

LEGISLATIVE COUNCIL

Wednesday 9 May 2007

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

The President read the Prayers.

GOVERNOR—FIFTIETH WEDDING ANNIVERSARY

The President reported the receipt of the following message from Her Excellency the Governor:

Monday, 26 February 2007
 The Hon Dr Meredith Burgmann MLC
 President of the Legislative Council of NSW
 The Hon John Aquilina MP
 Speaker of the NSW Legislative Assembly
 Parliament House
 Macquarie Street
 SYDNEY NSW 2000

Office of the Governor
 Sydney 2000

Dear Dr Burgmann and Mr Aquilina,

Both Nicholas and myself were deeply touched to receive such warm greetings and the superb flowers from yourselves, the Members and the Officers of the New South Wales Parliament, on the occasion of our 50th Wedding Anniversary.

We have indeed been blessed with a life full of inspiring challenges, and the joy of living in a stable and harmonious society.

Would you please convey to the Members and the Officers of the New South Wales Parliament, our deep appreciation of their good wishes.

With kind regards.

Yours sincerely,

Marie R Bashir AC CVO
 Governor of New South Wales

ASSENT TO BILLS

Assent to the following bills of the previous session reported:

Charter of Budget Honesty (Election Promises Costing) Bill 2006
 National Park Estate (Lower Hunter Region Reservations) Bill 2006
 Racing Legislation Amendment Bill 2006
 Western Sydney Parklands Bill 2006
 Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Bill 2006
 Police Amendment (Miscellaneous) Bill 2006
 Children and Young Persons (Care and Protection) Miscellaneous Amendments Bill 2006
 Industrial Relations (Child Employment) Bill 2006
 Industrial Relations Further Amendment Bill 2006
 Workers Compensation Amendment (Permanent Impairment Benefits) Bill 2006
 Apiaries Amendment Bill 2006
 Charitable Trusts Amendment Bill 2006
 Companion Animals Amendment Bill 2006
 Home Building Amendment (Statutory Warranties) Bill 2006
 Registered Clubs Amendment Bill 2006
 Water Industry Competition Bill 2006
 Central Coast Water Corporation Bill 2006
 World Youth Day Bill 2006
 Crimes and Courts Legislation Amendment Bill 2006
 James Hardie Former Subsidiaries (Winding Up and Administration) Amendment (Trust Funds) Bill 2006
 Parliamentary Electorates and Elections Amendment (Child Sexual Offences Disclosures) Bill 2006
 Road Transport Legislation Amendment (Evidence) Bill 2006
 Aboriginal Land Rights Amendment Bill 2006
 Adoption Amendment Bill 2006
 Deer Bill 2006
 Education Legislation Amendment Bill 2006

Freedom of Information Amendment (Open Government—Disclosure of Contracts) Bill 2006
 Legal Profession Further Amendment Bill 2006
 Mount Panorama Motor Racing Amendment Bill 2006
 Rural Lands Protection Amendment Bill 2006
 Sale of Goods and Warehousemen's Liens Amendment (Bulk Goods) Bill 2006
 Statute Law (Miscellaneous Provisions) Bill (No. 2) 2006
 Superannuation Administration Amendment (Trust Deed Schemes) Bill 2006
 Sydney Water Catchment Management Amendment (Warragamba) Bill 2006
 Environmental Planning Legislation Amendment Bill 2006
 Health Legislation Amendment (Unregistered Health Practitioners) Bill 2006
 Threatened Species Conservation Amendment (Biodiversity Banking) Bill 2006
 Trees (Disputes Between Neighbours) Bill 2006
 Victims Support and Rehabilitation Amendment Bill 2006
 Police Powers Legislation Amendment Bill 2006

DEATH OF THE HONOURABLE JAMES KALDIS, A FORMER MEMBER OF THE LEGISLATIVE COUNCIL

THE PRESIDENT: I announce the death on 3 March 2007 of the Hon. James Kaldis, aged 74 years, a member of the Legislative Council from 1978 to 1999. The Clerk on behalf of the House has extended to his family the deepest sympathy of the Legislative Council in the loss sustained.

Members and officers stood in their places.

RESIGNATION OF THE HONOURABLE JON JENKINS

The President reported the receipt of the following communication from Her Excellency the Governor:

22 February 2007
 The Honourable
 President of the Legislative Council
 Parliament House
 Macquarie Street
 SYDNEY 2000

Office of the Governor
 Sydney 2000

Dear President,

I have the honour to inform you that I have received a letter from the Hon Dr Jon Jenkins MLC tendering his resignation as a Member of the Legislative Council of New South Wales.

I have acknowledged receipt of the letter from Dr Jenkins and have informed him that you have been advised of his resignation.

A copy of the resignation is attached.

Yours sincerely,
 Marie Bashir,
 Governor

The PRESIDENT: Her Excellency's communication has been acknowledged. An entry regarding the resignation of the Hon. Jon Jenkins from the Fifty-third Parliament has been made in the register of members of the Legislative Council.

RETIREMENT OF MR JOHN EVANS, PSM, THE CLERK OF THE PARLIAMENTS AND CLERK OF THE LEGISLATIVE COUNCIL

The PRESIDENT: I report that Mr John Denton Evans, PSM, proceeded on leave on 29 January 2007 prior to retirement from his office as Clerk of the Parliaments and Clerk of the Legislative Council, with his last day of service being 28 July 2007. I further report the receipt of the following communication from Mr Evans:

10 January 2007

The Hon. Dr Meredith Burgmann MLC
 President of the Legislative Council
 Parliament House
 Sydney NSW 2000

Dear Dr Burgmann

Thank you for your letter dated 28 November 2006 conveying the terms of the resolution adopted by the Legislative Council on Thursday 23 November 2006 expressing appreciation for my services to the Legislative Council and the State.

I value the terms of the resolution and the kindness of the House, and I would be grateful if you could convey my sincere thanks to all honourable members. I consider it to have been a great honour and privilege to serve the Legislative Council over the past 35 years, and the last 17 years as Clerk of the House.

Yours sincerely
John Evans

ACTING-CLERK OF THE PARLIAMENTS AND ACTING-CLERK OF THE LEGISLATIVE COUNCIL

Appointment

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

BY HER EXCELLENCY PROFESSOR MARIE BASHIR, COMPANION OF THE ORDER OF AUSTRALIA, COMMANDER OF THE ROYAL VICTORIAN ORDER, GOVERNOR OF THE STATE OF NEW SOUTH WALES IN THE COMMONWEALTH OF AUSTRALIA

To:

Ms. Lynn Carole Lovelock

GREETINGS:

KNOW YOU, That I, confident in your ability and integrity, do by these presents, with the advice of the Executive Council, appoint you, LYNN CAROLE LOVELOCK, to be the Acting Clerk of the Parliaments and Acting Clerk of the Legislative Council of the State of New South Wales, as from the thirtieth day of January 2007 and during the pleasure of the Governor for the time being of the State of New South Wales up to and including the twenty-eighth day of July 2007, and do and perform all such lawful acts and deeds as shall, under the Rules and Orders of the said Legislative Council of the State of New South Wales, or otherwise, howsoever, appertain to the said office.

GIVEN under my Hand and the
Public Seal of the State at
Sydney in the State of New
South Wales this 24th day of
January 2007

Marie Bashir
Governor

By Her Excellency's Command
Morris Iemma
Premier

CLERK OF THE PARLIAMENTS AND CLERK OF THE LEGISLATIVE COUNCIL

Appointment

The PRESIDENT: I report the receipt of a communication from Her Excellency the Governor:

BY HER EXCELLENCY PROFESSOR MARIE BASHIR, COMPANION OF THE ORDER OF AUSTRALIA, COMMANDER OF THE ROYAL VICTORIAN ORDER, GOVERNOR OF THE STATE OF NEW SOUTH WALES IN THE COMMONWEALTH OF AUSTRALIA

To:

Ms. Lynn Carole Lovelock

GREETINGS:

KNOW YOU, That I, confident in your ability and integrity, do by these presents, with the advice of the Executive Council, appoint you, LYNN CAROLE LOVELOCK, to be the Clerk of the Parliaments and Clerk of the Legislative Council of the State of New South Wales, as from the twenty ninth day of July 2007 and during the pleasure of the Governor for the time being of the State of New South Wales, and to do and perform all such lawful acts and deeds as shall, under the Rules and Orders of the said Legislative Council of the State of New South Wales, or otherwise, howsoever, appertain to the said office.

GIVEN under my Hand and the
Public Seal of the State at
Sydney in the State of New
South Wales this 24th day of
January 2007

Marie Bashir
Governor

By Her Excellency's Command
Morris Iemma
Premier

DEPUTY-CLERK OF THE LEGISLATIVE COUNCIL AND CLERK ASSISTANT—CORPORATE SUPPORT

Appointment

The PRESIDENT: I inform the House that following the appointment of Ms Lynn Lovelock as Clerk of the Parliaments the following appointments have been made: Mr David Michael Blunt as Deputy-Clerk and Mr Robert Stefanic as Clerk Assistant—Corporate Support.

NSW OMBUDSMAN

Reports

The President tabled the following reports received out of session and authorised to be made public:

- (1) Community Services (Complaints, Reviews and Monitoring) Act 1993 and the Ombudsman Act 1974—Report entitled "Report of Reviewable Deaths in 2005—Volume 2: Child Deaths", dated November 2006.
- (2) Ombudsman Act 1974—Special report entitled "Domestic Violence: Improving Police Practice", dated December 2006.

Ordered to be printed on motion by the Hon. Tony Kelly.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE

Report

The President announced the receipt, pursuant to the Commission for Children and Young People Act 1998, of a report entitled "Children at Work—Recommendations", received out of session and authorised to be made public.

Ordered to be printed on motion by the Hon. Tony Kelly.

POLICE INTEGRITY COMMISSION

Report

The President announced the receipt, pursuant to section 96 (2) of the Police Integrity Commission Act 1996, of a report entitled "Report to Parliament: Operation Banff", dated December 2006, received out of session and authorised to be made public.

Ordered to be printed on motion by the Hon. Tony Kelly.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Reports

The President announced the receipt, pursuant to section 74 of the Independent Commission Against Corruption Act 1988, of the following reports, received out of session and authorised to be made public:

Report on an Investigation into Defrauding the RTA and RailCorp in Relation to Provision of Traffic Management Services, dated December 2006.

Report on an Investigation and Systems Review of Corruption Risks Associated with HSC Take-home Assessment Tasks, dated February 2007.

Ordered to be printed on motion by the Hon. Tony Kelly.

AUDIT OFFICE

Report

The President announced the receipt, pursuant to the Public Finance and Audit Act 1983, of a performance audit report entitled "Using Computers in Schools for Teaching and Learning, Department of Education and Training: Follow-up of 2000 Performance Audit", dated May 2007.

Ordered to be printed on motion by the Hon. Tony Kelly.

PARLIAMENTARY ETHICS ADVISER

Report

The President tabled, according to the terms of the agreement made with the Clerk of the Parliaments and the Clerk of the Legislative Assembly, the annual report of the Parliamentary Ethics Adviser for the year ended 30 November 2006.

DEPARTMENT OF THE LEGISLATIVE COUNCIL

Report

The President announced the receipt, according to resolution of 23 November 2006, of the annual report of the Department of the Legislative Council for the year ended 30 June 2006, received out of session and authorised to be printed.

PARLIAMENTARY JOINT SERVICES

Report

The President announced the receipt, according to resolution of 23 November 2006, of the annual report of the Joint Services of the Parliament for the year ended 30 June 2006, received out of session and authorised to be printed.

MINISTRY

The Hon. TONY KELLY: I inform the House that on 2 April 2007 Her Excellency the Governor accepted the resignation of the Hon. Morris Iemma, MP, as Premier, Minister for State Development, and Minister for Citizenship, and as a member of the Executive Council, which action involved the resignations of his colleagues from their respective office and as members of the Executive Council.

On the same date Her Excellency appointed the following persons as members of the Executive Council and to the offices indicated:

The Hon. Morris Iemma, MP, as Premier, and Minister for Citizenship
 The Hon. John Arthur Watkins, MP, as Deputy Premier, Minister for Transport, and Minister for Finance
 The Hon. John Joseph Della Bosca, MLC, as Minister for Education and Training, Minister for Industrial Relations, Minister for the Central Coast, and Minister Assisting the Minister for Finance
 The Hon. Michael Costa, MLC, as Treasurer, Minister for Infrastructure, and Minister for the Hunter
 The Hon. John Hatzistergos, MLC, as Attorney General, Minister for Justice, and Minister for Juvenile Justice
 The Hon. Frank Ernest Sartor, MP, as Minister for Planning, Minister for Redfern Waterloo, and Minister for the Arts
 The Hon. Reba Paige Meagher, MP, as Minister for Health
 The Hon. David Andrew Campbell, MP, as Minister for Police, and Minister for the Illawarra
 The Hon. Eric Michael Roozendaal, MLC, as Minister for Roads, and Minister for Commerce
 The Hon. Ian Michael Macdonald, MLC, as Minister for Primary Industries, Minister for Energy, Minister for Mineral Resources, and Minister for State Development
 The Hon. Anthony Bernard Kelly, MLC, as Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council
 The Hon. Philip Christian Koperberg, MP, as Minister for Climate Change, Environment and Water

The Hon. Kevin Patrick Greene, MP, as Minister for Community Services
 The Hon. Kristina Kerscher Keneally, MP, as Minister for Ageing, and Minister for Disability Services
 The Hon. Joseph Guerino Tripodi, MP, as Minister for Small Business and Regulatory Reform, and Minister for Ports and Waterways
 The Hon. Nathan Rees, MP, as Minister for Emergency Services, and Minister for Water Utilities
 The Hon. Matthew James Brown, MP, as Minister for Housing, and Minister for Tourism
 The Hon. Linda Jean Burney, MP, as Minister for Fair Trading, Minister for Youth, and Minister for Volunteering
 The Hon. Paul Gerard Lynch, MP, as Minister for Local Government, Minister for Aboriginal Affairs, and Minister Assisting the Minister for Health (Mental Health)
 The Hon. Verity Firth, MP, as Minister for Women, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Minister for Climate Change, Environment and Water (Environment)
 The Hon. Graham James West, MP, as Minister for Gaming and Racing, Minister for Sport and Recreation, and Minister for Western Sydney.

I further inform the House that on 11 April 2007 Her Excellency the Governor accepted the resignation of the Hon. John Hatzistergos, MLC, as Minister for Juvenile Justice, and the resignation of the Hon. Graham James West, MP, as Minister for Western Sydney, and Minister Assisting the Premier on Citizenship. On the same day the Governor appointed the Hon. Barbara Mazzel Perry, MP, as a member of the Executive Council and as the Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Premier on Citizenship.

LEADER AND DEPUTY LEADER OF THE GOVERNMENT AND LEADER OF THE HOUSE IN THE LEGISLATIVE COUNCIL

The Hon. TONY KELLY: I inform the House that on 30 March 2007 the Hon. John Joseph Della Bosca was elected as Leader of the Government in the Legislative Council, the Hon. Michael Costa was elected as Deputy Leader of the Government in the Legislative Council, and I was appointed as Leader of the House in the Legislative Council.

GOVERNMENT WHIP AND DEPUTY GOVERNMENT WHIP

The Hon. TONY KELLY: I inform the House that on 30 March 2007 the Hon. Greg Donnelly was elected as Government Whip in the Legislative Council and the Hon. Mick Veitch was elected as Deputy Government Whip.

LEADER AND DEPUTY LEADER OF THE OPPOSITION AND DEPUTY LEADER OF THE LIBERAL PARTY

The Hon. MICHAEL GALLACHER: I inform the House that on 8 May 2007 I was elected as Leader of the Opposition in the Legislative Council, and the Hon. Duncan Gay was elected as Deputy Leader of the Opposition in the Legislative Council. The Hon. Matthew Mason-Cox was elected as Deputy Leader of the Liberal Party in the Legislative Council.

OPPOSITION WHIP AND DEPUTY OPPOSITION WHIP

The Hon. MICHAEL GALLACHER: I desire to inform the House that on 8 May 2007 the Hon. Don Harwin was elected as Opposition Whip in the Legislative Council, and the Hon. Rick Colless was elected as Deputy Opposition Whip in the Legislative Council.

LEADER AND DEPUTY LEADER OF THE NATIONALS AND THE NATIONALS WHIP

The Hon. DUNCAN GAY: I inform the house that on 28 March 2007 I was elected as Leader of The Nationals in the Legislative Council, the Hon. Jenny Gardiner was elected as Deputy Leader of The Nationals in the Legislative Council, and the Hon. Rick Colless was elected as The Nationals Whip.

CHRISTIAN DEMOCRATIC PARTY

Reverend the Hon. FRED NILE: I inform the House that I will continue as the elected leader of the Christian Democratic Party in the Legislative Council in my twenty-sixth year as a member of this Chamber.

THE GREENS

Mr IAN COHEN: Mr President, I congratulate you on your ascendancy. It is with pleasure that I inform the House of the portfolio responsibilities of the four Greens members of the Legislative Council. I will

cover the portfolio areas of Aboriginal affairs, environment, water, primary industries, emergency services, ageing and disability services, community services, tourism, volunteering, and sport and recreation. My colleague Ms Sylvia Hale will be responsible for matters relating to fair trading, housing, local government, planning, Redfern Waterloo, arts, lands, regional development, State development, Western Sydney, justice, juvenile justice and police.

Ms Lee Rhiannon will cover the portfolio areas of gaming and racing, health, science and medical research, the Hunter, Central Coast, industrial relations, Attorney General, mineral resources, youth, women, rural affairs, Premier and Cabinet, transport, roads, ports and waterways, gay and lesbian issues, electoral issues and parliamentary processes. Our newly elected member, Dr John Kaye—I formally congratulate him on his election—will be responsible for the areas of education and training, energy, Illawarra, water utilities, infrastructure, small business and regulatory reform, multiculturalism and ethnic affairs, Treasury, commerce and finance.

REPRESENTATION OF MINISTERS IN THE LEGISLATIVE ASSEMBLY

The Hon. JOHN DELLA BOSCA: I inform the House that in the representation of Government responsibilities in this House I shall act in respect of my own portfolios and will represent the following Ministers in the other House in relation to all matters concerning their portfolios:

The Hon. Morris Iemma, MP, Premier, Minister for Citizenship
 The Hon. Linda Burney, MP, Minister for Fair Trading, Minister for Youth, and Minister for Volunteering
 The Hon. Kristina Keneally, MP, Minister for Ageing, and Minister for Disability Services

My colleague the Hon. Michael Costa will act in respect of his own portfolios and will represent the following Ministers in the other House:

The Hon. Frank Sartor, MP, Minister for Planning, Minister for Redfern Waterloo, and Minister for the Arts
 The Hon. Joseph Tripodi, MP, Minister for Small Business and Regulatory Reform, and Minister for Ports and Waterways

My colleague the Hon. John Hatzistergos will act in respect of his own portfolios and will represent the following Ministers in the other House:

The Hon. Reba Meagher, MP, Minister for Health
 The Hon. Verity Firth, MP, Minister for Women, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Minister for Climate Change Environment and Water (Environment)

My colleague the Hon. Tony Kelly will act in respect of his own portfolios and will represent the following Ministers in the other House:

The Hon. Paul Lynch, MP, Minister for Local Government, Minister for Aboriginal Affairs, and Minister Assisting the Minister for Health (Mental Health)
 The Hon. Philip Koperberg, MP, Minister for Climate Change, Environment and Water
 The Hon. Barbara Perry, MP, Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Premier on Citizenship

My colleague the Hon. Ian Macdonald will act in respect of his own portfolios and will represent the following Ministers in the other House:

The Hon. Nathan Rees, MP, Minister for Emergency Services, and Minister for Water Utilities
 The Hon. Matthew Brown, MP, Minister for Housing, and Minister for Tourism
 The Hon. Graham West, MP, Minister for Gaming and Racing, and Minister for Sport and Recreation

My colleague the Hon. Eric Roozendaal will act in respect of his own portfolios and will represent the following Ministers in the other House:

The Hon. David Campbell, MP, Minister for Police, and Minister for the Illawarra
 The Hon. John Watkins, MP, Deputy Premier, Minister for Transport, and Minister for Finance
 The Hon. Kevin Greene, MP, Minister for Community Services

PARLIAMENTARY SECRETARIES

The Hon. JOHN DELLA BOSCA: I inform the House that on 8 May 2007 the following persons were appointed as Parliamentary Secretaries:

The Hon. John Aquilina, MP, Parliamentary Secretary Assisting the Premier (Leader of the House)

Ms Tanya Gadiel, MP, Parliamentary Secretary Assisting on Community and Veterans Affairs, and Assisting the Minister for Police

Ms Noreen Hay, MP, Parliamentary Secretary Assisting the Minister for Health

Ms Virginia Judge, MP, Parliamentary Secretary Assisting the Minister for Education

The Hon. Henry Tsang, MLC, Parliamentary Secretary Assisting the Premier, and Treasurer on Trade and Investment

Mr Barry Collier, MP, Parliamentary Secretary Assisting the Attorney General, and Minister for Justice

Ms Penny Sharpe, MLC, Parliamentary Secretary Assisting the Minister for Energy, and Minister for Mineral Resources

Ms Sonia Hornery, MP, Parliamentary Secretary Assisting the Minister for Transport

Mr Steven Whan, MP, Parliamentary Secretary Assisting the Minister for Primary Industries, Minister for Rural Affairs, Minister for Regional Development, and Minister for Planning

Mr Michael Daley, MP, Parliamentary Secretary Assisting the Treasurer, Minister for Finance, and Minister for Roads

LAW OF EVIDENCE BILL (pro forma)

Bill presented and read a first time on motion by the Hon. Eric Roozendaal.

TABLING OF PAPERS

The Hon. Eric Roozendaal tabled the following papers:

- (1) Report of Independent Transport Safety and Reliability Regulator entitled "Implementation of the NSW Government's Response to the Final Report of the Special Commission of Inquiry into the Waterfall Accident—Reporting period October-December 2006", dated February 2007.
- (2) Report of Independent Transport Safety and Reliability Regulator entitled "Implementation of the NSW Government's Response to the Final Report of the Special Commission of Inquiry into the Waterfall Accident—Reporting period January-March 2007", dated April 2007.

Ordered to be printed.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of the following reports received out of session and authorised to be printed:

- (1) Financial Audits Report Volume Five 2006, dated November 2006.
- (2) Financial Audits Report Volume One 2007, dated February 2007.

AUDIT OFFICE

Reports

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of the following performance audit reports of the Auditor General received out of session and authorised to be printed:

- (1) "Helping Older People Access a Residential Aged Care Facility—NSW Health", dated December 2006.
- (2) "The Police Assistance Line—Follow-up of 2003 Performance Audit", dated December 2006.
- (3) "Attracting, Retaining and Managing Nurses in Hospitals—NSW Health", dated December 2006.
- (4) "Distributing Legal Aid in New South Wales", dated December 2006.
- (5) "Addressing the Needs of Young Offenders—Department of Juvenile Justice and NSW Police Force", dated March 2007.
- (6) "Responding to Homelessness", dated May 2007.

JOINT STANDING COMMITTEE ON ROAD SAFETY

The Clerk announced the receipt, pursuant to standing orders, of the following reports received out of session and authorised to be printed:

- (1) Report No. 14/53, entitled "Road Safety: From Local to Global Perspectives—Proceedings of the 4th meeting of Australasian Parliamentary Road Safety Committees, together with supplementary papers Monday 3 April 2006 and Tuesday 4 April 2006, Parliament House, Sydney, Staysafe 70", dated December 2006.
- (2) Report No. 15/53, entitled "The Crash Testing of Repaired Motor Vehicles—Further Report of an Inquiry into Motor Vehicle Smash Repairs under the Insurance Australia Group (NRMA Insurance) Preferred Repairer Scheme, and its Implications for Roadworthiness, Crashworthiness, and Road Safety, Staysafe 71", dated December 2006.
- (3) Report No. 16/53, entitled "Inquiry into Road Safety Administration and Mid-Term Review of the New South Wales Road Safety 2010 Strategy—Report of an Inquiry into Actions Undertaken by the Motor Accidents Authority to Address the Road Safety Situation in New South Wales, 2000-2005, Staysafe 72", dated December 2006.
- (4) Report No. 17/53, entitled "Inquiry into Road Safety Administration and Mid-Term Review of the New South Wales Road Safety 2010 Strategy—Report of an Inquiry into Actions Undertaken by the WorkCover Authority to Address the Road Safety Situation in New South Wales, 2000-2005, Staysafe 73", dated December 2006.
- (5) Report No. 18/53, entitled "Inquiry into Road Safety Administration and Mid-Term Review of the New South Wales Road Safety 2010 Strategy—Report of an Inquiry into Actions Undertaken in the Environment Portfolio to Address the Road Safety Situation in New South Wales, 2000-2005, Staysafe 74", dated December 2006.
- (6) Report No. 19/53, entitled "Inquiry into Road Safety Administration and Mid-Term Review of the New South Wales Road Safety 2010 Strategy—Report of an Inquiry into Actions Undertaken in the Health Portfolio to Address the Road Safety Situation in New South Wales, 2000-2005, Staysafe 75", dated December 2006.
- (7) Report No. 20/53, entitled "Inquiry into Road Safety Administration and Mid-Term Review of the New South Wales Road Safety 2010 Strategy—Report of an Inquiry into Actions Undertaken by Agencies Within the Transport Portfolio to Address the Road Safety Situation in New South Wales, 2000-2005, Staysafe 76", dated December 2006.
- (8) Report No. 21/53, entitled "Inquiry into Road Safety Administration and Mid-Term Review of the New South Wales Road Safety 2010 Strategy—Report of an Inquiry into Actions Undertaken in the Attorney General's Portfolio to Address the Road Safety Situation in New South Wales, 2000-2005, Staysafe 77", dated December 2006.
- (9) Report No. 22/53, entitled "Inquiry into Road Safety Administration and Mid-Term Review of the New South Wales Road Safety 2010 Strategy—Report of an Inquiry into Actions Undertaken in the Education and Training Portfolio to Address the Road Safety Situation in New South Wales, 2000-2005, Staysafe 78", dated December 2006.
- (10) Report No. 23/53, entitled "Inquiry into Road Safety Administration and Mid-Term Review of the New South Wales Road Safety 2010 Strategy—Report of an Inquiry into Actions Undertaken in the Police Portfolio to Address the Road Safety Situation in New South Wales, 2000-2005, Staysafe 79", dated December 2006.
- (11) Report No. 24/53, entitled "Inquiry into Road Safety Administration and Mid-Term Review of the New South Wales Road Safety 2010 Strategy—Report of an Inquiry into Actions Undertaken by the Roads and Traffic Authority to Address the Road Safety Situation in New South Wales, 2000-2005, Staysafe 80", dated December 2006.
- (12) Report No. 25/53, entitled "Progress in Improving the Safety of Railway Level Crossings, Staysafe 81", dated December 2006.

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Report

The Clerk announced the receipt of report No. 14/53, entitled "Study of Complaints Handling and Practitioner Regulation in Other Jurisdictions: 8-11 August 2006", dated January 2007, received out of session and authorised to be printed.

GENERAL PURPOSE STANDING COMMITTEE NO. 5

Government Response to Report

The Clerk announced the receipt, pursuant to standing orders, of the Government's response to report No. 25, entitled "A Sustainable Water Supply for Sydney", dated June 2006, received out of session and authorised to be printed.

STANDING COMMITTEE ON SOCIAL ISSUES**Government Responses to Reports**

The Clerk announced the receipt, pursuant to standing orders, of the Government's responses to the following reports, received out of session and authorised to be printed:

- (1) Report No. 38, entitled "Public Disturbances at Macquarie Fields", dated June 2006.
- (2) Report No. 33, entitled "Report on the Inebriates Act 1912", dated August 2004.

JOINT SELECT COMMITTEE ON TOBACCO SMOKING**Government Response to Report**

The Clerk announced the receipt, pursuant to standing orders, of the Government's response to a report entitled "Tobacco Smoking in New South Wales", dated June 2006, received out of session and authorised to be printed.

STANDING COMMITTEE ON LAW AND JUSTICE**Government Response to Report**

The Clerk announced the receipt, pursuant to standing orders, of the Government's response to Report No. 30, entitled "Community Based Sentencing Options for Rural and Remote Areas and Disadvantaged Populations", dated March 2006, received out of session and authorised to be printed.

JOINT SELECT COMMITTEE ON THE CROSS CITY TUNNEL**Government Response to Report**

The Clerk announced the receipt, pursuant to standing orders, of the Government's response to the report entitled "The Lane Cove Tunnel—Third Report", dated August 2006, received out of session and authorised to be printed.

STANDING COMMITTEE ON LAW AND JUSTICE**Report**

The Clerk announced the receipt, pursuant to standing orders, of report No. 33, entitled "Impact of the Family Law Amendment (Shared Parental Responsibility) Act 2006 (Cth)", dated November 2006, together with transcripts of evidence, a tabled document, submissions, correspondence and answers to questions taken on notice, received out of session and authorised to be printed.

The Hon. CHRISTINE ROBERTSON [11.28 a.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Christine Robertson and set down as an order of the day for a later time.

GREY NURSE SHARK SURVEYS**Production of Documents: Return to Order**

The Clerk tabled, pursuant to the resolution of 23 November 2006, documents relating to an order for papers regarding grey nurse shark surveys received on 24 November 2006 from the Director General of the Premier's Department, together with an indexed list of the documents.

GRETLEY MINE DISASTER

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 14 November 2006, documents relating to an order for papers regarding the Gretley mine disaster received on 28 November and 20 December 2006 from the Director General of the Premier's Department, together with an indexed list of the documents.

Production of Documents: Claim of Privilege

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

POWERCOAL CABLE SNAP

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 14 November 2006, documents relating to an order for papers regarding the Powercoal cable snap received on 28 November 2006 from the Director General of the Premier's Department, together with an indexed list of the documents.

CLINICAL SERVICE PLANS

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 15 November 2006, documents relating to an order for papers regarding clinical service plans for health services received on 29 November 2006 from the Director General of the Premier's Department, together with an indexed list of the documents.

EAST DARLING HARBOUR, SYDNEY URBAN DESIGN COMPETITION

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 16 November 2006, documents relating to an order for papers regarding East Darling Harbour, Sydney urban design competition, received on 30 November 2006 from the Director General of the Premier's Department, together with an indexed list of the documents

CALLAN PARK

Production of Documents: Further Return to Order

The Clerk tabled, pursuant to the resolution of 21 November 2006, documents relating to an order for papers regarding Callan Park received on 5 December 2006 from the Director General of the Premier's Department, together with an indexed list of the documents.

Production of Documents: Claim of Privilege

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

LANE COVE TUNNEL INTEGRATION GROUP

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 15 November 2006, documents relating to an order for papers regarding Lane Cover Tunnel integration group received on 6 December 2006 from the Director General of the Premier's Department, together with an indexed list of the documents.

M5 EAST TUNNEL FILTRATION

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 15 November 2006, documents relating to an order for papers regard the M5 Tunnel air quality received on 6 December 2006 from the Director General of the Premier's Department, together with an indexed list of the documents.

CARLTON UNITED BREWERIES SITE

Production of Documents: Return to Order

The Acting Clerk tabled, pursuant to the resolution of 22 November 2006, documents relating to an order for papers regarding the Carlton United Breweries site received on 6 and 7 December 2006 from the Director General of the Premier's Department, together with an indexed list of the documents.

Production of Documents: Claim of Privilege

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

WARRAGAMBA DAM DEEP WATER ACCESS

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 23 November 2006, documents relating to an order for papers regarding Warragamba Dam received on 7 December 2006 from the Director General of the Premier's Department, together with an indexed list of the documents.

Production of Documents: Claim of Privilege

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

LOWER HUNTER REGIONAL STRATEGY

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 23 November 2006, documents relating to an order for papers regarding the Lower Hunter regional strategy received on 7 December 2006 from the Director General of the Premier's Department, together with an indexed list of the documents

Production of Documents: Claim of Privilege

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

OPERATION RETZ REPORT

Production of Documents: Claim of Privilege

The Clerk tabled, pursuant to the resolution of 23 November 2006, documents relating to Operation Retz identifying documents received on Thursday 7 December 2006 from the Director General of the Premier's Department that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

The Clerk tabled correspondence received from the Director General of the Premier's Department on 29 January 2007 advising that, in separate correspondence dated 20 December 2006, Ms Rhiannon and Mr Lynn wrote direct to the Minister seeking clarification about documents supplied and advising that the Commissioner of Police had been asked to provide responses to the issues raised.

The Clerk tabled further correspondence received from the Director General of the Premier's Department on 26 February 2007 attaching correspondence from the Assistant Commissioner of Police dated 23 February 2007 that provided an explanation to the issues raised by Ms Rhiannon and Mr Lynn.

The Clerk advised that a complete and unedited copy of the reconstructed Operation Retz report and annexures was also received on 26 February 2007 from the Director General of the Premier's Department, which is considered to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

DESALINATION PLANT PROPOSAL

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 22 November 2006, documents relating to an order for papers regarding the desalination plant received on 13 December 2006 from the Director General of the Premier's Department, together with an indexed list of the documents.

Production of Documents: Claim of Privilege

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

CENTRAL COAST AND HUNTER WATER SUPPLY

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 23 November 2006, documents relating to an order for papers regarding Hunter and Central Coast water supply received on 14 December 2006 from the Director General of the Premier's Department, together with an indexed list of the documents.

Production of Documents: Claim of Privilege

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

ASIAN ELEPHANT IMPORTATION

Production of Documents: Disputed Claim of Privilege and Report of Independent Legal Arbitrator

The PRESIDENT: I inform the House that the clerk on 10 October 2006 received written correspondence from Ms Lee Rhiannon disputing the validity of claims of privilege on documents lodged with the Clerk. According to standing orders, the documents were released to an independent legal arbitrator, Mr M. J. Clarke, QC, for evaluation and report. According to sessional orders, the report received by the Clerk and documents considered by the independent legal arbitrator not to be privileged were authorised to be made public on 6 December 2006.

I further inform the House that according to recommendations made in the report of the independent legal arbitrator, a number of documents were returned to the Director General of the Premier's Department for certain information to be masked before being made public. The documents were received by the Clerk and authorised to be made public on 28 February 2007.

I inform the House further that a document relating to Taronga Park Zoo Asian elephants was originally provided to the House with large sections erased. The document has now been provided in its original form and is available to members of the Legislative Council only.

MALDON-DOMBARTON RAIL LINE

Production of Documents: Disputed Claim of Privilege and Report of Independent Legal Arbitrator

The PRESIDENT: I inform the House that on 16 November 2006 the Clerk received written correspondence from Ms Lee Rhiannon disputing the validity of claims of privilege on documents lodged with the Clerk. According to standing orders, the documents were released to an independent legal arbiter, Sir Laurence Street, for evaluation and report. According to sessional orders, the report received by the Clerk and documents considered by the independent legal arbiter not to be privileged were authorised to be made public on 12 December 2006.

M5 EAST TUNNEL FILTRATION

Production of Documents: Disputed Claim of Privilege and Report of Independent Legal Arbitrator

The PRESIDENT: I inform the House that on 14 December 2006 the Clerk received written correspondence from the Hon. Melinda Pavey disputing the validity of claims of privilege on documents lodged with the Clerk. According to standing orders, the documents were released to an independent legal arbiter, Sir Laurence Street, for evaluation and report. According to sessional orders, the report received by the Clerk and documents considered by the independent legal arbiter not to be privileged were authorised to be made public on 2 January 2007.

STATE BUDGET FINANCES

Production of Documents: Disputed Claim of Privilege and Report of Independent Legal Arbitrator

The PRESIDENT: I inform the House that on 19 December 2006 the Clerk received written correspondence from the Hon. Greg Pearce disputing the validity of claims of privilege on documents lodged with the Clerk. According to standing orders, the documents were released to an independent legal arbiter, Mr M. J. Clarke, QC, for evaluation and report. According to sessional orders, the report received by the Clerk and documents considered by the independent legal arbiter not to be privileged were authorised to be made public on 18 January 2007.

FORESTS NSW AND BORAL TIMBER

Production of Documents: Disputed Claim of Privilege

The PRESIDENT: I inform the House that on 22 November 2006 the Clerk received written correspondence from Mr Ian Cohen disputing the validity of claims of privilege on documents lodged with the Clerk. According to standing orders, the documents have been released to an independent legal arbiter, Sir Laurence Street, for evaluation and report.

LOWER HUNTER REGIONAL STRATEGY

Production of Documents: Disputed Claim of Privilege

The PRESIDENT: I inform the House that on 20 December 2006 the Clerk received written correspondence from Mr Ian Cohen disputing the validity of claims of privilege on documents lodged with the Clerk. According to standing orders, the documents have been released to an independent legal arbiter, Sir Laurence Street, for evaluation and report.

GRETLEY MINE DISASTER

Production of Documents: Disputed Claim of Privilege

The PRESIDENT: I inform the House that on 12 January 2007 the Clerk received written correspondence from the Hon. Duncan Gay disputing the validity of claims of privilege on documents lodged with the Clerk. According to standing orders, the documents have been released to an independent legal arbiter, Sir Laurence Street, for evaluation and report.

HUNTER AND OUTER SUBURBAN RAIL CARS

Production of Documents: Disputed Claim of Privilege

The PRESIDENT: I inform the House that on 12 January 2007 the Clerk received written correspondence the Hon. Greg Pearce disputing the validity of claims of privilege on documents lodged with the Clerk. According to standing orders, the documents have been released to an independent legal arbiter, Sir Laurence Street, for evaluation and report.

TUNNEL FILTRATION

Production of Documents: Tabling of Privileged Documents

The Clerk tabled, pursuant to resolution of 21 November 2006, documents relating to a further order for papers regarding tunnel filtration received from the Director General of the Premier's Department that have been masked and returned in response to recommendations made by the independent legal arbiter.

The Clerk advised that, pursuant to resolution, it had been authorised that the documents be published on 10 January 2007.

PETITIONS

Eden Woodchipping Mill

Petition requesting that the House take action to end woodchipping in the south-east native forests and to close operations at the Eden chip-mill, received from **the Hon. Penny Sharpe**.

Northern Rivers Rail Expansion

Petitions requesting that the Government introduce regular local passenger trains on the Casino to Murwillumbah rail line, develop an integrated and sustainable plan for meeting the current and future transport needs of the Northern Rivers region, commence planning for a rail link from Murwillumbah to the Gold Coast and promote the expansion of rail freight, received from **the Hon. Catherine Cusack** and **Ms Lee Rhiannon**.

[During the reading of the petition.]

The Hon. Michael Costa: No chance now.

[Interruption]

The Hon. Catherine Cusack: I acknowledge the Minister's interjection.

The PRESIDENT: Order! The member is reading a petition. I ask her to please continue.

Unborn Child Protection

Petitions requesting statistical reporting of abortions, legislative protection of foetuses of 20 weeks gestation, and availability of resources for post-abortion follow-up, received from **Reverend the Hon. Fred Nile** and **Reverend the Hon. Dr Gordon Moyes**.

Building Sustainability Index

Petition urging the Government to withdraw the building sustainability index [BASIX] exemption for high-rise development and to require high-rise buildings to meet the same sustainability standards as freestanding homes, received from **Ms Sylvia Hale**.

Lower Clarence Health Services

Petition requesting improved health services in the Lower Clarence, received from **the Hon. Greg Donnelly**.

Same-sex Marriage Legislation

Petitions opposing any legislative changes that would violate the basic principles of marriage, and opposing same-sex marriage legislation, received from **Reverend the Hon. Fred Nile** and **Reverend the Hon. Dr Gordon Moyes**.

Wyargine Reserve Herbicides Use

Petition requesting that the House call upon Mosman Municipal Council to cease the use of herbicides for weed control in Wyargine Reserve, received from **Mr Ian Cohen**.

Freedom of Religion

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

Political Parties Donations

Petition requesting that the House support legislation to prevent large corporate donations to political parties and individual candidates seeking election to Parliament, particularly from the development and construction industries, received from **Ms Lee Rhiannon**.

Desalination Plant Proposal

Petition opposing construction of a desalination plant in Sydney, and requesting a sustainable water supply through harvesting and recycling of water, water efficiency, and financial incentives, received from **Ms Lee Rhiannon**.

Desalination Plant Proposal

Petition opposing construction of a desalination plant in Sydney, supporting a sustainable water system through harvesting, recycling, reclaiming and treating water, and requesting that citizens be allowed to submit public comment on future water infrastructure, received from **Reverend the Hon. Dr Gordon Moyes**.

Cyanide Leaching Mining

Petition calling for a ban on cyanide leaching mining, received from **Ms Lee Rhiannon**.

Barrington Tops Plateau

Petition stating that exploratory mining activities for rubies, sapphires and other gemstones within the Barrington Tops State Forest and conservation areas are likely to cause irreversible damage, stating that the area should be converted to national park status and requesting an environmental impact statement for mining activities to ensure greater scrutiny by the public and relevant authorities, received from **Ms Lee Rhiannon**.

Lake Cowal Gold Mine Project

Petition opposing the Lake Cowal Gold Mine Project, received from **Ms Lee Rhiannon**.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Ms LEE RHIANNON: I seek leave to move a motion to suspend standing and sessional orders to allow the presentation of an irregular petition from 1,293 citizens of New South Wales noting the confusion caused by the labelling of eggs, and requesting that the House regulate labelling laws that differentiate between caged, barn and free-range eggs through an on-farm auditing system, in keeping with trade practices and fair trading legislation.

Leave not granted.

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders**

Ms LEE RHIANNON: I seek leave to move a motion to suspend standing and sessional orders to allow the presentation of an irregular petition in that it petitions the Legislative Assembly rather than to the Legislative Council.

Leave granted.

Motion, by leave, by Ms Lee Rhiannon agreed to:

That standing and sessional orders be suspended to allow the presentation of an irregular petition from 1,293 citizens of New South Wales concerning the labelling of eggs.

IRREGULAR PETITIONS**Eggs Labelling**

Petition requesting that the House regulate labelling laws that differentiate between caged, barn and free-range eggs through an on-farm auditing system, received from **Ms Lee Rhiannon**.

NOTICES OF MOTIONS

The PRESIDENT: For the information of members I advise that I intend to follow the established procedure where members seek the call for notices to allow only one general business notice of motion to be given by a member on each call from the Chair. This practice will not apply to Ministers or to members giving contingent notices of motion. The Chair will continue to recognise the Leader of the Opposition first after Ministers, but will then alternate the call between the Government, the Opposition and the crossbenches until all notices have been given.

BUSINESS OF THE HOUSE**Notices of Motions**

Notices of motions and, by leave, contingent notices of motions given.

Pursuant to standing orders business interrupted and set down for a later time.

QUESTIONS WITHOUT NOTICE**FEDERAL LABOR PARTY INDUSTRIAL RELATIONS POLICY**

The Hon. MICHAEL GALLACHER: My question without notice is directed to the Minister for Education and Training, and Minister for Industrial Relations. Can the Minister outline to the House and the community specifically which of the Gillard-Rudd changes to the industrial relations system he will be introducing as part of his plan not to hand industrial relations powers to any future Federal Labor Government but to harmonise them instead?

The Hon. JOHN DELLA BOSCA: It is a longstanding practice in this Chamber not to answer and deal with hypothetical questions. The honourable member is talking about the future arrangements to be put in place by a Labor government, an issue I am confident we will very soon have to deal with, but we have value of fairness in the workplace and therefore we support wholeheartedly Kevin Rudd's plans to sweep away the failed WorkChoices laws. The evidence is already clear that WorkChoices is bad for families, bad for workers and bad for businesses. Australian Bureau of Statistics data shows that the average wage in New South Wales has fallen by more than \$1,500 a year.

Just last month leaked data about workplace agreements confirmed that many workers are having their so-called protected award conditions stripped away. The data revealed 75 per cent of agreements cut shift work loadings, 68 per cent exclude penalty rates, 57 per cent cut monetary allowances and 52 per cent exclude public holiday pay. Small businesses are faring no better. A report by Harmers Workplace Lawyers estimates that it cost Australian small business \$950 million to comply with the new regulatory requirements introduced under WorkChoices in March this year. The myth peddled by the Howard Government that WorkChoices is good for the economy has been exposed by a new study undertaken by a recruitment and human resources company, Hallis, between September and December last year. It found annual worker turnover rates were rising and a loss of productivity due to job insecurity under WorkChoices, costing the Australian economy \$18 billion a year.

The endorsed policy of the Australian Labor Party is to restore the balance and deliver a fair industrial relations system. It advocates economic prosperity that does not need to come at the cost of fairness in the workplace. Collective bargaining is the most appropriate means of tailoring workplace arrangements to suit the needs of an individual to an individual business and its employees, and a nationally consistent system for the private sector can be achieved through cooperation with State governments, either by referral of powers or by forms of cooperation and harmonisation.

The Hon. Michael Gallacher: Point of order: The question specifically addressed what parts of the plan the Minister will be introducing to ensure this harmonisation, not the rhetoric that we have heard over the last couple of months. I ask the Minister to answer the question.

The Hon. JOHN DELLA BOSCA: To the point of order: I was addressing exactly that issue. The nationally consistent system for the private sector can be achieved through cooperation with the State Government, either by referral of powers or by other forms of cooperation and harmonisation.

The PRESIDENT: Order! The response of the Minister is required to be relevant to the question asked. As it is relevant, there is no point of order.

The Hon. JOHN DELLA BOSCA: The New South Wales Opposition and its new leader have learned absolutely nothing from their 2007 election experience. Despite the overwhelming voter rejection of their plan to hand over powers to Canberra, they still support WorkChoices. My Government looks forward to working with Mr Rudd to harmonise our system and restore fair, efficient and balanced workplace laws.

HIGH SCHOOL LITERACY TESTS

The Hon. HELEN WESTWOOD: My question is directed to the Minister for Education and Training. Can the Minister update the House on the latest literacy test results achieved by New South Wales high school students?

The Hon. JOHN DELLA BOSCA: This week the Premier visited the Balmain campus of Sydney Secondary College and released new statewide literacy test results. The English language and literacy assessment [ELLA] results show New South Wales student literacy levels are at a new record high. For the benefit of those who try to talk down the achievements of our students and the excellent New South Wales curriculum, it deserves repeating. It is also timely to examine the New South Wales approach, with real increases in funding—and measurable improvements in student literacy—and to compare the Commonwealth's approach, with no increase in public school funding above indexation over a 12-year period.

A child who was led by the hand into kindergarten in 1995 and who as a young adult will sit the HSC this year will have gone throughout their schooling never having experienced a real increase in public school education funding from the Government led by John Howard. Every real increase provided by the Commonwealth over 12 years was directed away from public education. A generation of Australians has suffered from the Commonwealth's failure to adequately fund public education with the taxes their parents paid. Is the best way to increase literacy levels among all students the proper resourcing of a school education system or one-off individual vouchers before an election? Despite the Commonwealth Government's negligence, our students and their hardworking teachers are to be congratulated on the best ever results in literacy for years 7 and 8 girls and boys.

These record results demonstrate the worth of our State Literacy Plan and the success of the traditional and rigorous New South Wales curriculum. The OECD recently found New South Wales students have the second highest levels of literacy in the world, behind only Finland and ahead of the major developed nations.

New South Wales is lifting the bar for English language and literacy achievement while closing the gap between the highest performers and those who have needed more support.

Other highlights of the 2007 English language and literacy assessment results include: average scores for reading, writing and language in years 7 and 8 are the highest ever achieved; the percentages of years 7 and 8 students in the high achievement level for overall literacy and also for language are the highest ever achieved; the percentages of students in the low achievement level for both reading and literacy are the lowest ever recorded. These results will give parents important information on their child's literacy levels and teachers can use these results in this early part of the year to identify students having difficulties and work in consultation with parents to develop an improvement program. English language and literacy assessment forms part of a \$616 million four-year investment to lift literacy and numeracy standards at New South Wales public schools.

Achieving our targets will ensure more students are equipped with the essential foundations for learning and success inside and outside the workplace. These results demonstrate our schools are helping young people to maximise their opportunities and to live fulfilling lives. Our best ever literacy results should send a very strong message to those who wrongly talk down education and the achievements of our students and teachers. It is regrettable that the Commonwealth Government has not been a genuine partner in funding the education of a generation.

SYDNEY TRAFFIC

The Hon. DUNCAN GAY: My question without notice is addressed to the Minister for Roads. Does the Minister recall his comment that Sydney's traffic gridlock is no worse than it was a decade ago? What was his reasoning behind this comment, given that Sydney motorists spend hours each day stuck in traffic, and given a recent report that indicated that traffic congestion will increase by another 50 per cent within 20 years? Why does the Minister continue to be in denial about Sydney's traffic woes?

The Hon. ERIC ROOZENDAAL: As I have said before, traffic congestion, particularly during peak periods, is one of the major challenges we face. The Government is constantly looking at ways of improving traffic flows, and I am always happy to hear sensible ideas. I understand the frustrations of motorists. Sydney is a big international city, and the fact is that the peak is getting longer and people are commuting further. There are an extra one million vehicles and an extra 660,000 drivers on our roads since 1996. That is 16 per cent more drivers and 26 per cent more cars in 10 years. That is why we are investing \$660 million to address traffic congestion and increase public transport use under the Urban Transport Statement.

The Hon. Duncan Gay: Point of order: The question was specific. What was the reasoning behind the Minister's comment that Sydney traffic is no worse than it was a decade ago. The Minister has not got within a bull's roar of answering the question before the House. People in New South Wales will be interested to hear the Minister's rationale for that stupid statement.

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

The Hon. ERIC ROOZENDAAL: For example, Victoria Road is a trouble spot, and the Government is spending \$100 million to duplicate the Iron Cove Bridge and extend bus lanes through Drummoyne and Rozelle.

The Hon. Duncan Gay: Point of order: This point of order is on the same grounds as my previous one.

The PRESIDENT: Order! Again, there is no point of order.

The Hon. ERIC ROOZENDAAL: We are also investing \$100 million to directly target traffic hot spots on our road network and a further \$100 million to accelerate bus priority works on strategic bus corridors. In fact, the Government is investing \$27 million a day to improve infrastructure across New South Wales, including the road network. We have seen improvements in our road network: the WestLink-M7 corridor, the new Lane Cove Tunnel and expanded Gore Hill freeway, the \$500 million upgrade of Windsor Road and the \$534 million north-west transitway. We have increased the number of kilometres of bus lanes and transit lanes by more than 250 per cent since 1996. We know there is more to do, and we will continue to work hard to improve the road network and the public transport system.

NATIVE VEGETATION

Mr IAN COHEN: My question is addressed to the Attorney General, representing the Minister for Climate Change, Environment and Water. Will the Minister explain how the additional \$3.5 million towards native vegetation monitoring that was announced shortly before the election will be spent? Will the Minister assure the House that the Government will now provide comprehensive annual SPOT-5 satellite monitoring of vegetation loss in New South Wales? Will the Minister assure us that the results of the monitoring will be made fully available to the public on the Internet? Now that the new Department of Environment and Climate Change [DECC] has largely swallowed up the native vegetation compliance resources that were wasted under the Department of Natural Resources, will the Minister explain how the new arrangements within the Department of Environment and Climate Change will ensure that illegal land clearing in this State is tackled effectively?

The Hon. JOHN HATZISTERGOS: I will refer the matter to the Minister and obtain an answer, and advise the House in due course.

REGIONAL ACHIEVEMENT AND COMMUNITY AWARDS

The Hon. MICHAEL VEITCH: My question is directed to the Minister for Rural Affairs, and Minister for Regional Development. Will the Minister tell the House about the Government's involvement in the Regional Achievement and Community Awards over the past five years?

The Hon. TONY KELLY: The New South Wales Government is aware of the great amount of work going on in country New South Wales. In the face of drought, climate change and a population drift, the people and communities of rural and regional New South Wales are facing many challenges. But, typically, they are confronting these challenges with their typical strength and resilience. That is why the New South Wales Government supports the Regional Achievement and Community Awards. The Iemma Government is a sponsor once again for the fifth year in a row. The Regional Achievement and Community Awards are an excellent way to salute regional and rural New South Wales.

The Hon. Greg Pearce: You've only been there for 18 months. How can it be five years in a row?

The Hon. TONY KELLY: I acknowledge the Hon. Greg Pearce's interjection. He would not know, but the Hon. Rick Colless knows that I have been involved with these awards for the past five years. The Hon. Rick Colless knows that South Inverell won a community award last year or the year before. The Department of Lands is a major sponsor of the awards, which are a great way to showcase the great work and community spirit of rural New South Wales. Over the years the awards have shone a spotlight on the success stories in these regions. They are stories that deserve to be heard, and the awards are an excellent way of recording them for the future.

The search for our most outstanding communities and individuals in country New South Wales is on again, with the awards launched today in Lismore. I call on the people of rural and regional New South Wales to have a good look around for individuals and organisations making a difference in their communities and to nominate them. While the awards cover a wide range of groups and activities, one thing in common is their desire to do something for the community and in doing so make it all the better. The Department of Lands is sponsoring the Community of the Year award, which honours two winners from a small town category and a larger town with a population of more than 15,000.

The Department of State and Regional Development is sponsoring the business enterprise and events-tourism awards. Other award categories are regional service and environment and Landcare. A quick run-down of last year's winners not only shows the great sort of work going on but also the importance of these awards in recognising these achievements. Last year's Community of the Year with a population of fewer than 15,000 was the Coolah District Development Group. Coolah District Development Group was formed in 1995 in response to the community's concerns about its ongoing survival and prosperity. Managed mainly by volunteers, the group came up with an action program to give Coolah a much-needed facelift and develop local attractions. The group's main aim was to preserve the town's services and character while encouraging growth and development.

Recent projects included refurbishing the town hall, incorporating a library, art gallery and tourist information centre, and finalising improvements to the town's Bowen Oval. They are pretty impressive achievements for a town with a population of 900. The winning community with a population of more than 15,000 was the South Inverell Residents Association, from the Hon. Rick Colless' home area. Among its many

activities were early intervention programs, including the breakfast club for children aged five to 13 and the homework club. Thanks to the breakfast club, dozens of disadvantaged kids were able to have a nourishing meal before school each day. Those are just two examples of the work going on in country New South Wales. I look forward to seeing more of the good work that continues throughout the State. I encourage members of Parliament to encourage not only people in their areas but also everyone in the State to nominate.

KILLALEA STATE PARK

Ms SYLVIA HALE: I address my question to the Minister for Lands. Is it correct that there are vacancies on the Killalea State Park Trust? Are these vacancies for representatives of the local community and the area's indigenous people? Is it the case that the trust discussed and subsequently entered into the agreement to lease Killalea State Park in the absence of community and indigenous members of the trust? Why have the details of the agreement to lease the park to an offshoot of Mariner Financial Limited not been made public? Why is the agreement being kept secret?

The Hon. Michael Costa: Where is it? Do you know?

Ms SYLVIA HALE: It's in Wollongong.

The Hon. TONY KELLY: Killalea State Park is actually in Shoalhaven and Kiama, not Wollongong. The Department of Lands advertised for a replacement on the Killalea Trust Board at the tail end of last year, about December, and no-one nominated. We will readvertise.

GROSS STATE PRODUCT

The Hon. GREG PEARCE: My question is directed to the Treasurer, Minister for Infrastructure, and Minister for the Hunter. Does the Treasurer stand by the assessment in Budget Paper No. 6 that in the decade to 2044, partly due to our ageing population, per capita gross State product [GSP] growth will fall from 2.1 per cent per annum in the 1990s to 1.6 per cent, and that if statewide productivity were increased by an extra one-half percentage point per year real incomes would be approximately 22 per cent higher over a 40-year period? What action has he taken to increase the growth in statewide productivity?

The Hon. MICHAEL COSTA: I am glad the Hon. Greg Pearce asked me that question because it gives me the opportunity to congratulate the Opposition on its stellar performance at the recent election. It is good to see them back in Opposition where they belong. They are very experienced at it. We will see them continue in Opposition for a long time. I am happy that the Opposition provided me with a personal mandate for the next four years. Everybody knows that a vote for Labor was a vote for Costa. I am pleased to be back here with a mandate from the Opposition, and on a day when the Federal Government has delivered a budget—

The Hon. Greg Pearce: Point of order: My point of order is relevance. My question was about the Treasurer's actions to increase growth in statewide productivity, not about the Treasurer's narcissistic personality.

The PRESIDENT: Order! I remind the Treasurer that his answer must be relevant to the question asked.

The Hon. MICHAEL COSTA: It is embarrassing for the Opposition to find itself in the position it is in today, that is, back on the Opposition benches where they have made great indentations. I think they will be there for many years in the future. The question is an important one. The ageing of the population is one of the demographic variables that will affect future State and Federal budgets. There are three elements, which are referred to as the three Ps, that are important in addressing this issue. Clearly, productivity—which the Hon. Greg Pearce referred to in his question—is one of those elements. The second element is population and the third element is participation. I have passed the test that the honourable member put to me in our first question time. Let me refer to the most important issue, that is, the distribution of income from the Commonwealth to the States. We have seen again in the budget a failure by the Federal Government to adequately address issues that are important to Australian taxpayers. Most people would probably not be aware that the Commonwealth Government in its budget handed down yesterday collected nearly \$120 billion in income tax.

The Hon. Greg Pearce: Point of order: My question was specific. I asked the Treasurer what action he has taken or policies he has introduced to increase growth in statewide productivity. The question has nothing to do with GST.

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

The Hon. MICHAEL COSTA: The Federal Government has collected \$120 billion in Federal income tax. I ask the Hon. Greg Pearce how much money the Federal Government is spending on urban congestion. I point out that the Federal fuel excise has delivered to the Federal Government nearly \$15 billion. How much are they spending on infrastructure? They are spending \$9 billion across the nation. They collect \$14 billion in fuel excise and they spend less across the nation on infrastructure than the State Government spends in this State. That key infrastructure includes transport, energy and all the other services the public wants. The Federal Government is a failure and it will be in the same position as the State Coalition after the next election—on the Opposition benches.

GRAFFITI CRIME PREVENTION

The Hon. LYNDA VOLTZ: My question without notice is addressed to the Attorney General. What is the latest action the Government is taking to tackle graffiti?

The Hon. JOHN HATZISTERGOS: I thank the Hon. Lynda Voltz for this important question. Earlier today I had the opportunity to speak to the task force that is supervising the Government's action plan on these matters. I want to outline two recent practical measures the Lemma Government is implementing that will help stop graffiti. The Lemma Government takes graffiti vandalism very seriously. In the State Plan graffiti vandalism is considered a crime that requires a law enforcement response. As I indicated, this morning I addressed the fourth meeting of the Anti-Graffiti Action Team. The action team, which comprises representatives from businesses and government agencies, is the key action group to coordinate existing graffiti actions and drive new measures across the State.

I took the opportunity to thank the action team members for their assistance in developing the Government's new graffiti website, called "Stop Graffiti Vandalism", and the \$360,000 targeted program in seven local government areas which will deliver practical help to prevent, remove and report graffiti. The new website, which can be accessed at www.graffiti.nsw.gov.au, will be an important tool in the prevention and rapid removal of graffiti and will help members of the public minimise the risk of their property being exposed to graffiti vandalism. Evidence shows that ongoing problems with graffiti can be prevented through the removal of graffiti in the first 24 to 48 hours after an offence has been committed. The website offers practical help to individuals, businesses and communities to remove graffiti and prevent its reoccurrence through ideas such as surveillance, anti-graffiti material and building design.

I am also pleased to inform the House that seven local government areas would benefit from pioneering a new \$360,000 program to crack down on graffiti vandalism. The program includes volunteers, three rapid removal programs and new projects designed to prevent graffiti through building design. The website and the local grants build on efforts announced by the Government in its election policy on youth crime to crack down on graffiti through giving police the power to confiscate spray cans from persons under the age of 18 found with a spray can in a public place, forcing all public sector bodies to remove graffiti in 48 hours from the time of reporting and reviewing all legislation to help stop graffiti. Under the Government's Summary Offences Amendment (Display of Spray Paint Cans) Act 2006 retailers who sell spray paint cans are required to properly secure them if they are displayed in areas where the public has access. Under the new law a spray paint can is properly secured if it is displayed in a locked cabinet, in or behind a counter so that customers cannot gain access to the can without the assistance of shop staff, on a shelf of 2.1 metres height or more, or in any other manner prescribed by the regulations.

Graffiti vandalism is a crime that carries a sentence of up to five years in prison or fines of up to \$2,200. A concerted effort to tackle graffiti in new South Wales began soon after this Government came to power. In 1997 the Carr Government launched the Graffiti Solutions Program, which is a statewide strategy aimed at building a broader understanding of graffiti issues in New South Wales and better co-ordinating responses at all levels of government and the community. We built on that initiative in 1999, announcing a range of initiatives to enhance our existing measures to tackle graffiti, including: the Graffiti Clean-Up Community Service Orders Scheme; the Graffiti Information Line; the Beat Graffiti Grants Scheme; the Graffiti Blasters Program; the introduction of a voluntary code of practice for the sale of equipment used for graffiti; and a 72-hour rapid removal program for rail corridors. The Government's new website and targeted program in seven local government areas builds on our longstanding commitment to solve the problem of graffiti. I look forward to updating the House in due course on the implementation of our election commitments to further tackle graffiti crime.

MACQUARIE BOYS HIGH SCHOOL CLOSURE

Dr JOHN KAYE: My question, which is addressed to the Minister for Education and Training, refers to the decision of the Government to close down Macquarie Boys High School. Is the Minister aware that at a meeting on 18 October 2006 Mr Trevor Fletcher, Deputy Director-General (Schools), Department of Education and Training, gave an undertaking that the school would not be closed and that funds and assistance would be provided to the school to assist in rebuilding its numbers. Is the Minister aware of the school's efforts to rebuild its numbers? Why has the Minister decided to close the school? Will the Minister give the House an undertaking that if the school is to be closed the lands will not be sold off and the buildings will not be destroyed to show faith in the idea that this is not a real estate grab for cash?

The Hon. JOHN DELLA BOSCA: I cannot comment about any conversations that parents and citizens organisations may have had with officers of the Department of Education and Training. I am not aware of any in relation to Macquarie Boys High School. I will take the question on notice and provide an answer to the member as soon as practicable.

Dr JOHN KAYE: I ask the Minister a supplementary question. Will the Minister address himself to the last part of the question, which refers to giving the House an undertaking to not sell off the land, to show the community of Macquarie Boys High School that this is not a real estate grab for cash, and that the school will be held—

The Hon. Greg Pearce: Point of order: This is clearly not a supplementary question. It is repeating the original question.

The PRESIDENT: Order! The question is certainly out of order.

CASINO TO MURWILLUMBAH RAIL LINE

The Hon. CATHERINE CUSACK: I direct my question to the Treasurer, and Minister for Infrastructure. Will the Minister elucidate his statement made in the House earlier today concerning the Casino to Murwillumbah rail line, when he said, "You'll never get it now"? Does this statement reflect the Government's position since losing the electorate of Tweed that the North Coast will never get back a rail service, never get a rail corridor connecting us to Queensland and never get an integrated transport plan?

The Hon. MICHAEL COSTA: May I make some observations. I do not understand the reference to what I said earlier. The member obviously misunderstood what I said. I said there was no funding in the Federal budget.

[Interruption]

The Hon. Michael Gallacher: Point of order: The Minister is now clearly misleading the House. He needs to choose his words carefully. Every member on this side heard him say, "You'll not get it now, mate." It is on tape.

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

The Hon. MICHAEL COSTA: I have heard members on the other side say some extraordinary things, such as they were going to win the last State election. That did not happen. One can take that as—

The Hon. Duncan Gay: Point of order: Mr President, I suggest that you get the tape of the House and we will find out whether this Minister is telling the truth. Members on our side clearly heard him say that they will never get it now. The Minister is now trying to cover up a statement he made in the House. If he wants to say the opposite, there is one way to find out who is telling the truth—get the tapes.

The PRESIDENT: Order! The matter raised in the point of order is outside the standing orders. All the Minister is required to do when answering a question is to be relevant. The Treasurer may continue.

The Hon. MICHAEL COSTA: Let me again place on the record that I did say there was no money in the Federal budget. I hope members opposite are not disputing that. I have been extremely truthful. Honourable members obviously did not hear what I said. There is no money in the Federal budget for the Casino to

Murwillumbah rail line. As I pointed out, the Federal Government collected almost \$15 billion in fuel excise and put less than \$9 billion into transport and energy infrastructure across the nation. The Opposition has proven once again that it cannot deliver on promises it makes because it does not have the capacity to win government. The frightening thing about members opposite is that they promise everything. We saw their funding arrangements. They had promises totalling well over \$20 billion but when they released their funding statement they had to have a correcting figure of \$13 billion because they could not fund any of their promises.

Members opposite had the opportunity to lobby the Federal Government last night for the Casino to Murwillumbah rail line. They failed to do so. There is no funding in the Federal budget for the Casino to Murwillumbah rail line. Clearly, there will be no funding in our next budget for the Casino to Murwillumbah rail line. I accept that, and I say it on the record, but there was no funding in the Federal budget, and that proves the inability of members opposite to deliver. We have made our decision on the Casino to Murwillumbah rail line.

The Hon. CATHERINE CUSACK: I ask the Minister a supplementary question. Does he deny saying, "You will never get it now"?

The Hon. MICHAEL COSTA: I made our position clear. We will not be budgeting for the restoration of the Casino to Murwillumbah rail line. The Government made its decision on that. We have a position that says the Federal Government could contribute funds to the Casino to Murwillumbah rail line, and it did not contribute anything towards that line in last night's budget. We will not be restoring funding to the Casino to Murwillumbah rail line. It was up to the Federal Government last night to provide that funding and it did not. That shows the futility of voting for a member of the Opposition parties.

KINGSCLIFF LOT 490 RESORT DEVELOPMENT

The Hon. CHRISTINE ROBERTSON: I address my question to the Minister for Lands. Will the Minister tell the House about the appointment of a developer for the ecotourism resort on Lot 490 at South Kingscliff?

The Hon. TONY KELLY: Lot 490 is a 30-hectare Crown land parcel reserved for tourism and community recreation located on the beachfront at South Kingscliff. About 10 hectares have been set aside for development as an ecotourism resort. The development envelope is within close proximity to other resorts and residential developments. It is within 15 minutes of the Gold Coast airport, an hour from Brisbane and 45 minutes from Byron Bay. It is a fantastic location to showcase the natural beauty of the North Coast.

Planning to this point has established clear guidelines for future development, done in consultation with a steering committee that included local residents. The approved plan of management includes Lot 490 and parts of the coastal reserve between Cudgen Creek and the neighbouring Salt development. The plan calls for a quality ecotourism resort, combining a range of recreational options while ensuring protection and enhancement of the site's environmental values. Today I can inform the House that the preferred proponent for Lot 490 is Leighton Properties. Leighton won the very competitive tender on the quality of its proposal and its high level of compliance with the plan of management.

Leighton had to compete with a number of other expressions of interest and address many requirements as set out in the plan of management and refined under the expression of interest document. Once contractual matters are finalised, Leightons will proceed to further investigations, including consultation with the community, before a development application [DA] is lodged. Investigations will include planning for environmental rehabilitation and community facilities, both of which will again be subject to public consultation prior to the lodgement of a development application. It is anticipated that the development application will be lodged towards the end of this year. Construction will commence once the development application is approved.

There is also a requirement for Leightons to address the State Government's Aboriginal participation policy. This requires separate consultation to establish an Aboriginal participation plan. There has been a lot of community comment on the Lot 490 proposal and once the lease is signed more firm details will be made publicly available. As a foretaste, I am advised that the ecotourism resort will be called Summer Waters. I am told that the winning bid plans to feature lightweight holiday bungalows in a natural setting along with community facilities, extensive landscape rehabilitation and walkways improving access along the coast and linking Kingscliff to the south.

Those familiar with the Tweed will understand the challenges that have been faced getting to this point. The community is rightfully protective of this site and concerned about its future use. With the Leighton Group locked in and ready to undertake further consultation with the community, I am confident we have a good balance—a good mix—to ensure a project that generates jobs and tourism in the Tweed, while at the same time ensuring better community facilities so that the unique, sensitive environment in and around Lot 490 is protected. It is pleasing to announce that this sensitive ecotourism development in such a unique, stunning location is proceeding as intended. This is an exciting opportunity provided by the Iemma Government to develop what will prove to be a jewel on the far North Coast, enjoyed by the local community and tourists from far and wide.

DRUG USE

Reverend the Hon. Dr GORDON MOYES: I ask the Minister for Roads, on behalf of the Minister for Police, the following question without notice. Is the Minister aware that a recent report by the Australian Institute of Health and Welfare found that Australians are the highest users of ecstasy and speed in the English-speaking world? Is the Minister further aware that the report found that one in eight Australians aged between 20 and 29 have used ecstasy in the past 12 months and that one in ten have used methamphetamines? Will the Minister explain why the Government has failed to introduce serious measures to clamp down on the rampant party drug trade within nightclubs and hotels?

The Hon. ERIC ROOZENDAAL: I thank Reverend the Hon. Dr Gordon Moyes for his question. I will pass it on to the Minister for Police for the appropriate response.

TAX REDUCTION

The Hon. MATTHEW MASON-COX: I direct my question without notice to the Treasurer, Minister for Infrastructure, and Minister for the Hunter. When will the Government follow the Commonwealth's lead and start to reduce the taxation burden on the people of New South Wales, given that the New South Wales Treasury's 2006-07 half-yearly review has forecast budget surpluses for the next three financial years?

The Hon. MICHAEL COSTA: Obviously, the question is based on a false premise. The Federal Government has not reduced the taxation burden. In fact, the Federal Government is the highest-taxing government in Australia's history—and that has been well confirmed by an independent economist. That is not a position just of the New South Wales Government; it is a comment made by an independent financial analyst.

The Hon. Duncan Gay: Name them.

The Hon. MICHAEL COSTA: For the benefit of the honourable member, I'll name one, for example, Rory Robertson, who has made the point that the States' current Federal Government funding amounts to around 5.1 per cent of gross domestic product [GDP] in the past four years, which is down from 5.3 per cent of gross domestic product in 1996-97. In the 1980s, Federal Government funding to the States was around 6 to 7 per cent of gross domestic product. So, clearly, the Commonwealth is underfunding the States.

The Hon. Duncan Gay: What's your point?

The Hon. MICHAEL COSTA: This is an own goal. The Federal Government is the highest-taxing government in Australia's history, and it is squeezing the States and squeezing essential services. In fact, as I pointed out, the Federal Government is collecting \$119 billion in income tax, yet it is putting only \$40 billion into the Health budget. It is an appalling situation. We have a Federal Government that is embarrassed by its riches before the Federal election, yet at the same time it is reducing funding to the States, squeezing essential health services and education services. I have already pointed out what the Federal Government is doing in terms of transport infrastructure. It is spending a small proportion of its Federal excise on transport infrastructure. The Federal Coalition Government is an embarrassment to members opposite, both on the tax front and on the expenditure front.

The Hon. Duncan Gay: What about your surplus?

The Hon. MICHAEL COSTA: You'll have to wait for the budget. The Federal Government is putting only \$40 billion into the Health budget, yet it is collecting \$120 billion in taxation revenue.

The Hon. Matthew Mason-Cox: Point of order: Mr President, I ask you to bring the Minister back to the question. My point of order relates to relevance. The Minister is ranting and raving about the Federal Government, but my question related to how the Government intends to spend the forecast budget surpluses, to reduce the taxation burden on the people of New South Wales.

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

The Hon. MICHAEL COSTA: I will quote Rory Robertson. I ask members to remember that this is an independent assessment; it is not my assessment. Rory Robertson has calculated that the Commonwealth's own tax revenue, as derived by counting all revenues collected by Canberra, then subtracting all revenues transferred to the States and local government, is at what looks like an all-time high. I am not saying this. This is an independent commentator pointing out the basic facts here: that we have a Commonwealth Government that is rolling in tax revenue as a result of the mining boom, it is squeezing the States in terms of expenditure, and yet it has the hide to give us back \$14 in tax cuts.

Last year I predicted that the tax cuts would lead to mortgage rate increases—and they did. Now we are in the same position again. We have the Federal Government staging its tax cuts to ensure that when the mortgage rates increase, the increases come after the next Federal election. The Federal Government is an irresponsible government; it has been exposed as being the highest-taxing government in history.

DROUGHT ASSISTANCE

The Hon. IAN WEST: I address my question to the Minister for Primary Industries. Will the Minister update the House on the assistance the New South Wales Government is providing to our drought-stricken farmers?

The Hon. IAN MACDONALD: I thank the Hon. Ian West for his question and his ongoing concern about the severe impact the drought is having on our farming communities. Members will not be surprised to learn that the long dry spell still has a tight grip across the State and is continuing to have a devastating effect from one end of New South Wales to the other. In recent times we have had to expand our programs, and this has been done quite effectively. The amount of spending that the State Government has contributed towards the drought is over \$300 million, and those measures will remain in place until the drought ends.

Recently I announced an additional \$20 million in drought assistance packages to further aid our struggling farmers. That package included the continuation of the Drought Support Worker Program and Farm Gathering programs until December. As part of that package the Government also waived the Western Land Lease Annual Rents for 2007-08, and continued the stock to slaughter scheme until 31 August 2007. Importantly, the Government also extended the drought transport subsidy scheme until the end of August. We are now averaging about 1,000 claims a week, and recently we processed our 100,000th drought transport subsidy claim. We will continue to stand by farmers during the worst drought in living memory, offering them social as well as financial support.

Since the beginning of the financial year the Department of Primary Industries has held about 650 drought-related events, which have been attended by almost 40,000 people. The Government has also recognised the strain that this drought is having on the mental health of rural and regional communities. To meet an unprecedented need for mental health services we have also provided funding for an additional 77 mental health workers across rural New South Wales. This brings the total number of mental health workers across the State to 7,818. Fifteen mental health workshops are now held in rural communities, and about 50 mental health first aid training sessions are held for frontline service providers across the State to enable them to confidently identify and refer a person in crisis to appropriate support. We are also working in partnership with *beyondblue* to ensure that country families under pressure have access to services addressing depression and anxiety.

While these examples show the Government is playing its part to help reduce the burden of drought, the only real solution, as we all know, is rain and plenty of it. The current drought figures show the real situation. Despite rain on the coast, 78.8 per cent of New South Wales is still drought declared, 15.7 per cent is marginal and 5.5 per cent is satisfactory. These figures reveal the relentless nature of this drought, with many farmers enduring their sixth or, in some cases, seventh year of drought. After a tough spring last year resulting in a very poor harvest of about 3.23 million tonnes for our winter crops, our farmers have survived another hot and dry summer that saw water levels plummet and the ground remain rock hard. Our farmers are now pinning their hopes on a decent autumn break, although in many parts of the State it does not look likely at the moment, with forecasts of only showers in many areas of the State. We really need some heavy rain.

The Department of Primary Industries is forecasting a winter crop of about 4.63 million hectares. However, this hinges on decent rainfall across the cropping belt. The livestock situation has been incredibly tough over this period. Many producers are carting feed and water to their animals in a bid to retain core breeding stock. In the worst situations producers have been forced to completely remove all stock from their properties and seek off-farm income. There has been a slight change of fortunes in the bush. [*Time expired.*]

DROUGHT ASSISTANCE FOR SMALL BUSINESS

The Hon. RICK COLLESS: My question without notice is addressed to the Minister for Primary Industries. In light of the question the Minister was just answering, is the Minister aware that small businesses are going into their fifth year without financial returns as a result of the drought? What steps is the Minister taking to assist small businesses and rural communities in regional areas to get them through these five years with no financial returns?

The Hon. IAN MACDONALD: As the honourable member would be aware, we have a number of programs related to small businesses across the State. Primarily, of course, the member would be aware of the payroll tax regime across the State in relation to drought. We have spent many millions of dollars to reduce that burden upon small businesses. The member should note also that the Commonwealth recently extended its exceptional circumstances program to cover small businesses in rural areas, particularly those that have around 70 per cent of their business taken up with servicing the farming community. That program is extensive, although in many areas it is still in its infancy.

As I said, so far we have spent more than \$300 million on the drought. That is a huge contribution from a State Government that does not have the financial capacity of the Commonwealth. As the Hon. Michael Costa stated, the Federal take on income taxes is of the order of \$120 billion per annum. That is several times the New South Wales budget. As he pointed out, there is an extensive surplus, and we are doing a magnificent job on drought assistance within the context of the State budget. The honourable member ought to look at the budget paper the Federal Government put forward last night. The expenditure proposed in relation to drought assistance is just over \$300 million. Given the rural assistance budget per annum and the fact that through the exceptional circumstances program more than \$200 million has been spent over the past few months, the Federal Government has not allowed enough in its budget for drought. We are standing by farmers. As I said, we have a number of programs that target farmers and will continue to do so.

The Hon. Duncan Gay: Point of order: The question was quite specific on what the State Government is doing to help farmers and to help small business. It was not about having a political argument about the Federal Government. The people in regional New South Wales hate people who want to play politics with the drought. The Minister should answer the question.

The Hon. IAN MACDONALD: To the point of order: Over the past four or five years the Hon. Duncan Gay and his troops have played politics with the drought every day of the year. Any sense of dignity about this question belies the fact that they have been out there playing politics every day.

The PRESIDENT: Order! I have heard sufficient on the point of order. There is no point of order.

DR PATRICK POWER POLICE INVESTIGATION

Reverend the Hon. FRED NILE: I ask the Hon. Eric Roozendaal, representing the Minister for Police, a question without notice. Is it a fact that there was a two-day delay before the New South Wales Police Force physically searched Dr Patrick Power's home and his computers, which had more than 29,000 images, including 400 depicting child sexual abuse of children under five-years old? What were the reasons for this two-day delay in searching Dr Power's home and informing the senior police prosecutor?

The Hon. Michael Costa: Point of order: This matter is before the courts at the moment. I think the question should be ruled out of order.

Reverend the Hon. FRED NILE: To the point of order: My question relates simply to the actions of the police, not to the case itself. Dr Power has pleaded guilty to the charges.

The PRESIDENT: Order! I will review the question of Reverend the Hon. Fred Nile. In the meantime, questions without notice will continue. The member may have to ask the question again tomorrow.

YOUNG DRIVERS ROAD SAFETY CAMPAIGN

The Hon. GREG DONNELLY: My question without notice is addressed to the Minister for Roads, and Minister for Commerce. Could the Minister please update the House on the latest road safety campaign targeting young drivers in New South Wales?

The Hon. ERIC ROOZENDAAL: As members would be well aware, young drivers have been in the spotlight a lot lately. Last year, 96 people were killed in accidents involving P-plate drivers. Earlier this year, the Roads and Traffic Authority [RTA] launched a new road safety initiative targeting the State's young drivers. This was one of the most innovative campaigns ever undertaken by the Roads and Traffic Authority. The website *www.pimpourads.com* was designed to engage young drivers. Young people were encouraged to enter a competition to design a campaign that they and their peers could relate to. This competition was run completely online using the technology this generation has grown up with. Almost 8,000 entries were received and the Pimp Our Ads website recorded more than 31,000 hits during the competition.

For those members not familiar with generation Y, the name Pimp Our Ads was inspired by the MTV television show *Pimp My Ride*. It is all about adding bling to make a statement. The winning entry was from Samantha Morris from Cooranbong in the Hunter Valley. Her design showed a young driver in an overturned car with the message, "Should have crashed at a mate's". The judges said the winning entry was simple and powerful and spoke directly to young drivers. They said it used a clever play on words with language that a young audience is familiar with and uses every day. The end result is a powerful message that does not preach to young people.

I congratulate Ms Morris. Her work is of such a high standard that it has gone straight into production as the Road and Traffic Authority's next road safety campaign targeting young drivers. The design was shown to groups of young drivers and was found to be so powerful it is ready to go exactly the way she designed it. It will feature on billboards across New South Wales, on the backs of buses, at bus stops and in appropriate youth media. Not only did Ms Morris win a new Toyota Yaris but the Roads and Traffic Authority was so impressed it has arranged an internship for her with leading advertising agency Singleton Ogilvy and Mather. The Roads and Traffic Authority was so impressed with the quality of the other five final entries that it will work on them for future road safety campaigns.

I acknowledge the sponsors of Pimp Our Ads—Toyota, Austereo and the NRMA—and congratulate the other finalists: Rhea Esperancilla from Prestons, Daniel Ziri from Roselands, Joshua Mudge from Cherrybrook, Dan Agung from Dulwich Hill and Robert Jones, also from Dulwich Hill. Young people are sometimes unfairly painted in the media as being reckless to their own safety and to the people around them. Here we see a different side: young people who thought long and hard about what kind of road safety message their friends would pay attention to at their own level.

The challenge we face as a community and as a government is how to get through to young drivers: how to get them to slow down; how to help them save their own lives and how to avoid the—

[*Interruption*]

I wonder who has more demerit points left, out of you and I, Duncan, if you want to go down that track.

The Hon. Duncan Gay: Point of order: I did not state anything, but the Minister asked me who had the most demerit points left on his licence. "I bet you it's me", he said. I wonder how the Minister would be able to make that statement if he had not had access to my records.

The PRESIDENT: Order! There is nothing in standing orders that covers such matters. There is no point of order. The Minister's time for speaking has expired.

COAL INDUSTRY EXPANSION

Ms LEE RHIANNON: I direct my question to the Treasurer, and the Minister for the Hunter. Given the threat to the New South Wales economy posed by the recently approved Newcastle coal loader and planned expansion of coalmining operations into the Hunter, the Upper Hunter and Gunnedah—a threat to jobs growth in renewable industries, agriculture, tourism and environment because of the impact on climate change and water resources—why has the Minister not published an economic assessment of the impact of this coal

expansion on water supplies, greenhouse gas emissions and jobs where the environmental costs of the coal industry are internalised in the Government's assessment of economic benefits to the Hunter and the State?

The Hon. MICHAEL COSTA: I am very proud to be associated with the expansion of coal facilities in the Hunter. Not only is it a terrific outcome for the workers the expansion will employ, but also it is a great outcome for the State and the nation's export profile. One thing I will not do is commission Greenpeace to provide advice. It provided a bogus analysis by trying to associate export coal values with domestic coal used for the generation of electricity in coal-fired generators. It then took the difference between the two and claimed it was a government subsidy. It was an extraordinary analysis! Then it took a whole range of other variables that it believes should be dealt with through alternative technologies, extrapolated those and claimed that all sorts of subsidies existed.

Coal provides significant export income for New South Wales and the nation, and is used in the generation of electricity. It is an industry that will be with us for a long time. The coal industry provides direct employment, but also indirect employment for those in service industries associated with coalmining. The Greens make all sorts of extraordinary comments about jobs that will be generated in renewable industries, but they do not tell us that every one of those jobs requires taxing someone and taking jobs out of the system somewhere else. Their fraudulent analysis is based on direct jobs in the industry not those that are lost through taxation—

Ms Lee Rhiannon: Point of order on relevance: I ask you to draw the Minister back to the question, which addressed the cost of coalmining when damage to the environment is internalised.

The Hon. MICHAEL COSTA: What is your point of order?

Ms Lee Rhiannon: Just answer the question, which related to subsidies to the coal industry and its impact on the environment. Why will the Treasurer not assess what coalmining is doing to the environment?

The PRESIDENT: Order! I remind all Ministers that their answers must remain relevant to the questions asked.

The Hon. MICHAEL COSTA: There is no point of order. I have one minute and thirty seconds to talk about this, and I will use every bit of it. The Greens have no credibility when talking about the coal industry. They do not understand its production. I have told this story before. Members of the Greens have come into my office and said that we should use light rail rather than buses that run on diesel because, somehow, light rail is cleaner. I had to explain to them that light rail runs on electricity, which is basically coal fired. But they do not acknowledge that; they only see direct connections between things. They do not acknowledge that coal is used to produce the electricity in the electricity grid! Their analysis of environmental technologies is flawed.

Recently I saw what was purported to be a base-load coal plant in Spain that was run on solar power. I researched the matter because I thought that maybe someone had solved the problem. I saw a video of a 40-metre tower that supported about 600 mirrors, each of which was probably the size of quarter of a football field. But hectares and hectares of mirrors would have been needed to generate the necessary power. I thought, "This is extraordinary!" I watched the video to see whether someone had made a technological breakthrough. At one part of the video the operator was interviewed and he said, "This power plant can generate 11 megawatts of power." What a joke! It is not sustainable. [*Time expired.*]

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

Questions without notice concluded.

REVIEW OF THE POLICE POWERS (DRUG PREMISES) ACT 2001 AND POLICE POWERS (INTERNALLY CONCEALED DRUGS) ACT 2001

Ministerial Statement

The Hon. JOHN HATZISTERGOS (Attorney General, and Minister for Justice) [1.04 p.m.]: I table a review of the Police Powers (Drug Premises) Act 2001 and a review of the Police Powers (Internally Concealed Drugs) Act 2001, and will make a statement in relation to each review.

Documents tabled.

The Attorney General's Review of the Police Powers (Drug Premises) Act 2001 examined the operation of the provisions of the Act, which are now contained in the Law Enforcement (Powers and Responsibilities) Act 2002 and the Drug Misuse and Trafficking Act 1985. The majority of the recommendations of the review concur with those made following an earlier review of the legislation by the New South Wales Ombudsman. The primary legislative recommendation of the review has been implemented. I am advised that the New South Wales Police Force has employed a number of operational recommendations of the review to improve police practice and procedure in the use of these powers.

The primary legislative recommendation of the review was to amend section 140 of the Law Enforcement (Powers and Responsibilities) Act 2002 to allow a police officer in charge of an investigation into a suspected drug premise to apply to the court for a drug premise search warrant. The previous requirement was that a sergeant make the application. The amendment took place in December 2006 as part of the Police Powers Legislation Amendment Act 2006.

The Attorney General's Review of the Police Powers (Internally Concealed Drugs) Act 2001 examined the operation of the provisions of the Act, which are now contained in the Law Enforcement (Powers and Responsibilities) Act 2002. In accordance with the primary conclusion reached by the Ombudsman, the Attorney General's review will recommend that the internally concealed drugs provision should be repealed. The Attorney General's Department is currently preparing legislation to repeal the provisions, which I anticipate will be introduced soon.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [1.06 p.m.]: The Opposition welcomes any change to the Police Powers (Drug Premises) Act that will continue to assist police in their ongoing fight and struggle against drug premises in New South Wales. The Opposition has been outspoken on this matter. It is fairly clear that many of the changes over the past few years have affected the ability of police to do their job, particularly the provisions of the Law Enforcement (Powers and Responsibilities) Act, commonly known as LEPPRA or, as the police call it, "leprosy". This is another example of the former Attorney General and his bureaucrats taking control of the portfolio and giving it to lawyers, bureaucrats and others who did not know what they were doing. They stuffed things up and made the job of police so much more difficult. It is pleasing that the Government now acknowledges that things need to be fixed. These provisions will ensure that police officers are able to obtain search warrants to get into drug premises to clean up the druggies. Up until now police had to step through a bureaucratic minefield to get in the face of these crooks. Finally, we are starting to see some changes. Indeed, we want positive changes that will assist police, not more rhetoric.

[The President left the chair at 1.08 p.m. The House resumed at 2.45 p.m.]

BUSINESS OF THE HOUSE

Notices of Motions

Business resumed from an earlier hour.

Notices of motions and, by leave, contingent notices of motions given.

ETHANOL MANDATE

Ministerial Statement

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [3.39 p.m.]: Members of the House would be aware that on 14 February this year the Premier announced that the Government would introduce a 2 per cent ethanol mandate from September 2007—an excellent announcement that demonstrated this Government's credentials when it comes to biofuels. The Premier's announcement in February was the latest in a string of initiatives by the New South Wales Government in support of our fledgling alternative fuel industry.

In 2005 we pioneered the mandatory use of biofuels by the New South Wales Government fleet where it was available. That followed a motion from the Australian Labor Party annual conference calling on the Government to make that policy. In 2006 we established the E10 Taskforce to report back to the Premier later

this year on the feasibility of going to a 10 per cent mandate for ethanol. February's announcement was a signal of our intent, a sign that the New South Wales Government is serious about biofuels; it was not just idle chatter and unenforceable targets like those of the Federal Government, but serious policy work in setting out how we can best achieve a broader uptake of alternative fuel and get behind our domestic biofuels industry. As the Premier said earlier this year, the time for talk on ethanol is over. It is now time for action on achievable targets.

The case for ethanol and biofuels in general is overwhelming. Environmentally, biofuels represent an important part of our efforts to combat greenhouse gas emissions and climate change. Research by the CSIRO suggests that for each litre of ethanol produced there is a reduction of some 2.5 kilograms in greenhouse gas emissions. Large cities in the United States use ethanol, particularly in the summer months, to reduce smog. The former Minister for the Environment, Bob Debus, said this approach could significantly reduce Sydney's smog. A reduction in carbon dioxide is matched by reductions in emissions of cancer-causing products such as benzene, which is why the New South Wales branch of the Australian Medical Association came out in support of an ethanol mandate.

Another reason that the Iemma Government supports biofuels is the impact on jobs, particularly in rural and regional New South Wales. A mandate for ethanol sends a strong message to investors and the banks that the Government believes in ethanol. Investor confidence will hopefully lead to signed contracts, proposed new plants throughout country New South Wales and hundreds of direct and indirect jobs in those country towns. As Minister for Regional Development I will promote biofuels every step of the way.

Another selling point, of course, is price. While the Federal Government is happy to sit back and collect windfall excise duties on inflationary petrol prices by backing ethanol, we are backing a product that sells for around 3¢ a litre cheaper than ordinary unleaded petrol. With families and businesses being hit for six at the petrol pump the case for ethanol is now even stronger. Finally, biofuels makes sense for our fuel security. Even George Bush made that point and is pushing biofuels in the United States because he does not want to rely any more on the Middle East. Again, the Federal Government has sat back and watched our fuel deficit spiral out of control. If I remember the figures correctly, a decade ago we imported \$488 million worth of fuel while last year we imported \$10 billion worth of fuel.

While not the be-all and end-all, a strong domestic biofuels industry will strengthen our hand and reduce our reliance on increasingly unstable oil prices from the Middle East. The case for biofuels is strong, which is the reason that the Iemma Government is getting behind its broader use in the community. We are driving the case for biofuels like ethanol and, as the responsible Minister, I will shortly bring forward legislation to enact the 2 per cent ethanol mandate. The mandate will require 2 per cent of the volume of petrol sold in New South Wales to be ethanol. Consumers can rest assured that the 2 per cent mandate is not putting 2 per cent ethanol in all petrol sold. Rather, it is volumetric, requiring wholesalers to blend a minimum of 2 per cent ethanol into the total volume of petrol sold in New South Wales.

Our talks with many of the stakeholders demonstrate that this first step is realistic, achievable and a step in the right direction. It is a down payment on our commitment to alternative fuel and our efforts to tackle climate change, encourage jobs and investment in the regions, and it signals our support for the domestic biofuels industry. The Premier's task force will report back in September on the longer term commitment of 10 per cent ethanol blended in biofuels. We need to ensure that a prudent approach is taken. We need to balance the need to promote biofuels production with the counter need to ensure that supply can adequately meet demand.

That is why we are not rushing into this issue but, through the task force, will continue to consult and work with major industry stakeholders, consumer and motorist groups, primary producers and others to ensure that we get right any higher level mandate. We will also have discussions between the other States.

The Hon. Catherine Cusack: That's the time to talk.

The Hon. TONY KELLY: No, that is not true. It is not the time for talk. As I said, very shortly I will bring forward legislation that introduces for the first time in Australia a mandate for ethanol. However, we do not want to cause problems with supply, particularly if the other States follow suit, and have to import it from overseas. The contrast between the State and Federal governments on biofuels could not be more stark. We have a lazy Federal Government that is very keen to talk about ethanol but backs it up with nothing when it comes to solid policy. All we have from the Howard Government is a meaningless, unenforceable target—350 million litres by 2010. British Petroleum [BP] recently came out and said that it would be producing more than half of that target by next year. It makes a mockery of the tokenism of the Howard Government.

The Federal Government should hang its head in shame. Right from day one the New South Wales Government—indeed all States and Territories—has said that the issue of biofuels requires national leadership. A mandate can be best put in place right across Australia by the Federal Government, but we merely have a lot of sound bites, no action. What is worse, the Howard-Costello Government is passing legislation that will rip the rug out from under our local biofuels industry. What it has done to the domestic biodiesel industry with the recent fuel tax changes is nothing short of policy vandalism. It has killed the future of the biodiesel industry with its scorched earth policy where the environment, jobs and fuel of purity come a distant second to economic rationalism gone mad. And what have The Nationals done about this? Nothing. They carp about the benefits of biofuels—I think Barnaby Joyce made it one of his so-called four pillars—but when it comes to action they are nowhere to be seen. It is all talk and no action, similar to the deregulation of the dairy industry, the flogging off of Telstra and the new industrial relations laws. The Nationals are irrelevant in opposition and powerless in government.

The States and Territories have given up on the Federal Government when it comes to biofuels. That is why this Government will proceed to bring in legislation to ensure that for the first time in Australia there is a biofuels mandate. As the Premier said, the time for talk is over. Now is the time for action. The Government is leading the way when it comes to alternative fuel. Proof of our leadership will be forthcoming during this session of Parliament when we move to legislate this mandate.

The Hon. MELINDA PAVEY [3.48 p.m.]: On behalf of the Opposition I respond to the ministerial statement on biofuels. I am incredulous that this Labor Party Minister is able to stand in this Chamber with a straight face and try to convince us that the Labor Party is in front of this debate. We know that in 2002 the Labor Party did everything it could to derail ethanol as a meaningful resource to the people of Australia with a dirty smear campaign against the use of ethanol in this country. It has taken many years to recover from that position, which was perpetrated by Simon Crean and Mark Latham, the men for whom you have so much respect.

The Hon. Rick Colless: The great Mark Latham.

The Hon. MELINDA PAVEY: The great Mark Latham has gone home to retire on his superannuation.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! Opposition members will cease interjecting.

The Hon. MELINDA PAVEY: They are the vandals in moving this country forward, in environmental sustainable management and in having another fuel option for this country. What the Minister has announced today is too little, too late. During the election campaign the Premier announced the mandating of ethanol of up to 2 per cent. As we said during the election campaign, that is not enough. We have announced an ethanol action plan that includes \$5 million in grants to assist existing service stations to convert infrastructure to allow for ethanol-blended fuels. We took that commitment to the electorate. I will be interested to see whether the task force endorses such a sensible proposal to increase the availability of ethanol-blended fuels.

The Nationals also proposed a marketing plan in cooperation with the NRMA and environmental groups to raise public awareness of and confidence in ethanol-blended fuels. That is a major point because, as I said, the Labor Party did much to denigrate this alternative fuel in the minds of Australian consumers and sabotage the debate. I would like to see, as part of the task force recommendations, a marketing campaign to promote the benefits of ethanol fuels so that we can undo the damage done by the Labor Party. Labor should put its hand into its pocket to undo the damage and sabotage it caused all those years ago. The task force should also look at the idea put forward by The Nationals of the mandatory use of ethanol fuel in all State Government vehicles. My leader put a private member's bill before the Legislative Assembly—

The Hon. Tony Kelly: After the ALP conference.

The Hon. MELINDA PAVEY: No, it was not. The Nationals had the idea first. The Minister should check his records. It was The Nationals' idea and then Labor followed. Labor is a follower; it needs to be a leader.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! Honourable members will cease interjecting.

The Hon. MELINDA PAVEY: The Nationals have led the entire debate, despite Labor's attempts to sabotage and derail it. I am proud of The Nationals, supported by the Liberals. I refer to the latest targets that have been met at the Federal level. The latest advice from the Federal Coalition is that at least 350 million litres of ethanol and biofuels will be produced, which will exceed the original target. In 2006 the reported production of biofuels amounted to 106 million litres. The most recent review stated that the biofuels action plan shows that production volumes should double for 2007, so we can expect an increase to more than 200 million litres of biofuels for this year. That has been brought about by the forward vision and thinking of the Vaile-Howard Government. However, the Federal Government recognises that that is not good enough, and it is pushing industry and working with industry to increase that target. Indeed, the Vaile-Howard Government has invested more than \$100 million to meet a production target of 350 million litres. And the Federal Government thinks that it will achieve that before 2010.

The Hon. Catherine Cusack: That's an action plan. Listen and learn!

The Hon. MELINDA PAVEY: It is an action plan.

The Hon. Tony Kelly: That is just doing what Keating did originally and Howard cancelled. He stopped charging them tax.

The Hon. MELINDA PAVEY: We probably would have met this target earlier if, in 2002, the Labor Party had not destroyed the idea of ethanol as a positive fuel in the minds of Australian consumers. We are creeping back, but we would be much further ahead if the Labor Party had not derailed and sabotaged the debate originally. That is a fundamental point. It is valid to argue that the task force should look at having 10 per cent ethanol fuel in government vehicles. Last year my leader, Andrew Stoner, put an ethanol bill before the Legislative Assembly, and the Labor Party voted against it, including Country Labor members Neville Newell and Peter Black, who are no longer in the Legislative Assembly. Where are they now?

We want action on that. There is potential and capacity for the government fleet to achieve that target, but I would like the task force to look beyond 2 per cent. The Government is mandating 2 per cent. We will reach that target as a result of what the Federal Government is doing, so the figure of 2 per cent will probably be irrelevant. The task force should look at the proposal we took to the electorate, which was ethanol usage of 2 per cent for 2007, 4 per cent for 2008, 6 per cent for 2009, 8 per cent for 2010 and up to 10 per cent for 2011. That is an action plan. That is not just talk; it is action. In any case, we will probably achieve the targets as a result of the Federal Government's work. But we should be working for more and getting the plants built in regional New South Wales. We should be making it happen. Less talk, more action—that is what we need to increase ethanol usage.

ADJOURNMENT

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [3.56 p.m.]: I move:

That this House do now adjourn.

JESSIE STREET TRUST

1967 REFERENDUM FORTIETH ANNIVERSARY

The Hon. PENNY SHARPE [3.56 p.m.]: Jessie Street was a great Australian feminist, a peace activist and an influential campaigner against racial discrimination in all forms. On 20 April I had the privilege of attending the 18th annual Jessie Street Lunch. The annual lunch is held in conjunction with the Jessie Street Trust and the Street family. This year's speaker was Professor Marcia Langton, who spoke intelligently and eloquently about the ongoing failure of the Federal Government to address the real needs of Aboriginal people. Another important part of the lunch was to hear the report back on the outcome of the Jessie Street Trust grant from 2006.

In 2006 the Jessie Street Trust awarded funds to Reconciliation Australia to tell the stories of seven women who organised and campaigned in the lead-up to and during the 1967 referendum campaign to formally recognise Aboriginal people for the first time in the Australian Constitution. The fortieth anniversary of the 1967 Federal referendum is on 27 May this year. The second question asked of voters in 1967 sought changes to the Constitution that would enable the Commonwealth to make specific laws in relation to indigenous people

and to take account of Aboriginal people in determining the population of Australia. This question was resoundingly successful; it was an achievement in itself, given that only eight of 48 constitutional referendums have ever succeeded.

At 90 per cent, the yes vote was higher for this question than for any other referendum question on the Constitution put to the Australian people before or since. This resounding result is widely recognised as a defining moment in our nation's history and a landmark event in the movement for reconciliation between indigenous and non-indigenous Australians. The referendum has been recognised, both then and now, as a victory for all those Australians, both indigenous and non-indigenous, who have sought justice for indigenous people. It is a symbol of what can be achieved by a mass movement for reconciliation in Australia, as many of the leading campaigners were not politicians but ordinary Australians, both indigenous and non-indigenous.

As might be expected in the grassroots movement for social justice, women were frequently found at the fore of the campaign. The Jessie Street Trust 2006 became a project called Women of the 1967 Referendum: A Story Worth Repeating. I put on the record today the contribution that seven women made towards reconciliation in Australia. The scientist Shirley Andrews was the founding secretary of Victoria's Counsel for Aboriginal Rights. She completed much of the work involved in analysing the confusing and complex mix of laws governing the lives of indigenous people in the States and the Northern Territory—work that formed the foundation of the next decade's campaign. Faith Bandler, the daughter of a Pacific Islander forcibly brought to Australia to work on sugar plantations, devoted her life to achieving an Australia in which black and white people could live and work together. She played a leading role in organising the launch of the petition to Parliament that led to the referendum campaign and in establishing a national organisation for the campaign.

Ada Bromham, an ardent feminist and successful businesswoman, had already spent a lifetime championing Aboriginal rights in Western Australia, South Australia and overseas, when in 1958 she established the United Council of Aboriginal Welfare in Queensland at the age of 78. Aboriginal issues were originally brought to the attention of Ada and other Australian feminists by Mary Bennett, the daughter of a pastoralist. She was one of the first to highlight the suffering inflicted on Aboriginal people by policies of State control, particularly the removal of children and the enforced employment of women in domestic service. The conditions of young Aboriginal girls conscripted into domestic service by State authorities was also a central concern for Pearl Gibbs, who began work as a domestic servant herself at 16. Pearl was of the view that the so-called Aboriginal problem was, in fact, a white problem.

Pearl Gibbs's involvement in the referendum campaign was preceded by a lifetime of work as an Aboriginal activist, including participating in the first Aboriginal deputation to a Prime Minister in 1937 and organising the Day of Mourning protest against the celebration of 150 years of white occupation in 1938. Healthy disrespect for the pomp and ceremony of white society was equally characteristic of the career of Oodgeroo Noonuccal, who was one of several indigenous leaders who forged State and national networks of indigenous people and also developed contacts with indigenous people overseas. This work was critical to the success of the referendum campaign. In 1988 she handed back her Order of the British Empire [OBE] in protest at the bicentenary celebrations.

Finally, there was Jessie Street, who inspired the holding of a referendum. Jessie was convinced that the treatment of Aboriginal people breached Australia's obligations under the 1948 Universal Declaration of Human Rights and she was determined that the Commonwealth should have all the powers it needed to rectify this situation. She brought to bear all the contacts, experience and influence she had built up during four decades of work as a leading activist in the women's movement and peace movement on the pursuit of the referendum campaign. As Faith Bandler commented at the time of Jessie's death, "If it were not for Jessie Street, we would never have had the 1967 referendum." I pay tribute to these women and to the Jessie Street Trust for making sure that their stories continue to be told.

ILLEGAL BROTHELS

Reverend the Hon. FRED NILE [4.01 p.m.]: Brothels in New South Wales are a moral stain on our State. Reverend Lindsay Johnstone, Rector of St Luke's Clovelly, Chaplain of Royal Prince Alfred Hospital and Area Dean of Randwick, wrote to me and asked that I raise in Parliament the matter of a brothel located opposite Clovelly Public School. Reverend Johnstone has also raised the matter with Mr Paul Pearce, member for Coogee, who subsequently wrote to the Mayor of Waverley, stating:

It is of great concern that such a "business" should be carried on directly opposite Clovelly Public School.

Reverend Johnstone wrote in his letter to Mr Pearce:

I write to express my concern regarding the use of 18 Arden Street, directly opposite the Clovelly Public School.

You will be aware of recent material in *Crikey* ... the Sunday Telegraph and the Wentworth Courier regarding this address.

I wrote to the Mayor of Waverley Council 10th October 2005. For several years there has been a string of male visitors to one of the rented units there.

There is a security camera monitoring the entrance, and the garden has been so rearranged as to maximise privacy. Members of my family were once asked by police if they were aware of a brothel there. Late in 2005 I was approached by a Compliance Officer of the Randwick Council, but I told him it was in the Waverley Council area. He realised then that he could do no more than direct their enquiry to Waverley Council.

Councillor Mora Main replied to me as Mayor on 1 November 2005 and said they were investigating the matter with the Compliance Section. Subsequently, someone rang me from that office to say that they could not find proof that the premises were being used for prostitution.

However, since then the trail of anonymous male visitors has continued.

The matter is now a talking point amongst nearby residents and among the staff at Clovelly School. 18 Arden Street is close to the pedestrian crossing used by the school children.

As a citizen I would object strongly to prostitution being carried on next to where I live and especially close to a school, or indeed anywhere in the area, as such activities are so destructive to the sanctity of marriage and of families.

Would you please follow up this matter with the relevant authorities, be they the police, the local council, or the state government department that regulates the sex industry.

Regards,
Lindsay Johnstone
St Luke's Clovelly

Reverend Johnstone enclosed an article published in *Crikey* that was written by Chris Seage, former Australian Taxation Office auditor and legal brothel industry lobbyist. The article, dated 30 March 2007 and headed "775 Illegal Brothels", states:

I have organised a little surprise for NSW Premier Morris Iemma and Federal Assistant Treasurer Peter Dutton when they open their mail this morning. I have sent them a list of 775 illegal brothels, nude massage and home prostitution businesses operating under Iemma's nose in NSW.

The list was formulated by private investigators hired by the Adult Business Association NSW, using adult advertising in metropolitan and suburban newspapers as a source. They're illegal because they haven't been granted approval to operate as a sex business under Mr Iemma's NSW Planning Laws.

It is a damning indictment on a government that has sat on its hands and pretended the problem didn't exist. Iemma has promised it would change the brothel laws if he was re-elected but he must act quickly as there are some placed near schools and churches.

Mr Seage expresses concern about the illegal brothel operating in Arden Street, Clovelly and stated further:

Then there is the case of Jo Jo's, an illegal brothel at Pyrmont Bridge Road, Glebe, where their clients were parking in the school car park of the nearby Forest Lodge Primary School. Complaints were made to the Principal of the school and to the Sydney City Council but it is not known what action the Council took.

Mr Seage also refers to Mr Barry O'Farrell, who is an outspoken critic of illegal brothels, in the following terms:

Is he [Barry O'Farrell] aware there is an illegal brothels six doors from his Electorate office on the Pacific Highway at Gordon on Sydney's leafy North Shore? Is he aware of the other one that's nine doors away going the other way? I have written to Iemma's chief of staff seeking a meeting with Mr Iemma to assist with the reform of the brothel industry but he hasn't bothered to reply.

The main area I want to talk about with Iemma is advertising. The lifeblood of the illegal industry is advertising. Without it they die.

The News Limited owned *Daily Telegraph* and News Limited's suburban arm, Cumberland Newspapers, publish a large number of such advertisements. Sometimes the newspapers attack illegal brothels on the front page and have advertisements for brothels, including illegal brothels, in the back pages. Measures must be taken to give local councils the power to close brothels and to restore police powers to close all brothels, legal and illegal. New legislation is urgently needed to stop this form of slavery. If a man has the money, he can buy a woman. New South Wales should be ashamed of such thinking.

PRODUCTIVITY

The Hon. IAN WEST [4.07 p.m.]: Sixty years ago journalist Eric Blair, who is more commonly known as George Orwell, wrote in an essay on the abuse of political language:

Political language is designed to make lies sound truthful and murder respectable, and to give an appearance of solidity to pure wind.

To illustrate his point Orwell singled out the word "democracy", which, he wrote, had no agreed definition but, rather, was used as a term to praise a country. He wrote:

... consequently the defenders of every kind of regime claim that it is a democracy, and fear that they might have to stop using that word if it were tied down to any one meaning.

The person who uses them has his own private definition, but allows his hearer to think he means something quite different.

This abuse of language has not abated. In fact, it has proliferated and continues to confuse, deceive and allow unspeakable acts to look respectable. A specific example in today's debate about industrial relations is the word "productivity"—no doubt a concept with which members of this House are familiar. For some it conjures up images of workers beavering away in factories. For others it represents faster cars and bigger televisions. The definition found in an economic textbook is far more dry. For example, if a worker makes 20 widgets per hour but after doing a course in widget making makes 22 widgets per hour, productivity is said to have increased. However, the most common use of the word "productivity" is found when a speaker wants to convey that he or she has an understanding of the economy that transcends earning a wage, paying off a mortgage and having access to quality health and education. It is a word that gives the air of an insider in the political and economic process. The word is deliberately used to prevent ordinary people from making up their own minds.

It should come as no surprise that this word is constantly used by employer representatives in Parliament when selling anti-worker industrial relations changes to the working people of New South Wales. The issue was taken up by reporter Sally Neighbour in a *Four Corners* documentary entitled *Brand New Workplace*, which aired in 2005. Prime Minister John Howard was caught out as an economic dunce when he tried to explain how his workplace changes would boost productivity. Mr Howard explained productivity not as smarter output but as businesses making more money. Economists gave this analysis an F.

Professor Mark Wooden from the Melbourne Institute of Applied Economics said there was no evidence linking individual contracts to increases in productivity. Griffith Business School's Professor David Peetz said, "The evidence is not there", but also argued "productivity will be reduced because lower labour costs remove the incentive to innovate in skills and technological change—the real drivers of productivity". Even Heather Ridout of the Australian Industry Group—Australia's largest employer union—when asked could not provide any evidence that individual contracts boost productivity.

Interestingly, while the media often quotes collective bargaining business groups talking about WorkChoices and productivity, it is pretty difficult to find a direct quote from a leader of a business group linking WorkChoices to productivity. Why would they? To claim individual contracts are linked to an increase in productivity is plain wrong. The evidence points in the other direction. The mining union easily refuted claims by BHP that individual contracts lead to increased productivity. Official figures show productivity growth in the coalmining industry, which is dominated by collective agreements, is 15 times that achieved in metal mines, which are dominated by Australian workplace agreements. Productivity comes from more skills and technological improvements—not trading away workers' rights.

It is always governments—or taxpayers—who pick up the tab for training, research and development, infrastructure, roads, broadband, telephones, telecommunications and the like. Ask the Federal Treasurer. Taxpayers foot the bill for productivity. In today's *Australian Financial Review* Heather Ridout acknowledged that the Federal budget's infrastructure initiatives would contribute to lifting the speed limit of the economy by enhancing Australia's productive capacity. We will not read it in the newspapers, but John Howard and Peter Costello have been caught with their pants down. [*Time expired.*]

KINGS CROSS MEDICALLY SUPERVISED INJECTING ROOM

Reverend the Hon. Dr GORDON MOYES [4.12 p.m.]: The Christian Democratic Party has always strongly opposed the Kings Cross injecting room. It was opposed to its establishment in 2001 and it remains

opposed to it. Our opposition is based on one fundamental principle: drug addiction can be curtailed only through preventative measures such as detoxification, treatment and rehabilitation. It is beyond comprehension how this facility, a veritable licence for illegal drug consumption, is able to help drug users kick their addiction. It simply provides a legal rubber stamp for users to continue their deadly habits.

What have been the so-called benefits of the injecting room to date? Newspaper reports have in no uncertain terms painted a glowing picture of the success of the centre, saying, for example, that 1,700 overdoses had occurred on the premises without one fatality. How can it be claimed that this statistic is a success? The addiction has not changed. The addiction remains to be fed. At some point on some day the voices will call again for satiation and the injecting room may not be there to save lives. It is indefensible to argue that the injecting room saves lives when it encourages addictions that are highly likely to lead to emotional and physical death.

Unfortunately, two other countries have followed the example of New South Wales, setting up injecting facilities heralded as the answer for drug users. Canada created INSITE, and the United Kingdom also has a similar facility. In the current issue of the *Journal of Global Drug Policy and Practice*, Dr Colin Mangham, one of Canada's foremost leaders in the theory and practice of drug prevention, draws out the problems and failings of injecting facilities such as these. His article is interesting because it takes an unusual slant; it analyses a number of evaluations that have been conducted on these types of injecting rooms. The article concludes that an apparent bias exists for the retention of these facilities, backed by proponents of the philosophy of harm reduction. Policy pundits, the media and others have lent their partiality to encourage the retention and expansion of these facilities without fully considering the implications of harm-reductionist strategies. The article states that evaluations of these injecting rooms include:

... considerable overstating of findings as well as underreporting or omission of negative findings, and in some cases the discussion can mislead readers. The reports show no impact on the key issues that would most warrant its existence ... getting clients into treatment and off of drugs, reducing overdose deaths.

Earlier this year, Drug Free Australia released a report that brings some sanity to the discussion of the so-called merits of the centre. For example, the very success lauded by the medically supervised injection centre that over 1,700 overdoses did not result in one death fails to mention the overdose rate in comparison to the rate on the streets of Kings Cross, the overdose rates of injecting room clients before they enter the injecting room and the rates in comparison with Australian national estimates of rates of overdose.

Drug Free Australia found that the rate of overdose in the injecting room is 36 times higher than on the streets of Kings Cross, at least 40 times higher than the injecting room's clients' previous history and 49 times higher than estimated national overdose averages. This begs the question: Why so many overdoses in the injecting room? The injecting room's own evaluation stated:

In this study of the Sydney [injecting room] there were 9.2 heroin overdoses per 1000 heroin injections in the MSIC, and this rate of overdose is likely to be higher than among heroin injectors generally. The [injecting room] clients seem to have been a high-risk group with a higher rate of heroin injections than heroin injectors who did not use the [injecting facility], they were often injecting on the streets, and they may have taken more risks and used more heroin in the MSIC.

This is but one example of how success is communicated without the full facts being conveyed at the same time. The injecting room does nothing to rehabilitate or to wean people away from their drugs. The final evaluation of the Sydney injecting room will be released in mid-2007. It is advisable that members look behind the glowing reports that are expected to be delivered and question whether the room has facilitated healthy and successful lives. We contend it has not.

CANBERRA AIRPORT FLIGHT PATH RESIDENTIAL DEVELOPMENT

The Hon. MELINDA PAVEY [4.17 p.m.]: I simply say to the New South Wales Minister for Planning, Mr Sartor, and the Queanbeyan Council and the developer: Think smart, do not think about lining the pockets of one developer, placing at risk the future operation of Canberra Airport and potentially undermining an appropriate noise-sharing arrangement that benefits all. Why place all of this at risk to please a self-interested developer? That is the crux of the matter. They are not my words. They are the words of Martin Ferguson, the Federal Labor shadow Minister for Transport and Tourism. Martin Ferguson is laying down the law to the Australian Labor Party because he is on this matter, I believe, a man of absolute principle. He has put forward the correct argument—that it is not smart to allow development under a flight path. I congratulate Martin Ferguson on that.

A decision on the development referred to by Martin Ferguson was expected in November 2006, but no decision was forthcoming from Minister Sartor, who said it should take him only a couple of weeks to make a decision. But there was no decision in November, as promised by the Minister and the Iemma Labor Government. Then it was said that there would be a decision before the election, but there was not. The decision was made five weeks after the election, on 27 April, and development under the flight path of Canberra Airport was slipped through.

Why would this have happened? It is important to point out that the developer involved in this development, the Village Building Company, has been incredibly generous to the New South Wales Labor Party. I have no beef with this developer; he has had to do what he has to do in New South Wales. But it is worth pointing out what the developer has had to do in New South Wales to get this development through, despite the findings of an independent land release inquiry that said the development should not happen.

The developer had to do things like providing rugby league and rugby union tickets—indeed, rugby union grand final tickets—to the local member, Steve Whan. The public record has also revealed that the Village Building Company has had to donate more than \$80,000 to the New South Wales Labor Party, including to Mr Whan's campaign, over the past four years. I wonder whether a development as controversial as this would have been approved if not for the action that the developer had to take to keep the development on the books of the planning Minister, Frank Sartor. It is all the more pertinent, therefore, to reflect on the comments of Martin Ferguson, who stands quite alone within the Labor Party as a man of principle, putting forward the very proper argument that it is not particularly clever to allow a development to proceed under a flight path.

It is also relevant to mention that Air Services Australia is in the process of considering an adjusted flight path for Canberra Airport. A decision on that issue is due in a couple of weeks. The relevance of that is that there is potential for the residents of Jerrabomberra, a suburb affected by aircraft noise, to have almost total relief if the aircraft noise moves to where the Village Building Company is proposing to develop the land that has now been approved by Frank Sartor for development. However, I suspect that there is still some way to go before anything is resolved in this regard. Holding back development in the Queanbeyan area is the extremely important question of water provision. We are yet to see the signing of a cross-border settlement strategy that will guarantee water for this development. The odds are that Jon Stanhope, the Australian Capital Territory Labor Chief Minister, who is furious about this development under the flight path—and for good reason—will hold back the water that would allow this development to go ahead. So all those who are waiting for community facilities at Queanbeyan will be waiting for some time. There is a lot more to be said on this issue.

INAUGURAL SPEECH

The PRESIDENT: Order! I remind members that the Hon. Trevor Khan is about to make his first speech in this place. I ask members to extend to him the usual courtesies.

The Hon. TREVOR KHAN [4.23 p.m.] (Inaugural Speech): Mr President, as this is my inaugural speech may I take this opportunity to thank honourable members and all the officers and staff of the Legislative Council for the assistance and advice given to me during recent weeks. I observe that I was the last person elected to this Chamber but, ironically, I am the first of the new members to make an inaugural speech. With no compatriot's speech to model mine upon, I must admit that I have scoured *Hansard* to see what others before me have said. Indeed, I have sought and been given advice from members on both sides of this Chamber as to what I should, and should not, say.

It would seem that the general advice is that I should attempt to give members some insight into myself, and also to thank those who have been of assistance to me in reaching this place. I will therefore start with the latter task and then move to the former. I start by thanking my wife, Libby, for her support over the 21 years of our marriage. Lib has supported me through thick and thin, whilst at the same time maintaining her own full-time employment. Lib is not just my wife; she is my confidante, my friend, my rock. I thank her from the bottom of my heart.

It is indeed an honour and a privilege to be elected to the Legislative Council. In no small part my elevation is due to the efforts of the many members of my own party, The Nationals. There are far too many people within the party whom I have to thank, and should I start to I run the risk of forgetting someone and perhaps offending them. I will take that risk, however, and first mention someone who is no longer with us. I speak of the late Sir Adrian Solomons, MLC. It was Sir Adrian who in December 1985 first interviewed me for a job as a lawyer. At that time he was a consultant to his former firm, Everingham Solomons, and being in

Sydney he was given the task of running the ruler over me. I well remember climbing the steps of this Parliament on a day in December 1985 and waiting for Sir Adrian to meet me in the foyer. It was my very first visit to this Parliament. A kind man with a generous smile and bright eyes eventually greeted me. I grew to know Sir Adrian as a thorough gentleman with a sharp mind and true compassion for his fellow man.

There are two other people whom I should thank. The first is Senator Sandy Macdonald, and the other is Mr Jim Booth. Both have stood by me over my many years of involvement in the party, and both have encouraged me to seek higher office. I thank them both. I must, however, thank the wider membership of The Nationals. The energy and dedication of the membership of the party was demonstrated in the last election. In the lead-up to the election that energy and enthusiasm was shown in the preselection process. In a seat such as Tamworth 100 ordinary members showed up to participate in the truly democratic process of selecting a candidate.

This was a preselection in which every member of the party branches in an electorate with more than six months membership was entitled to come along and vote, and vote they did. In electorates such as Barwon as many as 300 ordinary members attended and took part in the preselection process. This was true democracy in action by a party that actively encourages that process.

The quality of the candidates preselected was unsurpassed. Not only did we see Geoff Provost in Tweed, John Williams in Murray-Darling, and Kevin Humphries in Barwon but we also saw preselected candidates such as Kevin Anderson in Tamworth, Trevor Hollingshed in Cessnock, Leslie Williams in Port Macquarie, Greg Matthews in Dubbo, Susan Williams in Bathurst, and David Madew in Monaro. All these candidates gave generously of their time and energy. All committed to doing their best in the election, and met that commitment in spades. Not one of these candidates was preselected simply to fill a place on the ballot paper. All candidates were there to win, and all fought to achieve that objective.

The success of the party was demonstrated not only by the efforts of the candidates but also by the party membership. In a seat such as Tamworth, on election day almost 290 people gave generously of their time as booth workers. This level of commitment and energy was repeated in each of the seats contested. Once again it was a demonstration of true participatory democracy.

I well remember the words of my friend and mentor Duncan Maclean. Duncan is a lawyer who practises his profession with dignity and style and lives by the adage, "You always gain the most satisfaction by fighting the fight you think you cannot win." Duncan taught me that the most important thing is for your client to know that you have done your best. He also demonstrated that there are still people of principle and enormous talent within my profession.

What I have also learnt over the past 20 years is that our justice system is perhaps one of the best in the world. Certainly there are deficiencies, but it is composed of a body of men and women committed to ensuring that the system works. I fear that all too often criticisms are made of the system by people who have no experience of it, with an eye more to the next headline than upon achieving beneficial change. There are principles in our system that appear to be under threat. The growth of strict liability offences, the shifting of the onus of proof, the lessening of the criminal standard of proof, are all matters of concern. Of equal concern is the trend to remove decision making from the judiciary and place responsibility with members of the executive or quasi-judicial tribunals. All these moves involve a lessening of the protections previously available to the ordinary citizen and must therefore be resisted.

However, I feel in detailing my legal career it is only fair that I pay tribute to the many hardworking and talented teachers who saw me overcome early difficulties to eventually enter this profession. I was privileged to attend what was then a small private school, The Illawarra Grammar School in Wollongong. That school provided me with a quality education throughout the time of my schooling from 1962 until the completion of my Higher School Certificate in 1975—in fact, 11 November 1975 was the day of my final economics exam. There can be no doubt that it is the teachers in the early years of my education who are owed the greatest debt, for it was those teachers who identified a reading difficulty which was then simply described as dyslexia.

I well remember those times in the special reading classes. I well remember as a child my school friends speeding along in their reading exercises whilst I struggled with much simpler tasks. It was a difficult and embarrassing time. As I say, if it were not for those teachers who identified my difficulties I may well not have had the opportunity for the higher studies that I have had. But my gratitude to the teaching profession does

not end there. As a result of my university years I became a firm believer in the values of the State public education system. This belief in the public education system arose for a number of reasons, but principally because of the significant contribution that a public education system plays in ensuring the homogeneity of our society.

Let me add also, for those who believe in the dreams of Menzies, that a quality education system is one of the great levellers in our community. A quality public education system can help lift those who are less fortunate from their poverty and disadvantage and give to them the chance to share in the wealth and opportunity of our community. My belief in the benefits of the public education system came to be tested when it was time for my children to attend school. Both my children first attended Tamworth Public School and then Oxley High School.

My daughter, Jen, has completed her secondary schooling and is now at university studying to be a physical education teacher. Her achievements are in no small part due to the dedication, support, nurturing and commitment of her teachers. My son, Nick, still attends Oxley High School and he also receives a level of professional tuition and care that I believe is difficult to match. If it were not for the quality of care that my son receives, if it were not for the positive influences that his school has had upon him, I do not believe it would be possible for me to leave my family in Tamworth and travel to sit in this Chamber.

Plainly, my personal gratitude to the teachers is important, but, equally, the deficiencies in the funding and management of the public education system are all too often taken as a criticism of the educators themselves. I welcome the opportunity to say our teachers need our support. I, for one, will happily spend my time in this Chamber repeating the message that we cannot let our teachers down.

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

Motion agreed to.

The House adjourned at 4.34 p.m. until Thursday 10 May 2007 at 11.00 a.m.
