allocations for general water users. After enormous representations made by The Nationals, the Farmers Association and the Irrigators Association, the Government agreed to waive those charges for two years. This year, when the drought has really hit, the Government has insisted that farmers pay the charges. Some farmers have paid up to $14,000 for a service that they cannot receive. If a service station cannot deliver petrol from its bowser, it cannot charge customers for use of the bowser. But that is what it boils down to; that is what the Government is trying to do.

The Government is asking irrigators to support government infrastructure and pay the wages of government staff because it says it has not got the money. Today Government speakers have been spouting about a $1 billion surplus. The Government should pay its own debts instead of asking the water users in the Lachlan Valley to pay the wages of staff to maintain this infrastructure. What is not taken into consideration—the Government turns its back on this sort of thing—is the effect that its attitude is having on clients. What does it think produce from the irrigation industry does? It feeds people in the Murrumbidgee Irrigation Area. The Lachlan Valley provides enormous quantities of lucerne and vegetables to our markets. Customers have had to

go elsewhere. Consequently, there has been a rapid escalation in the price of livestock fodder and in the costs of intensive industries in the metropolitan area. The valuable racehorse and equine industry in this State is paying atrocious prices for hay because it is simply not readily available. And we are only at the start of a summer season, when normally they would expect to purchase hay at fairly reasonable prices until March next year.

I do not think the Government can take any pride in saying that it has recognised, or even understands, the problems that this drought has caused for the supply of water. It is totally wrong of the Government to try some sort of beat-up about Cubbie Station being the cause of all New South Wales irrigation problems. We have heard much about recycling. What would happen if it were not for what towns such as Grenfell and West Wyalong have done through their shires, and for what the new subdivisions in Wagga Wagga and Orange have done in the past decade or so? Why have 142 farmers in south-western New South Wales got reticulated water? Because the last Liberal-National Party Government put it in. I was the Minister at the time. As was acknowledged recently by the mayor of Coolamon, those people would have been out of water for the past two years if it had not been for that Government. I challenge the Labor Party to do the same. [*Time expired.*]

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [4.30 p.m.]: I fully support the important motion moved by the honourable member for Murray-Darling. The Federal Government, and particularly the Parliamentary Secretary, Malcolm Turnbull, talk about leadership but do not deliver anything. The Federal Parliamentary Secretary shoots from the hip without thinking through these issues, and as a result leaves communities on pins and needles. My electorate of Tweed is an example of that. Mr Turnbull, putting on his big hat and speaking on national issues, has repeatedly said that the water problems of south-eastern Queensland must be resolved by pumping water from northern New South Wales catchments. That is irresponsible.

Of course, he has not said how much water would be needed from areas like the Tweed, Richmond or Clarence rivers, or what the impacts of that pumping would be in those areas. And why should he? The Federal member for Wentworth, representing one of the richest and wealthiest electorates in Australia, adopts an attitude similar to that of the Leader of the Opposition: fairly big on rhetoric but small on substance. Recent media reports have highlighted the shortcomings of Mr Turnbull's approaches so far, with commentary suggesting he will still be pondering possible solutions when he ceases to be responsible for water policy and questioning whether any tangible work will have been done at any stage.

Does Mr Turnbull realise that the Tweed is already stressed due to ongoing commitments? I point to the symptoms that he has been charged with addressing, such as stressed waterways, particularly in Western New South Wales. He should try to understand those issues before he suggests that water should be pumped from the Clarence or the Tweed. Has he factored in the effect that pumping water from the Northern Rivers regions would have on the multimillion dollar fishing industries in those regions, some of the largest in the State? According to a review conducted in 2002 on behalf of the Queensland Government, reduced fresh water flows to estuaries would result in increased salinity and a change in the species composition and location of saltmarsh, mangroves and seagrass species.

[*Interruption*]

Opposition members who are interjecting do not give a tinker's cuss about the Clarence, Richmond or Tweed rivers. They think what is happening in the Shoalhaven because of Cubbie Station's water encroachments is good enough for the Tweed, Richmond and Clarence rivers. The Nationals on the North Coast should be talking about the silly suggestions put up by Malcolm Turnbull. They should stand up and send him packing because of his silly proposals. The Queensland review also noted that the construction of impoundments and river diversions would significantly affect the reproductive success of Australian bass, a major fish species in my electorate, as they are highly migratory and would be unable to access estuarine areas to breed.

Is Mr Turnbull willing to sacrifice New South Wales estuaries for the benefit of Queensland? Queensland already gets $3 billion of our GST every year. The Federal Government makes sure of that. Then it does absolutely nothing about Queensland's Cubbie Station. That farm encompasses 130 square kilometres of cotton, which consumes an enormous amount of water. As we have heard from the honourable member for Murray-Darling, the flows of water across our border have halved. Further, Mr Turnbull seems happy to sell out New South Wales estuaries to the benefit of Queensland.

As the honourable member for Murray-Darling said in his motion, Cubbie Station is an issue that demands a national solution. By buying out or assisting with the purchase of Cubbie Station, the Federal

Government would match its hollow rhetoric about water being Australia's biggest challenge with action. It has done absolutely nothing. Turnbull and his Coalition colleagues in Canberra continually throw daggers at the States in a vain attempt to divert attention from their own miserable failings. It is interesting that the issue of water has been handed to a Liberal Party member from Sydney, rather than to a member of The Nationals in Canberra. That is the same as the Liberal Party attacking the Australian Wheat Board [AWB] and having it stripped of its monopoly. I do not defend the AWB's sale of wheat for bullets to Iraq, but I support our wheat farmers in New South Wales. As I am sure the honourable member for Murray-Darling will point out in his reply, the Liberal Party will take the single best-selling process off The Nationals to suit its constituencies in other States which are represented by Liberal Party members. That will be to the detriment of New South Wales farmers.

Mr PETER BLACK (Murray-Darling) [4.35 p.m.], in reply: How can I reply to the remarks of the honourable member for Murrumbidgee? I was happy to be in a photograph, which was published in the *Pastoral Times*, with the mayor of Deniliquin and others smiling at the ute muster at Deniliquin. The honourable member for Murrumbidgee said some strange and weird things. For example, he said he wished that I was judged on performance. On the issue he was talking about—who was suing whom from the Greens—I am proud of my performance. The red gum industry was saved by actions of Country Labor, not the Opposition. The Opposition did not have any power to do it. The bottom line is that the honourable member for Murrumbidgee met the Greens in his office in this place after I refused to have the Greens contaminate my office. As to the issue of suing, a letter from Garden and Green states:

> We demand an immediate retraction and apology, together with an undertaking that these statements will not be repeated.
>
> The retraction, apology and undertaking are required within the next 24 hours.

The letter is dated 8 September, and I have not heard any more about the issue. The honourable member for Murrumbidgee alleged that Labor promised 1,500 extra gigalitres of environmental flow down the Murray. He is right; there is no question that it was Labor under the leadership of Mark Latham. But the first I heard of 1,500 gigalitres was from Senator Kemp, then Federal Minister for the Environment. The Federal Government said it will allow a maximum of 500 gigalitres at the six icon—a horrible misuse of that Greek term—sites to see what that extra water down the Murray will do. We say that it would be flat out supplying South Australia with its entitlement anyway.

I welcome the support of the honourable member for Kiama and his comments on drought support and water reform. It was a pleasant surprise to have a contribution from the honourable member for Lachlan, the last great leader of the Country Party, National Party, The Nationals—whatever they choose to call themselves—when they had 20 seats in this Parliament. They are down to 12 now and they will likely have 10 after doomsday for the Opposition on 24 March next year. The honourable member for Lachlan made some important statements about dams. He did not mention, so far as the Murray-Darling Basin is concerned, that without generous rainfall in the summer period by March the Hume, Dartmouth and Lake Victoria dams will be dry. That situation is without precedent. To crack a pun, we are heading into uncharted waters. It is something we have not seen before within the Murray-Darling Basin. I do not know why he said we are beating up the issue of Cubbie Station. It is not a beat-up. We are fair dinkum. We say it has to be bought out for the wellbeing of the Murray-Darling Basin. The river will run again one day. Every day we are one day closer to the end of the drought.

I thank the honourable member for Tweed for his comments on Cubbie Station and our drought measures. In my earlier remarks I referred to the dreadful drought action plan launched by the Leader of The Nationals. That is how good it is—it was launched by Stoner the goner. In a press release dated 17 October the Leader of The Nationals said the drought action plan includes:

> Extending drought assistance measures to agricultural related small businesses as well as farmers

Under exceptional circumstances assistance $70 million was made available for small businesses but only $1 million was delivered. The next dot point of the plan is:

> Maintaining resources for front line services such as teachers, nurses and police in drought affected communities

This Government made that pledge. They are playing catch-up. We have maintained our teachers, nurses and police in drought-affected communities. It is on record that I have maintained teachers in schools where enrolments have been significantly reduced because one day those enrolments may increase. The third dot point is:

> Increasing the number of rural financial counsellors

The Rural Financial Counselling Service is a national scheme. The complete chaos—and Lord knows, there is a lot of it in the service—has been created because of the complete lack of certainty about the Commonwealth Government's plans. This Government has had to carry the scheme. Our share of the contribution is 25 per cent. In the Balranald-Wentworth counselling service we increased our share to 48 per cent. The community obligation was paid by this Government, not the Commonwealth Government. The Commonwealth Government has agreed to pay it now. So far as the Rural Financial Counselling Service is concerned, the Opposition should hang its head in shame. The fourth dot point is:

> Increasing the number of mental health workers to help people suffering depression as a result of the drought

Country Labor members are working as hard as we can. I have had representations from Moulamein in this matter. The drought action plan is phoney. I commend the motion before the House. [*Time expired.*]

Motion agreed to.

SMALL BUSINESS SEPTEMBER 2006

Matter of Public Importance

Ms TANYA GADIEL (Parramatta) [4.40 p.m.]: I ask the House to note as a matter of public importance the Iemma Government's month-long celebration of Small Business September 2006. This September, the seventh celebration of this Labor initiative, more than 50,000 people attended over 330 events held across New South Wales. Almost 100 of those events were hosted by the Government through the Department of State and Regional Development. In addition, more than 150 supporting organisations from the private and public sector threw their weight behind Small Business September 2006 by organising events and promoting the Small Business September program.

In the electorate of Parramatta more than 20 Small Business September 2006 events took place. At a seminar entitled "Networking to the Next Level" 56 attendees took valuable tips from keynote speakers and global networking specialist Robyn Henderson and learnt from women in manufacturing who told their stories on communicating for success. At a seminar entitled "Gain the Competitive Edge Through Sustainability", which was hosted by the Department of State and Regional Development, 35 small business owners and operators learned about how new markets, increased market share and brand reputation help businesses balance economic growth with the impacts on our unique environment and community. An informative session on "Finance for Exporters: Current Trends and Products" was attended by 60 business men and women who heard from and consulted with experts in trade finance from organisations including Small Business September 2006 sponsor Export Finance and Insurance Corporation. At the seminar on "How to Sell in 27 seconds" 63 attendees learned how to increase annual sales by at least 20 per cent by improving the visual images that tell clients how professional, competent and capable their businesses are.

Finally, “Big Bang for Small Bucks: Smart Marketing for Small Business” proved to be a very successful event, attracting 100 people. Presented by the Australian Marketing Institute, the half-day seminar provided a concise marketing tool kit for small and emerging businesses, including marketing strategy, market research and graphic design. The Iemma Government's month-long celebration of Small Business September 2006 is just one way it is demonstrating its unwavering support for the sector. After all, with more than 442,800 small businesses, or 35 per cent of the national total, New South Wales is the largest small-business State. We are proud of it, and we are right on track. The New South Wales economy, Australia's largest and most diverse, is strong, but there is still more to do. We are working hard to make it easier for people to establish and grow their businesses in New South Wales with initiatives such as slashing red tape through the small business regulation review task force. The first review, which covered the automotive sales and repair sector, is complete and all of its recommendations have been accepted by Cabinet.

The accommodation and food services review is due to be received by the Government in the coming weeks. On 1 September, the first day of Small Business September 2006, the Minister for Small Business, David Campbell, announced that the small business regulation review task force would turn its attention to the State's 22,000 small businesses involved in metal manufacturing. We are also ramping up the New South Wales We Mean Business Campaign, and setting the record straight about business confidence in New South Wales. The Leader of the Opposition and his dwindling band of sidekicks can talk down the State all they like, but the facts do not bear out the story. According to the Australian Securities and Investments Commission, as of June 2006 there were 510,000 registered companies in New South Wales, more than 38,000 of which were set up in the

2005-06 year alone. That is 50,000 more than Victoria and more than double the number of companies registered in Queensland, where fewer than 25,000 new registrations were made in 2005-06. The Iemma Government, through the Department of State and Regional Development, helped create more than $1.9 billion in investment and more than 6,300 jobs.

Recently the international ratings agency Standard and Poors' reaffirmed New South Wales's triple-A credit rating following a similar endorsement from Moodys in May. The NSW: We Mean Business campaign promotes the great advantages of doing business in New South Wales. The message is aimed squarely at New South Wales businesses. It tells the story of confident, vibrant businesses. The response has been positive. As well as New South Wales-based businesses, the campaign targets interstate businesses. The message is: Come to New South Wales. That is especially so since Premier Morris Iemma launched the $95 million payroll tax incentive scheme in February this year. This practical, sensible measure will create wealth and build stronger communities in areas recording higher levels of unemployment. The scheme commenced on 1 July 2006, and will be open to new applicants until 30 June 2009. It provides a rebate to eligible businesses, including start-up businesses in their first year of operations, businesses wanting to relocate from interstate or overseas, and growing businesses liable to pay payroll tax in New South Wales for the first time. Premier Morris Iemma has cut five taxes since August 2005, reduced workers compensation premiums by 20 per cent and exempted apprentices' wages from premium calculations.

The latest 5 per cent premium reduction will have a practical impact on New South Wales small businesses. A small bread shop in the Sutherland shire and a preschool in southern New South Wales will save an additional $300 each. Both businesses are protected from premium increases if they have a claim. We have achieved a lot, but there is more to be done because in New South Wales we mean business, and in New South Wales that means a strong, vibrant small- and medium-size business sector. Our new direction puts training and development firmly in the spotlight. The Iemma Government tailors practical advice and learning programs to the needs of small- and medium-size business owners. Over the past six years independent market research has established the effectiveness of New South Wales Government programs aimed at small- and medium-size businesses. Businesses that took part in these programs in 2005 reported an increase in sales of 15 per cent, an increase in exports of 24 per cent and an increase in staff numbers of 6 per cent. These results highlight just how effective these small business programs are in helping small businesses expand and grow, but again more needs to be done.

We are working hard to ensure that today's rising business stars realise their full potential. Mentoring is one of the best ways to open doors for an up-and-coming businessperson. Mentoring is an investment in the future. The number of young business operators in New South Wales under the age of 30 increased by 10,500 to 57,000 in the 12 months from June 2003 to June 2004. This group comprises almost 10 per cent of all business operators in the State. The Iemma Government is acutely aware that young people starting a small business face much greater challenges when they attempt to finance a business venture. Our Young Entrepreneurs Stepping Up Program is an opportunity to acquire new business skills and to develop growth plans and strategies. The program focuses on people between 18 and 35, who have been running their own small businesses for at least one year. Small Business September 2006 featured special events designed for young business titans of the future, such as the Iemma Government's Biz Bus and the Young Bizstar Business Pitching Competition. The broader themes of Small Business September included marketing, technology and innovation, skills and human resources and business processes. The Iemma Government's commitment to opening trade doors for New South Wales small business was a feature of Small Business September 2006.

This year more than 1,500 business owners and operators participated in the 36 trade-related events we delivered. One of these events highlighted the role of Hong Kong as a gateway to the enormous market of China. Representatives of the Hong Kong Trade Development Council and market specialists from Austrade talked about trade opportunities in north Asia. High profile businesswomen from the United Arab Emirates shared their views on doing business in that country. The United Arab Emirates is one of the most exporter-friendly markets in the world. The seminar provided a great opportunity for new and experienced New South Wales exporters to find out about the vast range of business opportunities available in that country. Small Business September 2006 also examined the growing importance of sustainability as a tool to ensure business success. Sustainability can be financially and socially rewarding for businesses that seek to balance their economic goals with environmental and social responsibilities. On behalf of the Iemma Government, I thank the Small Business September 2006 platinum sponsors, Australia Post, Australian Business Limited, State Chamber, NRMA Business Insurance and Sensis. I also thank our very hard-working staff.

Mr ANDREW FRASER (Coffs Harbour) [4.50 p.m.]: I am surprised that the honourable member for Parramatta, and not the Minister for Small Business, presented this matter of public importance. It is pertinent

because the honourable member for Parramatta finished by referring to the sponsorship of Small Business September by Sensis, which is a leading firm in New South Wales that provides statistical information on small business right across Australia. It is pertinent that it was mentioned last because the Sensis small to medium enterprises report of August 2006 states:

> Small and medium enterprises in regional areas of New South Wales recorded the lowest confidence levels overall, and the only negative result, reflecting that more businesses were actually worried than those that were confident.

It goes on to say that New South Wales sales performance was the lowest in Australia, as was performance in employment, profitability and capital expenditure. The report states further:

> For the year ahead small business enterprises in New South Wales recorded the lowest level of expectations for sales, wages and profitability. Support for the policies of the New South Wales Government fell sharply margin and remained the lowest level of any State or Territory Government for the tenth successive quarter.

More than 450,000 small businesses in New South Wales employ in excess of 1.2 million people. That figure does not include micro-businesses that are operating from private homes or the farming sector in New South Wales. I travel extensively throughout New South Wales and I speak to members of chambers of commerce and farmers' groups. Recently I visited Dubbo, Narromine, Tweed Heads, the city area of Hornsby and Broken Hill. Members of the chambers of commerce across this State told me of the ever-increasing difficulty of doing business in this State. Why is that the case?

Let me examine some of the issues raised by the honourable member for Parramatta during her contribution to the debate. She said that under Premier Iemma this Government has cut five taxes. I will examine some of those taxes. The vendor tax was introduced and applied by former Premier Bob Carr and it brought the investment and building industries to their knees. Investors left this State in droves. After the introduction of the vendor tax, I visited Tweed Heads and I noticed that at Raine and Horne there was not one New South Wales property listed for sale. People who were holidaying in Tweed heads and were considering investing in property were actively encouraged by real estate agents in the Tweed to make their investment across the border. All of the listings in Tweed Heads were Queensland properties. Why is that the case? It is because the Queensland Government attracts new business and assists small businesses.

WorkCover alone is the greatest ever bugbear that New South Wales small businesses suffer. While acknowledging that this Government has cut WorkCover premiums by 20 per cent, it must also be recognised that at the outset the Government had increased premiums by 40 per cent. The Government included in those premiums superannuation, holiday pay, directors' fees and other components that are never a component of payments. In a small business anywhere in New South Wales that pays its employees above award wages, as the majority of small businesses do to maintain productivity, an injured worker receives only the award rate as compensation. No superannuation or holiday pay component is returned to the employer, yet the premiums reflect those components. While there has been a huge increase in workers compensation premiums, the benefits that should be paid indirectly to employers through superannuation are not being returned to small businesses.

Is it any wonder that small business confidence in New South Wales is at an all-time low? Is it any wonder that mum and dad business operators, who are the engine room of our State's economy, are disappointed and disillusioned, to put it kindly, with the way that the Government has acted? The honourable member for Parramatta referred to reviews being undertaken in the automotive industry, the accommodation and food industry, which will soon be completed, and the metal manufacturers industry. She also referred to the NSW: We Mean Business campaign that is being conducted. The point I make is that the Government is tinkering at the edges. The Government is not working hand in glove with Australian Business Limited, regional chambers of commerce or the Sydney Chamber of Commerce, and is not addressing the issues that small businesses are interested in.

New South Wales is the most overregulated State in Australia. The Business Council of Australia compared regulation among all the States and unequivocally stated that New South Wales is the most overregulated and expensive State in which to conduct business. I have previously mentioned in this House Lindsay Brothers Transport, which is a firm that has conducted business for more than 50 years in my electorate. The firm moved to Queensland because of the onerous regulatory regime and cost of doing business in New South Wales. I have stated previously on the public record that it cost the business $160,000 to move its headquarters to Queensland, yet while doing business in Queensland, the company recouped that amount in savings within three months. Is it any wonder that people are leaving New South Wales and are moving to Queensland in droves?

The honourable member for Parramatta also referred to the fact that recently the Government adopted a Coalition policy of exempting apprentices' wages from WorkCover premiums. However, she failed to mention that a former Coalition government devised that policy, and that it was abolished by the current Labor Government a couple of years ago. As a result, there has been a dramatic reduction in the number of apprentices and trainees who have been taken on by small businesses in New South Wales owing to one factor alone—the abolition of that policy. This Government has also failed to acknowledge and address the views of 24 peak business groups that requested changes to be made to the Occupational Health and Safety Act. The requested changes consist of the concept of shared responsibility between employers and employees. A draft bill to that effect was released by Minister Della Bosca on 9 May, but the legislation has not come before the New South Wales Parliament.

The unions have applied pressure to the Premier and the Government by threatening not to fund the next election campaign if any relief is given to small businesses in respect of occupational health and safety regulations. Last week the Institute of Public Affairs released a report in relation to the Gretley mine disaster and queried why business was fined as a result of the mine disaster, yet Government departments and the UMSS, a labour-hire firm that at the time was owned by the Construction, Forestry, Mining and Energy Union, were not prosecuted. Under current legislation in New South Wales and duty of care provisions, small businesses are automatically deemed to be responsible for any accident that occurs in a workplace, yet there is no similar legislation in other States.

In May, Minister Della Bosca promised 24 representatives of small business that the draft legislation would be enacted before the end of the current parliamentary session, but the bill has not been introduced. Rumours currently circulating in the business community are that the bill will not be introduced because of union pressure that has been brought to bear. The reverse onus of proof, which is part of occupational health and safety legislation and means that employers are deemed to be guilty until proved innocent—the most draconian occupational health and safety legislation in Australia—will apply. Victoria and other States do not have similar provisions. The Opposition requests the Government to introduce its legislation to build business confidence, which has been shown through census to have increased.

I represent a country electorate, as does the honourable member for Orange who is present in the Chamber, and I inform the House that country electorates do not survive without the support of small businesses. Small businesses are the major employers within our communities, yet this Government has not really lifted a finger to assist them. WorkCover inspectors regularly impose $1,000 fines. Green cards that should have been replaced free of charge are replaced at a cost of $120, not to mention the loss of a day's work in organising the replacement. In spite of all the factors I have outlined, this Government refuses to provide any relief to small businesses. Claims that this Government works for small business are ridiculous.

Mrs KARYN PALUZZANO (Penrith) [5.00 p.m.]: I am delighted to represent 7,000 small businesses in Penrith and in the lower Blue Mountains area during this discussion on Small Business September 2006. I am proud to have arranged visits and delegations so that the Minister for Small Business, the Hon. David Campbell, could see firsthand what Penrith and lower Blue Mountains small businesses are achieving. The Minister visited a number of small businesses, including Penrith Pilates, Simple Simon Pie-Making Equipment, which manufactures for export markets, and a home-based business, Blue Mountains Honey, A Fine Affair, and KDR Roofing. The Minister also had an early morning meeting with small businesses attended by the operators of some long-term businesses, such as Hi Craft awnings and blinds, which has operated for more than 30 years in the Penrith-lower Blue Mountains area, Panda Pools, and many other businesses.

Just two days prior to the commencement of Small Business September 2006, in the company of the Minister I had the pleasure of presenting awards at the Cumberland Penrith Press Business Achiever Awards. On that occasion, the Minister met representatives of Penrith Pilates, which was a winner in the health services category, representatives from National Locksmiths, which was another winner, and the overall small business winner, Exquisite Hair and Beauty of Penrith. Small Business September 2006 opened doors for many Penrith and lower Blue Mountains businesspeople, helping them to develop their skills, to innovate and to grow their companies. The events attended by local business owners and operators and those thinking of starting their own business included selling via the Internet with eBay. Representatives of Small Business September 2006 sponsors, eBay and Australia Post, delivered an informative event to 60 Penrith businesspeople on the world wide web phenomenon eBay. Experts and successful sellers shared their knowledge about the tools and resources that eBay provides to grow a profitable online business. Australia Post provided additional tips, ideas and practical case studies on direct mail.

Taxation issues can be a minefield for small business owners and operators. Through the Tax Basics Overview Seminar, Australian Taxation Office speakers gave Penrith and the lower Blue Mountains business owners a better understanding of small business tax issues and obligations on topics such as the GST, income and expenses, and business structures. During Small Business September 2006 the Pollies for Small Business Day was held. I attended local businesses including Café Nouvo, which is located in Westfield at Penrith, where Frank and Joe gave me a great lesson on cappuccino making and on how they provide that service in their small business. One thing they spoke about, as did Strawberry Cottage, another small business in Glenbrook, was the impost the GST has made on small businesses. Coalition members were silent on that matter.

Penrith's fast-growing home-based business sector will go from strength to strength with the Operating Your Business from Home Workshop, organised by the Greater Nepean Business Advisory Service. The workshop presented an overview of the key factors to be considered when operating a business from home. The topics examined included the reasons why more people are electing to operate from home, the benefits and challenges faced by home-based business operators, and the special qualities needed to make each business a success. Penrith home-based businesses that have taken part in the Iemma Government's programs are reporting outstanding success.

I will mention two. First, Gary Maton, of Maton Enterprises, trading as Soccer Under the Stars, recently increased the number of part-time sports coaches. That operation offers school-based and after-school activities for local youth. Mr Maton works in conjunction with the Australian Sports Commission on the Active After-Schools Community Program. Second, Debbie O'Connor of Wide River Design in Glenmore Park won the Penrith Business Awards for Outstanding Professional Services in 2005 and 2006. Ms O'Connor now employs a permanent part-time employee as her company has grown substantially since participating in the Iemma Government's Home-based Business Action Program. The strong New South Wales economy is powered by the diversity, innovation and drive of the small business people who can operate those businesses. I commend the platinum sponsors who are defying the doom and gloom merchants led by the Leader of the Opposition. The Iemma Government is open for business. The Penrith and lower Blue Mountains small businesses matter.

Ms TANYA GADIEL (Parramatta) [5.05 p.m.], in reply: I thank the honourable member for Penrith for her contribution to this debate. We share a passion for advocating the needs of small businesses in our electorates.

Mr Russell Turner: What about the contribution of the honourable member for Coffs Harbour?

Ms TANYA GADIEL: Don't worry, I will come to the honourable member for Coffs Harbour in a moment. I note that he has left the Chamber—a demonstration of the absolute arrogance of that gentleman. When he was talking about his visits around the State I noticed one glaring omission: his visit to Cooma. We all know that that visit was an absolute disaster. I will go into a little background about what happened in Cooma and what was reported in the *Cooma-Monaro Express* on 22 August 2006. The newspaper exposed the Opposition's arrogant and out-of-touch attitude to the small business community. It stated:

> One individual who wasn't over the moon with Shadow Small Business spokesman, Andrew Fraser's, visit to town was Cooma Chamber of Commerce and Industry chairman, Cath McGraw.
>
> "I thought that someone who is Shadow Minister for Small Business really didn't have a lot to say about small business," Mrs McGraw said.
>
> Mrs McGraw … believes that his announcements weren't groundbreaking and were only aimed at winning votes ahead of the next election.
>
> "I don't know that it made me go 'wow'", Mrs McGraw said, "it's just that what he was saying [about small business] was all motherhood stuff.
>
> "He could have talked a bit more about what he was planning on doing for small business."

The honourable member for Coffs Harbour is not fit to be the shadow spokesperson for 440,000 small businesses, just as the Leader of the Opposition, who cannot lead his own party, is not fit to lead this State. The honourable member for Coffs Harbour did discuss the Sensis Business Index Survey, and its point of view. If Sensis did not believe in New South Wales and small business in New South Wales, it would not have been the sponsor of Small Business September 2006. He also mentioned the failure of the Minister to work with chambers of commerce. That is an absolute untruth and it needs to be put on the record that the Minister is working very hard with the Chamber of Commerce.

If the honourable member for Coffs Harbour had paid attention, he would have known that the Australian Business Limited [ABL] State Chamber was a platinum sponsor of Small Business September 2006. However, in his ranting and raving tirade, which bagged out small businesses in this State and talked up small business in Queensland, he obviously missed the subtleties of that. The cuts to workers compensation have been warmly received by the ABL State Chamber, as its chief executive officer, Kevin Macdonald, said when the Minister launched the ABL State Chamber-ANZ Alliance during Small Business September 2006. Of course, there were a lot of sponsors, platinum and gold and so forth, and they have all done a fantastic job and are behind small business.

I refer to the people from the department who participated in the events—they were particularly fantastic. The projects do not get up and running and off the ground unless the staff become involved and obviously put their hearts and souls into it, as they did. Again, that is the difference between public servants and bureaucracy. When we hear the Leader of the Opposition talking about cutting 29,000 public service jobs, those are the kinds of jobs that will have an overall impact. We would start to lose their skill and their passion for putting on events such as Small Business September 2006. That does not even cover the front-line services such as police, nurses, teachers—

Mrs Judy Hopwood: They are not small businesses. You are not confused, are you?

Ms TANYA GADIEL: I am not confused, I think the honourable member for Hornsby is confused. The cutting of 29,000 public sector jobs will have a devastating effect on the New South Wales economy, particularly on small businesses. I note that many small businesses that have been set up in Parramatta are very successful as a result of State Government jobs that have put a lot of public servants into Parramatta, and they frequent the local shops. Cutting those jobs will have a devastating impact in my electorate. [*Time expired.*]

Discussion concluded.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! It being before 5.15 p.m., with the consent of the House I propose to proceed to the taking of private members' statements.

PRIVATE MEMBERS' STATEMENTS

PINE PARK CARAVAN PARK DISPUTE

Mrs SHELLEY HANCOCK (South Coast) [5.10 p.m.]: I raise concerns on behalf of my constituent Mr Steve Devet, who owns the Pine Park Tourist Grounds and Marina, sometimes known as the Pine Park Caravan Park, at Greenwell Point, in my electorate. Mr Devet is somewhat aggrieved by statements made about him in this place in 2000 by the honourable member for Liverpool, Paul Lynch. He has asked that I present his side of the story in an attempt to clear his name and reputation in the context of the derogatory and damaging remarks made about his business and by the actions of the honourable member for Liverpool.

In brief, the honourable member for Liverpool claimed that his constituents had stayed at the Pine Park Caravan Park owned by Mr Devet, which the honourable member described as the "caravan park from hell". The honourable member for Liverpool described Mr Devet as a difficult and bombastic man and suggested that he had virtually terrorised his constituents, threatened them and finally demanded that they leave the park. The honourable member then stated mistakenly that his constituents would have to keep paying the rental fee on their caravan and that their legal rights in seeking redress were limited as they were categorised as holidaymakers.

A rambling attack then followed from the honourable member for Liverpool about the supposed predicament of his constituents and he called for a change in legislation to avoid a repetition of the incident. In making the legal points, however, the honourable member saw fit to defame outrageously a hardworking and successful small businessman in my electorate without first checking his facts or attempting to contact Mr Devet for his side of the story. The honourable member for Liverpool should have attempted to contact Mr Devet on behalf of his aggrieved constituents and perhaps then he would have discovered the truth. But his indolence resulted in a lack of assistance to his constituents—in fact, his only effort involved a five-minute verbal assault in this place against my constituent. He did not follow anything through for either party.

Had the honourable member for Liverpool researched the matter properly he would have discovered that his constituents continually ignored safety rules implemented by Mr Devet mainly in order to protect children in his park. These rules related to fishing from moored boats—a dangerous practice with potentially adverse consequences for boat owners. Mr Devet was threatened with physical violence after asking continually that the father cease this practice and not allow his children to fish in this way either. As a consequence, Mr Devet had no choice but to request the tenants to leave his park after a number of fairly violent altercations.

The Liverpool family agreed to depart and asked Mr Devet whether they could leave their van in the park until they could sell it. Mr Devet agreed, with normal rental being charged. However, the family did not pay rent regularly and the arrears were paid only when the van was finally sold. Mr Devet acted fairly. He was threatened by the constituents with a fishing rod and had no alternative but to act as he did. I speak this evening to set the parliamentary record set straight and to present both sides of the story so that Mr Devet can feel some sense of justice. Mr Devet's direct message to the honourable member for Liverpool is as follows:

> It is your responsibility Mr Lynch to protect constituents but be factual. At no stage have you ever contacted me to find out firstly that there is an independent witness and secondly my side of the story. You personally attacked my character and attempted to ruin my business. Your totally biased unfounded comments have caused undue stress to my family, my wife and myself possibly affecting my future business. I request that you look at the facts and print a retraction and a personal apology.

Several such requests have been made over six years but no apology has been forthcoming. The lesson for the honourable member for Liverpool—and, in fact, for us all—is that we should use parliamentary privilege carefully. We should not simply use this place to launch a tirade against other people in order to be perceived as representing our constituents rather than presenting an honest statement that reflects research and justice. In spite of the incident I have described from six years ago Mr Devet's business continues to survive and prosper, offering accommodation for visitors to the beautiful Greenwell Point area. However, this unfortunate incident has affected Mr Devet. Over the years he has felt seriously aggrieved about the comments made in this place. That is why I have corrected the record this evening.

[*Private members' statements interrupted.*]

BUSINESS OF THE HOUSE

Notices of Motions

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! It being 5.15 p.m., the House will now deal with General Business Notices of Motions (General Notices).

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

[*Private members' statements resumed.*]

GEORGES HALL AND LANSDOWNE TRAFFIC ARRANGEMENTS

Mr TONY STEWART (Bankstown) [5.21 p.m.]: I raise issues and concerns in relation to traffic needs in the Georges Hall and Lansdowne areas. Those areas are on the fringe of my current electorate of Bankstown but will be part of the new electorate of Bankstown after the State election next year. As the Australian Labor Party candidate for the seat of Bankstown I have spent a lot of time in that area. I am keen to ensure that residents get what is best for their traffic needs and residential street needs. A number of residents have explained to me their concerns about the infamous meccano set of traffic lights at the intersection of the Hume Highway and Henry Lawson Drive, Lansdowne.

I agree with the concerns of residents from Georges Hall that because they cannot turn right at that intersection they are severely handicapped in relation to traffic movement and opportunity. More than 20 years ago the right-hand turn was taken away from those lights at a time when Georges Hall was far less densely populated. Since then the community has significantly grown and it deserves better traffic flow to meet its greater traffic needs. As there is no access to a local train station in the area, most local residents use cars. They say that it is about time the Government re-examined the issue of lights and a right-hand turn at the Hume Highway from Henry Lawson Drive.

Recently I met on site Mike Veysey, Regional Manager, Roads and Traffic Authority, who has always been very helpful in providing advice and support for road programs in my local area. He put forward prevailing safety concerns about reinstituting that right-hand turn, but fortunately has not totally ruled out the possibility of it being installed. I will work very closely with the Roads and Traffic Authority in relation to this matter. I have also referred the matter to the Minister for Roads, who has been supportive and will re-examine the feasibility of having a right-hand turn reinstituted and at the same time address safety concerns. I will work towards that outcome with the support of Georges Hall residents, who have been helpful and informative in regard to this issue.

Recently, as a result of my representations, I convinced Bankstown council, through its traffic committee, to increase the speed limit on Flinders Road and Johnston Road from 40 to 50 kilometres per hour, in line with other residential streets in the area. That inconsistency of speed limits, without any significant safety aspects attached to it, has been a real problem for local residents. I worked very closely with Mr Tony Ray, who has a tremendous knowledge of local traffic needs and who has worked vigilantly to support resident needs on traffic movements and for the need for traffic changes to occur in that vicinity. I put on record my appreciation for the actions of Tony Ray. I thank him for his lobbying as part of an action group formed to put forward to Bankstown council the significant needs of the residents of Georges Hall in relation to traffic movement.

Georges Hall is unusual in that it is closed off from traffic movements on major regional roads. It is surrounded by regional roads but is vastly a residential area that needs more attention. It has not received the attention that it warrants over the past 20 years or so. I will work very hard for residents and follow the steps of the Minister for Energy, the current representative of that area. He has left no stone unturned to ensure that Georges Hall residents have their traffic needs addressed. I will take up that issue and work solidly and closely with residents and resident action groups to put in place traffic movement opportunities that suit the needs of local residents.

DROUGHT

Mr IAN ARMSTRONG (Lachlan) [5.26 p.m.]: My electorate of Lachlan is in the middle of this State and is dramatically caught in this escalating drought. Indeed, parts of Lachlan have been in drought for nearly three years, during which its main reservoir, Wyangala Dam, has not been above 32 per cent capacity. This morning it is under 18 per cent capacity. The other catchment on the southern side of Lachlan is the Murrumbidgee and the Burrinjuck Dam, which is now entirely dependent on flushing out of the Snowy Mountains scheme. There has been virtually negligible catch into that impoundment for some 18 months to two years. So "drought" is certainly on the lips of every businessman and every person in the area.

I want to make some observations regarding drought. First of all, its biggest effect is on the cash registers of businesspeople in towns and villages. The so-called non essentials—after fuel, food, water, and veterinary and health treatments for animals and people—such as a new set of shoes, a new car or a pushbike for a child are put aside in times of drought. Those shops are badly feeling the pinch, as are the business houses that extend credit to farmers in general and to many townspeople. Normally those businesses would offer trading times of 30 days, but in some towns in my electorate they have a number of people on up to 90 days credit, with little chance of recovery.

I ask for an understanding of drought. Drought is not abnormal. It is part of the cycle of climatic change on this planet and in this country. We live in the flattest, lowest, driest and hottest continent of this earth. Indeed, it is luck we do not speak Portuguese or Dutch—they arrived 100 years before Cook and looked at the coast of Western Australia and went home. They thought it was too dry for them. The bottom line is that we have learnt to manage seasonal changes, be it floods or droughts. I ask for a balance to be kept because the great majority of businesspeople—I include farmers in that category—will get through this drought through their own initiative and absolute courage in understanding how to manage, based on their previous experiences.

I always say we have to tell the truth. For goodness sake, do not over-dramatise the drought and try to make some personal gain out of it for ourselves as politicians or indeed for other community organisations, be they local or statewide. Keep the truth out there. Keep the perspective in it and try to maintain confidence in the whole support industry of drought because eventually we will recover, tough as it might be.

I ask the Government to just mirror the funds made available in 1994-95, when the drought that beset this State was not quite to the current scale. Back then the Government made some $15 million available to small business by way of interest subsidy, and in a few cases by way of direct grant. That provided enormous

security for many small business that had exhausted their credit reserves. I acknowledge that in the past few days the Government has made an announcement about some $300,000. But, with due respect to the Government—and putting politics aside—that is insignificant when measured against the need across the State. I ask that that allocation be substantially increased to recognise inflationary factors that have occurred since 1994-95, when $15 million was spent wisely. We are looking at probably double that amount today.

I hope the Government will recognise the urgent need to help those businesses survive, so that they can accommodate those who just cannot pay. The last thing that businesses want to do is start repossessing agricultural machinery, and the last thing that the banks want to do is repossess a farm. We do not need a flood of farms on the market because that would depress the market, and therefore alter the balance of debt to capital asset. Nor do we need a flood of second-hand machinery on the market as that would completely dump the market for agricultural machinery and even cars in country New South Wales. In other words, we need sensible and practical management, based on experience, together with recognition that rural communities are tough, as are Australians, and will come through. Government must assist them, not try to use them for political purposes.

BLACKTOWN TRAFFIC OFFENDERS PROGRAM

Mr PAUL GIBSON (Blacktown) [5.31 p.m.]: I draw the attention of the House to a very important road safety education intervention in my electorate of Blacktown. This program has been running on a voluntary basis since 1992, but at the moment it is in danger of being discontinued. The Blacktown Traffic Offenders Program, or TOP as it is called, is a community-based program that has operated in Blacktown as well as a number of other metropolitan locations since 1992. The Blacktown Traffic Offenders Program has been run for almost 15 years without any government assistance. It is, to be frank, now flooded with offenders referred to it from the Local Court in Sydney, the Central Coast, the Hunter and the Illawarra. In fact, some 48 courts are at present referring offenders to the Blacktown Traffic Offenders Program. More than 8,800 traffic offenders have experienced the program. About 200 offenders attend a course at any one time. The program is operating at or above its capacity. It is operated on a voluntary, non-profit basis—and it is working.

Several years ago the Roads and Traffic Authority funded an independent evaluation that showed completion of the program was associated with a significant reduction in re-offence rates, particularly regarding drink-driving. The recent study by the Bureau of Crime Statistics and Research of the use of dismissals and conditional discharges when sentencing drink-drivers showed that magistrates in the Local Court who refer offenders to the traffic offenders program are far less likely to dismiss drink-driving charges or to give a drink-driving offender a section 10 conditional discharge under the Crimes Act 1900. More than half of the offenders who have gone through the traffic offenders program are in that critical age group that is often talked about and read about, the 16 to 25 year olds. That is the age of greatest danger for drivers. More than half of the offenders who enter the program have pleaded guilty to a drink-driving offence. Across New South Wales the involvement of alcohol in fatal crashes is rising, so the program is definitely targeting the right people.

The traffic offenders program has existed only as a result of strong support from local service and community organisations, such as Rotary, the Blacktown RSL Club and Blacktown City Council. Since its inception the program has been strongly supported by the Staysafe committee. Graham Symes, its co-ordinator, has been there from day one and does a great job. David Bamford, its honorary chairman, also does a tremendous job. The evidence of Roads and Traffic Authority witnesses to a public hearing of the Staysafe committee on Monday 20 September 1999 was:

> The Roads and Traffic Authority is undertaking several initiatives that address recidivism. The Roads and Traffic Authority has evaluated Traffic Offenders Programs, a pre-sentencing education program offered to offenders. The results appear to be very positive, and we are developing options to encourage the development and use of these programs.

Sadly, nothing has happened in the intervening six years. In mid-September 2006 I again asked the question of Roads and Traffic Authority witnesses. Again the evidence was:

> The fact that people come before the court also allows access to a number of other programs that we have in place to help with drink-driving. They are programs like the Traffic Offenders Program and, more recently, the Sober Driver Program, which our evaluations show are very effective …

So one might expect that the Blacktown Traffic Offenders Program would be well supported by authorities. The New South Wales Government released the Road Safety 2010 strategic plan in late 1999. The plan provided for a road toll of less than 400 deaths by the end of 2005 and less than 300 road deaths by 2010. The plan specified that there would be government efforts to address speeding and drink-driving enforcement programs. The plan

provided, amongst other things, for the Roads and Traffic Authority to sponsor programs such as the Blacktown Traffic Offenders Program. I cannot think of a better program, because it helps not only young people but other offenders to get back on the road and become safe drivers again. Tomorrow I will be bringing people from the traffic offender program to meet the Minister for Roads, Eric Roozendaal. I am certain that, following their presentation to the Minister, he will have the same thoughts about this worthwhile program as I do. [*Time expired.*]

BROOKLYN SULLAGE

Mrs JUDY HOPWOOD (Hornsby) [5.36 p.m.]: I wish to speak about the sullage issue in Brooklyn and the wider area. In doing so I draw attention to the concerns raised over the years by residents of the Brooklyn and Cowan area about sullage disputes that remain unresolved. In Brooklyn and Dangar Island the recent announcement that the community had finally won sewerage connection and that construction was to commence obviously would lead government departments to think that this brought an end to the sullage dispute. That is not so. There are still unresolved issues that need attention. Unfortunately, there has not been the foresight to connect recycling to the announced sewerage construction. That demonstrates a poor oversight given the extreme water shortage occurring on the Central Coast. We cannot understand why the Iemma Government would not have approved recycling at the same time to take advantage of this golden opportunity.

I pay tribute to members of the Brooklyn Ratepayers Association. They have been working tirelessly on local issues, but especially sewerage connection. They are concerned also about sullage matters. I would like to mention Bob Davis, Anne and Bill Graham and Tom Richmond. I mention Tom particularly in the light of his caring for his elderly father, whom I looked after in years gone by as a community nurse, and also in the light of this being Carers Week. I would like to quote from the *Gateway*, a newsletter of the Brooklyn Ratepayers Association of February 2006 entitled "The Sullage Dispute":

> We have been trying, for nearly four years now, to have Council investigate its management of unsewered areas. As part of that battle, we made a submission to the Department of Local Government in September 2003. That Department, which rarely intervenes in Council matters, liaised with Hornsby Council for fifteen months to try to bring about improvements.
>
> Late in 2004, Hornsby Council wrote a report to the Department of Local Government, claiming that it had done a great deal to address our complaints. Council gave certain undertakings to the Department, including one covering measurements and lack of consistency in consents for on-site disposal. To address these problems, there was "an undertaking from Council to review any individual claim for refunds based on overcharging/over servicing and respond where appropriate."
>
> THERE WAS NO INVESTIGATION
>
> Instead of investigating, as they promised to the Department of Local Government, Hornsby Council officers managed to convince our elected councillors that there had already been some sort of investigation that had, in some way, verified all of the past accounts.
>
> No such investigation ever took place. Indeed, if it had, we could all guess the result!
>
> Both at Brooklyn and Cowan, numbers of people had stopped paying accounts. Many of them were weary of explanations about leaking taps and so forth. Some of them could not work out why they had to pump out grey water when neighbours were allowed to dispose of everything on site.

The issue has frequently been raised in the media as far back as 2002. In the *Hornsby Advocate* on 1 August 2002 an article headed "Pump-out charges suck say residents" stated:

> Brooklyn's Graham family has paid more than $20,000 for pump-out services since moving into the area eight years ago.

Another article in the *Hornsby Advocate* dated 10 July 2003 under the heading "Huge Price Increases" and "Flushed with anger" stated:

> Brooklyn residents are raising a stink over another jump in sewage pump-out costs—and want Hornsby Council to wipe the new charge.

I refer to a letter to the editor from Bob Davis that was published in the *Hornsby Advocate* on 14 August 2003 under the heading "Poor answers on pump-out service". A Cowan resident, Blane Stonley, in a letter dated 21 March 2006 stated:

> I now have pump out figures ranging from 550 litres to 5,389 litres per pump out. The only figure I believe is anywhere near being accurate is 550 litres. The rest can be taken with a grain of salt. My repeated attempts to get Council to offer reasonable and logical answers have been to no avail. All too often, questions, which were either too hard or too embarrassing, were ignored.

> The comment "that council is carrying out an efficient and appropriate sullage service" is laughable. I recently spoke to a fellow resident who is running a business from her property, and at the time of our conversation her last three pump outs were all zero. So, for a period of six weeks her property produced zero sullage!

I have many other examples. I have worked with these people over the past four years on this matter. These unresolved issues cannot be explained in a logical way. I call on the Minister to initiate an open, public, independent inquiry into the sullage issues at Brooklyn and Cowan.

QUEENSLAND AMBULANCE SERVICE CHARGES

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [5.41 p.m.]: I wish to bring to the attention of the House the fees charged by the Queensland Ambulance Service to interstate people. I do so because those fees have impacted on a number of pensioners in my electorate and affect all New South Wales residents who may need the service when visiting that State. The matter is causing concern because people who have had to use the Queensland Ambulance Service in the past few months have been slugged with iniquitous fees of $800 and upwards, depending on the distance they have travelled to hospital. Some weeks ago *A Current Affair* highlighted the case of a New South Wales resident who travelled from Rainbow Bay to a hospital in the Tweed. For the short distance the resident was slugged $860. The commensurate fee for the same journey in an ambulance in New South Wales is $230. It is a big difference. Queensland is using New South Wales residents as cash cows.

On 1 July 2003 Queensland withdrew from the Reciprocal Rights Agreement between Queensland, New South Wales and other States. That agreement provided that ambulance services would be available at no cost to pensioners or people travelling interstate who had paid an ambulance levy through their private health insurance. By withdrawing from the agreement and establishing a Community Ambulance Cover Scheme on its electricity accounts, Queensland has created considerable inequities in ambulance funding across the two States, particularly for pensioners. By June 2006, after some $2 million per year had been paid in subsidies to the Queensland Ambulance Service by New South Wales taxpayers, the Independent Pricing and Regulatory Tribunal recommended that all New South Wales residents, including New South Wales pensioners, travelling within Queensland be responsible for the payment of ambulance service accounts. The tribunal objected to New South Wales subsidising the Queensland Ambulance Service.

It is most annoying that apart from the difference in prices, the Queensland Ambulance Service is obviously treating interstate visitors as cash cows and charging them four times the amount the Ambulance Service of New South Wales charges for the same journey. The Queensland and South Australian governments have caused enormous problems for people in New South Wales, particularly pensioners, and it is those people I go in to bat for today. About a week ago I raised a petition in my electorate and today I presented the petition with hundreds of signatures to the Minister for Health. It is unfair that New South Wales residents subsidise the Queensland Ambulance Service. New South Wales pensioners and people on low incomes could find themselves in a difficult situation.

I also want to refer to the cunning way in which the Queensland Government was to bill Queensland residents from 1 July 2003 but held over the bills until after the State election. I find such action reprehensible. A number of people who have been holidaying across Queensland have been caught by this situation. I call on the Minister for Health to intervene. It is terribly unfair that New South Wales pensioners have to pay four times the amount for an ambulance journey in Queensland that they would pay for a similar trip in New South Wales. I encourage the Queensland Government to rejoin the agreement, given that it worked so well in the past. I call on the Minister to address the issue, perhaps by charging Queensland residents a similar fee to ensure that our subsidising of the Queensland Ambulance Service ceases and we get back to a level playing field. [*Time expired.*]

REPTON RURAL FIRE SERVICE

Mr ANDREW FRASER (Coffs Harbour) [5.46 p.m.]: I raise an issue on behalf of the residents of Repton and, in particular, the volunteer members of the Repton Rural Fire Service. On 26 March this year I received correspondence from Gary Deane, Captain of the Repton Rural Fire Service and Elizabeth Philpott, secretary of the service, about the intersection of Keevers Drive, a road just south of Pine Creek, and the Pacific Highway. It is an area where 13 deaths have occurred; it was almost 14 following a bad accident last weekend. Repton Rural Fire Service looks after fire services for all of the Pine Creek National Park, which was formerly State forest, and residents in the area. Often the volunteers are called out to attend bushfires and motor accidents on the highway. They have to enter the highway via Keevers Drive. The turn-off at the intersection is approximately 250 metres south of an 80 kilometres per hour zone.

The Repton Rural Fire Service is asking for the 80 kilometres per hour speed limit to be extended about 300 metres further south. At present the highway in this area is a dual-lane carriageway with a 100 kilometres per hour zone. Many motorists travel at 110 kilometres per hour. The service finds it increasingly difficult to enter the highway safely with a fully loaded fire truck and half a dozen volunteers on board. They have had some near misses. I have written to the Minister for Roads about this matter. I apologise to Repton Rural Fire Service because in my correspondence I asked for a 60 kilometres per hour zone, when in fact the service wanted an 80 kilometres per hour zone. The service has pointed out that error to me in subsequent correspondence. The only response we have had is a letter from the honourable member for Kiama saying it is not on. This means another death is waiting to happen on the Pacific Highway, and this time it will be local Rural Fire Service volunteers or local residents, and the volunteers who attend the accidents may have to identify their relatives.

It is a simple request. For the Government to ignore this request to extend the 80 kilometres per hour zone by 250 to 300 metres is lunacy. I have written to Peter Collins, Regional Manager, Northern Region, Roads and Traffic Authority, about this matter. The Minister must take advice from Mr Collins. I have written to Mr Collins and asked him to inspect the intersection with me to see the inherent danger to which anyone—locals, tourists or members of the Rural Fire Service—is exposed when entering the Pacific Highway from that area or, alternatively, turning right when heading north into Keevers Drive. It will not cost a lot of money; it will probably cost nothing. All the Government has to do is extend the signs a little further south.

I could go on about the deaths that have occurred in the area, but I do not intend to do so. I say to the Government and to Eric Roozendaal: For God's sake, shift those signs before someone is killed. Nothing more and nothing less will do. Support the Repton Rural Fire Service! I raised this matter with Phil Koperberg when we opened the extensions to the Rural Fire Service building a few weeks ago. He promised me faithfully that he would raise it, but I do not think he has. I told him to talk to his brigade members. I understand they probably copied the correspondence to him. I mentioned that in my correspondence to the Minister. Pick up the phone, ring Peter Collins and tell him to get the job done. That is all we need.

UMINA PUBLIC SCHOOL GOLDEN JUBILEE

Ms MARIE ANDREWS (Peats) [5.50 p.m.]: I draw the attention of honourable members to the many achievements of Umina Public School since it first opened its doors to 159 students on 3 February 1956. Today the school has more than 800 students. I pay tribute to principals, teachers, ancillary staff and students, both past and present. The original building accommodated four classrooms, as well as an office, a staff room, a cloakroom, a storeroom and a small library. That building remains standing today in the middle of the present-day school. The official opening of the school by the Hon. R. J. Heffron, then Deputy Premier and Minister for Education, took place on 25 October 1957. He went on to become the Premier of New South Wales. Umina Public School was constructed at a cost of £11,705 by Mr A. G. Hill of Ourimbah. Mr Leonard Carey, the first principal, was assisted by three other teachers, namely, Miss Wylva Williamson, Miss Helen Windward-Smith and Mrs Myra "Biddy" Elliott.

At the official fiftieth anniversary ceremony held at the school on 22 September 2006 Mrs Elliott, affectionately known as Biddy among her many friends, recounted her days spent teaching at the school. In 1956 Biddy, who taught what is today known as years 1 and 2, had 50 young students in her classroom. Today there are 19 or 20 students in similar classrooms, in line with the State Government's commitment to reduce class sizes in the early years of schooling. Biddy taught at the school from 1956 to 1958, returned to the school in 1972 and remained there until her retirement in 1986. Another long-serving former teacher in attendance at the anniversary celebrations was Mrs Mary Ward, who taught at the school for 13 years.

Mr Carey served the school as principal from 1956 to 1959. He was followed by Mr R. Murray, 1960 to 1961; Mrs E. Baird, 1962 to 1966; Mr R. Lazarus, 1967 to 1973; Mr V. M. Colditz, 1974 to 1985; Mr Donald Anderson, 1986 to 1992, Mr R. (Bob) Bourke, 1993 to 1999; and the current principal, Mr L. J. (John) Blair, who has been at the helm since 2000. Two former principals, Mr Donald Anderson and Mr Bob Bourke, were key speakers at the official ceremony. They outlined recollections of their period of service at Umina and paid tribute to past and present teachers, office staff, students and members of the parents and citizens, who played such an important part in the growth of the school. Mr Bourke is now the principal of Ettalong Public School.

Maree Roberts, Deputy Regional Director, Central Coast, congratulated everyone associated with the school on their strong commitment to public education, which she firmly believed was the basis for a democratic society. The School Education Director, Mr Frank Potter, congratulated the school on its fiftieth

anniversary and paid tribute to the school's many achievements over the years. Others who participated in the program of events were Katelyn Farrell, who gave the Acknowledgment of Country; the principal, Mr John Blair, who welcomed and thanked everyone in attendance; and Julia Rooke, the hardworking president of the Umina Public School Parents and Citizens. I pay tribute to and congratulate the hardworking members of that parents and citizens group.

Madison Baharoglu, school captain 2000; Gillian Stuart, school captain 1991 and a member of the current teaching staff and I also participated in the celebrations. The national anthem was beautifully sung by student Madison Roots. The program of events opened with a musical interlude provided by Umina Public School's recorder ensemble. The current school captains, Madeleine Carr and Luke Hickey, were assisted in the cake-cutting ceremony by Sven Lenfield. The school captains and the school leaders—Samuel Collins, Jessica Rooke, Joel Denniss-Hall, Whitney Baharoglu, Ben Nicholls and Katelyn Farrell—did an excellent job of looking after the many guests and acting as model ambassadors for their school. One of the original students, Sven Lenfield, has a special connection with the school. In 1960 he won a competition to design the school's crest. Sven still has the book prize he received on that occasion, although he freely admits that it was his grandfather, Alexander Semel, who created the design that was entered in the competition under Sven's name. I congratulate Umina Public School on its fiftieth anniversary and wish it well for the future.

PRE-PAID MOBILE CALL CREDIT SERVICES

Mr ANTHONY ROBERTS (Lane Cove) [5.55 p.m.]: I draw the attention of the House to the concerns of many of my constituents about the current competition and regulatory provisions relating to the telecommunications industry. Specifically, the concerns of my constituents relate to the lack of telecommunications services that meets the needs of the vulnerable and disadvantaged in our communities, those who, for a range of reasons, cannot commit themselves to long-term telephone contracts and who, again for a range of reasons, find it difficult to make do with current pre-paid telephone products that commonly include a range of limited-use clauses. As honourable members would be aware, mobile phone use has been steadily increasing over the years, and will only continue to increase. There are all types of plans and deals on the market, but most people do not notice the fine print.

Until now no telephone company offered a pre-paid mobile call credit service that did not have an expiry date, that is, a clause that said all credit must be used before the expiry date, otherwise the credit lapses. To put it simply, that is daylight robbery. Imagine putting $500 in the bank, only to have the bank turn to you and say that unless you keep adding $500 every few months it will take it all away. This strikes me as crazy and completely unacceptable. After some research I have found out that in some nations—Thailand is one—putting expiry dates on pre-paid call credits has been ruled illegal. That came after a study found that around 90 per cent of the approximately 30 million pre-paid mobile customers in Thailand suffered as a result of the practice.

However, I was pleased to hear recently that for the first time in Australia a company is giving people a pre-paid mobile service with credits that never expire. What is more, the company providing this service, Savvytel, is located in my electorate. I decided to speak with the chief executive officer, Mr Mark Whitaker, and was told that his company is getting about 100 calls a day from people annoyed about the expiry times and the cost of pre-paid credit. This is clearly a major issue for the public, and with good reason. Like many electorates around the State, my electorate has a number of elderly people and families with children who have pre-paid phones that they use in exceptional circumstances. I have a horrifying story, probably one of many, of an elderly person who had an accident and, only having access to a mobile phone, attempted to contact somebody for help but found that the call credits had expired.

Another example is children who need to contact their parents for something as basic as a lift home. They attempt to use the mobile phone, only to be told that the call credits have lapsed due to an expiry date. Those children are left wandering the streets, vulnerable and alone. I did some more research and I found a paper prepared by the Communications Law Centre, which claimed many people with concerns about the cost of their mobile phones use pre-paid call credits. However, those pre-paid credits were not considered entirely satisfactory, due to the time limit placed on them. One comment in the report from a low-income household in country Victoria stated:

> Those pre-paid cards sound alright but there is a gimmick because depending on how much you paid you have to use it in a certain amount of time otherwise you lose it.

Many people, particularly those on low incomes, effectively are penalised for trying to minimise spending and keep to a budget. It is important for this House to recognise that it is time large telecommunications carriers

came clean and clearly identified the credit expiry time limits for prepaid mobile phones instead of burying the information in fine print. Recently one provider reduced the phone credit expiry date without even advising its customers. That type of practice shows the need for more transparency in the communications industry and more competition. I commend Mr Whitaker and Savvytel for providing a fair service for everyone in the community, especially those most at risk.

ENGADINE MEN'S SHED

Mr PAUL McLEAY (Heathcote—Parliamentary Secretary) [6.00 p.m.]: Earlier this year the Premier, Morris Iemma, attended a community forum that I held in Engadine. At this worthwhile and well-attended community event, residents and community stakeholders had the opportunity to speak to the Premier face to face. Two of the representatives who attended were suggested to me by the extremely hardworking local Labor councillor Jan Forshaw. They were from a group representing Engadine's Boys' Town and the Bosco parish, and they informed the Premier of their plans to establish a men's shed. The parish of St John Bosco at Engadine and Boys' Town support the project. I will explain to the House what is meant by a men's shed. Frank Burgess, who is the Boys' Town Engadine men's shed convenor, sent an email to me, thanking me for the opportunity for the two representatives of the project to meet the Premier. His email states:

> As you are probably aware by now, Councillor Jan Forshaw of the Sutherland Shire Council is one of our very staunch supporters, and invited us to have representatives at your meeting at Engadine Bowling Club.
>
> The Menshed project is an initiative of the Engadine Branch of the Knights of the Southern Cross, a group of Catholic layman belonging to St John Bosco Parish at Engadine. One of our members has had some previous experience assisting in a Menshed at the Mary McKillop Outreach at the old Lewisham Hospital Complex, which is now running very successfully, and could see an opportunity to both fulfil a need in our local community and utilise a virtually unused Sutherland Shire Council Heritage Listed building on the old Boys Town property at the same time.
>
> The concept of the Menshed is to provide a centre for local men to gather in a social atmosphere, while providing the opportunity to use their various talents in a productive manner if they so desire. To that extent it provides a workshop type environment, which is appealing to most males. Since 2000 Mensheds have become an Australia wide concept, providing men both young and old with a place to gather, talk, build a social network, access health information, and most importantly, share the skills they have developed throughout their working lives with those who are less skilled.
>
> The Boys Town Management Board was approached, and after consideration, agreed to allow the use of their building for the Menshed project. This building was built in approx. 1942 by the Meat Trades Industry to allow Boys Town students to be trained in the butchery trade, so the original use of the building is virtually almost being continued. Naturally there are some minor repairs to be attended to.

In a report provided by the Sutherland Shire Council recently, reference is made to the mission statement of the project:

> The Engadine Men's Shed addresses many of the above issues as it aims to provide a safe, friendly and active environment to allow men to associate together in a productive and friendly atmosphere of stimulating workshop style activity … The premises for the Shed are located at the Meat Trades' Industry Building which forms part of Boys' Town property. Use of the building as a Men's Shed has been approved by the Boys' Town board … The day to day management of the premises and supervision of its occupants will be the responsibility of the Management Committee through a lease arrangement with the Boys' Town … The Shed will provide an opportunity for the men to engage with each other by engaging in activities that are safe and relevant to their lives. Issues relating to social isolation will be addressed, a routine provided and opportunities for mentoring young students provided.

The men will be carrying out repairs, helping each other and helping the local community. They will be creating products that will either be given away for charity or will be sold, with the proceeds being assigned to continuous fundraising. The Premier immediately responded to the groups by indicating that he liked what they had to say. The Premier asked me to follow up the matter. Since then I have been consulting with the Minister for Community Services, the Hon. Reba Meagher, who has also been extremely supportive of the project. After investigation and my continuing discussions with the Minister and as part of the regional Cabinet meetings in the Sutherland Shire this week, today in Engadine the Minister announced that the Government would provide $10,000 to kick-start the project.

The funds will be used to purchase much-needed tools and equipment for this new community space. Services such as the men's shed will provide important local spaces where men will be able to gather, make new friends and help the local community. Many men find the transition from work to retirement difficult. The Engadine men's shed will help to give local men an opportunity to socialise while maintaining their skills. The men involved in the shed will have the opportunity to teach their skills to others, particularly teenagers, giving them experience with light trade tools under supervision in the workshop. It will be fantastic. It is good for the shire and great for Engadine.

LIQUOR ACT REFORMS

Mr ROBERT OAKESHOTT (Port Macquarie) [6.05 p.m.]: I listened with interest to the remarks made by the honourable member for Heathcote and point out to the House that the Port Macquarie electorate is developing a concept similar to the men's shed at Engadine. I endorse the honourable member's remarks and also seek government support from the Minister for Community Services and the Premier. Having said that, I point out to the Government the great and immediate need for reforms to the Liquor Act. The Government promised to introduce much-anticipated legislative reforms before the conclusion of the parliamentary sittings on 30 November, which is just three weeks away. The preparation of legislation follows a major review of liquor laws in New South Wales. Many of this State's liquor laws are archaic in comparison with the liquor laws of other States. Individuals in the Port Macquarie electorate and industry groups are sweating on speedy implementation of a reformed Liquor Act.

The feedback I have received from various people is that the draft legislation is well supported, the consultation process was widely utilised, and input from the consultation process has been included in the draft legislation. Many industry groups with interests in my electorate have been pleased to date with the inclusion of their viewpoints during the consultation process. Some of the wine producers in my area, such as Cassegrain Wines, Bago Vineyards and Charley Brothers Wines are seeking better retail opportunities at the cellar door as a result of reforms, and their understanding was that appropriate provisions would be part of amendments to the Liquor Act. The legislative reforms are awaited with eager anticipation.

The Restaurant and Catering Industry Association at the local level of the mid North Coast is interested in laws that will be able to be applied in practice to enable patrons to genuinely wine and dine. Wine and dine licences exist, but they have not been taken up to a great extent. In regional tourism areas such as the North Coast there is a difference between the desire of the restaurant and catering industry to provide the service of alcohol with a meal and the relatively archaic laws that apply in New South Wales currently. Another organisation that is sweating on reforms of the Liquor Act is the surf lifesaving movement with its coldies laws and licences for 26 functions of four hours duration. The regulations have been tied up by some fairly rigorous and confusing liquor legislation whereas, when all is said and done, the regulation concerns functions being held at some spectacular locations along the coast. Surely there are inherent benefits not only for the revenue base of the surf lifesaving movement but also for those who want to hold functions, such as weddings, at beautiful locations.

The rumour doing the rounds of this place was that we would see the Act. However, we saw the sticky fingers of the pub lobby, the Australian Hotels Association [AHA], get its hands on what was going to be much-needed reform. I certainly hope that is not the case, and I ask the Premier and the Minister for Gaming and Racing—or anyone within the Government—to advise whether the reform that was going to be brought before the House this session has been pulled, due to the purchasing power of the AHA. It has been said by that movement previously that democracy is not cheap. I certainly hope that that has not happened to what is a sensible reform to liquor laws in New South Wales. I ask the Minister for Gaming and Racing and the Premier to introduce the Liquor Act reforms prior to the election so we can have sensible debate on sensible legislation. I also encourage the Opposition to become active on this issue as well.

CHALLENGE ARMIDALE

Mr RICHARD TORBAY (Northern Tablelands) [6.10 p.m.]: Challenge Armidale was founded in 1955 by a group of parents and community members who responded to the need to provide services for children with disabilities. Starting first as a school, the organisation quickly grew to provide accommodation services, followed by employment services for adults as well as day programs. In 2005 Challenge Armidale celebrated its fiftieth anniversary. Currently Challenge Armidale is leading the way in providing services for about 265 people with disabilities with a range of services in Armidale and throughout the New England region. The organisation employs 35 people in its own small business enterprises. I had the wonderful opportunity to visit that organisation which includes the Armidale Laundry Service, office paper recycling and security shredding as well as mailing and packing services.

Another 150 people are being assisted to find jobs in the community through the service known as Network Employment and Training Solutions, which has offices in Armidale, Glen Innes, Inverell, Moree and Narrabri. Challenge Armidale provides community integrated accommodation services for 33 people with the aim of maximising independent and inclusive living in the community. It has also built a state-of-the-art day

centre, providing community access and skills training for more than 40 people with disabilities. Currently the organisation employs 75 staff across a range of professions.

The philosophy of Challenge Armidale is to provide opportunities for people with a disability to be valued members of their community. This is reflected through services designed to maximise independence and integration and to gain productive and meaningful work matched to skills. This year the organisation won the New South Wales Department of Education and Training Employer of the Year Award as well as a national award, the Minister's Award for Excellence for Employers of Australian Apprentices. It won those awards on the basis of a 95 per cent participation rate of staff and service users in training. All staff now entering Challenge Armidale services become trainees and are expected to undertake accredited training. At present there are no minimum qualifications to work in the industry. However, Challenge Armidale has set its own minimum standards and has gone out of its way to provide training opportunities for new and existing staff.

Staff undertake Certificate III and Certificate IV in Disabilities, which allows them to gain entry in degree courses at the University of New England or other tertiary education venues. Challenge Armidale is now able to demonstrate practical professional career pathways for staff from basic in-service training to higher education degrees. Service users, the people with disabilities, also undertake training. There is a range of opportunities including Certificate II in Job Readiness, forklift driver training, literacy and numeracy, small motor maintenance and laundry services. Each person has a training plan designed to specifically increase job skills with the aim of continuous skill development. Service users in non-employment programs—that is, accommodation and day programs—have individual training plans focused on skills development. The goal of training is to maximise each person's capacity for participation in life.

At present Challenge Armidale is working to increase the quantity and quality of services provided for people with a disability across the New England region. In the area of employment the goal is to further develop fully integrated businesses in the community that employ both able-bodied persons and people with a disability. People with disabilities have many skills to offer and are very dedicated to their jobs. The goal is to maximise opportunities for those skills to be effectively utilised.

One of the major national issues of significance in which Challenge Armidale is taking a leading role concerns young people with major injuries or medical conditions who are inappropriately placed in nursing homes. The organisation has worked regionally over two years to develop a plan that will meet the needs of young people currently in nursing homes as well as prevent others in the community from having to go to a home. Challenge Armidale has the backing of the National Alliance on Young People in Nursing Homes and the New South Wales Brain Injury Association and it is very close to running a major regional pilot program.

Currently, Challenge Armidale is also spearheading a major statewide project to develop career pathways for students through the introduction of disability studies in schools leading to traineeships, to design career pathways for staff to ensure that they are able to remain in the industry with opportunities for advancement and to form a professional association for disability workers. I congratulate Challenge Armidale Chief Executive Officer, Kevin Mead, and his team on their tremendous work.

Mr PAUL McLEAY (Heathcote—Parliamentary Secretary) [6.15 p.m.]: Challenge Armidale is an inspiring organisation, and I thank the honourable member for Northern Tablelands for bringing it to the attention of the House. It is no surprise that he would praise an organisation that is involved in such an important part of his community: the provision of employment. Many times in the House he has mentioned the connection between ongoing education and employment. He is a very passionate supporter of education at all levels, particularly within the work force. This is not the first time he has spoken about employers in his region who take workplace education seriously and promote it heavily. That is a frequent theme of his.

The Government is dealing with people with disabilities; it is an important focus for the Government. The Premier has said that we have failed when it comes to servicing people with disabilities and that is why the Government has allocated $1 billion over the next five years to come to terms with that. That allocation will complement the work done by Challenge Armidale, which sounds like a wonderful organisation. I congratulate Challenge Armidale and again thank the honourable member for Northern Tablelands for bringing it to the attention of the House.

Private members' statements noted.

BAIL AMENDMENT (LIFETIME PAROLE) BILL

CRIMES (FORENSIC PROCEDURES) AMENDMENT BILL

ELECTION FUNDING AMENDMENT BILL

FAIR TRADING AMENDMENT (MOTOR VEHICLE INSURANCE AND REPAIR INDUSTRIES) BILL

Messages received from the Legislative Council returning the bills without amendment.

[*Madam Acting-Speaker (Ms Marianne Saliba) left the chair at 6.17 p.m. The House resumed at 7.30 p.m.*]

THREATENED SPECIES CONSERVATION AMENDMENT (BIODIVERSITY BANKING) BILL

Bill read a third time.

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Mr JOSEPH TRIPODI (Fairfield—Minister for Energy, Minister for Ports and Waterways, and Minister Assisting the Treasurer on Business and Economic Regulatory Reform) [7.31 p.m.]: I move:

> That standing and sessional orders be suspended to permit, at this sitting, the resumption of the adjourned debate and passage through all remaining stages of the Electricity Supply Amendment (Greenhouse Gas Abatement Scheme) Bill and the Ports Corporatisation and Waterways Management Amendment Bill.

The House divided.

Ayes, 46

Ms Allan	Mr Gibson	Mr Pearce
Mr Amery	Mr Greene	Mrs Perry
Ms Andrews	Ms Hay	Mr Price
Ms Beamer	Mr Hickey	Ms Saliba
Mr Black	Mr Hunter	Mr Sartor
Mr Brown	Ms Judge	Mr Shearan
Ms Burney	Mr Lynch	Mr Stewart
Mr Campbell	Mr McBride	Ms Tebbutt
Mr Chaytor	Mr McLeay	Mr Tripodi
Mr Collier	Ms Meagher	Mr Watkins
Mr Corrigan	Ms Megarrity	Mr Whan
Mr Crittenden	Mr Mills	Mr Yeadon
Mr Daley	Mr Morris	
Mr Debus	Mr Newell	*Tellers,*
Ms Gadiel	Mr Orkopoulos	Mr Ashton
Mr Gaudry	Mrs Paluzzano	Mr Martin

Noes, 33

Mr Aplin	Mr Kerr	Mr Slack-Smith
Mr Armstrong	Mr McTaggart	Mr Souris
Ms Berejiklian	Mr Merton	Mr Stoner
Mr Constance	Mr Oakeshott	Mr Tink
Mr Draper	Mr O'Farrell	Mr Torbay
Mrs Fardell	Mr Page	Mr J. H. Turner
Mr Fraser	Mr Piccoli	Mr R. W. Turner
Mrs Hancock	Mr Pringle	
Mr Hartcher	Mr Richardson	
Mr Hazzard	Mr Roberts	*Tellers,*
Ms Hodgkinson	Ms Seaton	Mr George
Mrs Hopwood	Mrs Skinner	Mr Maguire

Pair

Ms D'Amore	Mr Debnam

Question resolved in the affirmative.

Motion agreed to.

PORTS CORPORATISATION AND WATERWAYS MANAGEMENT AMENDMENT BILL

Second Reading

Debate resumed from 17 October 2006.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [7.41 p.m.]: I lead for the Opposition in relation to the Ports Corporatisation and Waterways Management Amendment Bill. This bill has been introduced into this place in a great rush. In fact, it was introduced at 11.37 p.m. last night. This morning a cursory briefing by a Minister's adviser was provided to one of my staff. The Opposition has not had the opportunity, as is custom following a second reading speech, to consult with stakeholders affected by the legislation. This is poor management by the Government of the operations of the House. As the Leader of the Opposition has said, throughout the year this House has sat in a fairly relaxed manner, often rising early, having sitting days cancelled and from time to time having standing and sessional orders suspended to bring on business as the Government sees fit. Here we are again towards the end of a sitting year. All of a sudden the Government wants to ram through pieces of important legislation, including the Ports Corporatisation and Waterways Management Amendment Bill.

It is unfair not only to the Opposition but also to all those who may be affected by this bill not to provide them with the opportunity to consider the implications of it and to advise their concerns to the Opposition. This bill, as briefed by the Minister's adviser to my staff member this morning, essentially does five things. First, it allows the Minister, rather than the Governor, to issue, renew or cancel a Port Safety Operating Licence. Second, it sets out the principal functions of NSW Maritime. Third, it inserts administrative provisions regarding the delegation of functions. Fourth, it confirms the validity of consents, permits and approvals issued by NSW Maritime and its predecessors. Finally, it renames the Act as the Ports and Maritime Administration Act.

This bill seems to be all about streamlining administrative procedures relating to Port Safety Operating Licences. By way of background, the Ports Corporatisation and Waterways Act was enacted in 1995 to replace the Maritime Services Board with three statutory port corporations and the Maritime Authority. Since then there have been a number of changes to the roles and responsibilities of the Maritime Authority, which the Government feels need to be incorporated into the legislation. The Act currently gives the Governor the responsibility for issuing, renewing and cancelling Port Safety Operating Licences under recommendation from the Minister. The Government, by way of this legislation, is seeking to streamline the administration of this process by placing the authority directly in the hands of the Minister for Ports and Waterways.

This bill also sets out the principal functions of the Maritime Authority, permitting the authority, in keeping with its current role, to provide advice to the Government on ports and maritime policy to manage its property, and undertake other activities delegated to it by the Minister. The bill contains provisions which clearly state the delegated authority of the Minister and chief executive officer of the Maritime Authority. As I indicated earlier, the bill also renames the Act as the Ports and Maritime Administration Act to better reflect its purposes. Given that this bill appears to be largely administrative and will streamline some of the processes relating to Port Safety Operating Licences, the Opposition will not oppose it at this point. However, given that it is the responsibility of the Opposition to talk to stakeholders who may be affected by legislation, it reserves the right to move amendments in the upper House following consultation.

Ms NOREEN HAY (Wollongong) [7.47 p.m.]: I support the Ports Corporatisation and Waterways Management Amendment Bill. I am pleased to see some amendments to the Ports Corporatisation and Waterways Management Act, noting that they are primarily administrative. This bill is about administrative efficiency of legislation affecting business and growth, in particular at the ports. I am also pleased to see a provision setting out the principal functions of the Maritime Authority of New South Wales. The National

Competition Policy Review of the Ports Corporatisation and Waterways Management Act undertaken in August 2001 expressed concern about the lack of legislative clarity in relation to the functions of the then Waterways Authority. The Act as it now stands clearly defines the functions of the port corporations but does not do the same for what is now the Maritime Authority.

The bill seeks to expressly provide that the Maritime Authority is to exercise marine or other functions of the Minister under the marine and other legislation, as is delegated to it by the Minister. The bill also stipulates that the Maritime Authority is responsible for the provision of policy advice on maritime and port matters to the Minister of the day, and the management of any property vested in it. In addition, the bill seeks to improve the efficiency of administering Port Safety Operating Licences. I welcome any initiative to improve the efficiency of the ports, which is particularly important in my electorate given the proximity of Port Kembla. Port Kembla has been an integral part of the Illawarra regional economy since the early 1890s, at which time significant amounts of coal were being exported from the Port Kembla jetty.

As coal traded through the area increased, an artificial harbour was proposed. In 1898 the Port Kembla Harbour Act was passed allowing for the building of two breakwaters that would give protection to the many ships that were now visiting the port. These breakwaters formed what is now the outer harbour of Port Kembla. Since those early days, Port Kembla has diversified its trade from coal to various other commodities, including steel from the Hoskins Steelworks from the late 1920s, and more recently grain and bulk commodities. Port Kembla continues to be a significant driver for the Illawarra economy today.

In the 2005-06 financial year $4 billion worth of goods were traded through the port, and this represented a 6 per cent growth in trade on the previous year. Port Kembla is currently Australia's largest steel export port and second-largest grain export port. The port also handles general, bulk and break bulk commodities, coal, iron ore and bulk liquids. In early 2004, Port Kembla began exporting copper concentrates, for which world demand is very strong. I understand that while the trade in copper concentrates accounts for less than 2 per cent of the port's total volumes, it is reported to be worth $800,000 a year. In terms of coal exports, the port is currently exporting 30 per cent more than it did two years ago. In 2005-06 Port Kembla handled 25.9 million tonnes of trade and 591 ship visits.

Port Kembla is clearly an extremely important driver for the economies of the Illawarra region and New South Wales. Like all other ports in this State, Port Kembla operates under the Ports Corporatisation and Waterways Management Act. This piece of legislation represented a significant shift in New South Wales port governance in 1995. The port corporations are robust, independent businesses that compete against each other for trade, but have their own niche markets for certain commodities as a result of the port's location and history. For example, the port of Newcastle is a major exporter of coal in the world, Port Botany is Australia's second-largest container port and Port Kembla, as I have highlighted, has historically focused on the export of coal and steel.

Each port corporation is responsible for the day-to-day management of the port; promoting and facilitating trade to and from the port; ensuring safe navigation and proper environmental management in and around the port; and providing common user berths for the conduct of stevedoring activities for the import and/or export of cargo. While the day-to-day management of the ports rests with the port corporations, the New South Wales Government has the key strategic role in overseeing planning approvals to ensure that the best economic, social and environmental outcomes are achieved for the State. Over the past 10 years, tonnage throughput at the New South Wales ports of Sydney, Botany, Newcastle, Kembla, Yamba and Eden has risen by more than 30 per cent. Over the past year, these ports have handled more than 4,500 ships. That equates to an estimated $60 billion a year in trade passing through the ports of this State.

Port infrastructure and management in New South Wales is built on solid foundations. Those foundations are now being reinforced by State Government strategies that show we mean business—strategies that will propel us forward and boost business into the coming decades. In recognition of the need for port development, in 2003 the New South Wales Government announced the New South Wales Ports Growth Plan. Following the release of this plan in 2003, the New South Wales Government has announced port development projects that will generate upward of 12,000 direct and indirect jobs and investment in excess of $1 billion.

Ms Peta Seaton: Point of order: I wonder whether the honourable member for Wollongong is reading from a prepared speech or from notes. She gives me the impression that she is reading from a prepared speech. I understand that members may use copious notes but not read prepared speeches.

Mr DEPUTY-SPEAKER: Order! It is the practice in this House that members refer to copious notes. The honourable member for Wollongong is doing that.

Ms Peta Seaton: Did you write this speech?

Ms NOREEN HAY: The honourable member for Southern Highlands will not be here long enough to find out what I have been doing.

Mr DEPUTY-SPEAKER: Order! The honourable member for Wollongong may continue.

Ms NOREEN HAY: So good-bye, and good luck! The honourable member for Southern Highlands has not said one positive word about New South Wales in my four years in this Parliament. So, farewell! The New South Wales Ports Growth Plan provides direction to industry and the community regarding the Government's plan to facilitate future trade growth and development of port capacity in New South Wales—this great State, which we on the Government side defend. One of the major elements of this plan is for container, general cargo and car stevedoring currently handled through Sydney Harbour facilities at Darling Harbour and White Bay to be transferred to Port Kembla. A staged transition of trade movement from Sydney Harbour to Port Kembla will occur as leases expire in Port Jackson. This will free land at East Darling Harbour that the Government has committed to turning into a new inner-city park and commercial and residential accommodation.

Facilities are being prepared at Port Kembla to accommodate the trade that will move from Sydney Harbour, and the first stage of this development should be complete in the first half of 2007. The Port Kembla Port Corporation and Australian Amalgamated Terminals, a joint venture of Patrick and P&O, are undertaking a number of infrastructure projects at a cost of $140 million to facilitate this relocation of trade. Stage one is under way, with the construction of general cargo and container facilities scheduled for completion in the first half of 2007. Stage two will involve the construction of a third multi-purpose terminal to significantly increase the capacity of the site and accommodate some of the world's largest roll-on/roll-off vessels. Construction is scheduled for completion in mid 2007.

Stage three of the expansion will involve the dredging and construction of a fourth berth in the eastern basin of the Inner Harbour to accommodate break bulk and bulk cargo and free up the three multi-purpose berths to focus on vehicles and containers. Construction is expected to be completed in mid 2008. When the overall port expansion is complete it is estimated an additional 400 ships will visit Port Kembla each year, carrying 240,000 vehicles and 30,000 containers. The estimated 1,000 direct and indirect jobs associated with new and expanded facilities at Port Kembla will be a major boost for a region with a high level of youth unemployment and struggling to accommodate structural reform to its labour market.

The channel at Port Kembla can accommodate car-carrying ships, and the new vehicle berths there are even deeper than some of the berths in Sydney Harbour. Port Kembla provides significant potential with vacant land available for development. Port Kembla offers 43 hectares for potential receipt and pre-delivery inspections of motor vehicles, compared with 12 hectares at Glebe Island. Port Kembla provides more room for expansion and will be able to handle 14,000 vehicles at any time. Glebe Island can handle only 5,000 vehicles. The facilities at Port Kembla will also enable operators to undertake more pre-delivery inspections than are currently carried out at Glebe Island. That means a more efficient delivery chain.

In addition, 300 truck movements a day will be moved out of inner Sydney streets and suburbs such as Marrickville, Strathfield and Bankstown. The truck movements will be on major highways, not narrow city streets. I am advised the vehicle-carrying trucks will account for a 1 per cent increase in traffic volumes on the southern highways. This is a more efficient and environmentally sound way to transport these cars, and will obviously help reduce traffic congestion on the streets of Sydney.

In addition to this ambitious port expansion program, the Port Kembla Port Corporation recently announced that it has signed a memorandum of understanding with Wingecarribee Shire Council to promote trade and development growth across the respective regions. This initiative represents a number of opportunities for both parties at a time when the port of Port Kembla is expanding and Wingecarribee Shire Council is seeking to develop a logistics hub in the Southern Highlands. It will take advantage of the strategic location of the Moss Vale area and the transport infrastructure it is linked to.

The Port Kembla Port Corporation also announced earlier this year that Port Kembla steel would be used for the construction of the third multipurpose berth. These announcements highlight the strong economic position of the Illawarra region with the expansion of Port Kembla. The New South Wales ports growth plan makes good economic sense. The State Government is building world-class facilities that demonstrate that New South Wales means business. The Ports Corporatisation and Waterways Management Amendment Bill will further build on the New South Wales Government's commitment to economic growth in the State through improving the administrative efficiency of the Act. I commend the bill to the House.

Mr JOSEPH TRIPODI (Fairfield—Minister for Energy, Minister for Ports and Waterways, and Minister Assisting the Treasurer on Business and Economic Regulatory Reform) [8.00 p.m.], in reply: I thank honourable members for their contributions to the debate. The Government looks forward to the Opposition's co-operation on this bill in the upper House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ELECTRICITY SUPPLY AMENDMENT (GREENHOUSE GAS ABATEMENT SCHEME) BILL

Second Reading

Debate resumed from 17 October 2006.

Ms PETA SEATON (Southern Highlands) [8.01 p.m.]: Whilst the Opposition will not oppose the Electricity Supply Amendment (Greenhouse Gas Abatement Scheme) Bill at this stage, it reserves its position in the other place on the grounds that yet again the process of bringing legislation forward to this Chamber has been rorted. There has been insufficient time for proper and thorough consultation with the many industry groups and stakeholders affected by the bill. Once again the Opposition has not had a chance to consult properly with industry groups and, from conversations I have had throughout the day, it is clear that various organisations have not been consulted by the Government. They were completely unaware that this legislation was coming to the Chamber today and that it had been second read last night close to midnight. They wanted to provide background to and comment on the bill, but voiced their frustration when I told them that it was being debated less than 24 hours after it had been second read.

I have had only brief discussions with the Energy Retailers Association of Australia [ERAA] and the Energy Supply Association of Australia [ESAA] and no consultation opportunity with a range of other business groups that are affected by the bill. In an email to me, Colin Bloomfield of BHP Billiton Illawarra Coal indicated that his organisation supports the extension of the Greenhouse Gas Abatement Scheme to provide ongoing benefits from their investments in greenhouse gas producing technologies. A range of other people have contacted me to say that they wanted in-depth discussion on the bill but were unable to because of the Government's haste. Why is the bill being debated less than 24 hours after it was second read? The Independent Pricing and Regulatory Tribunal report of June 2006 headed "Compliance and Operation of the New South Wales Greenhouse Gas Abatement Scheme during 2005, Report to the Minister", states:

> In June 2005 the former Premier of NSW, the Honourable Bob Carr MP, announced the extension of the Scheme from its current legislated end date of 2012 to 2020 and beyond on a rolling 15 year basis. In November 2005 the NSW Greenhouse Plan confirmed the extension of the Scheme to 2020 if agreement on a national approach to emissions trading is delayed.

That has been the position of the Government for more than a year. Now we see legislation that backs that commitment being rushed through the Chamber in less than 24 hours. The Government has taken so long to make this legislation available due to laziness. It has had long enough—more than a year—to prepare this legislation. Now we are in a situation where we are unable to properly consult with industry and stakeholder groups about the impact of the legislation. An email from a property-related management representative organisation states:

> Thanks for the opportunity, Peta.
> I am not able to get my Board together until 9 November so I am not in a position to contribute to the debate.

Yet another major business group in New South Wales has been effectively shut out from input into a very important piece of legislation. The objective of the New South Wales Government is to extend the Greenhouse Gas Abatement Scheme until such time as a national emissions scheme is implemented. It is important that we

all know and understand that emissions trading schemes do not necessarily stop the production of emissions. They simply create instruments to manipulate and, in some cases, abate them. We must not imagine that emissions trading is a panacea. We must also understand that schemes such as the Greenhouse Gas Abatement Scheme must be part of a range of measures to address and reduce emissions.

In doing so, any government must be upfront on the costs and implications of such schemes and the impact on our State and our national economy. It must also be honest and transparent and mindful of the relativities of the impact of such schemes on our domestic and national situation and the role they play in a global environment. As the Prime Minister has said, it is extremely important that we direct investment into the research and development of new technologies that will result in lower emission technologies. That must include renewables. I am sure all honourable members in this Chamber are aware of a range of innovative renewable energy technologies that people are keen to see tested and developed. We must support projects such as COAL21, which aims to produce clean coal technologies. When we have that performing technology, or during the incubation of that performing technology, we need to invest in research to see if it can be properly commercialised and made safe for extensive use in the market.

There is sufficient concern and evidence of comment that emissions trading schemes can create an unlevel playing field, not only for New South Wales but also Australia, in a context where no-one else adopts the same rules. They have the potential to lose jobs, with no real impact on the global phenomena and objective. Australia and New South Wales rely on energy-intensive industries. With thousands of jobs in the Hunter Valley, Illawarra, Southern Highlands and Wollondilly area, we are very mindful of the contribution of the mining industry, particularly the coal industry, to our economy. If Labor were serious it would put great effort into practical matters, such as stopping duplication of measures that add costs and complexity across State and Territory jurisdictions. The Government should do whatever it can to harmonise measures that affect commercial operators across State borders. If New South Wales is out of step with its competitors, inevitably energy-intensive industries will move to less regulated venues, such as Queensland or even abroad.

I ask the Minister to tell us exactly the impact the New South Wales scheme will have on global carbon dioxide emission levels and at what cost to us. Nowhere in his second reading speech has he addressed the three important issues. I draw the attention of the House to a report on the cost to consumers of greenhouse abatement schemes issued in November 2005 by the ERAA. It is interesting and important reading to anyone who is trying to take a practical and objective view about the performance of such schemes. In its report the ERAA estimates that the annual cost of electricity in the national electricity market will increase by between $707 million and $965 million a year in 2010 as a result of greenhouse gas emission abatement schemes. The report was written to make those costs transparent. It is important that we understand the cost of the measures we take so that we can assess their value relative to other instruments or mechanisms that we might choose to adopt.

As honourable members know, there are three main greenhouse gas abatement schemes in Australia. One is the Federal Government's Mandatory Renewable Energy Target [MRET], which requires retailers to acquire, and annually surrender, a progressively increased number of renewable energy certificates. The scheme requires 9,500 gigawatt hours in designated new green energy forms, a level which, by 2010, is 4.1 per cent of forecast electricity consumption. The second scheme, the New South Wales Government's Greenhouse Gas Abatement Scheme, is the subject of this debate. The third is the Queensland Government's 13 per cent gas or gas electricity certificate scheme, which seeks to substitute gas for coal-based electricity inputs, whereas the New South Wales scheme introduces a penalty on carbon dioxide graduated in line with the emission of the unit of energy of each electricity generation source.

The ERAA report states that the existence of a fragmented set of State and national schemes means that electricity consumers in different States bear an unequal share of the cost burden associated with emissions abatement, and that the largest average increase in electricity prices for residential consumers will be in New South Wales, with increases ranging from $41.86 to $56.10 on a total annual electricity bill of between $1,062 and $1,076 in 2010. The report makes two other observations. The narrow scope of technologies in jurisdictions focused on by the schemes individually reduces their potential cost effectiveness. In the ERAA's view the overall equity and efficiency of current emission abatement schemes can be improved by harmonising the existing schemes.

The industry has expressed concerns about the current New South Wales Government's intentions for the recovery from consumers of some of the costs associated with the scheme if it were to be returned to government after March. With the Independent Pricing and Regulatory Tribunal setting prices for distributors below the actual cost of provision, these types of schemes impose another cost that cannot necessarily be

claimed from consumers as yet. The question will be: Does the State Government intend to change the arrangements after March next year in such a way that consumers would be hit even harder by the cost of electricity? The Federal Government has taken the lead on many energy-related issues, and produced the energy white paper in 2004, with some additions in 2006. The Federal Government is sending very clear signals about the way ahead and understanding the importance of well-priced energy to our economic security.

The Greenhouse Challenge, now called the Greenhouse Challenge Plus, a scheme for those who use more than half a petajoule, is designed to encourage improved performance through abatement. Schemes are also run through the Department of Environment and Heritage, such as the renewable energy development initiative, which aims to promote and encourage the commercialisation of renewable energy. Other schemes include the Renewable Remote Power Generation Program, the Greenhouse Gas Abatement Program for large projects, and the Asia Pacific Partnership on Clean Development and Climate, in which Australia engages with other partners, including the United States of America, China, Korea and Japan. We will soon have an announcement about the first round of demonstration funding, which will be matched by private funding, to encourage and develop low-emission technology.

The Federal Government provided a comprehensive plan in its white paper. However, one can only wonder what has happened to the State Government's commitment to produce an energy white paper. The Minister for Energy, who is at the table, will recall a fairly embarrassing round of questions he faced in estimates committee hearings not long ago when he was asked a number of times by both the chairman and members of the committee about what had happened to the Government's commitment to produce an energy white paper, which is now more than 1½ years overdue. He squirmed and failed to answer the question. He tried to evade the question and answer it in as many different possible ways as he could without admitting that the Government has absolutely no intention of producing such a paper. The industry is saying, "We need to see very clear policy signals from the New South Wales Government about its future direction for energy." I will be interested to hear what the Minister says in reply about his plans to fulfil the commitment made by Bob Carr and others some time ago, and for which we are still waiting.

One of the things we can do to reduce our dependence on fossil fuels and carbon dioxide emissions is to actively encourage the adoption of alternate fuels, including biofuels. I commend the New South Wales Liberal and Nationals Coalition action plan on ethanol, which will expand the use of ethanol. From 2007 ethanol will be increased by 2 per cent and up to 10 per cent in 2011. The action plan includes upgrading of production and distribution infrastructure, selling E10 at up to 500 service stations across New South Wales, employing a strong marketing plan in co-operation with the NRMA and environmental groups to ensure we give consumers the proper information so that they can be confident about using ethanol, and providing a leadership role on alternative fuels.

We know that greater use of ethanol-blended fuel will provide a more secure income for our farmers and decrease our reliance on imported petroleum products. We know that fuel security is vital to the New South Wales and the national economy. We will create jobs in regional areas. In the Illawarra and on the South Coast there is huge excitement about the prospect of expansion of the ethanol production industry, which is something I firmly back. The Opposition will not oppose the bill, but reserves its right to move amendments in the other place. I continue to receive responses and emails from stakeholders who are concerned to ensure that their views are heard. Unlike the Government, the Opposition is committed to ensuring that representation is undertaken properly. The Opposition will indicate its position in the upper House after more extensive consultation.

Ms NOREEN HAY (Wollongong) [8.19 p.m.]: There is little doubt that global climate change is one of the most serious threats faced by society. Honourable members who have seen the movie *An Inconvenient Truth*, presented by the former Vice-President of the United States of America, Al Gore, will need little convincing that global warming is real. The vast majority of scientists agree that global warming is already under way, and that it occurs as a result of human activities rather than natural occurrences. The most authoritative studies of greenhouse gases, climate change and global warming are undertaken by the United Nation's Intergovernmental Panel on Climate Change, which reports on its assessments every five or six years. The panel's fourth assessment report is due to be published in 2007. For many years the CSIRO has been undertaking research into climate change in Australia.

These and other scientific authorities paint a disturbing picture of a future world that is experiencing the effects of global warming. The global average temperature has increased over the twentieth century by approximately 0.6 degrees centigrade. The average temperature in Australia has risen by 0.7 degrees centigrade since 1900, mostly since 1950. The atmospheric concentration of carbon dioxide has increased by more than

30 per cent since pre-industrial times dating from approximately 1750, and the present carbon dioxide concentration in the atmosphere has not been exceeded during the past 420,000 years.

Models predict that increasing atmospheric concentrations of greenhouse gases will result in changes in frequency, intensity and duration of extreme events, such as more hot days, heat waves, heavy rain, and fewer cold days. On a global scale we are already seeing changes. Glaciers are melting, the number of category 4 and 5 hurricanes has almost doubled in the last 30 years, the flow of ice from glaciers in Greenland has more than doubled over the past decade, plants and animals are being forced from their habitat, malaria has spread to higher altitudes, for example, to the Andes. Moreover, projected impacts in Australia include human health problems such as increases in heat stress and mosquito-borne diseases; rising sea levels and inundation of low-lying lands; increased frequency and severity of extreme natural events affecting cities and towns, including hailstorms and bushfires; less rainfall and increased drought severity and frequency; and irreversible damage to Australian icons, such as Kakadu and the Great Barrier Reef through coral bleaching.

The projected rate and magnitude of global warming and sea level rises can be lessened by reducing greenhouse gas emissions, which will delay and reduce damage caused by climate change. Australia is one of the important contributors to climate change, having the highest per capita levels of greenhouse gas emissions in the world. Business leaders recognise that climate change is a major business risk and that action needs to be taken. They are seeking clarification of the requirements being imposed on them. In April the Australian Business Roundtable on Climate Change—a group comprising BP Australasia, the Insurance Australia Group, Origin Energy, Swiss Re Life and Health Australia Limited, Visy Industries and Westpac—released a report calling for a nationally consistent policy on greenhouse gases, noting that it is possible to deliver significant emission reductions at an affordable cost and, importantly, that acting early was more effective than delaying. Climate change does not stop at our State borders: it demands a national response.

The Commonwealth Government has refused to consider a trading scheme to minimise the costs of greenhouse abatement, leaving a vacuum that State and Territory governments are filling. The New South Wales Greenhouse Gas Abatement Scheme is a leading emissions trading instrument and is an important step towards a more sustainable New South Wales. The Electricity Supply Amendment (Greenhouse Gas Abatement Scheme) Bill will ensure that the scheme continues to fulfil a pivotal role in greenhouse policy by providing certainty for abatement projects investors that there will be a market value for greenhouse gas abatement beyond 2012. It did not surprise me that earlier in the debate the shadow Minister for the Illawarra adopted a negative attitude to this legislation. Her attitude is similar to the attitude adopted by the Federal Government in refusing to ratify the Kyoto agreement. Global climate change is a serious issue. It is being taken seriously in this place only by the Iemma Government.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [8.25 p.m.]: After listening to the honourable member for Wollongong addressing this legislation in the context of dealing with greenhouse issues, I could not help but contribute to the debate. Individual consumers in Australia have a responsibility to adopt abatement measures, particularly as Australia is a leading contributor to the world's greenhouse gas emissions. I applaud the great work that has been carried out by the State Labor Government in developing a greenhouse gas trading emissions scheme. I pay a sincere tribute to the former Minister for Energy, the Hon. Kim Yeadon, for his leading-edge policies that have placed New South Wales at the forefront of world organisations that are involved in greenhouse gas trading.

It is sheer hypocrisy for the Opposition to refer to New South Wales as anything but a leader in greenhouse gas trading, particularly as only two national governments in the world failed to sign up to the Kyoto agreement and set targets to deal with greenhouse gas abatement—and the Australian Federal Government was one of them. I imagine that most members of Parliament who have seen *An Inconvenient Truth* and know about Al Gore's views on global warming could not be anything but appalled at the direction being taken by the Federal Government. I compliment the current Minister for Energy on introducing the bill. Irrespective of improved technologies associated with the production of oil, the production of biofuels and improvements in renewable resources, there is no doubt that Australia is dependent upon electricity generated from burning coal.

The work that has been carried out by the CSIRO Energy Centre in Newcastle is leading-edge technology in terms of carbon sequestration and a range of approaches to producing alternative energy sources. Work that is being done by the State Government in maintaining greenhouse gas abatement schemes is at the leading edge of government action in dealing with greenhouse gas emissions, and I compliment the Minister for that. In the light of the Government's policies, the Opposition is left completely devoid of credibility.

I hope that when the honourable member for The Hills makes his contribution to this debate, he will compliment the Government and support the adoption of a bipartisan approach to the increased use of renewable energy and increased experimentation in the use of biofuels. I hope also that while recognising the importance of legislative changes that are being made by the Government, he will give credit where it is due to industries that are moving towards a preference for increased consumption of biofuels. I compliment the Minister and the Government on their approach to this legislation.

Mr MICHAEL RICHARDSON (The Hills) [8.30 p.m.]: I am concerned that the Electricity Supply Amendment (Greenhouse Gas Abatement Scheme) Bill is being debated less than 24 hours after its introduction into the House. That is completely against the established protocol of the House. I cannot let the comments of the honourable member for Wollongong and the honourable member for Newcastle go unchallenged; some of their statements tonight were arrant nonsense. Frankly, they do nothing to advance the debate to reduce greenhouse gas emissions in this State. One of the great problems with the scheme set up by the Government is that it imposes significant costs on all electricity consumers, business and residential but does not cut greenhouse gas emissions to any significant extent.

My authority for saying that is the University of New South Wales Centre for Energy and Environmental Markets, which carried out an analysis of the greenhouse gas trading scheme in 2005. The centre was highly critical of the scheme because of the additionality issue. The centre said that up until that point something like 95 per cent of all the projects that had been approved under the scheme, for which certificates had been written, were not additional. In other words, they were pre-existing projects. For example, BHP's Tower and Appin gas plants were built in about 1996. That is a windfall profit for BHP. If I remember correctly, BHP made a profit of $11 billion last year, so it probably did not need that contribution from New South Wales taxpayers.

If that money went towards the genuine reduction of greenhouse gases rather than being spent on making the Government look as though it was doing something, it would get my wholehearted support—and I am sure it would get the wholehearted support of every member of this Chamber. However, as usual, the Government promises a lot but delivers a little. The Centre for Energy and Environmental Markets certainly expressed that view in its paper. The centre was very critical of the Government's scheme. Its report said that if additionality was not addressed, the scheme was not worth the paper it was written on.

I acknowledge that in his second reading speech the Minister paid some lip service to the duplication of the scheme with other schemes, such as the Mandatory Renewable Energy Target [MRET], but we know that is an issue with the existing scheme, and it is another problem that the Government has not addressed sufficiently. It is certainly not the case that we on this side of the House do not take climate change seriously; we take it very seriously indeed. Almost 40 per cent of New South Wales greenhouse gases come from power generation. A single 1,000 megawatt coal-powered fire station produces more than four million tonnes of carbon dioxide equivalent per year, which is equal to the exhaust emissions from more than a million cars.

That issue needs to be addressed, and that is where geosequestration and some of the low carbon emission technologies referred to by the honourable member for Newcastle come in. The honourable member seems to be a little more aware of these issues than the honourable member for Bathurst. The honourable member for Southern Highlands spoke about the particular difficulties that are facing Australia at the moment. It is true that the Howard Government has not signed up to Kyoto. However, one of the great lies that Labor has perpetrated, going right back to the time of former Premier Bob Carr, is that all we have to do we sign up to Kyoto and miraculously all our problems will suddenly vanish. That is not really the case.

The Kyoto Protocol will reduce the rate of increase of the world's greenhouse gas emissions over 1990 levels from 41 per cent to 40 per cent by 2010. However, scientists and the Federal Minister for the Environment and Heritage, the Hon. Ian Campbell, claim that the world needs to reduce its greenhouse gas emissions by between 50 per cent and 60 per cent. This scheme simply does not achieve the sort of reduction that the Government promises. It is like so much else that the Government does: It promises much but delivers little. That has been the story over the past 12 years under the Government. Unless it becomes serious about investing in renewables, for example, we will not reduce our greenhouse signature in this State.

As far as renewables are concerned, excluding the Snowy Hydro the State performs worse than any other State in the Commonwealth. One of the reasons for that has been a lack of enthusiasm by the Carr-Iemma Government over 12 long years for stimulating investment in renewables. The MRET renewable energy certificates have been used up. They went to States whose governments were prepared to actively get behind the

proponents of wind farms and make sure that those projects succeeded. New South Wales cannot be counted amongst those States.

On several occasions this year the Minister for Planning announced that he had given approval for one wind farm or another to be built. But had the Government talked to the proponents of those wind farms, or to the industry, it would know that without some incentive, subsidy, or stimulus from the Government they will not be built. Like it or not, renewable energy is 2.5 times as expensive as base-load coal, and there is a cost penalty involved in generating electricity from wind, from renewables. Solar energy is even more expensive. I note once again the comments of the honourable member for Newcastle, a good member and someone whom the Labor Party has shafted. He understands these issues and has spoken about them on many occasions in this place. In fact, I have enjoyed debating him, because he understands what he is talking about and feels strongly about these issues.

The Victorian Government is investing $83 million in geosequestration. It believes that that is a fruitful area in which to conduct research as it offers potential for the future. But New South Wales is investing nothing. The New South Wales Greenhouse Gas Abatement Scheme was trumpeted, once again, as the saviour of the world when it really achieves nothing. It is to be extended, and the Coalition supports that extension—

Mr Joseph Tripodi: You are an idiot. You support the extension of a scheme that doesn't achieve anything. Is that right?

Mr MICHAEL RICHARDSON: The Coalition supports the extension because it is necessary for the genuine projects that have been invested in over the past few years and for the handful of genuine projects that will be invested in to go ahead in the future. It is better than nothing. However, as I said before, it promises much and delivers little. It could be so much better than it currently is. Frankly, the Government stands condemned. I do not know whether honourable members are aware that New South Wales electricity consumption causes the production of about 7.5 million more tonnes of carbon dioxide equivalent than was the case when the Government was first elected.

Mr Joseph Tripodi: It's John Howard's fault.

Mr MICHAEL RICHARDSON: It is always John Howard's fault. The New South Wales Government cannot accept the blame for any of its failings so it is always John Howard's fault. Labor members point out that John Howard did not sign the Kyoto agreement so it has nothing to do with them whatsoever. The Government knows that the States-based carbon trading scheme is not going to work. Queensland will not have a bar of it so it will not happen.

Mr Joseph Tripodi: Well, what's going to work, you genius?

Mr MICHAEL RICHARDSON: Watch this space. The New South Wales Government has failed demonstrably to reduce the greenhouse signatures of power generation in this State. We are burning more coal than ever before. The Government is not investing in renewables or in the greenhouse gas reduction technologies to which the honourable member for Southern Highlands and the honourable member for Newcastle referred. In this area the Government stands condemned.

Mr JOSEPH TRIPODI (Fairfield—Minister for Energy, Minister for Ports and Waterways, and Minister Assisting the Treasurer on Business and Economic Regulatory Reform) [8.40 p.m.], in reply: I thank Government members for their intelligent and informed contributions to the debate on the Electricity Supply Amendment (Greenhouse Gas Abatement Scheme) Bill. The contributions of Opposition members were extremely disappointing. Never in my life have I heard so many contradictions in a single speech as were in the contribution by the honourable member for The Hills. It usually takes a while for politicians to contradict themselves, but the honourable member for The Hills managed to do it in a single speech.

I can understand that because at present the New South Wales Liberal Party does not know which way to turn on climate change. A couple of days ago the Prime Minister conceded that climate change was an issue worthy of national government attention. So the New South Wales Liberals do not know whether to accept amendments such as the bill and other reforms that will constrain the production of carbon or whether to continue down the road that they have been following for some time and refuse to accept the reality of what is happening in the global environment.

The honourable member for Southern Highlands suggested at the beginning of the debate that industry had been caught unawares by this legislation. However, she went on to contradict herself by saying that the former Premier announced last year an extension of the Greenhouse Gas Abatement Scheme [GGAS] arrangements to 2021. The current Premier has also made announcements about the scheme. The Government has made its intentions very clear and the industry has had ample time to comment on the bill. Most industry players have done so already and those whom I have contacted have been very supportive of extending the Greenhouse Gas Abatement Scheme. Many have said that an extension of the scheme is needed so that they can rely on a long-lasting carbon price signal and make investments. This scheme is about securing investments and ensuring that people have a safe environment in which to invest. That is why the industry has received this proposed reform positively.

The honourable member for Southern Highlands mentioned schemes around the country, including GGAS in New South Wales, the Queensland system and the national Mandatory Renewable Energy Target scheme—to which the honourable member for The Hills referred also. The honourable member for Southern Highlands said that it is wonderful to have a renewables program in Australia. However, neither she nor the honourable member for The Hills mentioned the fact that the Federal Government is in the process of closing down that system, which is being phased out. The Commonwealth has displayed a very disappointing attitude to the only environmentally friendly policy or program it has. That is creating enormous investor uncertainty in the renewables industry. The Prime Minister indicated a couple of days ago that he may do a backflip and rethink his attitude to climate change, so the New South Wales Liberals do not know which way to go on that issue.

The cost of greenhouse gas abatement schemes was mentioned in the debate. New South Wales has a unique scheme that will remain as a legacy of Bob Carr and Kim Yeadon. They devised a market-based system that will guarantee that we achieve the carbon reductions that we are seeking while minimising costs to consumers. By having a carbon price signal we are creating an economic environment in which industry will seek to internalise the costs of its production, including the environmental cost of its production activities. During its period of operation the market-based system has enjoyed enormous success, which has been achieved at absolute minimal cost to consumers. The economic and welfare costs are small but the scheme is generating substantial environmental benefits. Opposition members criticised the bill and claimed that it will achieve nothing. Yet they support it. We welcome that support and hope that it will extend to the upper House when the bill is debated there. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUSINESS NAMES AMENDMENT BILL

ROAD TRANSPORT LEGISLATION AMENDMENT (DRUG TESTING) BILL

Messages received from the Legislative Council returning the bills without amendment.

MOUNT PANORAMA MOTOR RACING AMENDMENT BILL

Second Reading

Debate resumed from 26 September 2006.

Mr GEORGE SOURIS (Upper Hunter) [8.46 p.m.]: I am delighted to lead for the Opposition in the debate on the Mount Panorama Motor Racing Amendment Bill and I have pleasure in stating at the outset that the Coalition will not oppose the bill. Mount Panorama is without doubt a national icon. It elevates Australian motor racing to the world stage, with the annual V8 race televised in more than 50 countries. I will always carry with me the fond memory of, as Minister for Sport, being afforded the wonderful privilege of starting the race in 1991 and of making the presentations. The winner that year was Dick Johnson. I also remember being a passenger for a couple of laps in a Ford Sierra driven at full pace by Colin Bond on a warm-up day prior to the big race. That memory remains vivid and, even now, I have great respect for racing car drivers who negotiate the very difficult Mount Panorama circuit—particularly the S-bends at the top.

Mount Panorama currently contributes approximately $45 million to the New South Wales economy, and the Opposition looks forward to seeing the economic benefits of the three additional annual racing permits

provided for in this legislation. We are pleased that the Government is finally allowing Bathurst Regional Council to utilise the facility fully. However, I am concerned that residents who are directly affected by events at Mount Panorama have not been consulted properly. I have been advised by the chairman of the Mount Panorama residents committee that the first that he or any committee member heard about the proposed changes was in an article that appeared in the *Western Advocate*. This is the same committee that the Minister for Tourism and Sport and Recreation referred to in her second reading speech when she said that the council would maintain channels of communication with the Mount Panorama residents committee. We have to wonder about the sincerity and the quality of that communication when people must read in the newspaper that access to their homes is to be restricted further.

Roughly 35 private residences are located inside and immediately surrounding the circuit. I must declare an interest in the debate and place on record the fact that one of them is owned by my brother-in-law and his family. Despite efforts by council, eight families still do not have guaranteed alternative access to their properties, and eight additional families have to cross their neighbour's property to get to an access road. For the five days of the V8 race in October, and the five days of the international motor festival over Easter, those residents are subjected to strict windows of access when they can enter and leave their homes. Furthermore, when race organisers try to make up for delays in the day they cut into those short access periods and residents are left sitting at their gates until the organisers decide they are ready, and leave frustrated residents with no recourse whatsoever.

The residents committee does not want to obstruct events at Mount Panorama and stand in the way of the significant benefits that these additional races can bring. What they do want is some compassion and understanding from race organisers. They want to be notified in a timely manner of decisions that are going to directly and/or adversely affect them. I ask the Minister to respond to my request that a representative of the residents group be on the Mount Panorama Motor Racing Advisory Committee, provided for in the original Act, so that we can ensure that they are properly consulted about these issues. I am not sure whether they have representation but if they do I ask the Minister to indicate that that is the case. I have been advised by the president of the committee that there is no representation, and if that is so, I ask the Minister to give consideration to making that inclusion.

I am also concerned about the provision in this amendment for the Minister to delegate the exercise of any function not just to the director general, which is reasonable and understandable, but to any member of staff of the department. The language of this provision is unnecessarily loose, and I think that the people of Bathurst, particularly those who live on Mount Panorama, would prefer to have a Government Minister who would take more care and responsibility over this issue than simply delegating away decisions that should be the responsibility of the Minister and the director general.

Mr Gerard Martin: This is outrageous.

Mr GEORGE SOURIS: The honourable member for Bathurst will have his turn in a moment. He can say everything he likes and I will not, like a fool, interrupt him as he is doing to me. He should show a little bit of common courtesy and it might even be reciprocated. He might even learn something, even at his late age. I ask the Minister in her reply to consider the proposition that the delegation extend only to the Minister and the director general, and not be more generally prescribed, as it is, to any member of staff. Additionally, while this amendment provides for increased economic activity in and around Mount Panorama, the Opposition is increasingly concerned with the Government's excessive policy on user-pays policing. The policing costs that organisers are forced to pay to put on events such as this are getting out of control, and seriously threaten the financial viability of many events.

This year the organisers of the V8 race at Mount Panorama are looking at paying close to $400,000 for policing, a figure that comes close to being excessive. Despite that, the economic and social benefits for the Bathurst area that these additional races bring must be embraced, and the Opposition calls on the Government to ensure that the Minister and the department respect the concerns of the local residents affected. I have pleasure to commend the bill.

Mr GERARD MARTIN (Bathurst) [8.53 p.m.]: I will have to change my tack to correct many of the inaccuracies from the shadow spokesman, the honourable member for Upper Hunter, particularly in relation to the residents group and other local people. I know that the previous mayor of Bathurst, Ian McIntosh, who lives on the mountain, has advised people in the area for many years that Bathurst council has been pushing for an increase in the number of events. I acknowledge Darryl Cloat, a senior officer of the department who is in the

gallery, who has been to Bathurst many times over the past 12 or 18 months holding face-to-face meetings with the residents group. Today I spoke to David McInroy, president of the group, and Dr Mark Cordato and a number of other people in Bathurst have been well informed of the intentions for this event.

Today the honourable member for Upper Hunter issued a press release and quoted The Nationals new candidate for Bathurst criticising the Government for not increasing the number of events. This legislation has been introduced because the Premier, when he was Minister for Health, and this Minister were the catalyst for the Government supplying $10 million for the upgrading of Mount Panorama to keep it competitive as a motor racing circuit. We know its history from 1938 right through to today where it has developed into the pre-eminent motor racing circuit in Australia and one of the greatest in the world. This Government was the genesis, moved by Bathurst council, to having more events. This Government put $10 million on the table, and it took the Federal Government two years of kicking and screaming to recognise what this Government had done.

This is not just a racing track; it is major industry in regional Australia. Two weeks ago the Bathurst 1000 had 193,000 paying customers during four days, 62,500 on race day. The Premier watched the race right through and went to the control tower and down to the pits. He enjoyed himself thoroughly and saw the value of the investment for which this Government was the catalyst. Bathurst council chipped in about $4 million so we now have a major facility that is second to none around the world. It is ridiculous for the shadow spokesman for The Nationals, the honourable member for Upper Hunter, to say that this Government has not consulted people and has not been open on this matter. It shows his paucity of knowledge of these matters. He comes to this Chamber with a bit of flim-flam and not a great deal of substance. I congratulate the Minister on bringing this legislation forward. It has taken a little while to get here but it has gone through due process and there has been consultation.

I agree that the residents action group should be involved. The honourable member for Upper Hunter also said that the Coalition's legislation in 1989 included them on the advisory committee, but it did not. Three were guaranteed: the department, the police and Bathurst Regional Council, but not the residents group. It has been by the good grace of this Government and the Minister that they have been involved with the advisory council. The honourable member for Upper Hunter was 100 per cent wrong. He should do his homework. Under the current legislation, the advisory committee can range from three to nine people. I have spoken to the Minister about that and I know she sees it as legitimate for a member of the advisory committee, in this case David McInroy, to be involved. That is no change from the legislation that the Coalition brought in 1989. I suggest that the honourable member for Upper Hunter does his homework. The belatedly announced candidate for The Nationals for the seat of Bathurst stated:

> This is long overdue. The Carr/Iemma Labor Government has for too long allowed this issue to lay idle at the expense of the people of Bathurst. We have a world-class facility that has been limited to holding two events a year.

Until this year when the Festival of Sport was held, there has been one event a year. We had the 24-hour event a couple of years ago and that folded. The big challenge is to get a second event locked in, and to get up to five events. Poor old Duncan Gay has been knocking on doors in Bathurst. I am sick of people in Bathurst ringing me up and saying, "Guess who rang me to see if I wanted to be a candidate? You have got to be joking, The Nationals?" Finally, nine months after The Nationals called for nominations they have a candidate whom I welcome into the field. I say to Sue Williams to make sure she casts off the baggage of any political advice from the honourable member for Upper Hunter and Duncan Gay, because she is a nice lady and does not deserve to be dragged down by them.

The Minister has done a good job in bringing this legislation before the House. People from the department have been working hard, and they have been consulting. So what was said by the honourable member for Upper Hunter was largely incorrect. We know that the Opposition spokesman has a reputation for idling along. He yearns for the days of glory when he was a Minister in the ill-fated Greiner Government. Sadly for him, the news is that he will be in Opposition for quite a while and will have little opportunity to have any impact on this legislation.

Mount Panorama is not only a racing circuit; it is a major driver of the economy of the Central West. During the recent racing weekend all accommodation from Mount Victoria and Blackheath, right through to the other side of Orange was booked out by international and other visitors. Heaps of Kiwis were among the 193,000 paying customers who attended over the four days. Mount Panorama is more than a racing circuit for the V8s and whatever other events we can get. More than 300,000 people visit Bathurst every year just to drive round the circuit, albeit at 60 kilometres an hour. The National Motor Racing Museum, which is being developed faithfully with a major investment by Bathurst City Council, is now probably the pre-eminent motor

racing museum in Australia. A five-star hotel development is nearing completion. So the Mount Panorama precinct is a major tourist attraction in the Central West in its own right. Outside Sydney, it is one of the major attractions for tourists, along with the Dubbo zoo and Jenolan Caves, which are also in my electorate.

The legislation is timely. The Minister and the department have consulted on it, contrary to the claims made by the Opposition spokesman. However, I want to inform the Minister that I too want to ensure there is an extensive debriefing session so that after the race the opinions and problems of residents can be raised. I spoke with David McInroy today. He told me that his access road had been blocked and he had to use a secondary access. He said that was not a problem, but if it had been raining it would have been. He said traffic management and traffic flow operated particularly well. Changes made by Bathurst council and the event operators were all made with a view to looking after residents. But it is important to keep the pressure on Bathurst City Council to maintain that dialogue with the residents action group. I know the Minister is keen to retain members of the group on the committee. That is not contained in the legislation, and it was not in the Coalition's legislation, even though the honourable member for Upper Hunter thought it was.

Mr George Souris: So you agree with me.

Mr GERARD MARTIN: From day one we have said so. All I am saying is that the honourable member for Upper Hunter did not know what was in the Coalition's 1989 legislation. So the honourable member for Upper Hunter has no reason to be smug. He is relying on a few phone calls. Those of us who live in the area and work with these people—I have regular meetings with representatives of the residents action group—will continue to push their viewpoints. Four or five residents still need to be escorted down Conrod Straight to gain access to and from their properties. The challenge for Bathurst council is to create alternative access for them. It is physically possible to provide them with alternative access on race days.

In the past promoters have transgressed by not adhering strictly to opening times for access. We need to address those transgressions. I thought about asking that representatives of the residents action group be included in the legislation. However, the group is not an incorporated body; it is an informal group. They understand it is not possible to include them in the legislation. However, for as long as the present Minister has responsibility for this matter, and for as long as the department has people of the quality that it now has, the interests of the group will be looked after. They were looked after only by accident when the Coalition was in office. The Coalition Government never even contemplated compulsory representation of these people on the committee.

I would like to say to the Minister and the department—I expect Bathurst council will be told this—that in future the committee has to be given more emphasis, particularly in regard to debriefings. However, we are now moving to a new era at Mount Panorama. We know that it is highly unlikely, given what is on the horizon with motor racing, that we will get the five events that we now enjoy. The Government and the council are working to have the Festival of Sport, which was conducted for the first time in April this year, run at Mount Panorama again next year. However, there are problems. I must say Tony Cochrane, Managing Director of the Australian Vee Eight Supercar Company [AVESCO], was scathing in his comments about this legislation during the V8 races. I am pleased that the Premier put him right on his thinking that the legislation is not necessary. AVESCO is only interested in the Bathurst 1000. However, there is the potential to have other rounds of the Australian Touring Car Championship at Mount Panorama. AVESCO is pushing for the taxpayers of New South Wales to spend millions each year on a temporary circuit around the Olympic precinct. It will be interesting to hear what our colleagues opposite have to say about that.

The Government has had the courage and foresight to invest big dollars in Mount Panorama. It has shown the lead in ensuring that Mount Panorama remains the pre-eminent motor racing circuit in Australia and one of the greatest in the world. Around 700 million people around the world tuned into the recent Bathurst 1000. Its ratings in Australia were fantastic. Some 193,000 put their hands in their pockets to be there. The benefits are immense. The legislation underscores how important Mount Panorama is to the people of the Central West and to the Government. The Minister and the Government have acted and come up with a substantial measure. They dragged the Federal Government, kicking and screaming, to the start. It took them two years, but eventually the Federal Government was embarrassed by the action that the Government has taken.

The Coalition suddenly took our lead and made all sorts of promises before 2003. I doubt that the honourable member for Upper Hunter has been near Mount Panorama since 1991. I know the Premier was at Bathurst for the complete race a couple of weeks ago and that he enjoyed it immensely. He is convinced of the

value of this circuit. The Minister has visited the track regularly. Among the benefits from the Government's investments are not only the wonderful racing facilities for racing teams and spectators at Mount Panorama, but the convention facilities are the largest such facilities west of Darling Harbour.

Bathurst council has the opportunity to use those facilities to ensure that Mount Panorama is a vibrant tourist attraction 365 days a year. The Government has underscored that, and this legislation will help to protect those assets. The Opposition is grandstanding, crying crocodile tears and conveniently expressing concerns about Mount Panorama residents. Though we have been battling for them and working with them for years, all of a sudden, a week before the legislation is presented, Coalition members are coming into this place and putting their concerns on the record. That is absolute humbug. The bill is a credit to the Government and the Minister. The people of Bathurst will accept and celebrate this legislative measure. As the local member, I will work with both the Bathurst council and the residents action group to make sure everyone gets a fair shake from this wonderful legislation. I commend the bill to the House.

Mr WAYNE MERTON (Baulkham Hills) [9.08 p.m.]: I open with a quote from the book by John Medley entitled *Bathurst: Cradle of Australian Motor Racing*:

> [Some 220 kilometres] west of Sydney across the dissected sandstone plateau called the Blue Mountains and on the western slopes rolling towards the western plains of New South Wales lies the historic town of Bathurst. A few miles south-west of Bathurst lies the Mount Panorama motor racing circuit, opened with a dirt surface and progressively updated to today, when it is used annually for Australia's biggest motor race, a long-distance event for touring cars televised across Australia and the world. Every Easter it also used to host a marvellous motorcycle race meeting — as it did for 50 years. For the rest of the year, apart from the occasional hillclimb, it lies in bucolic bliss, a scenic two-way road slumbering among the orchards, farms and 5-acre lots, now almost part of Bathurst suburbia.
>
> First used in 1938, this remarkable and historic ribbon of road was, until 1973, the venue for "mixed grill" racing almost every Easter and October, when men and women from every State in Australia and some from overseas came in a great variety of cars to challenge the mountain.
>
> The circuit itself is a piece of Australia's history, a piece of industrial and social archaeology, and the racing on it has involved unaccountable numbers of people in pleasure and pain, blood, sweat, toil and tears. For motorcyclists in particular it became a mecca, the annual pilgrimage, a folk festival, part of a culture. It has become an institution, part of the fabric from which myths and legends are made. It is known to virtually all Australians as the home of The Great Race, comparable with the Indianapolis Motor Speedway as the home of the Indianapolis 500.

The circuit today is not as it was previously. The book continues:

> The weaving dirt tracks of Bald Hills became the Mount Panorama racing circuit, certainly, but precisely how it happened depends on who you listen to. There is no doubt, however, that two of the prime movers were the then mayor of Bathurst, Alderman Martin Griffin, and the New South Wales Light Car Club.
>
> Also involved were motorcycle clubs and the Auto Cycle Union, which had over 20 years run events at Bathurst Showground, another circuit at Kelso east of Bathurst …

This particular setting formed the Bathurst circuit. John Medley, the author of the book from which I have quoted, is interested in historic motor racing. His informative book, *Bathurst: Cradle of Australian Motor Racing*, is available in the Parliamentary Library. The dirt tracks of Bald Hills became Mount Panorama racing circuit after a number of people got together with the council and decided in 1936 or thereabouts—

Ms Sandra Nori: In 1938.

Mr WAYNE MERTON: In 1936 it was decided that a circuit should be built at a cost of £27,961, with an additional £5,000 being allocated for the construction of shelter sheds, entrance gates, a kiosk and a caretaker's cottage at McPhillamy Park. The official opening of the tourist road took place at McPhillamy Park as part of the 150th anniversary celebrations of white settlement in Australia. It was opened by the then Minister for Local Government, the Hon. E. S. Spooner, with Mayor Griffin officiating. The first event was held in, as the Minister correctly pointed out, 1938 at Easter. The book continues:

> Easter 1938 became the target date for both the Auto Cycle Union and the NSW LCC plans. Neither group expected or really planned for the spectator onslaught that occurred—but neither did the city of Bathurst. Food, drink, accommodation, spectator control and toilets were totally inadequate (one of the organisers recalled that they had six toilet pans on Pit Straight and six at McPhillamy Park—for over 20,000 spectators!). Commercially, Bathurst was emptied for a week afterwards—and so the Bathurst accommodation/food/beer shortage legend was born. The NSW LCC learned from the experience and organisation improved, albeit slowly—and Bathurst still bursts at the seams in Easter and October.

That is the beginning of Bathurst. Since then Bathurst has had a most interesting history. The first race occurred in 1938, a date in which the Minister is obviously very interested. I will not go through it year by year but it is important that we understand the traditional significance and history of this icon. Bathurst is more than V8 motorcars going around lap after lap. It has a history that goes far beyond that. The pioneers of Bathurst put their heart and soul into motor sport in Australia.

Mr Alan Ashton: The first inland town.

Mr WAYNE MERTON: I appreciate the contribution of the honourable member for East Hills. The Minister will love this information: The first race was won by an Englishman. As stated in the book:

> Englishman Peter Whitehead's black ERA B-type dominated the entry list.

The English Racing Association automobile won the race. Importantly, the car that came second was a Hudson Special. The significance is that for many years Australian racing specials, whether Ford V8 or Hudson, were up against imported sophisticated European cars and successfully beat them on many occasions. The cars are uniquely Australian products. General Motors successfully sold the Monaro as a Pontiac GTO in the United States of America. So there was a contest between the Australian specials and the sophisticated E
English and European cars. As I said, in 1938 the ERA won and second was the Hudson Special.

Mr ACTING-SPEAKER (Mr Paul Lynch): What does this have to do with the bill?

Mr WAYNE MERTON: I am talking about Bathurst. The motor racing circuit is relevant to the legislation.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! I am struggling to understand how 1938 is directly relevant to the bill. I will give the honourable member for Baulkham Hills a little more time to expand on the theme.

Mr WAYNE MERTON: I appreciate that. You are a fair and generous Acting-Speaker. It is important that members understand how deeply embedded the Bathurst track is in the Australian psyche and tradition. I do not intend to prolong my contribution unduly, but it is important for me to give a brief outline. The fewer the interruptions the quicker it will be over.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! I call the honourable member for Baulkham Hills to order.

Mr WAYNE MERTON: In 1939 an Alfa Romeo won.

Ms Sandra Nori: Are we going through every race?

Mr WAYNE MERTON: We will not go through it year by year because the Minister and I will not be around long enough. In 1939 an Alfa Romeo won and a Hudson came second. A whole series of Australian specials followed the European cars.

Mr Alan Ashton: A VW won one year.

Mr WAYNE MERTON: I am talking about the proper racing cars. Going to 1940, John Medley's book continues:

> With war now six months old, and petrol rationing about to be introduced, Bathurst's last "pre-war" meeting drew an attenuated field.

There was still racing at Bathurst in 1940. That year first place was an Alfa Romeo, and second was a Hudson Special. In 1946, after six long years of war, the race resumed. The book continues:

> The circuit itself had been damaged by army trucks from the camp near Forrest's Elbow. Inevitably too, attitudes hardened by wartime controls would affect Mount Panorama.
>
> Some familiar cars and drivers entered—the Kleinig Hudson …

The book goes on about the competitors, which, at this stage, were largely Australian specials. Bathurst is a place of great significance to all Australians, particularly those who have an interest in motor history and motor racing. Motor racing is inherently a dangerous sport. On Conrod Straight, which is the fastest part of the track—today V8 supercars reach 300 kilometres per hour—there have been five racing deaths: Bevan Gibson in an open wheel racing car, Tom Sulman in an open wheel racing car, Mike Burgmann in a V8, Denny Hulme in a touring car and Don Watson in a touring car. Hulme died of a heart attack, not a crash. I note the recent tragic death of New Zealander Mark Porter, who died after a high-speed crash in the last event. It is also significant that I pay tribute, as others have done, to the Australian Bathurst legend Peter Brock, King of Mount Panorama, who was a winner on nine occasions at the Bathurst 1000.

The 1973 Easter meeting was the last meeting ever held at Easter. It was decided to discontinue Easter racing at that time on a trial basis. Since that date the race has not resumed at Easter. I hope this legislation will bring Bathurst back to life and assist it in reaching its true potential. The Bathurst track is very taxing for drivers. Many overseas drivers have been brought out here with big reputations and high expectations, but they have come a cropper big time at Bathurst. It is uniquely Australian and it has challenges that often only Australians can overcome. It requires guts, determination and the flair to take the chance. That is what racing is about, and Bathurst exemplifies that. Many great people have paid the supreme sacrifice in their urges to be successful in their chosen sport. I have been to Bathurst on a number of occasions. I remember going there in the 1960s when I was a young man. I camped there. I was particularly tired in the morning when the man came around looking for the camping fees. He could not wake me up. [*Extension of time agreed to.*]

My son raced a mini Cooper S in the Bathurst hill climb. He came second. He is a very bright young man. He beat Toranas and other vehicles in his mini Cooper S. Bathurst has a real feel about it, standing on the mountain and overlooking the view. It is real Australian. It really has something that no other circuit in Australia, and probably the world, has. It is uniquely Australian. It has the best of the country. It has the best of the great city of Bathurst. It is all put together in a great package, as the honourable member for Bathurst said, 200 kilometres from Sydney. We will not argue about how far it is, but it is close enough to 200 kilometres from Sydney. I sincerely hope that Mount Panorama will live again and that it hosts more than the one race a year. I support the legislation. It might have been a slow start in the Minister's opinion, but it is how we finish that counts. The Minister can see my commitment when I acknowledge its history. It should continue.

I will not make a big issue of this, but both the State and Federal governments have contributed $10 million and the council has contributed $4 million in a combined effort to promote a great feature and a great facility, not only for the residents of Bathurst who will benefit from it, as they did in 1938 when it was a complete sell-out. The Minister was reluctant to talk about the event in 1938, but it was significant because it was a complete sell-out. Further events in Bathurst will have a similar result and a great effect on country towns, particularly those that are doing it hard with the drought. Notwithstanding those kinds of things Bathurst can go on. When country towns are looking for alternative sources of income and when they have a major tourist attraction on their doorstep they should utilise it to the max. The legislation has the potential to allow that to happen. I yearn for the days when young people, old people and families can set out for their traditional Easter holidays, take a trip up the Western Highway to Bathurst, stop at Kelso for hot cross buns and other refreshments that may be required then slip into Bathurst, pitch a tent on the mountain and have a great weekend.

Bathurst has a lot to offer. The legislation should be supported. I am reminded by the shadow Minister that the commitment of $10 million was made by the honourable member for Upper Hunter when he was Leader of the National Party, as well as John Brogden. There is some argument as to who made it first. The honourable member for Upper Hunter tells me that it was made before the present Government came to power, but the reality is that both sides of politics agree that the $10 million should have been committed to give the track a new life because it was doing it tough. We all know it got to the stage that the place was about to be closed down. It would have been a dreadful loss. We support the legislation. Let us hope that Bathurst can relive some of its former glory. It is an icon for Australian's courage. It is an icon for Australian's achievements. It is an example to the rest of the world as to how we do it down here on Mount Panorama.

Mr ALAN ASHTON (East Hills) [9.24 p.m.]: I have been in this place for 7½ years, and that is one of the most enjoyable speeches I have heard. I heard the passionate speech from the honourable member for Bathurst, which one would have expected because Mount Panorama is in his electorate, but the sermonic speech we heard from the honourable member for The Hills was riveting. I really enjoyed it. I know he was around for a lot of it, but he might have to acknowledge where he got some of his facts and figures. I noted that his speech

went for 20 minutes, but poor old Mark Skaife lasted for only 20 seconds in the last Bathurst 1000. The honourable member for The Hills did a wonderful job.

Mr Brad Hazzard: All stayers.

Mr ALAN ASHTON: That is right. As the honourable member for Baulkham Hills said, start slowly and finish in a bit of a hurry. After such a funny speech I do not want to be outdone. It was a great effort.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! The honourable member for East Hills will return to the leave of the bill.

Mr ALAN ASHTON: I support the Mount Panorama Motor Racing Amendment Bill. There is no doubt that Bathurst has become an important part of the sporting calendar of Australia. I like to think I am a very passionate sports lover, but motor racing has never absolutely taken my interest except for the touring car races and Bathurst. I am not so interested in cars that go round and round at 250 clicks in Formula One races that are really a test of the car and not so much of the driver. But Bathurst is compulsory viewing. I have been around the Bathurst circuit at Mount Panorama on probably a dozen occasions.

Mr Brad Hazzard: What speed?

Mr ALAN ASHTON: I was going to get to that. It was probably about 50 kilometres an hour because I was in the back of a bus looking after about 60 schoolkids on the way to a Hill End excursion. The bus would go up to Mount Panorama so the kids could see what the race was like. It is a public road, and people can drive around it. I can understand the difficulty experienced by anyone living in the middle of the site who might want to get out in the middle of a race. It is a uniquely Australian race because, unlike Daytona, Indianapolis and other places where the motor vehicles go round and round in a circle, the Bathurst circuit is a public road where you have the skyline and Conrod Straight, which makes it a very challenging race.

I congratulate the Minister on introducing the legislation. I congratulate the council on supporting it and committing $4 million, and both the State and Federal governments on committing $10 million each. I remember when I was a kid watching Dick Johnston, Colin Bond, Peter Brock, Alan Moffat, Leo Geoghegan of the Geoghegan brothers, as the honourable member for Georges River mentioned, and more recently Mark Skaife, Craig Lowndes, the Kelly brothers, Murphy and the like. Bathurst is the great tradition of Holden versus Ford. Although I have never owned a Holden or a Ford, I appreciate that so many thousands of Australians are passionately taken by the tribalism of the race between—

Mr Andrew Stoner: Are you a snob?

Mr ALAN ASHTON: No, I cannot afford one. I owned a VW for many years. Bathurst is iconic in that Holden races Ford, and so many ordinary and average Australians get such a thrill out of that tribal nature of which car will win, especially the Bathurst 1000. A few years ago, as the honourable member for Bathurst alluded to, racing at Bathurst was really struggling. They tried to use smaller cars, such as two litre cars, but they were unable to achieve the same degree of enthusiasm. Although I am not really a rev head, I make the point that increasing motor racing events from two to five each year will be a tremendous boon for the Bathurst, Orange and surrounding communities. The honourable member for Bathurst mentioned that over the four days of the Mount Panorama event 193,000 people attended the races and on the big day the crowd numbered 65,000. The event creates economic activity in Bathurst, Lithgow and other places. That is great, not just for the success of the event but also for the hotel and tourism industries and the site campers, of whom the honourable member for Baulkham Hills was one during the 1960s—but let us not go too deeply into that.

I have examined this bill in the context of what this Government is all about—jobs, jobs, jobs. The Bathurst 1000 event produces jobs in regional areas. Unfortunately, the regional economic benefit of the event contrasts with the worst drought that New South Wales has ever experienced—a fact that is at last being realised by some. I congratulate the Minister for Tourism and Sport and Recreation on introducing this bill. Although I could say more, there is probably not much more I could say to match the contribution of the honourable member for Baulkham Hills, who preceded me in this debate.

Mr MATTHEW MORRIS (Charlestown) [9.30 p.m.]: I join other members of this House in supporting the Mount Panorama Motor Racing Amendment Bill. Much already has been said during this debate, but because it is getting late and everyone is becoming a bit weary, I will endeavour not to reiterate the points

that were made previously. Having said that, I wish to point out a couple of matters that relate to this bill. The obvious change that will be brought about by this bill is the increase from two to five events per year and the increase in opportunities associated with that change. More importantly, the bill provides for safety requirements and inspections for major motor racing events.

All honourable members know that the Bathurst 1000 is a major motor racing event in this nation. It is a uniquely strong part of the motor racing culture of this nation. Moreover, it has a demonstrated appeal to the international motor racing industry. It is a key event, not only for Bathurst and New South Wales but for Australia. Honourable members have commented on the economic activity that the Bathurst 1000 race creates, which is of fundamental importance. However, the significance of the Bathurst 1000 extends beyond that to the whole motor racing industry and fan club throughout the Hunter region.

I assure honourable members that thousands of people in the Hunter region, including me, bite their nails until the Bathurst 1000 comes around each year. That is not because we are particularly fond of either Holden or Ford, but because of our admiration for the skills involved, the excitement of the competition and the expertise involved in putting together a racing motor vehicle. People genuinely admire the skills and abilities of drivers such as Mark Skaife, despite his having had to bail out of the recent race in unfortunate circumstances. The Bathurst 1000 attracts a huge following of motor racing enthusiasts right across the nation. People who are unable to attend the race follow its progress on television and seemingly are glued to their television sets while the race is run. While I have to admit that motor racing is male dominated, nevertheless I know a number of avid female motor racing fans, and that is a good sign.

Other honourable members have mentioned that throughout the four days of the recent Bathurst 1000 event 193,000 people visited the region. They included a significant number of tourists. I know from speaking to people in the Hunter that when they undertake a road trip to regional and country areas as part of a holiday, they divert to Bathurst for one specific reason: to experience the excitement of driving on the Mount Panorama circuit. That factor alone is very telling about the popularity of the Bathurst 1000 event. History shows that the Government is strongly committed to supporting motor racing at Mount Panorama. The Government provided a significant infusion of funds in the 2002-03 financial year to the tune of $10 million, and rightly so. However, it is important to look to the future and ensure that the event is properly promoted and developed on the basis of the contribution that it makes to a regional economy.

Mr Brad Hazzard: We need a Liberal-Nationals government.

Mr MATTHEW MORRIS: The event would certainly not be as successful under a Coalition government as it is currently under the Labor Government. I make the point that Bathurst is a unique form of motor racing. It is unlike traditional motor racing in the United States of America that is held on a banked oval circuit, where cars are driven around at high speed, requiring little real driving skill or ability. Mount Panorama is a unique and varied circuit in a natural setting. The Bathurst 1000 is so popular that I am sure practically all Australians know about it and may well have attended it at some stage during their lives. This legislation is designed to build on the benefits and contributions that the Mount Panorama circuit makes to Bathurst, but I emphasise that the beneficial effects of the Bathurst 1000 motor racing event extend to the Hunter region and to areas farther afield.

The Bathurst 1000 is a significant event in the motor racing calendar. In my lifetime I have not seen the event being more strongly supported by the broader community than it has been recently. Support for the event is not limited to motor racing fans. General sports fans have diverse interests, and the Bathurst 1000 provides an opportunity for them to become involved in the excitement of a major motor racing event. Personally I am a Holden fan. Many of my colleagues have already referred to me as a rev head simply because I wanted to participate in this debate. However, I am brave and I will take those comments on the chin. This bill is more about what is good for regional areas of New South Wales and what is good for Bathurst as a community and the motoring industry than it is about individual preferences for motor cars. I am pleased that this legislation has been introduced. It will provide scope for the future development of Bathurst, its infrastructure, its economy and the motor racing industry. I commend the bill to the House.

Mr KEVIN GREENE (Georges River) [9.37 p.m.]: Mr Acting-Speaker—

Mr Brad Hazzard: You had better make a fast start and a fast finish.

Mr KEVIN GREENE: I acknowledge the interjection of the honourable member for Wakehurst and undertake to be quick. I contribute to this debate because, as indicated by the honourable member for Baulkham Hills—who appears to have crossed the floor for the moment—it is important to note that the Bathurst 1000 motor racing event at Mount Panorama is known worldwide for its contribution to motor sport. I am sure that every honourable member could relate in great detail the times they have spent watching the great event unfold. Even if people are unable to watch the whole race, they aim to be watching it at 10 o'clock.

I am sure most honourable members recall the days of the Hardie Ferodo 500 and Colin Bond winning that race in 1969. I will never forget Moffat and Bond racing down Conrad Straight together. There is usually spirited debate over the Holden and Ford rivalry. In that context I recall the late Peter Brock and Colin Bond in the XU1 Toranas and the famous Valiant Chargers as they raced around the track at Mount Panorama. I estimate that hundreds of thousands of people enjoy motor racing and that many times more people enjoy watching the Bathurst 1000 in October each year.

Obviously both sides of this House support the legislation. The Bathurst 1000 enjoys enormous community support. All honourable members of this House support the creation of an opportunity for the expanded use of the Mount Panorama circuit because it will provide great economic benefit for Bathurst. Anyone who has travelled to Bathurst—the honourable member for East Hills described his visit to Bathurst on a bus with school students—knows that part of the visit must include the opportunity to whip around the Mount Panorama circuit, while of course obeying the speed limits, as suggested by the honourable member for Wakehurst. Many years ago I could not resist taking the opportunity of driving on the circuit in each direction with a couple of mates, just to see what it was like. The Bathurst 1000 is definitely part of the sporting culture of Australia; it is a uniquely Australian event. Mount Panorama is a unique sporting facility and the bill provides an ongoing economic opportunity for the Bathurst community. Most importantly, the bill provides a reward to the many hundreds of thousands of people who enjoy motor racing. I support the bill.

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, Minister for Women, and Minister Assisting the Minister for State Development) [9.41 p.m.], in reply: At the outset I need to qualify my comments by saying that I have started a modest scholarship for women in motor sport. I acknowledge that women can be interested in motor sport, and a great number of women are interested in it. I have not been disappointed by the rev heads in the House tonight. However, I did not pick the honourable member for Baulkham Hills as a rev head. I enjoyed his great contribution to debate on the bill. He was right to remind us of the history of the track and the races there. At one point I thought he was going to mention every single race starting from 1938.

The Opposition has raised two concerns, and I will allay their fears on both counts. The bill provides that the advisory committee will consist of not less three and not more than nine members, who are to be appointed by the Minister. At least one member shall be a member or employee of the council and will be nominated by the council. At least one member shall be a member of NSW Police and will be nominated by the Commissioner of Police. At least one member shall be an officer of the Department of the Arts, Sport and Recreation. That leaves another six members. Currently there is an advisory committee, although it is not mandated under the current Act. One member of the committee is a representative of the residents who live on the affected part of Mount Panorama.

I give an absolute commitment on behalf of the Government that there will be a representative of the residents who live on the mountain on the new advisory committee. I had difficulty including a specific provision such as that in the bill, because the residents are not an incorporated or legal entity. However, there is no problem in having a representative from the local community on the advisory committee, and there should indeed be one. In relation to consultation with the residents of the part of Mount Panorama that is affected by the races, I take this opportunity to thank an officer of the Department of the Arts, Sport and Recreation, Darryl Cloat, whose name has been mentioned tonight and who has played a huge part in the preparation of the bill.

Mr Cloat has been at Mount Panorama for at as long as 24 months, discussing the proposal with the residents and trying to achieve greater communication between the council, which is ultimately responsible, and the residents. The council needed to do a couple of things to make life easier for the residents on the mountain. It has done those things. Ian McIntosh, the former mayor of Bathurst, is a resident of that part of the mountain. He raised this proposal with residents some years ago. I am not quite sure where the shadow Minister got the idea that the only way the local residents knew about the bill was by reading about it in the local paper. That is incorrect; the shadow Minister has been misled.

I have met with a residents' representative, Mrs Coral Cordato, and found her request quite reasonable. Many residents accept that the circuit was used for motor sport before they moved to the area; it was a pre-existing use before they bought into the area. They acknowledge the economic value and profile that the event brings to Bathurst. None of the issues raised by the residents are insuperable. I am sure that through the advisory committee the council will accede to their concerns and that at all times residents will be kept informed and that attempts will be made to deal with their concerns. I thank the local member, Gerard Martin, the honourable member for Bathurst, who was instrumental in leading a delegation to me some time ago to put the case for the increase in the number of permissible events on the circuit. I thank the council for its ongoing interest and management of the track. Tonight we have enjoyed a good-natured, jovial debate.

Mr Brad Hazzard: I thought it was bipartisan.

Ms SANDRA NORI: It clearly was a bipartisan debate. One only needs to be a rev head to have taken part in this debate. That brings me to another point. Many members have made Mount Panorama confessions tonight. I have one, but it is not very exciting. For me it was going around the track on the pillion seat of a Ducati 900SS that had been souped up for racing—and we did keep to the speed limit! In about 1980 or 1981 I went to the Easter motorcycle races and I enjoyed the sidecar races the most. I hope that one day motorcycles may make it back to Mount Panorama.

The shadow Minister raised another issue. He expressed concern that the delegation for permission to stage the race has not been confined to the Minister and the director general. A technical specialist is on staff and he could be a delegating officer as well. However, if the shadow Minister feels strongly about this and proposes to move an amendment to the bill, I suggest that he think about the following nomenclature, that the delegation be the director general, the Minister or the chief executive of the New South Wales Department of the Arts, Sport and Recreation.

Mr George Souris: That would be fair enough. That is okay.

Ms SANDRA NORI: Indeed, the current director general is the director general of the Department of the Arts, Sport and Recreation. We are comfortable with that. The shadow Minister should be comfortable with the fact that we were going to delegate that role to either that position or to the technical expert within the department. I thank honourable members for their contributions. I can tell all the boys have had a lot of fun tonight talking about motor sport. That is fine; that is what it is all about. I will persist with a scholarship for women in motor sport, because I do not believe that even the most totally male-dominated sports will be so for ever and a day.

Motion agreed to.

Bill read a second time and passed through remaining stages.

PASSENGER TRANSPORT AMENDMENT BILL

PROFESSIONAL STANDARDS AMENDMENT (DEFENCE COSTS) BILL

SUCCESSION BILL

Messages received from the Legislative Council returning the bills without amendment.

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Mr GRANT McBRIDE (The Entrance—Minister for Gaming and Racing, and Minister for the Central Coast) [9.49 p.m.]: I move:

That standing and sessional orders be suspended to permit, at this sitting:

(1) the introduction of the following bills, notice of which was given this day for tomorrow, up to and including and Minister's second reading speech:

Criminal Procedure Amendment (Sexual and Other Offences) Bill
Crown Lands Legislation Amendment (Carbon Sequestration) Bill;

(2) at the conclusion of Government Business the House to adjourn without motion moved; and

(3) until the rising of the House no divisions or quorums to be called.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [9.49 p.m.]: The Opposition's view of the multiple suspension motions moved today is fairly obvious, but I am prepared to avoid a division on this motion if I get a commitment from the Minister for Gaming and Racing that private members' day tomorrow will proceed uninterrupted, as anticipated. If the Minister is prepared to give us that commitment we are happy not to divide on this motion, but if that commitment is not forthcoming we will divide the House. The Minister does not have a right of reply but I am seeking some indication as to what will happen tomorrow. They say that the hardworking Minister for Gaming and Racing does the job of three people—we know they are Larry, Curly and Moe—but it is simply outrageous that once again private members' day tomorrow will be given over to Government business not because the Leader of the Opposition, the honourable member for Southern Highlands or the honourable member for Northern Tablelands have no issues or legislation to debate in this place but simply because the Government cannot get its legislative act together.

What is extraordinary about the performance of the Government this year is that we have sat for only 39 days, which is as many days as the Queensland Parliament. What is remarkable about that is that New South Wales has not had an election this year. Parliament did not rise for an election campaign. We are hardly covering ourselves in glory. We are hardly leaving this place at night soaked in sweat from the enormous amount of work we have done. The reality is that for too much of this year the Government has been lazy. As I have said before, on 21 out of 24 sitting days when we were meant to sit until 10.30 p.m. we gave ourselves early marks. Those early marks add up to the equivalent of three sitting days lost from the timetable this year. In addition, four other sitting days were cancelled.

What do we see now? The Legislative Assembly has been turned into a sausage factory, with something like 60 bills to be passed in the next four weeks. The reality is that, like a crook sausage, we have Buckley's chance of knowing whether the legislation that is being rushed through this place either today or in future days contains anything crook. We have no idea what the legislation contains. A bill was introduced in this Chamber this morning, it was second read and debated this morning, it was read a third time and you, Mr Acting-Speaker, just reported its passage through the upper House. Legislation is passing through Parliament in less than 12 hours. Mr Acting-Speaker, you are about to leave this place after giving distinguished service, as the honourable member for Wallsend, to the people of New South Wales. If you believe that is what your job has been about for the past couple of decades and that is what responsible and accountable government is, you do not deserve to sit in that chair.

The Opposition will oppose the motion because it is yet further evidence, if the people of New South Wales need it, that the Government simply cannot manage. Not content with ensuring that the economic future of our children has been frittered away in a year in which we have a forecast budget deficit, not content with the fact that even on days when it rains in Sydney all the water flows out to sea despite the water crisis in this city and the drought in country areas, notwithstanding the importance of education and the more than $126 million backlog in school maintenance, and notwithstanding the importance of transport to this city and government policy failures that have seen one million cars registered in the past decade while at the same time public transport patronage has gone backwards and this city has ground to a halt, the Government has failed repeatedly to manage properly. But that is writ small in Parliament because once again private members' day is to be dismissed simply to enable the Government to ram through legislation at the speed of light without any accountability. It is just the latest attempt by the Government to avoid scrutiny and accountability. It will do anything possible to keep the light off its proposals.

Tomorrow we should be finally debating the Pay-roll Tax Amendment (Supporting Jobs and Small Business) Bill, which was introduced by the honourable member for Southern Highlands. The Minister for Gaming and Racing represents many small businesses on the Central Coast and I would have thought he would have those operators' interests at heart. But instead he has come into the Chamber and moved this motion—the Minister for Small Business was not prepared to do it—in an attempt to prevent that debate from occurring. The Opposition opposes the motion and we will divide the House on it. I inform the Government that the Opposition will divide the House on every other suspension motion moved between now and the end of session. [*Time expired.*]

Question—That the motion be agreed to—put.

The House divided.

[*In division*]

Mr Barry O'Farrell: I draw your attention to the honourable member for Murray-Darling and ask you how under the responsible service of alcohol procedures in this place that is possible.

Mr SPEAKER: Order! The Deputy Leader of the Opposition will resume his seat. The House has not detected any issue raised by the Deputy Leader of the Opposition. The Chair takes a dim view of the Deputy Leader of the Opposition raising matters like this without any proper evidence.

Mr Barry O'Farrell: I take a dim view of the way David Draper was treated—

Mr SPEAKER: Order! The Deputy Leader of the Opposition will resume his seat.

Mr Barry O'Farrell: And if you are prepared to turn a blind eye to that, it is outrageous.

Mr SPEAKER: Order! The only matter in question at the moment is the action of the Deputy Leader of the Opposition.

Ayes, 45

Ms Allan	Mr Greene	Mrs Perry
Mr Amery	Ms Hay	Mr Price
Ms Andrews	Mr Hickey	Ms Saliba
Ms Beamer	Mr Hunter	Mr Sartor
Mr Black	Ms Judge	Mr Shearan
Mr Brown	Mr Lynch	Mr Stewart
Ms Burney	Mr McBride	Ms Tebbutt
Mr Campbell	Mr McLeay	Mr Tripodi
Mr Chaytor	Ms Meagher	Mr Watkins
Mr Collier	Ms Megarrity	Mr Whan
Mr Corrigan	Mr Mills	Mr Yeadon
Mr Crittenden	Mr Morris	
Mr Daley	Mr Newell	
Ms Gadiel	Mr Orkopoulos	*Tellers,*
Mr Gaudry	Mrs Paluzzano	Mr Ashton
Mr Gibson	Mr Pearce	Mr Martin

Noes, 32

Mr Aplin	Mrs Hopwood	Ms Seaton
Ms Berejiklian	Mr Humpherson	Mrs Skinner
Mr Cansdell	Mr Kerr	Mr Slack-Smith
Mr Constance	Mr McTaggart	Mr Souris
Mr Draper	Mr Merton	Mr Tink
Mrs Fardell	Mr Oakeshott	Mr Torbay
Mr Fraser	Mr O'Farrell	Mr J. H. Turner
Mrs Hancock	Mr Page	Mr R. W. Turner
Mr Hartcher	Mr Piccoli	*Tellers,*
Mr Hazzard	Mr Pringle	Mr George
Ms Hodgkinson	Mr Richardson	Mr Maguire

Pair

Ms D'Amore	Mr Roberts

Question resolved in the affirmative.

Motion agreed to.

CRIMINAL PROCEDURE AMENDMENT (SEXUAL AND OTHER OFFENCES) BILL

Bill introduced and read a first time.

Second Reading

Mr GRANT McBRIDE (The Entrance—Minister for Gaming and Racing, and Minister for the Central Coast) [10.05 p.m.], on behalf of Mr Bob Debus: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Criminal Procedure Amendment (Sexual and Other Offences) Bill, which proposes amendments to the Criminal Procedure Act 1986 and the Crimes Act 1900 to extend the existing protections provided to complainants in sexual assault proceedings, and to provide protection for other vulnerable persons in criminal proceedings. It is part of the Government's continuing commitment to ensure that the harm suffered by sexual assault victims is not compounded by the processes of our legal system. The amendments ensure that complainants are afforded greater measures of privacy and respect in court proceedings in order to minimise the trauma and potential re-victimisation these courageous people experience in their interaction with the criminal justice system.

The bill is part of the Government's ongoing legal reforms in the area of sexual assault prosecution, and arises out of the recommendations of the Criminal Justice Sexual Offences Task Force, which was established in December 2004. The task force report, published in April 2006, contains 70 recommendations and represents the most comprehensive review of the law in this area in the past 20 years. The task force was made up of representatives from a number of Government and non-government agencies and involved wide consultation with various stakeholders. I take this opportunity to thank each one for their hard work and efforts in this very important endeavour on behalf of the Government. In particular, the Government thanks Lloyd Babb, chair of the task force, who was able to achieve consensus in a committee with very disparate views, and Sally Traynor of the Office of the Director of Public Prosecutions for her hard work in putting the report together.

The task force recommendations not only highlight the need to change laws and procedures affecting the prosecution of sexual assault matters, but are aimed at bringing about a cultural shift in the way sexual offences are investigated and prosecuted and the attitudes of key participants within the criminal justice system. It is hoped that addressing these issues will help alleviate the high rates of attrition in sexual offences. The bill concentrates on the legislative recommendations in the task force report, and is part of the Government's commitment to improving the response of the criminal justice system to sexual assault crimes, while at the same time upholding the cornerstone legal principles that are valued by our community, such as the right of the accused to a fair trial.

The bill represents the first stage of the Government's package to reform sexual assault laws. The Attorney General expects to introduce a further bill shortly that will focus on greater protection for children, intellectually impaired persons and other vulnerable witnesses in the criminal justice system. These amendments are currently being finalised. In addition, the Attorney General expects to be consulting very soon on a bill that will contain a definition of consent, expansion of the circumstances that vitiate consent, and the introduction of an objective fault test. These recommendations require further consultation and advice from legal professionals and community stakeholders. The bill amends the Criminal Procedure Act 1986 in respect of committal processes, non-publication orders, jury directions, communication devices for vulnerable witnesses, use of a complainant's previous evidence to be used in a new trial where the earlier proceedings were adjourned, aborted, or resulted in a hung jury, and the unrepresented accused provisions.

I now turn to the detail of the bill. First I deal with committal proceedings. Items [1] to [3] of schedule 1 relate to committal proceedings. It is a general rule that complainants are not called to give oral evidence in committal proceedings. The courts rely mostly on their written statements in deciding whether or not there is a case to answer. In sexual offence proceedings in particular, it can be particularly traumatic to repeat evidence already provided several times to police, at committal and at trial. While it may be appropriate for a sexual assault complainant to be called to give evidence at committal in some cases, the bill seeks to tighten the procedures surrounding the process so that this is the exception rather than the rule.

The bill amends section 91 to provide that the written statement of a witness, who is directed to attend committal proceedings to give oral evidence, may be admissible as evidence in the proceedings in certain circumstances, namely where the parties consent, and the magistrate is satisfied that there are substantial reasons

why, in the interests of justice, the statement should be admitted. At present, the written statement of such a witness is not admissible under the Act. The purpose of this amendment is to provide extra protections to the complainant by enabling the magistrate to admit his or her statement as evidence-in-chief, and to codify a practice that is routinely adopted in court but at present has no legislative backing.

Section 93 of the Criminal Procedure Act 1986 currently provides that in any committal hearing in which the accused is charged with an offence involving violence, the magistrate may not direct an alleged victim of the offence who has made a written statement to give oral evidence at the hearing, unless the magistrate is of the opinion that there are special reasons in the interests of justice why the alleged victim should attend the hearing. Where the parties agree to the alleged victim being called, the magistrate must then direct the attendance of the victim. This position has been confirmed in obiter remarks in the judgment of Justice Johnson in the recent Supreme Court decision of *Director of Public Prosecutions (NSW) v O'Conner* [2006] New South Wales SC 458.

This bill amends section 93 to provide that such a direction should not be given unless the magistrate has satisfied himself or herself that such special reasons in the interests of justice exist, even where there is agreement between the parties. This will place a positive duty on the court to ensure that the interests of the complainant are protected. Section 93 is also amended to confirm the prohibition on calling child complainants in certain sexual offence proceedings to give oral evidence at committal hearings.

Item [4] of schedule 1 inserts a new section 275B into the Criminal Procedure Act 1986 to deal with vulnerable witnesses. This is only one of many recommendations made by the task force in relation to vulnerable people. As I foreshadowed earlier, further amendments will be made in a forthcoming separate bill. The rationale behind the introduction of special arrangements for vulnerable witnesses is that it facilitates witnesses giving their best evidence. Where a person relies upon an aid to communicate in their day-to-day living, that aid should also be available for their use in giving evidence before a court.

This new section provides that in any criminal proceedings, a witness who has difficulty communicating is entitled to use a communication aid, or a person in the role of an intermediary, to assist the witness in giving his or her evidence, but only if the witness ordinarily uses such assistance on a daily basis. Any intermediary acting under this section will be subject to the provisions governing interpreters in the Evidence Act 1995. This section will supplement existing provisions in the Evidence Act 1995 that enable a court to make any orders it considers just in relation to the way witnesses are questioned, and its inherent power to control proceedings.

I turn to non-publication orders. It is a fundamental principle of the common law that the administration of justice must take place in open court. The law, however, also makes exceptions to the rule, particularly where children and sexual assault complainants are concerned. Section 292 of the Criminal Procedure Act 1986 prohibits publication of evidence in sexual assault proceedings. Similarly, section 578A of the Crimes Act 1900 makes it an offence to publish any matter which identifies or leads to the identification of a complainant in certain sexual offence proceedings. The task force examined whether the current provisions relating to non-publication orders in section 578A and section 292 are adequate protection for victims in sexual assault trials. It made a series of recommendations in the report—recommendations 17 to 21—to enhance the existing provisions in recognition of the fact that publication of the identity of complainants in a sexual assault trial may cause secondary trauma to those complainants, increase the stigma attached to the offence and in some cases, jeopardise the safety of complainants.

Item [5] of schedule 1 amends section 292 to clarify that publication of evidence, or any report or account of that evidence, includes dissemination via the Internet or any other electronic means. It also provides, consistent with section 578A, that the court must consult with the complainant before determining whether to make such an order. Of course, in practice this consultation may occur either directly with the complainant or via the prosecutor. The task force also agreed that there are occasions where non-publication orders should continue after the verdict has been delivered for a period of time where there is the possibility of creating adverse publicity for an accused facing a back-to-back trial or the trial of the co-accused.

It will be remembered that the Court of Criminal Appeal overturned a conviction for gang rape on the basis of adverse publicity—see *R v S* (2004) 144 A Crim R 124. Accordingly, section 292 (7) provides that any non-publication order can continue to have effect after the proceedings have been finally disposed of. The court may, however, on application from any person, vary or revoke the order at any time. Schedule 2 to the bill

amends section 578A of the Crimes Act in similar terms to section 292 of the Criminal Procedure Act 1986 to clarify that publication includes dissemination via the Internet and other electronic means.

I turn to jury directions. Perhaps the most significant amendments in this bill are those relating to jury directions concerning warnings to the jury in sexual assault proceedings. These directions have been roundly criticised by members of the judiciary, legal practitioners and academics as being, variously, too confusing, inconsistent, having no rational basis, reinstating false stereotypes about women, and giving rise to a high number of appeals of a very technical nature.

There has also been a practice developing of judges giving a warning even where it is not necessary in order to "appeal-proof" their decisions. This apparent compulsion to give the warning has of itself given rise to mistakes occurring in the way in which the direction is given to the jury. For example, figures supplied by the Judicial Commission of New South Wales to the task force show that for sexual assault cases heard on appeal from 2001 to 2004, the most common basis for a successful appeal based on a misdirection was that there was a deficiency in the Longman direction resulting in an error of law in 22 of the 37 cases. Of the 22 cases where a Longman misdirection gave rise to an appeal, a retrial was ordered in 14 of those cases, and in eight cases an acquittal was entered by the court.

Section 294 of the Criminal Procedure Act 1986 currently provides that in circumstances where there is evidence given or a question asked of a witness in certain sexual offence proceedings that tends to suggest a delay in, or absence of, complaint about the alleged offence, the judge is to warn the jury that this absence or delay does not necessarily indicate that the allegation is false, and that there may be good reasons why such a victim may hesitate in, or refrain from, making a complaint.

In *Crofts v The Queen* (1996) 186 CLR 427 the High Court has stated that if a warning is given in accordance with section 294, then the jury should also be informed that the delay, or absence of complaint may be taken into account in evaluating the complainant's evidence, and determining whether to believe him or her. Item [6] of the bill therefore extends section 294 to ensure that a judge does not also warn the jury that such a delay or absence of complaint is relevant to the victim's credibility, unless there is sufficient evidence to justify such a warning.

The next amendments relate to the Longman warning in *Longman v The Queen* (1989) 168 CLR 79, which is given to the jury where the court considers that because of the passage of so many years between the offence and the complaint it would be dangerous to convict on the complainant's evidence alone, unless the jury is satisfied of its truth and accuracy having scrutinised the complainant's evidence with much care. The rationale for the Longman warning is that the effect of significant delay on the accused's ability to test the complainant's allegations may not be readily apparent to a jury. There have been a number of criticisms of aspects of the Longman warning from the judiciary, practitioners and academics.

They are that decisions of the High Court had created an irrebuttable presumption that the accused had been disadvantaged requiring a direction to be given in every case involving delay, irrespective of whether there was any evidence that the delay had in fact denied the accused a proper opportunity to meet the charge; the unequivocal nature of the warning; the use of the words "dangerous to convict" in the warning risks being perceived by the jury as not too subtle encouragement by the trial judge to acquit; uncertainty is created about what period of time or delay would generally not require a warning; the directions take an inordinate length of time and the language used by judges to explain legal concepts in this area was often repetitive, convoluted and confusing; and it appears to recreate sexual assault complainants as an inherently unreliable class of witness.

A Longman-style warning, if given correctly, with some flexibility and in the appropriate circumstances, retains a legitimate place in the criminal law. Most commentators and judges appear to be of the view that the decision in Longman is correct. Longman itself was an unusual case where the delay in complaint was 25 years. The Longman warning, however, is being given in cases where the period of delay does not warrant it. For example, in the recent case of *DRE v Regina* (2006) NSWCCA 280, where the delay in complaint was five years, the Chief Justice said, "This is at best a borderline case for a Longman warning". Quite apart from the overuse of the Longman warning, it was also extended by the High Court in Doggett's case to include cases even where the complainant's evidence is corroborated. It is this extension of Longman, that is, the unequivocal assumption in the warning, that is most problematic and criticised.

It must be acknowledged that in some cases a delay in complaint may prejudice an accused person by denying the accused the ability to marshal witnesses who may have died or may no longer be able to be located.

Prejudice may also be occasioned due to a loss of evidence, for example, the destruction of school records, medical records, employment records or photographs which may have otherwise been able to cast doubt on the evidence of the complainant. These issues may not necessarily be apparent to the jury, which is not entitled to speculate on evidence that is not before it. Other Australian States have also identified problems with the Longman direction and suggested a number of options for reform. Most importantly, the Australian Law Reform Commission [ALRC] has also examined this issue and recommends that the uniform Evidence Act be amended.

Accordingly, item [7] of schedule 1 further amends section 294 to provide that where the delay is significant and the accused can show he or she suffered a significant forensic disadvantage as a result of the delay, the judge may warn the jury of the nature of the disadvantage and the need for caution in determining whether to accept or give any weight to the relevant evidence, but only where a party requests the warning. The amendment is designed to ensure in the first instance that a Longman warning should not be given unless it is established factually that there has been a significant delay. The word "significant" has been purposely used to ensure that the warning is given in cases where the delay is warranted, and conversely not given where the delay is not significant.

The direction in *Regina v Murray* (1987) 11 NSWLR 543 provides that where there is only one witness asserting the commission of the offence, the evidence of the witness is to be scrutinised with great care. The typical sexual assault offence takes place in private without any other witnesses. The members of the task force agreed that the direction was unnecessary, as existing directions as to reasonable doubt were sufficient to protect the accused. Item [8] of the schedule therefore adds a new section 294AA which prohibits a judge from stating or suggesting to a jury that complainants in sexual offence proceedings are unreliable witnesses as a class, mirroring section 165A of the Evidence Act 1995 which relates to children. The new section also prohibits the judge from warning the jury of the danger of convicting on the uncorroborated evidence of any complainant.

In relation to unrepresented accused, section 294A currently prohibits an unrepresented accused person from cross-examining a complainant in certain sexual offence proceedings and provides for a court-appointed intermediary to ask the questions. The New South Wales Law Society has specifically advised its practitioners not to act in this regard because of professional liabilities that might arise from a qualified practitioner acting as a mouthpiece for the accused but not providing legal advice. Section 294A is therefore extended by item [9] to ensure that an Australian lawyer appointed by the court under this section is immune from his or her professional responsibility towards the accused.

As to the use of evidence in subsequent trials, in May 2005 the Criminal Procedure Act 1986 was amended to permit previously recorded evidence given by a complainant in sexual assault trials to be admitted in any retrial after appeal, including evidence-in-chief, cross-examination and any re-examination. This was designed to alleviate the trauma of having to give sensitive evidence again and again. There are other circumstances in which a complainant is forced to give evidence again through no fault of their own, including where a trial is aborted or results in a hung jury or is discontinued for other reasons, such as the sudden unavailability of the trial judge, refusal of a juror to continue or illness of one of the parties or his or her lawyers.

Item [10] of the schedule expands the existing provisions to allow for all or part of a complainant's previous evidence in criminal proceedings to be used in a subsequent trial by introducing a new division 4, special provisions relating to subsequent trials of sexual offence proceedings. These new circumstances allowing the use of evidence in hung juries and aborted trials may be distinguished from a retrial. Where a retrial as been ordered following the result of a successful appeal, the complainant's evidence is complete, including cross-examination, and the jury has convicted the accused on the basis of that evidence. Where hung juries and aborted trials have resulted in new trials the complainant may not have given all of their evidence or the jury may have been unable to reach a verdict. Accordingly, several allowances must be made in these new provisions to ensure that the accused is not being unfairly disadvantaged.

Although there is a presumption in favour of admitting the previous evidence, the court is given a discretion whether or not to admit the evidence, having regard to the completeness of the previous evidence including cross-examination; the effect of editing the evidence if necessary; the availability or willingness of the complainant to attend to give further evidence and to clarify any matters arising from the previous evidence; the interests of justice; and any other matter the court thinks relevant. Additionally, the complainant must be available to give further evidence if the court believes it is necessary to clarify matters arising from the previous evidence; to canvass information or material that has become available since the original proceedings; or if it is in the interests of justice. However, there is a presumption against calling the complainant, and the mere fact

that the previous evidence is incomplete or that further material has come to light will not automatically make the complainant compellable to give evidence.

New division 4 of part 5 of chapter 6 of the Criminal Procedure Act 1986 gives effect to these provisions. New section 306H contains relevant definitions, and section 306I permits the prosecutor to tender the record of the evidence of the complainant given in the discontinued proceedings as evidence in the new trial. This includes evidence-in-chief, cross-examination and any re-examination. The record will only be admissible if the prosecutor gives the accused and the court notice of the prosecutor's intention to tender the evidence, and the hearsay provisions of the Evidence Act 1995 will not apply. The new provisions will extend to new trials listed before the commencement of the new division.

New section 306J provides that the complainant is not compellable to provide further evidence unless the court is satisfied of the matters already referred to. New section 306K enables the complainant to elect to give further evidence with the leave of the court if he or she so chooses. New section 306L applies the provisions of the current 306E to 306G to new division 4, which relate to the form in which the recording is to be tendered, as well as access to recordings and exhibits. The amendments contained in this bill will make it easier for complainants in sexual assault proceedings to give their evidence and reduce the stress that the court process entails, as well as assisting them to give the best evidence they can give and preventing their re-victimisation in the criminal justice system. It is hoped that such amendments will encourage increased reporting and the prosecution of sexual assault matters. I am sure this will be welcomed by all members. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire.

CROWN LANDS LEGISLATION AMENDMENT (CARBON SEQUESTRATION) BILL

Bill introduced and read a first time.

Second Reading

Mr GRANT McBRIDE (The Entrance—Minister for Gaming and Racing, and Minister for the Central Coast) [10.31 p.m.], on behalf of Mr Bob Debus: I move:

That this bill be now read a second time.

The bill represents a critical improvement in the management of Crown lands across New South Wales, ensuring that eligible Crown lands can be used to create carbon sequestration rights under New South Wales' world-leading Greenhouse Gas Abatement Scheme [GGAS]. Rights will be granted by the Minister responsible for the land with the approval of any leaseholders. Holders of leases in perpetuity will be able to create rights directly with the consent of the relevant Minister. The New South Wales Government is committed to reducing greenhouse gas emissions. The New South Wales greenhouse plan was released in November 2005 following significant community consultation. The plan has been endorsed by the New South Wales Government and sets clear targets for reduction in greenhouse gases. The New South Wales Greenhouse Gas Abatement Scheme is a key tool for achieving those targets. The Western Division and other Crown land constitute roughly half of New South Wales. The bill has been prepared to remove legal impediments to using that land for the purposes of carbon sequestration under GGAS.

These amendments will also provide significant opportunities for those leasing Crown lands, particularly those in the Western Division who are doing it tough in these times of drought, to generate potentially significant streams of income from carbon sequestration and much-needed employment opportunities. Creation of these carbon sequestration rights is already possible on freehold land across New South Wales. The bill ensures that there is consistency across tenures, and that the whole New South Wales community has the opportunity to participate in this world-leading scheme. The bill also has environmental benefits beyond greenhouse gas abatement. Plantings for carbon sequestration can provide important vegetation coverage, reduce wind erosion, provide shelter belts for crops and stock and, in some cases, important corridors and shelter for wildlife. By facilitating plantings for carbon sequestration the bill will also bring welcome environmental benefits to the hard-pressed west.

Indigenous communities are a significant part of the broader community in the Western Division. Until now lessees of Crown land in the Western Division have been unable to participate in sequestration activities because of constraints on dealings with land under the Western Lands Act 1901. The amendments will provide new opportunities for indigenous communities in the west. To capitalise on these opportunities the Government

has entered into a unique partnership with the New South Wales Aboriginal Land Council to attract international firms to plant carbon sinks on Aboriginal land. This opportunity could lead to investment worth millions of dollars and significant job opportunities for indigenous Australians in their local communities and on their land. Before I turn to the bill in detail I will briefly outline the process of carbon sequestration and the nature of the New South Wales Greenhouse Gas Abatement Scheme.

Carbon sequestration is that process whereby vegetation incorporates carbon through the process of photosynthesis, converting carbon dioxide and water to starch and oxygen, with the carbon effectively stored in the structure of the tree. The long-term storage of carbon through this process is the basis for carbon sequestration activities to ameliorate greenhouse gas emissions. The New South Wales Government is committed to reducing greenhouse gas emissions, and to do all it can to prepare the people of New South Wales for the potential impacts of climate change. The New South Wales Greenhouse Gas Abatement Scheme began on 1 January 2003. It is one of the first mandatory greenhouse gas emissions trading schemes in the world.

The scheme aims to reduce greenhouse gas emissions associated with the production and use of electricity. One way of achieving this is by using project-based activities that reduce emissions, such as low-emission power generators, or that offset the production of greenhouse gas emissions, notably through carbon sequestration. The scheme sets annual statewide greenhouse gas reduction targets, and then requires individual electricity retailers and certain other parties who buy or sell electricity in New South Wales to meet mandatory benchmarks based on the size of their share of the electricity market.

If these parties, known as benchmark participants, fail to meet their benchmarks, then a penalty is assigned. The Independent Pricing and Regulatory Tribunal [IPART] is responsible for monitoring the program participants and also assessing abatement projects, accrediting parties to undertake eligible projects and then creating certificates, and monitoring compliance with the scheme. IPART also manages the greenhouse registry, which records the registration and transfer of certificates created from abatement projects. Under the carbon sequestration rule IPART, as scheme administrator, may accredit a person as an abatement certificate provider in respect of a carbon sequestration activity if a number of requirements are met.

These requirements include that the person owns or controls carbon sequestration rights with respect to eligible land and that the person can demonstrate that the greenhouse gas abatement secured by carbon sequestration activities can be maintained for 100 years. Eligible land is land that may be used for the purposes of growing planted forests under the terms of the Kyoto Protocol. This means that the land on which the forest is planted must have been predominantly non-forest at 31 December 1989.

I will now deal with the bill in detail. Schedules 1 and 2 to the bill contain substantially the same provisions to clearly authorise the Ministers responsible for the administration of the Crown Lands Act 1989 and the Western Lands Act 1901 respectively to grant carbon sequestration rights and associated forestry rights over Crown land. The amendments also make it clear that restrictions on the use of land subject to carbon sequestration rights may be imposed by IPART as a safeguard against the depletion of carbon on the land concerned. Forests New South Wales can already create carbon sequestration rights and other forestry rights over State forests and land it owns. Forests New South Wales is already an accredited abatement certificate provider under the New South Wales GGAS, and has created carbon credits.

Schedule 3 to the bill amends the Forestry Act 1916 to make it clear that the Forestry Commission, now known as Forests New South Wales, can also create carbon sequestration and other forestry rights with respect to timber reserves. Other amendments to the Forestry Act in schedule 3 will also clearly remove the statutory right of Forests New South Wales to take timber or products from plantations established for the purposes of carbon sequestration on Crown timber land and in respect of which carbon sequestration rights have been granted in accordance with the Crown Lands Act 1989 and the Western Lands Act 1901. The bill also will make it clear that timber licences to log timber cannot be granted under the Forestry Act over such land.

Schedule 3 to the bill amends the Aboriginal Land Rights Act to ensure that the Minister may treat Crown lands which are subject to carbon sequestration rights, forestry covenants and restriction on use as claimable Crown lands pursuant to the Aboriginal Land Rights Act. If such land is granted to an Aboriginal land council by the Minister, it is transferred to that Aboriginal land council, subject to such rights. Accordingly, any carbon sequestration, forestry covenant and restriction on use will not be affected by the transfer. In conclusion, this bill represents another important step towards a reduction in greenhouse gas emissions in New South Wales, and will provide an important opportunity for landholders in the Western Division and other areas of the State to

diversify their farm business, improve drought resilience, receive payment for environmental improvements and improve the prosperity of their businesses and communities. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire.

The House adjourned at 10.41 p.m. until Thursday 19 October 2006 at 10.00 a.m.