

LEGISLATIVE ASSEMBLY

Friday 30 October 2009

The Speaker (The Hon. George Richard Torbay) took the chair at 10.00 a.m.

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PETITIONS

The Clerk announced that the following petitions signed by fewer than 500 persons were lodged for presentation:

Tumut Hospital and Batlow Multiple Purpose Service

Petition asking that vital equipment be provided immediately to both Tumut Hospital and Batlow Multiple Purpose Service, received from **Mr Daryl Maguire**.

Tumut Renal Dialysis Service

Petition asking that the House support the establishment of a satellite renal dialysis service in Tumut, received from **Mr Daryl Maguire**.

Wagga Wagga Base Hospital

Petition requesting funding for and the commencement of construction of a new Wagga Wagga Base Hospital in this parliamentary term, received from **Mr Daryl Maguire**.

Bus Service 311

Petition requesting improved services on bus route 311, received from **Ms Clover Moore**.

Pet Shops

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

Game and Feral Animal Control Amendment Bill 2009

Petitions opposing the Game and Feral Animal Control Amendment Bill 2009 in its entirety, received from **Ms Clover Moore** and **Mr Richard Torbay**.

Berowra Police Station

Petition opposing the closure of Berowra Police Station and requesting an increase in the number of officers to man the station, received from **Mrs Judy Hopwood**.

National Parks Tourism Developments

Petition opposing the construction of tourism developments in national parks, received from **Ms Clover Moore**.

The Clerk announced that the following petition signed by more than 500 persons was lodged for presentation:

Iron Cove Bridge Project

Petition opposing the construction of an additional bridge over Iron Cove, received from **Ms Gladys Berejiklian**.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to section 12A of the Annual Reports (Statutory Bodies) Act 1984, of the report of the Audit Office of New South Wales for the year ended 30 June 2009.

BUSINESS OF THE HOUSE

Business Lapsed

General Business Notices of Motions (General Notices) Nos 498 and 499 lapsed pursuant to Standing Order 105 (3).

COMMISSION FOR CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2009

Bill introduced on motion by Mr Barry Collier, on behalf of Mr Graham West.

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.03 a.m.]: I move:

That this bill be now agreed to in principle.

To protect children, the most vulnerable members of our communities, governments across Australia have established working with children checks. For these checks to be effective, we need access to complete and reliable criminal history information. Currently, the variations in legislative arrangements in Australian States and Territories mean that jurisdictions cannot release full criminal histories to other jurisdictions for their working with children checks. The bill implements the agreement made by the Council of Australian Governments [COAG] on 29 November 2008 to enable a full and consistent exchange of information between the States, Territories and Commonwealth about the criminal history of people working with children. COAG has agreed that legislative barriers to the release of full criminal history information for working with children checks will be removed by all jurisdictions. COAG agreed also that jurisdictions should provide to each other, on a one-year trial basis, background information about relevant criminal history information so that working with children check screening units can better assess the risk presented by a person with a criminal record.

New South Wales needs to make some minor amendments to the Commission for Children and Young People Act 1998 and the Criminal Records Act 1991 to make sure we can release criminal history information to all jurisdictions for the working with children check. The bill amends the Commission for Children and Young People Act 1998 to allow for the interjurisdictional exchange of the following criminal history information for working with children checks: convictions, including pardoned, quashed and spent convictions; pending charges and non-conviction charges, including acquittals and withdrawn charges; and, on a one-year trial basis, circumstances information, including details about all charges and convictions, that is held by police. Circumstances information may include information such as whether a child was the target of an offence or was otherwise impacted by an offence. Such information will help in assessing whether a person who wants to work with children will pose an unacceptable risk to the safety of children.

The consequent amendment to the Criminal Records Act 1991 proposed by the bill will facilitate this exchange of criminal history information for working with children checks. Because of the range of information being exchanged, the working with children check in all jurisdictions is subject to stringent safeguards to ensure that the information is dealt with appropriately and to limit any potential misuse of the information. Furthermore, participation in the information exchange will be governed by an intergovernmental agreement between the States, Territories and Commonwealth. Only screening agencies that meet stringent participation requirements can receive information through this exchange.

These participation requirements will ensure that the New South Wales Police Force will release extended criminal history information to an interstate screening agency only if that screening agency is authorised by the Government of the State or Territory in which they operate to conduct working with children checks; has a legislative basis for screening that prohibits further release or use of the information; complies with the relevant privacy, human rights and records management legislation; has policies that reflect principles of natural justice; and has evidence-based risk assessment frameworks and appropriately skilled staff to assess the risks to children. The bill is part of an information exchange between all jurisdictions. The participation of New South Wales in this exchange will strengthen our current working with children check system. This will mean that employers can make more informed decisions about employing the right person in child-related employment. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a future day.

PASSENGER TRANSPORT AMENDMENT (TAXI LICENSING) BILL 2009

Bill introduced on motion by Mr Barry Collier, on behalf of Mr David Campbell.

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.10 a.m.]: I move:

That this bill be now agreed to in principle.

There are not many things that members of this House agree upon, but this has to be one of them. There are not enough taxis on the road and we need to grow the taxi fleet to provide better taxi services for our community. It is as simple as that. Taxi services play an important niche role in the provision of public transport services, carrying more than 170 million passengers each year across the State. They deliver on-demand door-to-door services, 24 hours a day, seven days a week. Taxis are especially important to people who may not have access to or be able to drive a car, such as visitors and tourists, people on low incomes, people with disabilities and the elderly.

Passengers place a high value on the personalised service that the taxi industry provides, with demand for taxi services growing with our communities. For some time, however, growth in the taxi fleet has not kept pace with growth in demand for services. Long-term passenger demand growth is estimated to be around 3 per cent to 4 per cent, while the take-up of new licences has been around 1 per cent per annum. Simple arithmetic tells us that there is a shortfall in the number of taxis required to meet passenger demand for services. This is borne out in what the community is telling us: people are frustrated because they cannot get a taxi, especially at peak times such as changeover or on a Friday or a Saturday night; wheelchair passengers, despite marked improvements in response times with the introduction of the driver incentive payment, are still waiting longer for a taxi than a standard taxi passenger; and business people, who have acknowledged that fleet growth needs to meet growth in passenger demand, tell us that if people cannot rely on getting a taxi when they need one, they will turn to alternative service providers.

Generally the industry does a good job but almost everyone has a story of a bad experience trying to get a taxi. Records from the complaints line of NSW Transport and Infrastructure tell some of the worst of those stories. We also know that the high cost of taxi licences is pushing up taxi fares and reducing the affordability of taxi services. In the past 12 months, the price of an ordinary Sydney licence has increased by 16 per cent, to \$414,000, and this is not sustainable. According to the Independent Pricing and Regulatory Tribunal, licence costs are the second-largest input into increases in metropolitan taxi fares. This is a double-edged sword for the industry. The more expensive taxi fares are, the fewer people tend to use the services. This inevitably impacts on the long-term viability of the industry.

Ongoing increases in licence costs, with commensurate increases in fares, could lead to the industry effectively pricing itself out of the transport market. If taxi fares are too expensive and there is a demand for service the reality is that competing providers will find ways to fill the gap. In recent years there has been a proliferation of shuttle and other services to and from popular destinations, such as the airport, the casino and clubs. The hire car industry is actively competing for passengers in the pre-booked door-to-door market. Even non-transport service providers, such as long-term car park operators near the airport, are looking for ways to

target increasingly budget-conscious consumers. In some cases it can be cheaper to park at one of these stations than pay the cost of the return taxi fare. On the other hand, the evidence available from other jurisdictions suggests that when services are more reliable and more affordable more people will use them.

The Government's reforms are a good thing for the industry as a whole, especially as the Government intends to manage changes to the pricing of new licences so that there will be a gradual and sustainable increase in the taxi fleet. But let us be clear: The Government does not want a flood of new licences on the market. Experience in other jurisdictions has shown that in the long run this does not benefit anybody. We do not want an influx of fly-by-nighters who get in hoping to make a quick buck and leave almost immediately, making it harder for existing participants to make a reasonable living and dragging down service quality. Instead, we want gradual, sustainable growth in taxi licences. The Government wants to attract new entrants who are keen to invest for the long term in building a business and being part of the taxi industry, and it wants to provide opportunities for lessee operators and experienced drivers to take up a new licence and become their own boss. The Government also wants to meet existing growth in passenger demand for services and, at the same time, encourage more people to use taxi services as an alternative to driving their cars.

The Rees Government's taxi licensing reform package, which the Minister for Transport announced on 7 October this year, achieves the balanced and responsible approach to delivering fleet growth that is needed. The major element of the reform package, and the main thrust of this bill, is the creation of a new category of non-transferable taxi licences, which will be able to be renewed each year as long as the licence holder meets the necessary conditions. This licence will be available, on commencement of the new legislation, in the Sydney metropolitan area, replacing the existing "ordinary" transferable and renewable licence and "short-term" non-transferable and non-renewable licence categories.

Whilst the bill creates the potential for the new licensing arrangements to be rolled out across the State, the intention is to start the rollout in the Sydney metropolitan area before other areas. This recognises that not all areas are alike, and each region has its own supply and demand issues. The introduction of the new licence means that in Sydney, and any further areas eventually covered by the new arrangements, there will no longer be non-renewable taxi licences available. This means greater certainty for those wanting to take up new licences. It also means that, for the first time, no further new transferable licences—that is, licences that can be sold on the secondary market—will be issued.

This is a central plank in the Government's reform proposal as it takes the industry in a new direction: one in which the primary focus is on building a business based on delivering services to passengers, rather than on the underlying capital value of the licence. The message is that if you want to take up a new licence you must run a taxi service to make a return. The Government also recognises those who hold an existing licence so they can continue to operate, and they will continue to do so on the same terms and conditions as they do now. The bill allows for the fee for the new annual licence to be determined by the Director General of NSW Transport and Infrastructure and, as is currently the case, there will be no cap on the number of new licences that may be issued.

Instead, the market will determine how many new licences will be taken up, based on commercial decisions about the price of the licence, the availability of drivers and passenger demand. Because we are not capping the number of licences that may be issued, consistent with obligations under the national competition policy, we understand that the price at which the new licence will be available is critical to meeting our objectives of achieving steady and sustainable fleet growth to meet demand for services, while managing any impacts on existing industry participants including the holders of transferable licences.

That is why the Government is setting the new licence fee for standard taxis in Sydney at a level that balances the existing plate and lease values, while also encouraging more people into the industry. The Government will be announcing the annual fee shortly. Wheelchair-accessible taxi licences will still be available for \$1,000 a year in metropolitan areas, and will continue to be free in country areas. When managed carefully, price can be as effective a regulator of licence take-up as a limit on supply, with the advantage of still allowing the market the flexibility to respond appropriately to increases in demand for services. NSW Transport and Infrastructure will closely monitor the impact of the new arrangements to ensure that the core objectives of the Government are being met. This means that we simply do not need a cap on licences to achieve the steady and sustainable fleet growth we are aiming for.

Under the bill, existing transferable licences will continue to be able to be operated, renewed and bought and sold on the open market. These reforms are about putting more cabs on the road in a gradual,

sustainable way to improve services for customers and the long-term viability of the industry. They are not about taking away the rights of those already in the industry. In fact, a key objective of the reform package is to ensure that the rights and conditions of existing licence holders are put beyond doubt. The bill makes it clear that "ordinary" and "short-term" licences will continue to operate until the expiry of their terms. Ordinary licences can be renewed and transferred in accordance with the relevant provisions of the Act. Short-term licence holders will be able to obtain one of the new licences on the expiry of the term of their existing licence. The bill also makes clear that "perpetual" licences are valid licences and that they are, indeed, perpetual—that is, they will remain in force unless they are surrendered or lawfully cancelled under the Act. Like "ordinary" licences, the bill makes it clear that they may also be transferred in accordance with the relevant provisions of the Act.

These licensing changes also provide the opportunity to finally put to bed concerns about the "nexus" licences. The lack of clarity around the operating conditions of these licences needs to be addressed, and so the bill provides that, as a statutory condition of "nexus" licences, the paired WAT licences must be operated; the "nexus" licence and its WAT pair may only be transferred together; and the licences may only be transferred to another network that is an accredited operator. This means that current nexus licence operators can continue operating and supporting those requiring wheelchair accessible taxis. It also enshrines in the Act the conditions under which it is generally understood that these licences were issued and these conditions will be actively enforced by NSW Transport and Infrastructure.

This bill represents an important step towards better taxi services for passengers and assuring the long-term viability of the taxi industry. It represents a balanced, measured approach to licensing reform that will deliver real, longstanding benefits. I call on the members opposite to get behind the Government's reform package and I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a future day.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The Acting-Speaker (Mr Thomas George) tabled, pursuant to section 78 of the Independent Commission Against Corruption Act 1988, the annual report for the year ended 30 June 2009.

Ordered to be printed.

POLICE INTEGRITY COMMISSION

Report

The Acting-Speaker (Mr Thomas George) tabled, pursuant to section 103 of the Police Integrity Commission Act 1996, the annual report for the year ended 30 June 2009.

Ordered to be printed.

STATE REVENUE LEGISLATION FURTHER AMENDMENT BILL (NO 2) 2009

Bill introduced on motion by Dr Andrew McDonald, on behalf of Mr Jospheh Tripodi.

Agreement in Principle

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [10.22 a.m.]: I move:

That this bill be now agreed to in principle.

The New South Wales Government is committed to having best-practice revenue laws. The State Revenue Legislation Further Amendment Bill (No 2) 2009 is the latest in a series of legislative proposals that improve these laws. The bill makes important amendments to State tax Acts both to protect the revenue and improve compliance and administration. The bill amends the Payroll Tax Act 2007 and the Duties Act 1997. I will deal

firstly with the amendments to payroll tax. The bill amends the jurisdictional nexus provisions of the Payroll Tax Act for payments of tax where an employee performs services partly in New South Wales and partly outside New South Wales. These amendments were agreed to by all State and Territory Commissioners of State Revenue and announced on 16 June 2009. The new provisions commence from 1 July 2009 for the 2009-10 financial year.

The payroll tax legislation has always contained nexus provisions designed to avoid double taxation on the same wages. Until now, liability has been based on where the services are performed and where the wages are paid. However, with the growth in electronic funds transfer, it is now common for employees to have their wages paid to more than one account and in jurisdictions other than where they performed services. These banking processes have made the administration of payroll tax more complex. The new nexus provisions that I will outline here will apply new principles and tests to counteract this complexity. The primary nexus test will continue to apply the principles currently used to determine initial liability. That is, if employees provide services wholly in one State or Territory, then payroll tax is payable in that jurisdiction. This test applies to approximately 90 per cent of the workforce in New South Wales.

The new tests apply where employees provide services in more than one jurisdiction, such as interstate truck drivers. In such cases, a secondary nexus test will apply so that tax will be payable in the jurisdiction where the employee has his or her principal place of residence. Where an employee does not have an Australian principal place of residence, a tertiary nexus test will apply determined by the ABN registered address of the business. If this does not apply, then further tests relating to the place of payment of the wages will be used. In order to allow employers to adjust to the new arrangements it will be permissible for anyone facing such transitional issues to make any necessary adjustments without penalty as part of the annual reconciliation process for the 2009-10 assessment year. These changes will be adopted by all States and Territories in the spirit of payroll tax harmonisation.

The bill also includes amendments to the Duties Act to continue the implementation of landholder duty. The new landholder duty replaced land rich duty on 1 July 2009 and imposes transfer duty on acquisitions of significant interests in companies and unit trusts that own land in New South Wales with a value of \$2 million or more. The current landholder provisions in New South Wales impose duty only on the acquisition of the legal entitlement to an interest in a landholding entity. The widespread use of trustees and custodians to hold interests in companies and unit trusts could result in an unintended liability to landholder duty. The bill addresses this by providing that the interests of certain trustees will be ignored so that landholder duty is imposed only on changes of beneficial ownership in landholding companies and trusts. The bill also amends the land value threshold test for landholder duty.

The current provisions apply to companies or trusts owning land in New South Wales with an unencumbered or improved value of \$2 million or more. To enable taxpayers to easily determine whether the landholder provisions apply, the bill provides that where the landholdings have a land value for land tax purposes, the unimproved value will be used for the purposes of the \$2 million threshold test. This change will have the effect of significantly raising the threshold at which interests in companies that hold land will have a potential liability to landholder duty.

The bill includes two new revenue protection measures for landholder duty. The first relates to debt interests. The interest of a creditor such as a mortgagee is not treated as a dutiable interest for the purposes of landholder duty. This exclusion is being exploited by the creation of interests that give the holder the right to most of the income and distributions from the company or trust, but no entitlement on winding up. Holders of these interests have an entitlement that is economically equivalent to an equity interest in the landholder. The bill clarifies the creditor exclusion by applying tests used in the Commonwealth Income Tax Assessment Act 1997 to distinguish between debt and equity interests to determine which interests are dutiable interests for landholder duty purposes.

The second revenue protection measure relates to the timing rules used to determine when an interest is acquired. These rules have been abused in some cases by delaying the full payment of the purchase price, sometimes indefinitely, thereby avoiding duty on the acquisition. The bill clarifies that an agreement for sale of an interest in a landholder is taken to be completed 12 months from the date of the agreement unless it is otherwise completed before that date. Finally, the bill includes two amendments to the Duties Act that affect the duty on changes of ownership of land regardless of whether by direct or indirect means. The bill clarifies the types of mining interests that are included as interests in land for duties purposes. In addition, consistent with the Intergovernmental Agreement on Federal Financial Relations, it provides that carbon sequestration rights are not interests in land for the purposes of the Duties Act.

Amendments contained in this bill have been the subject of consultation with professional and industry bodies, including the Institute of Chartered Accountants and CPA Australia, the Law Society of New South Wales, the Property Council of Australia and the Taxation Institute of Australia. I wish to thank those organisations for their assistance in preparing this legislation. The amendments introduced by this bill will improve State tax Acts by increasing consistency with other States and Territories, while protecting the revenue bases for both payroll tax and landholder duty. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a future day.

CHILDREN (CRIMINAL PROCEEDINGS) AMENDMENT (NAMING OF CHILDREN) BILL 2009

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.30 a.m.]: I move:

That this bill be now agreed to in principle.

As this bill was introduced in another place on 22 October 2009 and is in the same form, the second reading speech appears at pages 46 to 49 in the *Hansard* galley for that day. I commend the bill to the House.

Mr GREG SMITH (Epping) [10.32 a.m.]: I lead for the Opposition in debate on the Children (Criminal Proceedings) Amendment (Naming of Children) Bill 2009 and state at the outset that the Opposition does not oppose the bill. This bill amends the Children (Criminal Proceedings) Act with the stated purpose of rewriting the existing offence of publishing or broadcasting a person's name in a way that connects that person with criminal proceedings involving children. The bill provides the following changes to the Act. The said offence will be limited to publication or broadcast to the public or a section of the public. The overview of the bill states that this will make it clear that the offence does not extend to limited publication and broadcast such as by police radio.

A specific exemption is included for the proper exercise of official functions by court staff. A child who is over 16 will be able to consent to the publication or broadcast of his or her name only if the consent is given in the presence of a legal practitioner of the child's choosing. A court deciding whether to authorise the publication or broadcast of the name of a person being sentenced for a serious children's indictable offence will be required to have regard to a number of specified matters rather than the previous test requiring a court to be satisfied that the probative value of making the order is not outweighed by the prejudicial value of publication, and that publication is in the interests of justice. If there is no senior available next of kin who can consent to the publication or broadcast of the name of the deceased child, the court will be able to give that consent if it is in the public interest.

In April 2008 the Legislative Council Standing Committee on Law and Justice released its report on the prohibition of the publication of the names of children involved in criminal proceedings. This report dealt with the existing prohibition on naming children who are involved in criminal proceedings and, more specifically, with section 11 of the Children (Criminal Proceedings) Act 1987. The committee recommended retention of the current prohibition and a number of amendments to section 11. The summary of the recommendations is as follows.

Recommendation 1

That the NSW Attorney General seek co-operation from the Attorneys-General in other states and territories in implementing a consistent prohibition relating to the publication of names of children involved in criminal proceedings regardless of in which state those criminal proceedings occur.

That is a reasonable recommendation because the media in this country has no real boundaries. We can look at publications in the Western Australian media instantaneously and people in Western Australia can look at our publications. The summary of the recommendations continues:

Recommendation 2

That the NSW Police Force identify an existing office within the NSW Police Force, such as the Office of the General Counsel, to be the primary recipient of all complaints relating to breaches of section 11 of the Children (Criminal Proceedings) Act 1987 (NSW). The identified office should be responsible for investigating the complaint and forwarding a brief of evidence to the Office of the Director of Public Prosecutions.

Recommendation 3

That the NSW Police Force ensure that staff of the NSW Police Force and key organisations likely to become aware of breaches of section 11 are aware of the responsibilities of the office identified as the primary recipient of all complaints relating to breaches of section 11 of the Children (Criminal Proceedings) Act 1987 (NSW).

Recommendation 4

That the NSW Government amend section 11 of the Children (Criminal Proceedings) Act 1987 (NSW) to extend the prohibition on the naming of juveniles involved in criminal proceedings to cover the period prior to charges being laid and to include juveniles who are reasonably likely to become involved in criminal proceedings. The current wording within the Act that identifies the commencement of the prohibition as being the point at which charges are laid or a court attendance notice is issued should be removed. The new wording of the Act should make it clear that the prohibition commences at the moment a juvenile becomes the subject of, or is reasonably likely to become the subject of, police activity, including a juvenile about whom inquiries are being made, a juvenile from whom information is being sought, or a juvenile who is identified as a person of interest, or a juvenile who is a suspect or who is arrested.

Probably more apposite is a juvenile who has been murdered or who has been the victim of some other form of homicide, such as manslaughter. Often they are the ones who are identified, somebody is charged and the current provisions come into operation to prohibit publication of that deceased child's name. The summary of the recommendations continues:

Recommendation 5

That the NSW Government amend section 11 of the Children (Criminal Proceedings) Act 1987 (NSW), including any extension recommended in this report, in such a way as not to limit legitimate law enforcement and investigative activities conducted by the NSW Police Force particularly in relation to the use of internal communication channels.

Recommendation 6

That the NSW Government amend section 11 of the Children (Criminal Proceedings) Act 1987 (NSW) to include the requirement that 16 to 18 year olds involved in criminal proceedings who wish to give permission for their name to be published can only give that permission in the presence of an adult, other than a member of the police force, who is present with consent of the child, or an Australian legal practitioner of the child's choosing.

Recommendation 7 states:

That the NSW Government consider the feasibility of applying the protections of section 11 of the *Children (Criminal Proceedings) Act 1987* (NSW) to civil matters.

Recommendation 8 states:

That section 11 of the *Children (Criminal Proceedings) Act 1987*, including any amendments recommended in this report, be worded in such a way as not to limit the legitimate activities of judicial officers and court staff conducted in the normal course of their work, and in particular not hinder their ability to post court lists, call defendants to court and request reports and other information relating to defendants.

The bill has implemented some, but not all, of the recommendations and has inserted a new division containing new sections 15A to 15G, which essentially rewrite section 11. New section 15A essentially rewrites section 11 (1). However, new section 15A (2) updates the application of a section to include broadcast or publication on the Internet. New section 15C (3) provides for the matters to which a court is to have regard in deciding whether to authorise the publication or broadcast of a person who is being sentenced for a serious children's indictable offence. These matters are:

- (a) the level of seriousness of the offence concerned,
- (b) the effect of the offence on any victim of the offence and (in the case of an offence that resulted in the death of the victim) the effect of the offence on the victim's family,
- (c) the weight to be given to general deterrence,
- (d) the subjective features of the offender,
- (e) the offender's prospects of rehabilitation,
- (f) such other matters as the court considers relevant having regard to the interests of justice.

New section 15D provides new restrictions on when persons under 16 and persons over 16 years can consent to the publication or broadcast of their name. Subsection (2) provides:

A court is not to give consent under this section except with the concurrence of the child or (if the child is incapable of giving concurrence) unless the court is of the opinion that it is in the public interest that consent be given.

This section provides additionally that a child of or above the age of 16 can give consent only in the presence of a legal practitioner of the child's own choosing. New section 15E provides for the publication or broadcasting of the name of a deceased child with the consent of a senior available next of kin. Subsection (5) provides for the consent to the publication or broadcast of the name of a deceased child if there is no senior available next of kin who can consent and the public interest so requires publication or broadcast. New section 15G provides for court staff exercising official functions to be exempt from the offence.

One reason for the review by the upper House committee was the consistent community call to name and shame juvenile criminals. When I have spoken at public meetings, community members have put strong views to me about seeing delinquents in particular areas applying graffiti to walls, smashing car windows and also running from houses. They tell me that these delinquents are from the same family and when police go to their homes, often the parents do not cooperate. Understandably, these concerned residents believe the young people should not be allowed to continue this behaviour, but unfortunately the area concerned has insufficient police numbers to respond to their constant calls.

In some instances older people may use young people in much the same way as Fagan did in the Charles Dickens masterpiece *Oliver*—getting them to pick pockets—but also getting them to shoplift, steal and sometimes supply drugs. Under-age people commit these offences for older criminals because any sanctions that might be imposed on them are much lighter than any penalty that might be imposed on older criminals. The juvenile justice system has more of a rehabilitative culture than the adult criminal justice system, where punishment and deterrence is very much to the fore. I appreciate that, but we will have to tussle with this issue as time goes on. However, at the moment the Opposition certainly does not support a change to the current rule.

The media is upset about the prohibition on naming deceased children. Australia's Right to Know represents all the major media outlets and no doubt forwarded a submission to the committee. Australia's Right to Know points out that no comparable legislation in any other Australia jurisdiction prohibits the naming of deceased children involved in criminal proceedings. This prohibition was enacted by the 2004 amendment, which pretty much was a blanket prohibition. In 2007 the law was watered down somewhat to allow an adult next of kin to authorise the publication of the name.

In my previous career I appeared in two cases involving the homicide of children. One case involved a three-year-old child who was murdered by a 13-year-old child. At the time of the offence the person, who was identified by the pseudonym SLD in the courts, was aged 13 years and 10 months. He lived with his adoptive parents in the near vicinity of the house of his victim, who was also given a pseudonym, which I will not mention. The three-year-old victim had been put to bed the previous evening at about 8.30 p.m. and checked on by her mother at about 1.00 a.m. It was a hot night and while the screen doors were kept closed and locked, other doors were left open.

At about 7.00 a.m. the victim's father noticed that the screen door and side gates were open. When he went to wake his three-year-old daughter she was not in her bunk in the room she shared with her brother. The rail of the bed was down. He went outside to look for her and found her nightgown lying near the gate. He made a quick search of the road and nearby bushes, but could not find her. Later the adoptive father of the accused, now prisoner, alerted people to the fact that he was aware a child was missing and advised that his son had been absent from their home during the early hours of the morning. Subsequently, the body of the three-year-old child was found in long grass out the back of the accused's home. She had been stabbed to death. The tragedy of this case is that at the time the accused claimed it was his intention to steal property. For that reason he had gone out looking for a suitable house and chose this particular house because the boys living in it had boasted about their computers and video games.

The prisoner was skilled at breaking into houses. At the age of 13 he was bragging that he could break into virtually any house. He cut the mesh on the screen door and went inside to search for games. Upon seeing the young girl he decided to take her for ransom. However, later in the interview he said he had gone to the house intending to kill the eldest boy in the family who had been one of a group of boys who had picked on him after an incident at scouts. He said it was his plan to kill three of these boys in turn. On other occasions, both when speaking to police and to experts who examined him, he suggested he did not know why he had acted the way he did. He said he had removed the girl's clothes to find a good place to stab her. There was some evidence that he had sexually interfered with her.

The family name of the victim was published when the funeral was publicised. It was a very unusual surname. The boys, particularly having learnt that he said he was going to kill one of them, had to have

psychiatric care and it took some time for them to recover. The family relocated a long way away and started a new life, and the boys started to show improvement. At the sentencing proceedings, the young man pleaded guilty to murder. At the request of the Crown, Justice Wood, the trial judge, directed that there be no publication of the name of the victim and that nothing that could identify the rest of the family be published. One of the media outlets published the name of the victim. By naming the victim, the family's privacy was destroyed, their identity was exposed and the boys again relapsed. That is probably one of the reasons why this amending legislation was introduced.

The Attorney General decided not to institute contempt proceedings, despite the breach of the order. It was not clear whether the journalist who published the name of the victim knew of the prohibition that was on the doors of the court and had been publicised to other members of the media. Nevertheless the naming of this child caused great heartache and upset, and further relapse of the other children. The media demand to be able to name deceased children, and that is one of the problems. When they are named, people say, "Oh, was that you?" especially schoolchildren. Their parents see the name and they say, "Oh!"

Another case I did involved the drowning of a six-year-old boy by a 10-year-old boy. There was no contest that the 10-year-old boy drowned him. He threw him into the Georges River. There were two other six-year-olds present when it happened, and they tried to stop it. The boy was thrown into the deep part of the river—it was 10 feet deep—and none of them could swim. Both of the boys who were witnesses gave evidence at the committal proceedings. The magistrate ordered no naming and no photographing—nothing that could identify those involved—but the media interest in that case was intense. That night, after the boy gave evidence on video link, the media got him as he came out of court with his parents. They pixelated his face, but he was wearing a Batman suit or some sort of suit of a cartoon character and he walked with a specific waddle. All his friends, and all the school kids and their parents recognised him.

As a result of that, when we came to the trial his father took him into hiding. We negotiated with his father and we had a way of contacting him, but we did not know where he was. We needed this boy as a witness. The case resulted in an acquittal. There are various reasons for that, but the Crown case was weakened by the fact that the media published images of this boy, albeit pixelated, but the images showed his waddle and his clothes. They just had to have the picture. I am not against the media. We all need the media, and the media do a lot of great things to help solve crimes.

Mr Alan Ashton: I think you are going too far now.

Mr GREG SMITH: No, they do. Sometimes by a report they will bring forward informers and eyewitnesses—people who say, "I saw that" and "I know that"—but every now and then they slip. Is it worth the risk? In that case, it was a condition imposed by the boy's father that the media were not to cover the trial and his son's evidence. The media applied for orders that they be allowed to report it. In cases involving children, it is normally a closed court, but there is an exception for the media in the public interest. The Crown resisted the media's application and said that it was not in the public interest for the media because of the condition imposed by the boy's father. The judge, as he is entitled to do, weighed up everything and said that the media could stay. As a result of that, they did report the evidence—but they did not report that boy's evidence because we never found him and his father would not bring him back.

The boy's father could have been charged with contempt and other things; at one stage we issued a warrant for his arrest because we just wanted to get the boy to the trial. Ultimately we had some evidence—a video recording of his interview with the police—that had been given in the lower court and that was admitted, so we were able to prove certain things. That happened by consent with the defence because it suited their case. The problem is that the media are hungry for this sort of information. Ultimately, they do not care—and they did not seem to care on this occasion—about the effect that it might have. It was mentioned in the evidence that if the media were present, the boy would not give evidence, but that did not stop them applying for the orders. They thought that their cause was more important than the success or otherwise of the trial or the guilt or otherwise of the accused.

At this stage the Opposition supports the retention of the prohibition. We support the variations that are allowed whereby judges, magistrates and next of kin can consent; but, of course, the deceased victim cannot consent. It is an interesting example of the tension that can exist between the interests of one group of people and another. We always say that the interests of the child should be paramount but there are also the interests of freedom of speech and freedom of information et cetera to be considered. Sometimes the law generally—and it is continued in the bill—puts the balance generally in favour of non-publication of that type of information. Do

the media really need a photograph of a witness? Do they really need to publish the name of a deceased victim? There is no doubt that it adds a little bit of spice to the story, but we have had some monstrous cases in the past year or so involving the killing of children.

In another case a mother was convicted of murder. Does it really help for her to be named? She is still convicted of murder. Everybody who knows her knows that it was she and that she is the one. Does it help the community that the other children will be identified? Somehow I do not think it does. I support the balance that is inherent in the legislation. This amending bill strikes a balance between the need to protect young people who are victims and the public interest. While the non-publication of a deceased victim's name may prohibit publication of the name of parents who are charged with a child's homicide, there are good reasons for maintaining the prohibition, particularly—and I emphasise this—to preserve the privacy of the deceased victim's siblings. I reiterate that the Opposition does not oppose the bill.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.59 a.m.], in reply: I thank the member for Epping for his considered contribution to this important debate. The Children (Criminal Proceedings) Amendment (Naming of Children) Bill 2009 redrafts section 11 of the Children (Criminal Proceedings) Act 1987 to improve its clarity and to make its application easier to understand for all concerned, including the courts, police, the legal profession, victims and their families, and media organisations. It will be part of a nationally consistent and effective prohibition relating to the publication of the names of children who are involved in criminal proceedings. First, the bill will make the reach of section 11 more targeted by prohibiting the publication or broadcast of a person's name to the public or a section of the public, thereby allowing legitimate law enforcement and investigative activities by police and the legitimate activities of judicial officers and legal practitioners, carried out in the normal course of a criminal proceeding, to continue unhindered.

Secondly, the bill provides a further specific exemption to allow the legitimate activities of court staff and court officials, carried out in the normal course of a criminal proceeding, also to continue unhindered. It allows 16- and 17-year-olds who wish to give consent for their name to be published or broadcast to do so in the presence of an Australian legal practitioner of the child's choosing. It provides clearer circumstances when consent may be given to the publication or broadcast of a deceased child's name, and provides an inclusive list of factors to be taken into account by a court when determining whether it is in the interests of justice to authorise the publication or broadcasting of the name of an offender being sentenced for a serious children's indictable offence. The bill has been the subject of extensive consultation with the courts, police, media organisations, the Victims Advisory Board, the Law Society, the Legal Aid Commission, the Director of Public Prosecutions, the Public Defender and the Bar Association.

I turn now to matters raised by the member for Epping in relation to recommendation 4 of the standing committee's report about the prohibition not being extended to cover the period before charges are laid against a child, including juveniles. An extended provision of this nature does not exist in any other Australian jurisdiction. In an age of Internet news and immediate reporting, such a radical departure from existing arrangements would be unworkable. In keeping with this acknowledgement by the Legislative Council's Standing Committee on Law and Justice, the Government has instead sought and obtained agreement to a nationally consistent approach to protecting the identity of children who are involved in criminal proceedings.

The feasibility and rationale of such an extended provision may be considered as part of a nationally uniform prohibition. In relation to naming and shaming and the general question of whether people have a right to know, I am sure all members would agree that children are amongst the most vulnerable members of our community and child offenders deserve to be protected so as to give them every opportunity to be reintegrated into the community with a full view to their rehabilitation. As the Hon. David Clarke said on Monday 18 February 2008 during the Legislative Council's Standing Committee on Law and Justice proceedings:

Juveniles are treated differently from adults in our criminal justice system, in part in recognition of the fact that they have not yet developed many of the abilities they will develop in adulthood.

As the standing committee said in its final report at page xi:

The weight of evidence heard by the Committee throughout the Inquiry points to public naming ("naming and shaming") as being a form of stigmatic shaming that is unlikely to contribute positively to the juvenile offender's rehabilitation.

The bill continues to uphold this principle while at the same time provide for circumstances where the need to protect children could be outweighed by the interests of justice, such as when a child offender commits a serious

children's indictable offence, or the child is deceased. The member for Epping relayed concerns from some media groups about the prohibition on the naming of deceased child victims. The purpose of this provision is to reduce the stigma that might impact on the family and siblings of such victims. It is also important to note that the provision does not impose an outright prohibition on the naming of child victims. Appropriately, it leaves the decision about whether a deceased child victim should be named with the family, that is, the child's senior available next of kin.

However, one element of the bill is that it allows the court to give consent to the publication or broadcast of a deceased child's name if the court is satisfied that it is in the public interest to do so in circumstances where the senior available next of kin of a deceased child cannot so consent. This addition received the support of Australia's Right to Know Coalition, which provided some useful suggestions for improving the operation of the section, which the Government ultimately accepted and included in the bill. On a personal note, I share the concern of the member for Epping about the media publishing the names of family members of deceased children. It is all very well for the media to get the first grab, to get the scoop, so to speak, and to name the deceased child or their family members, and then to move on to something else. I am sure the media would take a different view if a member of their own family were involved.

Clearly, the media are not worried about the impact on the child's family, a member of their family, or rehabilitation of the child. It is concerned about getting the first grab. The member for Epping quoted the case of a journalist who did not know that the court had prohibited publication of a name. Clearly, that is not a good enough excuse. A responsible media person should make appropriate inquiries about the court's decision. The right to know must be balanced against the interests of justice and the decisions of the court must be fully complied with by media as well as everyone else in the community. The media are not above the law. They should respect the decisions of the courts.

Personally, I am also concerned about what I see every night on the television news. An offence is alleged to have been committed and within 10 seconds of the report the media are interviewing witnesses on the street. That raises particular concerns for the prosecution of offences. Often a witness sees an event happen and is in a state of shock or is traumatised. They not only give their name to the media but also give an account which, when they settle back and reflect on it, may not have been the correct version of events. This hampers the prosecution—the member for Epping is nodding—particularly when there is a prior inconsistent statement. Also, this can hamstring the police and the prosecution, and in some cases it exposes the victim to the possibility of retribution by the offender or their associates.

In my view, the media should take a more responsible approach generally in the reporting of crime and in particular the interviewing of bystanders before the police have had a chance to talk to them and before they have had a chance to settle back and make a mature and balanced reflection on the events as they saw them. Sometimes the immediate reaction is quite different from their reaction once they have thought about it. As I said, the bill has been the subject of extensive consultation with the courts, police, media organisations, the Victims Advisory Board and so on. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

Bill declared passed and returned to the Legislative Council without amendment.

FOOD AMENDMENT (FOOD SAFETY SUPERVISORS) BILL 2009

Agreement in Principle

Debate resumed from 29 October 2009.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [11.07 a.m.]: As the debate was interrupted yesterday, I will now conclude the agreement in principle speech. The Food Amendment (Food Safety Supervisors) Bill amends the Food Act 2003 to achieve three key objectives. First, it will introduce a

mandatory food handler training scheme for food businesses in the hospitality and retail food service sector. High-risk retail and food handling businesses covered by the scheme, other than mobile caterers, will be required to appoint one trained food safety supervisor per premises.

For practical reasons, mobile caterers will be required to appoint only one trained food safety supervisor for their business. Each food safety supervisor must hold a New South Wales Food Safety Supervisor Certificate. Any person can be the food safety supervisor for a business, provided they do the training. The food safety supervisor could be the owner, the proprietor, the manager or any employee, but they must be able to supervise other persons handling food at the premises and ensure that food handling is done safely. For this reason it is assumed that most businesses will utilise existing management or supervisory staff to fulfil the requirements of the bill.

Secondly, the bill will require businesses, other than those selling food from temporary premises or mobile vehicles, to notify the relevant enforcement agency of their food safety supervisor. In most cases this will be the local council. Thirdly, the bill will enable the New South Wales Food Authority to foster confidence in the quality and consistency of training by approving registered training organisations to issue food safety supervisor certificates. The food safety supervisor requirement will apply to approximately 26,000 businesses in New South Wales that sell ready-to-eat potentially hazardous food. This includes businesses such as restaurants, take-away shops, cafes, caterers, bakeries, clubs, pubs and hotels, and retail activities such as supermarket hot food sales.

In relation to an industry characterised by variable working hours, which extend around the clock, the Government is determined to take a practical and effective approach to food safety management. Industry consultation identified that it would be impractical to require the food safety supervisor to be present at all times when food handling activities are occurring on site. The food safety supervisor will promote good food hygiene and safe food handling in the business. This may be done by direct supervision or by developing systems, such as simple work instructions and signage, that support a culture of safe food handling. By adopting this systems-based approach the bill provides flexibility. It aligns with food safety supervisor requirements in Queensland and Victoria but remains practical and low cost. It does not require a food safety supervisor to be present 24 hours a day, seven days a week.

Local councils generally inspect hospitality and retail food service businesses. The bill meets its second objective by requiring most businesses to notify details of their food safety supervisor to their local council. This will make it easier for council inspectors to establish a direct relationship with the food safety supervisors in their local government area. In this diverse industry some businesses do not operate from permanent premises and so may deal with numerous councils. Examples include temporary market stalls, ice cream vans, hot-dog vendors and the like. As a practical measure, the bill excludes these operations from notification requirements but they must otherwise meet food safety supervisor requirements.

Business is doing it tough. The Government is keen to ensure that compliance costs are kept to a minimum. The Food Act already allows councils to impose an administration charge to support their existing food regulatory role. Therefore the bill prohibits councils from double dipping by charging an additional administration fee in relation to these minimal new notification requirements. The Government has further reduced the cost burden on business compared with similar schemes in other States. In Queensland and Victoria it is a mandatory requirement for food businesses to be licensed. Failure to comply with food safety supervisor requirements are linked to the revocation of a licence. New South Wales removed local council licensing requirements in the 1990s and does not want to reintroduce expensive licensing for these types of businesses.

To ensure that businesses comply with the new food safety supervisor requirements the bill creates some new offences. These are that certain businesses must appoint at least one food safety supervisor for each premises or business as specified, certain businesses must notify the relevant enforcement agency of their food safety supervisor, and a business must keep a copy of the supervisor's food safety supervisor certificate and produce it for inspection by an authorised officer upon request. The maximum penalties that relate to each offence recognise the severity of the offence. Failure to appoint attracts a maximum penalty of 50 penalty units for an individual or 100 penalty units for a corporation. Failure to notify and failure to produce the food safety certificate both attract a maximum penalty of 25 penalty units for an individual and 50 penalty units for a corporation.

The bill provides that in order to be recognised as a food safety supervisor in New South Wales, a person must be suitably trained and qualified. The training requirements are tied to national units of competency that exist within the national vocational and education training system. The training will be delivered by registered training organisations [RTOs]. Statements of attainment differ from organisation to organisation.

Because of this, Queensland and Victoria report that their local council inspectors find it difficult to determine whether the food safety supervisor has had the required training. Therefore the bill provides for the issue of a food safety supervisor certificate in addition to the statement of attainment. The certificate will provide a consistent form of documentation to enable enforcement agencies to easily identify the food safety supervisor.

This initiative can only succeed if the training is both accessible and high quality, particularly for those in regional and rural areas of New South Wales. Experience in Queensland and Victoria has demonstrated that quality and consistency of training delivered by registered training organisations is a concern. The industry working group also confirmed that this was a significant concern. To address this concern, only organisations that have been assessed by the Food Authority as delivering an appropriately high standard of training will be approved to issue these certificates. A list of approved training organisations will be maintained by the New South Wales Food Authority and published on its website. This is similar to the approach taken with responsible service of alcohol in New South Wales.

Given the experience in Queensland and Victoria, it is estimated that training costs will be approximately \$215 per food safety supervisor, with a further \$30 for the New South Wales food safety supervisor certificate. The New South Wales Food Authority will work closely with registered training organisations to make this happen. The Government is confident that high-quality training can be delivered at a reasonable cost. The Government has not developed this initiative in a vacuum. It has paid close attention to the concerns of the hospitality and retail food service sector. The hospitality workforce is a diverse one with varying qualifications and experience. This highly mobile workforce often travels between regions and States, meaning that qualifications need to be identifiable and transportable.

For this reason, the bill provides for recognition of both broader qualifications and training obtained in other States. People such as chefs who have a formal qualification, and those who have completed the national units of competency in another State, will be recognised under the scheme provided the qualification was obtained after 1 January 2007 and remains no more than five years old. It is generally accepted across all industries that to remain highly skilled people must continue their education and training. For this reason New South Wales will require that food safety supervisors refresh their training every five years. This will ensure that food handlers maintain their safe food handling skills and knowledge in line with national training developments and changes to food laws. The Government intends to commence the food handler training scheme in April 2010. In order to assist small business, this will involve a 12-month grace period, so businesses must be able to demonstrate compliance from April 2011.

In summing up I reiterate the Government's appreciation for the valuable contribution made by the Hospitality Sector Co-regulatory Working Group in developing this scheme. This initiative is a demonstration of the Government's commitment to supporting small business by minimising regulatory impost and compliance costs wherever possible. It balances the competing priorities of improving food handler skills and keeping compliance costs to a minimum. It avoids the far greater compliance costs imposed by more onerous regulatory measures, such as those requiring every food handler to be trained. It is supported by industry and represents the best possible combination of effective regulation, minimum cost to business and benefit for the people and State of New South Wales. Having a designated and trained food safety supervisor for each food business can only improve food safety standards across the board. Providing a nationally recognised food handler qualification will enhance careers and employment opportunities for the hospitality industry. A boost to the food safety performance of hospitality businesses in New South Wales means an even stronger reputation and increased viability for this important industry. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a future day.

ACTING-SPEAKER (Mr Thomas George): Order! Government business having concluded, the House will now proceed to committee reports.

LEGISLATION REVIEW COMMITTEE

Report: Legislation Review Digest No. 14 of 2009

Question—That the House take note of the report—proposed.

Mr ALLAN SHEARAN (Londonderry) [11.21 a.m.]: I will comment on Legislation Review Digest No.14, dated and tabled on 27 October 2009. This digest report examined six bills in total. These bills were the

Children (Criminal Proceedings) Amendment (Naming of Children) Bill 2009, the Courts and Crimes Legislation Amendment Bill 2009, the Judicial Officers Amendment Bill 2009, the Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Bill 2009, the State Revenue Legislation Amendment (Defence Force Concessions) Bill 2009 and the Surveying Amendment Bill 2009.

In relation to the Courts and Crimes Legislation Amendment Bill 2009, the committee identified concerns to do with excessive punishment, the rights of the child and the rights of association. Members may recall that in the past the committee often expressed concern about the commencement of Acts by proclamation. In this regard, the committee is pleased to note a trend towards the timely provision of advice and reasons in relation to clauses that deal with this issue. For instance, in the current digest, members will note the relevant advice provided in respect of the Children (Criminal Proceedings) Amendment (Naming of Children) Bill 2009, the Courts and Crimes Legislation Amendment Bill 2009 and the Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Bill 2009. On behalf of the committee, I take this opportunity to thank the officers of the Attorney General and of the Minister for Transport respectively for their timely information.

I will now take a brief moment to refer to the comments made by Mr Daryl Maguire, the member for Wagga Wagga, in this Chamber last Friday 23 October 2009 in relation to the Transport Administration Amendment (Rail Trails) Bill 2009. The member for Wagga Wagga mentioned that Government amendments might be brought forward in the House in relation to that bill. He asked whether I, as chairman, would consider the effect of those amendments on the bill in the committee's next report to Parliament. He argued that the first print of the bill that the committee has already assessed and reported on may no longer be the bill that will be debated in the House.

I believe that my actions have reflected a willingness to consider, and in some instances adopt, suggestions from differing sources as to how to improve the effectiveness of the committee's functions and the digest reports. At this stage I should remind members that the function of the committee in respect of bills under Section 8A of the Legislation Review Act 1987 is to review the first print of the bill as it is introduced in Parliament by the Minister in order to inform members for use in debates. It has never been the role of the committee to review amendments to legislation that the Parliament may or may not make, nor does it have the resources to do so.

It is important for all members to appreciate that the committee is a creation of Parliament and, as such, does not have the ability to interfere in its functioning. Thus, it is for Parliament to refer matters to the committee as it sees fit. Further, I am sure that all members understand that the committee has no prior knowledge of possible amendments to bills that may take place once the bill has been introduced in the Parliament. In the second reading speech on the Legislation Review Amendment Bill 2002 given by the Hon. Paul Whelan on 18 June 2002, the Government made the intention of the committee's functions clear by saying:

The committee is not intended to be a third House of Parliament. It is not intended to debate matters exhaustively ... Rather it is intended to provide a timely digest of brief advice to members on the matters within its jurisdiction. It should be flagging issues for members' attention rather than attempting to duplicate parliamentary debate ... members should have the benefit of the committee's report on a bill in time for debate ...

It is this intent that the committee attempts to fulfil, and I trust all members gain benefit from that intention within each digest report. Accordingly, I trust the endeavours of the committee will continue to be of benefit to all members in respect of each bill as tabled.

Mr DARYL MAGUIRE (Wagga Wagga) [11.24 a.m.]: I appreciate the comments of the Chairman of the Legislation Review Committee and that he has seen fit to report back to the House—after all that is what this House is for. However, I must agree to disagree on some points. The member for Londonderry was correct when he said that the committee is not a third House of review. However, its function is to provide members with a précis of legislation. Last week I put to the House that the Transport Administration Amendment (Rail Trails) Bill 2009, as introduced, will not be the same bill that is debated because amendments were foreshadowed. Traditionally, when a bill is introduced and debate commences it may be amended by the Opposition or other members during consideration. The Minister has foreshadowed that there will be an amendment to the bill. That is public knowledge. However, none of us has seen the amended bill.

I believe the intent of the bill will change. If there is an opportunity for the committee to take up this matter, it should write to the Minister and obtain the amendments because the bill will not be debated for a number of weeks. But perhaps the Minister will not put the bill before the House. I think he should because the

Transport Administration Amendment (Rail Trails) Bill 2009 has been discussed widely within the community. It appears that the proposed amendments may never get to Parliament because all political parties oppose the bill in its current—and, I suggest, in its amended—form. Legislation Review Digest No 14, under the heading "Functions of the Legislation Review Committee", states that the committee is to report to Parliament if any bill:

- (ii) makes rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers, or
- (iii) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions,

Under those guidelines, I would have thought the committee would have commented on that point when it reviewed the Transport Administration Amendment (Rail Trails) Bill 2009. According to my reading of it, the bill in its unamended form gives unfettered power to the Minister for Transport, and the Minister's decision is non-reviewable. The digest does not comment on the fact that, once the Minister has signed off on the bill, the public cannot appeal the Minister's decision. Traditionally, one has rights of appeal, whether through the Consumer, Trader and Tenancy Tribunal, the Administrative Decisions Tribunal or another tribunal. Every individual has the right of appeal. Yet no comment was made about that point as it pertains to the bill.

There is no doubt the bill is flawed. It is not popular, as landholders hate the concept and the way in which the Government has gone about introducing the bill's provisions. Landholders do not hate the concept of rail trails, as such, in the appropriate geographical area. They believe the community will benefit from trails with the right design that are correctly costed. But they object to the way in which this bill has been handled and the infringements on the rights of landholders as outlined in paragraphs (ii) and (iii), which I have cited. That is why the amendments have not seen the light of day, and that is why the Minister has not brought the bill to the House for debate. I am disappointed the report does not comment on that.

I acknowledge that the chairman has worked very hard to deliver the committee's reports electronically, and that he has taken my advice from time to time. I appreciate the value of the reports. However, when amendments are foreshadowed to a bill as important as the Transport Administration Amendment (Rail Trails) Bill 2009—which will have an enormous impact on landholders throughout New South Wales, particularly farmers—there should be an opportunity to assess those amendments before the bill goes before Parliament. Those amendments have not been debated. The bill has been introduced but not debated, and that is why the committee should be able to review it.

It is the committee's responsibility to make a note of non-reviewable decisions, but this was not done in the report. I am rather disappointed because a disallowance motion may be moved in Parliament if a member disagrees with the way in which a Minister has made a regulation or interpreted an outcome. However, that cannot be done under the bill. It is almost a kangaroo court under the hand of the Minister, which is another thing that stinks about this bill.

Mrs JUDY HOPWOOD (Hornsby) [11.30 a.m.]: I make a brief contribution to the report of the Legislation Review Committee entitled "Legislation Review Digest No. 14 of 2009", dated 27 October 2009. I state at the outset that today is Canteen Bandana Day, and I encourage all members to buy a bandana. I reiterate some of the comments made by the member for Wagga Wagga about the function of the committee. This debate is a wonderful opportunity to comment about the reports that are published each week and to raise legitimate concerns about the committee's processes and ways in which it can move forward and improve its functions. The committee is hardworking, and I pay tribute to committee members and the secretariat. Indeed, it would be a sad day if members could not raise their concerns in Parliament.

I refer briefly to a bill considered by the Legislation Review Committee, the Children (Criminal Proceedings) Amendment (Naming of Children) Bill 2009. The purpose of the bill is to amend the Children (Criminal Proceedings) Act 1987 by rewriting the existing offence provision in section 11 of the Act—namely, publishing or broadcasting a person's name in a way that connects the person with criminal proceedings involving children. This is an important piece of legislation. Over the years much has been said and much legal action has been taken over the media's naming of persons associated with children. The bill seeks to clarify certain aspects of the law.

The bill rewrites section 11 in response to recommendations of the Standing Committee on Law and Justice. The Minister stated in the second reading speech that this is a particularly sensitive area of the law and that there must be a balance between the interests of justice and the need to protect young children, including

victims. That is why in 2008 the Standing Committee on Law and Justice was asked to review the law surrounding the naming of juveniles. When assessing legislation the committee obviously takes into account all work performed with respect to bills. As for this problematic area of the law, the committee noted:

... in drafting the Bill the Government consulted the Victims Advisory Board; legal practitioners, including the Law Society of NSW; the NSW Bar Association; Legal Aid NSW; the Senior Public Defender, and the Director of Public Prosecutions; the Courts, including the Supreme, District and Local courts; the Ministry for Police; Juvenile Justice; Aboriginal Affairs; and the Commission for Children and Young People and representative media organisations.

I believe this bill has been examined thoroughly and is now entering the debate phase. The committee did not raise any concerns by virtue of the fact that it has been examined so thoroughly.

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

Report noted.

PUBLIC ACCOUNTS COMMITTEE

Report: Fourth Report on the Examination of the Auditor-General's Performance Audits: Ageing Workforce—Teachers; Efficiency of the Office of the Director of Public Prosecutions; Working with Hotels and Clubs to Reduce Alcohol-Related Crime

Report: Annual Review 2008-09

Motion by Mr Paul McLeay agreed to:

That in accordance with Standing Order 306 (5) the reports of the Public Accounts Committee, being Orders of the Day (Committee Reports) Nos 2 and 3, be considered together.

Question—That the House take note of the reports—proposed.

Mr PAUL McLEAY (Heathcote) [11.34 a.m.]: I inform the House about the work of the Public Accounts Committee over the 2008-09 reporting period and about the strategic plan the committee has adopted for the 2009-10 reporting period. As illustrated in our annual review, the committee has achieved a lot over the past year. In addition to refining and entrenching our systematic process for following up agency responses to the Auditor-General's performance audits, we completed our inquiry into State Plan reporting and began our inquiry into environmentally sustainable procurement.

In 2007 the committee undertook to conduct an inquiry into agency responses one year after the tabling of every performance audit, starting with reports tabled in July 2006. We deliberately implemented this systematic review process slowly so that we could consult with agencies along the way and develop a process that was positive and helpful for everyone involved. Our first follow-up report was tabled in November 2008. It concerned the condition of State roads, primary school students with disabilities, infectious disease outbreaks, access to residential aged care, nurses in hospitals, the distribution of legal aid, and addressing the needs of young offenders. In line with our incremental approach to implementation, we asked for submissions on all these issues, but conducted thorough inquiries only into the last three.

Our second follow-up report was tabled in March 2009 and, having refined our inquiry process, we conducted thorough inquiries into all the performance audit reports that had been tabled a year earlier. These were on responding to homelessness, connecting with public transport, dealing with household burglaries and government advertising. Our third and final follow-up report for the reporting period was tabled in June, and concerned the efficiency of water irrigation on farms, police rostering and managing departmental amalgamations. The committee commenced four other performance audit follow-up inquiries in 2008-09. These were on signal failures, the ageing teaching workforce, the efficiency of the Office of the Director of Public Prosecutions and alcohol-related crime. The committee chose not to conduct a follow-up inquiry into the amalgamation of the Greyhound and Harnessing Racing Authority because Parliament passed legislation de-amalgamating the two authorities.

The Government responded to the first of the committee's follow-up reports in May 2009 and it accepted half the committee's recommendations. The committee's systematic review process has sent a clear message to government agencies that Parliament is interested in ensuring that the recommendations of the Auditor-General are considered and addressed adequately. The committee often explains to agencies that they

do not have to follow the Auditor-General's recommendations but that they will have to explain themselves if that is the case. We have found that the vast majority of agencies have responded positively to our inquiries and that examination by the committee has led agencies to rethink, update and further implement their responses. In addition, by providing an effective system for following up agency responses to performance audits, the committee has reduced the need for the Audit Office to spend its resources on the same thing. From 2005 to 2007 the Audit Office produced 12 follow-up audits at a cost of nearly \$500,000 a year. In the past year the Audit Office has not tabled any follow-up audits.

The committee's major inquiry for 2008 was on State Plan reporting. The State Plan is the Government's 10-year plan for delivering services across New South Wales. As the foundation of the Government's new performance management and budgeting system, it aims to improve value for money by linking agency funding to clear outcomes. The committee examined whether the measures used were the right ones for the goals, whether the progress reports provided a reasonable interpretation of the data and whether the plan's goals adequately reflected the goals of the community. The committee found that the Government had addressed a number of the risks associated with performance management, but that it could do more to strengthen its local and regional reporting systems. Ensuring the Auditor-General and the Parliament are given ample opportunity to thoroughly review the performance information would also enhance the quality of the data and promote transparency.

The committee made several recommendations in relation to the 2009 review, including that the Government undertake a range of deliberative consultations to capture the views of a broad cross-section of society and that it engage an independent community engagement expert to assist in the planning and implementation of the review. Although a response to the committee's State Plan reporting report was due in May, it has not yet been received. The committee's major inquiry for 2009 is on environmentally sustainable Government procurement. As the New South Wales Government spends approximately \$13 billion per year on procurement, the committee wanted to ensure that the Government was adhering to its policies on environmental management and thereby mitigating the hidden longer-term costs associated with environmentally unfriendly practices.

Upon examining the 16 submissions it had received by July 2009, the committee decided to look more closely at a number of issues including how agencies assess "value for money"; the extent to which environmental concerns are incorporated into the tendering process; the extent to which environmental concerns are incorporated into the buying practices of purchasing officers; training for purchasing officers so that they know how to balance the environmental considerations with other important considerations, such as price, safety and the like; engaging with suppliers; and monitoring and evaluation. The committee is currently drafting this report and hopes to table it shortly.

In the 2008-09 reporting period, the committee conducted a number of other activities including hosting briefing sessions with the Auditor-General so that he could discuss the reports he had tabled with members; overseeing the triennial review of the Audit Office; collaborating with the Public Bodies Review Committee on the annual reporting awards; and sending delegates to New Zealand for the annual Australasian Council of Public Accounts Committees meeting.

I turn now to the committee's work plan for 2009-2010. In promoting the economy, efficiency and effectiveness of public expenditure, we often find ourselves telling agencies to adopt better practices in relation to identifying aims, setting targets, and reporting promptly and transparently. As the committee believes in leading by example, we have included a work plan for the year ahead in our annual review. In our next year's annual review, we will report against the actions, targets and outcomes identified in the plan. Among the targets listed in the plan are commencing an inquiry into police customer service and safety, examining further agency progress on our Inquiry into the Efficiency of the Office of the Director of Public Prosecutions and examining and reporting on all performance audits 12 months after they are tabled. Also, to better perform its function of reporting on any desirable changes to the form of financial reports, the committee will hold a briefing with the Auditor-General and New South Wales Treasury on the effectiveness of the financial reporting process.

Finally, I express my gratitude to a number of people. At the end of 2008, Mr Grant McBride, MP, and Mr Peter Draper, MP, joined the committee following the departure of Ms Jodi McKay, MP, and Mr Robert Oakeshott MP. Mr McBride and Mr Draper have been a welcome addition to the committee, and I thank them for their hard work. As I have said on a number of occasions, I appreciate the bipartisan approach all committee members adopt with respect to our work, and I thank Mr Ninos Khoshaba, Mr Anthony Roberts, and Mr John

Turner for their ongoing commitment to finding the best solutions for New South Wales regardless of our different political allegiances. I would also like to thank the committee's secretariat for their assistance, and particularly Alexis for the cakes she made for this morning's meeting.

The committee works closely with the Audit Office, and the work of the committee has been enhanced by our relationship of mutual respect. We have learnt a lot from the Auditor-General and his excellent staff, and we like to think that they have learnt from us as well. The goodwill and professionalism with which agencies have approached our performance audit follow-up inquiries have been encouraging and I thank them for working with us to achieve our common goal, which is more efficient and effective service delivery for the people of New South Wales.

Also, the success of our major inquiries—State Plan reporting last year and environmentally sustainable procurement this year—is very much dependent on the input of stakeholders from all different sectors of society, and I thank all those who have taken the time to inform us of their experiences and suggest areas for improvement. I commend the report to the House.

Mr JOHN TURNER (Myall Lakes) [11.44 a.m.]: I inform the House about the Public Accounts Committee's Inquiry into the Efficiency of the Office of the Director of Public Prosecutions [ODPP]. Efficiency is not the sole, nor even the primary, goal of the ODPP. A quote in the Auditor-General's report from Chief Justice Spigelman illustrates this point:

Our system of justice is not the most efficient mode of dispute resolution. Nor is democracy the most efficient mode of Government. We have deliberately chosen inefficient ways of decision-making in the law in order to protect rights and freedoms. We have deliberately chosen inefficient ways of Governmental decision-making in order to ensure that the Governments act with the consent of the governed.

However, although the Office of the Director of Public Prosecutions enjoys an independence that other agencies do not, like all other agencies the ODPP must manage its resources appropriately, be accountable for its performance, and deliver value for money. In his inquiry, the Auditor-General sought to determine whether the ODPP could show it was efficient, whether the ODPP's information systems supported efficient management, and whether the ODPP's management arrangements and work practices supported efficient management. The Auditor-General found that the ODPP could not show whether it was efficient; although the ODPP had a comprehensive case management system, it did not gather adequate information on the costs of its services or on the workload of its staff; and although the ODPP had systems in place to manage the efficiency of its staff, they were not being properly implemented.

The Auditor-General made 16 recommendations to assist the ODPP to improve its management practices in relation to information, staff, case management and liaison with other agencies. Among the recommendations was the suggestion that the ODPP appoint an executive director who would drive efficient management practices and report directly to the director. This would then leave the director with more time to focus on the quality of the ODPP's legal services.

After receiving the committee's request for information regarding the ODPP's response to the performance audit report in the year following its tabling, the new Executive Director, Mr Nigel Hadgkiss, informed the committee that all of the recommendations had been accepted. In addition to his own appointment, Mr Hadgkiss said that the ODPP had improved its efficiency indicators and processes for reporting against indicators, ensured consistency of efficiency indicators across management documents, undertaken to include the information it gathers from its enhanced efficiency indicator system in its reports to the Attorney General and Parliament, obtained expert advice on costing its services, and established a new statistical performance management system that will allow it to improve its data collection.

In addition, Mr Hadgkiss said that the ODPP had undertaken to better monitor the quantity and quality of the workload of solicitors and Crown Prosecutors; adopted a "pairing" approach to solicitors and Crown Prosecutors in relation to particular kinds of prosecutions so that the most suitable matters are given to the most suitable team of lawyers; undertaken to complete a study identifying the appropriate level of representation needed for cases of different complexities, and to establish a grade of prosecutor between Trial Advocate and Crown Advocate; carried out reviews of how deficiencies in police briefs and Local Court scheduling practices impact on the ODPP; appointed two independent members to the Audit and Risk Committee; and undertaken to engage a staff survey provider.

In his submission to the committee, the Auditor-General indicated that, on the whole, the ODPP's submission to the committee showed good progress in implementing his recommendations. While the

committee also considered that the ODPP had made good progress in implementing the Auditor-General's recommendations, it noted that many of the initiatives were still in the early stages of implementation. The committee has therefore asked the executive director to update the committee on its progress by March 2010 and the committee will report on that update in a future report. The committee thanks the Office of the Director of Public Prosecutions for its assistance with this inquiry. I commend the report to the House.

Mr NINOS KHOSHABA (Smithfield) [11.49 a.m.]: I will speak about the Public Accounts Committee's inquiry into working with hotels and clubs to reduce alcohol-related crime. As has been mentioned by my fellow committee members, the committee's capacity to achieve better outcomes for the people of New South Wales through its performance audit follow-up inquiries is greatly enhanced by the goodwill and expertise of the agencies involved. After receiving the submissions for the inquiry, the committee asked the Office of Liquor, Gaming and Racing for additional information. Not only did the Director General of Communities New South Wales get back to us with a comprehensive response, she did so quickly knowing that we were hoping to consolidate our findings last week. This has in turn enabled us to inform the House about our findings before Parliament goes into recess, and we thank the director general for her cooperation in that regard.

The Auditor-General's report says that alcohol-related assaults in or near licensed premises in New South Wales have almost doubled over the past decade, and that alcohol consumption is often a factor in a range of other crimes as well. Like all members of our community, my colleagues and I are deeply concerned about this trend and we commend the Auditor-General's efforts to enhance the capacity of the New South Wales Police Force and the Office of Liquor, Gaming and Racing to work together to better enforce the State's liquor laws. We also commend the officers of both agencies who work hard to promote the responsible consumption of alcohol throughout our community.

However, although the Auditor-General found that both agencies work with licensees to promote the responsible service of alcohol and harm minimisation, he also found that there was a lack of coordination between the two agencies. This impacted on the experiences of licensees, who said they found it hard to work with the inconsistencies across local area commands, and between the Police Force and the Office of Liquor, Gaming and Racing. In addition, the Auditor-General found that both agencies used a range of enforcement and education options, but that the Police Force was generally more focused on enforcement. The Police Force used different combinations of approaches, however, which achieved different results. Since 2005-06, for example, alcohol-related assaults had decreased in The Rocks, stabilised in Newcastle and Manly, and increased in Tweed Heads.

The Auditor-General put forward 11 recommendations designed to foster greater coordination, guidance, monitoring and review. In response to the committee's request for information on the action it had taken in the 12 months following the performance audit, the Police Force informed the committee that it had accepted all of the Auditor-General's recommendations and that it had undertaken a number of initiatives to implement them. Among these activities were the development of an interagency working group with key personnel from both agencies; the Alcohol Related Crime Information Exchange, which is accessible to many agencies; regional licensing coordinators established at each of the six police regions; the Alcohol and Licensing Enforcement Command comprising 30 officers; and several training programs on liquor laws and alcohol-related crime.

The Office of Liquor, Gaming and Racing also informed the committee that it had accepted all of the Auditor-General's recommendations. Among the initiatives it had adopted were changes to operational procedures so the Police Force is informed of Office of Liquor, Gaming and Racing strategies and outcomes; increased resources for the Office of Liquor, Gaming and Racing Liquor Accord Delivery Unit; and collaboration with New South Wales Health on a range of prevention campaigns.

The Auditor-General's submission stated that although the additional funds and personnel assigned to the Office of Liquor, Gaming and Racing's Liquor Accord Delivery Unit would help sustain liquor accords, the submission of the Office of Liquor, Gaming and Racing did not indicate whether the office had addressed the underlying problems. These were that the accords need clear objectives and performance measures, and that the Office of Liquor, Gaming and Racing should use those objectives and performance measures to monitor the effectiveness of the accords. The committee thus asked the Office of Liquor, Gaming and Racing to provide additional information on this issue.

The Director General of Communities New South Wales informed the committee that the accords' primary objectives, including reducing alcohol-related violence and antisocial behaviour, could be found in the

Liquor Act 2007. The director general stressed that it was important that the measures used to achieve these objectives remained flexible so as to meet local needs. With regard to monitoring the effectiveness of the accords more generally, the director general noted that the department was actively considering appropriate evaluation strategies but that there was a need to proceed with caution. Ms Mills stated:

While this Department is keen to ensure that accords operate effectively, we acknowledge that they are a voluntary, community based mechanism that does not receive public funding and that participation needs to be attractive. Members of the accord have many demands on their time and there is a legitimate concern to avoid undue administration and reporting.

The committee is satisfied that the Office of Liquor, Gaming and Racing is doing what it can to monitor enforcement, while also ensuring that it does not place too great a burden on the accords' voluntary members.

Mr PETER DRAPER (Tamworth) [11.54 a.m.]: The Public Accounts Committee is very pleased with the outcome of its inquiry into the ageing teaching workforce. When the Department of Education and Training first responded to the committee's request for information on its actions in the 12 months following the tabling of the performance audit, the department said that it had partly rejected three of the Auditor-General's recommendations and fully rejected another. As it was not clear why the department had rejected these recommendations, the committee convened a hearing. At that hearing the Director General of the Department of Education and Training, Mr Michael Coutts-Trotter, stated:

Since our March correspondence, which informed the Committee of our response to the recommendations of the audit, we as a departmental executive met and modified to some extent the bald rejection of a couple of those proposals.

The committee then went on to obtain a commitment from Mr Coutts-Trotter to implement all four of the initiatives the department had rejected. With respect to the committee's approach to systematically following up agency responses to all of the Auditor-General's performance audits, Mr Coutts-Trotter said:

That is a good mechanism for keeping the pressure on us and, frankly, it was part of the reason that we as an executive revisited the March response.

In addition, the Auditor-General observed that the outcome at the hearing "shows the efficacy of this forum". The committee was grateful for this feedback, and I put on record that we would not be able to achieve the results we achieve without the cooperation and goodwill of the agencies involved and the help of the excellent staff at the Audit Office. I will now inform the House about the ageing teaching workforce in New South Wales, the department's measures to address this problem, and the specific outcomes the committee was able to secure through its rigorous follow-up process.

As the Auditor-General's initial report highlights, the education sector is particularly vulnerable to the problems associated with Australia's ageing workforce. This is because the average age of schoolteachers is now 45, 41 per cent of schoolteachers are aged 50 or over, and 50 per cent of teachers will have reached retirement age by 2016. The problem is not just that we need to ensure we have enough teachers to meet demand. We also need to ensure that the special skills and knowledge of those who have dedicated their lives to teaching are not lost as they retire. The Auditor-General thus examined how well the department is managing the impact of the ageing workforce on the educational services it delivers. Although the Auditor-General found that the department had taken a number of steps to identify, address and monitor the impact of the ageing workforce on its services, he also identified gaps in relation to projections of retirement, the local impact of the declining teaching population, the medium-term impact of the declining teaching population, skills transference, workforce management, program evaluation and communication. The Auditor-General made recommendations to assist the department to address these issues.

In its submission the department informed the committee that it had undertaken a range of initiatives in response to the Auditor-General's report, including adopting mentoring programs for new teachers, and the production of a strategic reform document called "TAFE New South Wales: Doing Business in the 21st Century". As I noted earlier, however, the department did not accept four of the Auditor-General's recommended initiatives, and the committee examined these in more detail. The department initially rejected the recommendation to conduct more online retirement surveys because, according to the department, "intentions are not as effective a predictor as past performance". However, at the hearing Mr Coutts-Trotter told the committee that better information was needed about the decision-making of individuals rather than groups, and that a retirement intention survey would be a useful means of gathering that information.

A more localised approach to assessing the impact of the department's ageing workforce was initially rejected on the grounds that vacancies at individual schools are dealt with as operational issues rather than as "shortages". However, at the hearing Mr Coutts-Trotter said that the department had divided the State into 10 regions, with approximately 28 schools in each, for the purpose of identifying local staffing problems. The

department informed the committee that it had rejected the recommendation to conduct exit interviews because the response rate of a previous pilot was too low to justify full implementation. At the hearing Mr Coutts-Trotter informed the committee that the department now thought it would be valuable to explore why people were leaving, and that it had developed some lower cost ways of doing this.

Finally, the department initially informed the committee that TAFE New South Wales would not be reporting annually to the Public Sector Workforce Office on areas in which there was a severe shortage with statewide implications because it was highly unlikely that there would be such a shortage. At the hearing Mr Coutts-Trotter said that the department had altered its position because TAFE is a crucial institution and "anything that threatens its capacity to do its job is of statewide significance and needs to be reported to the centre of Government". I commend the report to the House.

Mr JONATHAN O'DEA (Davidson) [11.59 a.m.]: I will make two brief comments about the report of the Public Account Committee entitled "Fourth Report on the Examination of the Auditor-General's Performance Audits: Ageing Workforce—Teachers; Efficiency of the Office of Director of Public Prosecutions; Working with Hotels and Clubs to Reduce Alcohol-Related Crime". Both comments flow from the discussion that has already taken place in the House on this report, and the first relates to State Plan reporting. I was pleased that the Public Accounts Committee called for submissions relating to its State Plan reporting inquiry. Indeed, I made a submission to the committee. I note that the chairman of the committee recorded that the Government's response to the committee's report on the State Plan, which was due in May this year, has not yet been received. I am sure all members find this disturbing. It is indicative of a lack of adherence to guidelines or to stated timetables that is repeatedly demonstrated by this Government. I, and I am sure all committee members, look forward to the prompt receipt of that report.

The submission that I made to the Public Accounts Committee initially was acknowledged. My understanding was that there would be some further acknowledgement or some further response in due course. I state in good faith that to date I have not heard anything further. I made a submission to the committee some time ago but I did not receive a copy of its report—even though I had expressed enough interest to make a submission—and there has been no substantive reply to the points that I raised with the committee. I do not know whether that delay has been caused because the committee is waiting for the Government's response, but I thought it was worth highlighting in the context of this debate.

The second brief comment I make is that I am pleased to see that the performance audit of the Office of the Director of Public Prosecutions is working well with the involvement of the Auditor-General, the Public Accounts Committee and the Office of the Director of Public Prosecutions. That is the appropriate way for questions of efficiency, management or mismanagement to be addressed, especially when an entity has an independence from government, as does the Director of Public Prosecutions and his office. I place on the record my agreement with the process that has been followed—as opposed to the public politicisation of the Director of Public Prosecutions that has been undertaken by the Attorney General at times in a highly questionable way.

There is a proper way to go about questioning the management of independent organisations, and the Public Accounts Committee has played a role in that process, which is great. However, at times I think the Attorney General has overstepped the mark. I have pointed out the hypocrisy of the Attorney General in the sense that the Auditor-General has criticised his own department's performance on a number of occasions, most recently in late 2008, as I have previously pointed out. Volume Five of the New South Wales Auditor-General's financial audit report identified mismanagement in the JusticeLink tendering process, in the design specifications, in the project meeting government agencies' needs, and in the substantial blowout in the project's budget by tens of millions of dollars. I counsel the Attorney General to be more careful and to be less hypocritical in future.

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

Reports noted.

The DEPUTY-PRESIDENT: Committee reports having concluded, the House will deal now with private members' statements.

PRIVATE MEMBERS' STATEMENTS

NORTH RYDE SOCIAL HOUSING DEVELOPMENT

Mr VICTOR DOMINELLO (Ryde) [12.04 p.m.]: I refer to the Housing NSW proposal to construct 23 social housing units at 2-6 and 8-12 Kathleen Street, North Ryde. The proposed development has caused

significant distress for a large number of residents in the neighbouring area. Indeed, 194 local residents signed a petition that expressed their strong concern over the lack of information, consultation and transparency associated with this proposed development. I tabled that petition in Parliament on 27 October 2009. The following details highlight the residents' concerns. On 25 September 2009, Housing NSW wrote to residents of Kathleen Street outlining the proposal to demolish the existing six dwellings and replace them with 23 new units.

Residents were informed that Housing NSW would obtain an independent environmental assessment that would investigate all potential impacts from the proposed development, such as traffic, heritage, noise, overshadowing and privacy. Residents were directed to make any submissions about the proposed development within 21 days, that is, by 16 October 2009. That is an extraordinarily short period of notice to give residents in relation to a proposed development that will have a significant impact on their immediate community. To their credit, within the short time frame provided, residents rallied together and raised the following concerns. First, the proximity of these dwellings to the north-west boundary line indicated that the dwellings' north-west facing balconies would be almost directly over neighbouring residents' backyards. Second, no plans were available for inspection of the proposed two-storey dwellings at the City of Ryde. Third, the high density and nature of the dwellings would have an adverse impact on residents' safety, security and privacy.

Fourth, there is a high concentration of public housing in the immediate area, with 24 units having been constructed in Beatrice Street in 1999 and 26 units currently under construction in Lorna Avenue. Fifth, residents rightly pointed out that if the Kathleen Street development proceeded it would result in an effective quadrupling of the number of public housing dwellings within a six-block area. Sixth, over the years, residents have had countless problems with noise, bad behaviour and threats of violence from public housing tenants, and some of these incidents were reported to Gladesville Police. Seventh, the nature of development, the over-concentration of public housing within the area, and the proximity of the planned unit developments to the boundary line would significantly impact on the value of properties in the area.

In fact, residents obtained a letter from a local real estate agent with significant experience in the Ryde property market that supported that contention. In addition, it should be noted that the residents were required to make submissions without being given an opportunity to review and respond to the environmental assessment that has been commissioned by Housing NSW. Residents acknowledge that the Government needs to provide public housing to help those in distressed or urgent circumstances. However, there must be a commensurate understanding by Housing NSW that public housing increases the safety, security and privacy concerns for residents within close proximity.

In essence, the Government is asking the residents of Kathleen Street, and residents in other streets close by, to shoulder an increased and disproportionate statewide public housing responsibility, especially given the already high concentration of public housing within the area. Everybody accepts the need for public housing. However, it should be dispersed fairly and evenly throughout the entire community rather than in concentrated pockets. Ordinarily, residential developments would be required to be approved by the local council. This is because residential developments have an immediate impact on local communities. If the Kathleen Street proposal were required to go through council, it would provide local residents with ample opportunity to speak to their elected councillors, attend the relevant council committees, and express their views on the development proposal. Further, if dissatisfied, there would be avenues to review council's decision through the Land and Environment Court.

However, the State Labor Government recently introduced legislation that enables Housing NSW to avoid going through this transparent and rigorous council process. Under the new laws, the Infrastructure Coordinator General of New South Wales will determine, behind closed doors, whether the proposed development will proceed. If residents are not satisfied with the Coordinator General's decision, there is no avenue of appeal or review. I urge the New South Wales Labor Government to listen to the concerns of residents and to reconsider both the location and the scale of the Kathleen Street proposal. I urge the New South Wales Labor Government not to abandon the 194 residents who signed the petition and other residents in our community who will be adversely impacted by this development.

MAITLAND POLICE AND COMMUNITY YOUTH CLUB

Mr FRANK TARENZINI (Maitland) [12.09 p.m.]: I bring to the attention of members an organisation in my electorate to which we can all relate, as most electorates in New South Wales, if not all, have a local Police and Community Youth Club [PCYC]. The very active Maitland Police and Community Youth

Club, which is run by manager Graeme Cotton, who is assisted by dedicated staff, gives young people in particular a great opportunity in life. That organisation is so good that last year income from additional membership increased by \$100,000—going from 800 members last year to 2,700 members this year, one of the biggest memberships of all the 60 PCYC venues across New South Wales.

The problem faced by the club is that it is running out of space. It has one of the biggest memberships in the State, surpassing Sydney clubs that service much bigger populations. It has a newly renovated conference room, which houses community meetings of St John cadets, the Traffic Offenders Intervention Program, kindy-rhythm classes and yoga classes. The three activities participated in most at the club are gymnastics, fitness and weekend multi-sport and dance.

The Maitland Police and Community Youth Club is a classic example of how committed individuals and volunteers can provide an excellent service to the community. This is reflected in its membership and the active pursuit of its management in advertising its services and opening its doors for use by other community services to benefit the community, and the community has responded with a great deal of interest. I am pleased to say that my predecessor, Mr John Price, and I have provided substantial assistance to this organisation.

At the end of his term in Parliament, Mr Price provided \$25,000 towards the refurbishment of the club. When I was standing for the seat of Maitland, \$10,000 was provided for a drop-in centre to purchase facilities for the youngsters to use when they dropped in—as the term suggests—and talked to the volunteers and police officers at the club. These youngsters would otherwise have been roaming the streets, bored and possibly getting up to no good. A further \$10,000 was provided to purchase music equipment for the use of youngsters interested in learning to play an instrument. On the Premier's recent visit to the Maitland Police and Community Youth Club a further \$10,000 was provided for the purchase of audiovisual equipment to run the Traffic Offenders Program.

The Traffic Offenders Program currently run by the club is a modern and standardised program that runs over a six-week period. Young offenders who are referred to this program by the courts are able to start on any night, as long as they complete the six-week course. The new equipment will ensure substantially improved delivery of presentations by visiting police, ambulance officers, emergency services personnel, solicitors and other people who are involved in the program. So good is this program that when the New South Wales Government moved to standardise the program across New South Wales, the Maitland Police and Community Youth Club was used as a benchmark and model to formalise the standardised program. Having spent many years in the courts seeing offenders referred to this program, very few, if any—I cannot remember any—returned to court after participation in the six-week program, which is particularly targeted at young offenders.

I thank the following people who have committed so much time to the Maitland Police and Community Youth Club: Mr John Mills, New South Wales Police and Community Youth Club General Manager, Club Development; Senior Constable Peter Pala, Maitland Police and Community Youth Club; Michael Hall, Maitland Police and Community Youth Club, Club President; Acting Commander Murray Reynolds, New South Wales Police Youth Command; club manager Mr Graeme Cotton, whom I have mentioned; Sergeant Rodney Harrison, Hunter Zone Sergeant, New South Wales Police Youth Command; and, lastly, the Premier, for his great support of this organisation—he was very impressed at the way in which this process operated. I have little doubt that the Government will continue to provide ongoing assistance to such a great facility. This facility provides great opportunities for our youngsters, especially those who are wayward and in need of guidance, to help ensure that they get a second chance in life wherever possible.

TWEED DISTRICT HOSPITAL AUXILIARY

TRIBUTE TO MURIEL READ

Mr GEOFF PROVEST (Tweed) [12.13 p.m.]: I inform the House of a certain organisation based in my electorate, which is truly 100 per cent for the Tweed, the Tweeds Heads District Hospital Auxiliary. The auxiliary was formed in 1950, before Tweed Heads had a hospital. The auxiliary worked tirelessly for many years to raise funds for a hospital and, in 1972, the Tweed Heads hospital opened. There are currently 170 members of the auxiliary, most of whom are of retirement age but are still working very hard. Since 2005 the auxiliary has raised more than \$670,000 for hospital equipment not provided by the Government. In the past financial year more than \$200,000 was raised for the hospital. In addition, the auxiliary received a merit award for raising more than \$500 per member for the year. Only the John Hunter Hospital Auxiliary, Newcastle, has bettered the Tweed Heads District Hospital Auxiliary in fundraising for country New South Wales, and I think any comparison would be a little bit unfair because the Tweed is a rural area.

Through the fundraising efforts of the auxiliary the following equipment has been purchased to benefit the hospital: electronic beds; surgical ultrasound equipment; a ceiling hoist and two tracking systems plus installation, \$18,207; a bariatric, \$6,000; a new bus to transport dialysis patients, \$64,000; an infant warming bed, \$28,000; BiPAP machine, \$35,000; omni retractor, \$19,072; and bladder scanners. The annual fete of the hospital, which is a very popular event, is one of the three major fundraisers staged each year by the auxiliary. Many members make items for the fete including jewellery, Christmas decorations, books, gifts, produce and a plant stall. Auxiliary members also run the gift shop and cafeteria at the hospital. June Young, president of the auxiliary, Elva Wenban, secretary, and Helen Boddinton, treasurer, all enjoy a fabulous working relationship with Deb Podbury, the general manager of the hospital. It is the aim of the auxiliary to replace all the current beds in the hospital with electronic beds, at a cost of \$4,000 per bed.

I make particular mention of Muriel Read. Muriel joined the hospital auxiliary in 1972. She was secretary of the auxiliary for 10 years, minute secretary and publicity officer until she had to relinquish those positions because of illness. It is estimated that Muriel made more than 4,000 bottles of jam and marmalade for the hospital's annual fete and her regular customers at the Coolangatta-Tweed Heads Golf Club, where she played twice a week. Her husband, John, made her a sectioned carry box so that the jars would not rattle on her way to golf. Muriel also crocheted the edges of hundreds of face washers, hand towels and baby booties for the fete and hospital gift shop. She was made a life member of the auxiliary in 2001, and became a State life member in 2002.

Muriel was also the president and secretary of the Twin Towns Probus club for many years. She gained life membership of that club in 2008. In 2002 she was awarded the Order of Australia for her service to the community. Her husband John, now aged 100, was among the guests at the ceremony. Muriel was aged 87 when she died on 29 June. She was the longest-serving member of the hospital auxiliary and was one of only two members from Tweed Heads to have been awarded life membership of the United Hospital Auxiliaries of New South Wales. Last Saturday Medical Ward 1 at Tweed Heads District Hospital was officially renamed the Muriel Read Medical Ward in honour of her lifetime of service. Approximately 60 people attended that ceremony, conducted by Deb Podbury, General Manager of the Tweed Heads District Hospital.

Muriel Ward was a classic example of those hardworking individuals who sacrifice a lot of their personal life to give to others. I have known the members of this auxiliary for many years. They all work tirelessly and are fiercely proud of the hospital, which they will defend to the last. I repeat that since 2005 the auxiliary has generated around \$670,000, a significant amount of money, to purchase the badly needed equipment that the hospital lacks. Once again I am 100 per cent committed to the Tweed.

ANZAC MEMORIAL IN MALTA

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [12.18 p.m.]: A number of my constituents of Maltese background are campaigning to raise funds to establish an Anzac Memorial in Malta. That might sound somewhat unusual but, as I understand it, outside of Turkey, and except in Australia and New Zealand, there are no other Anzac memorials in the world. The Maltese are particularly drawn to the Anzac saga because during World War I more than 4,000 wounded soldiers were evacuated from Gallipoli and hospitalised in Malta. Many passed away in Malta and their remains were returned to Australia and New Zealand, but a number remain buried in Malta. Of those soldiers who were evacuated from Gallipoli and hospitalised in Malta, 202 members of the Australian Imperial Force and 72 members of the New Zealand Expeditionary Force are buried in Malta.

In the late 1940s and 1950s many people migrated from Malta to Australia to establish a better home and life and, as my family and I have done, they maintained close contact with Malta. Now a number of them in their twilight years have returned to Malta but still maintain a close liaison with their families here in Australia, helping to strengthen the bridge between our two nations. One of these people is Mr Nicholas Bonello, who at one time was an honorary consul general for Malta in New South Wales. He lived here for quite some time but now resides in Malta. He has been spearheading the efforts to construct an Anzac memorial in Malta. I acknowledge his work and compliment him on his efforts. Although he now resides in Malta the Australian Government recently honoured him with an Order of Australia medal. That honour is indicative of his work. I take this opportunity through this House to congratulate him on receiving his Order of Australia medal.

A committee comprising a number of prominent Maltese people who migrated to Australia is working hard to raise funds for the monument. I refer particularly to Lawrence Dimech and his wife Marlene, Victor Buttigieg, and Charles Mifsud and his wife Jessie. They formed the committee and are seeking donations for the

memorial. Already several thousands of dollars have been raised. I take this opportunity also to alert our Federal and State governments to the great work these people are doing to continue to cement the relationship between Malta and Australia by recognising the great contribution of many people who migrated to Australia—in excess of 400,000—and the way they have played their part in their new country, mindful of their traditions and heritage and also of the impact Australia has made in the world. For many Maltese, by working hard to revive the memory of Australians and New Zealanders who fell during World War I and who are buried in Malta, this proposed Anzac memorial is a way to say thank you to Australia.

For many years the Australian-Malta Association in Malta has held an Anzac service to commemorate those who have fallen. I do not know of too many countries outside Turkey, Australia and New Zealand that do the same. In Australia we have an RSL branch of Maltese veterans, who take much pride in marching on Anzac Day in memory of their fallen comrades. I am pleased to bring to the attention of the House what is happening in Malta in respect of this Anzac memorial, to bring to the attention of the Federal and State governments the work these people are doing, particularly Nicholas Bonello and his team in Malta, and also to alert everyone to the need to raise funds to erect what will be an impressive monument at the Argotti Botanical Gardens in Floriana, Malta. Any Australians visiting Malta will be able to take much pleasure in visiting this Anzac memorial once it is in place, as well as the many other beautiful aspects Malta has to offer.

MORUYA AND COOMA NURSE POSITION REDUCTIONS

Mr ANDREW CONSTANCE (Bega) [12.23 p.m.]: I refer to nurse cuts across the south-east region and to an alarming event that came to notice over the past week. Nursing staff throughout the south-east region have been advised of proposed nurse cuts by the health service and the State Labor Government. According to nurses who have contacted me directly, 3.4 full-time equivalent nursing positions are earmarked to go at Moruya hospital and 4.4 full-time equivalent nursing positions are earmarked to go at Cooma hospital. Earlier this week the Nurses Association threatened to take the State Government to the Industrial Relations Commission over these proposed cuts. Of particular concern is that it seems a bureaucrat is making these recommendations and decisions based on a formula that is not relevant or pertinent to the on-the-ground situation of those hospitals.

An evaluation is being done on bed occupancy at the hospitals when that does not truly reflect the level of demand for patient services throughout the course of the year. Elective surgery waiting lists for Moruya and Cooma hospitals currently stand at 125 and 70 respectively. This suggests that demand for services at both hospitals is at a level requiring those nursing positions. Given the concern conveyed by current staff to the community and to members of Parliament about the proposed cuts, the State Government should not proceed with its plan. We all know the pressure area health services face to operate within their budgets, but cutting nurse positions, particularly at Moruya hospital, will only force more staff to leave because of the additional pressure they will be under.

The Nurses Association has pursued this issue rather aggressively. Yesterday a meeting was held in the region. The Greater Southern Area Health Service Director of Nursing, Robert Harvey, attended in an attempt to try to settle things down. Nurses should not be pressured to remain silent on this issue; they are acting only in the interests of the community and patient safety. They should not be pressured in any shape or form by politicians, particularly the member for Monaro, or bureaucrats trying to hose down this issue. Over the past 12 months nursing positions in south-east hospitals have faced a number of pressures with skill-mix initiatives, voluntary redundancies, changed contractual arrangements, registered nursing positions replaced with enrolled nursing positions in order to save \$20,000 per nurse year, and closure of operating theatres. Now we hear that 3.4 full-time equivalent nursing positions will go at Moruya and 4.4 full-time positions will go at Cooma hospital.

A community rally will take place on 7 November to address this issue. I am organising a public meeting also in Moruya for further discussion. I hope that Carmel Tebbutt, the Minister for Health, will intervene and protect these nursing jobs. Recently the member for Monaro and I had a rather lively debate on ABC south-east radio about this issue. I urge the member for Monaro to talk to the Nurses Association to get a real idea about what is happening. The member for Monaro is trying to convey an impression to the entire south-east, including the Bega electorate, that these cuts are not on the drawing board. The reality is that they are. The Nurses Association is not making this up. It will not go to the Industrial Relations Commission if it does not have the information to hand. The member for Monaro should desist in his attempt to mislead the community about these nursing cuts. The community is seething about his representation on this issue. We need to protect nurses. They do a wonderful job in our State's health system, particularly in south-east New South Wales.

LAKE MACQUARIE ROYAL VOLUNTEER COASTAL PATROL

Mr MATTHEW MORRIS (Charlestown) [12.28 p.m.]: The Lake Macquarie Division of the Royal Volunteer Coastal Patrol tomorrow is conducting its annual open day to provide displays by other rescue agencies and engage the community. Most pleasingly, this open day will be situated on the sunny side of Lake Macquarie and will provide entertainment, food stalls and a variety of market stalls. The public will be able to view the radio room and the base facility. It will be an opportunity to attract new members from the community, who no doubt will be there in force.

The open day is a unique annual event. Tomorrow the patrol will celebrate its fifty-ninth anniversary as the Lake Macquarie Coastal Patrol. It also will be its last anniversary as the Lake Macquarie Coastal Patrol because shortly it will become part of Marine Rescue New South Wales. Although tomorrow's open day will be a day of mixed feelings, we will be able to reflect on the work of the Lake Macquarie Coastal Patrol, as we have known it for so many years, in protecting and assisting our community in their use and enjoyment of the lake. We are lucky in Lake Macquarie to have such an asset—a saltwater body bigger than Sydney Harbour. The pleasures of the lake are in high demand and enjoyed by our community. This type of resource brings about a range of aquatic uses and, regardless of the time of day, Lake Macquarie Coastal Patrol has always been there to assist those in need.

Tomorrow will be a day of reflection and also a day to cast our minds forward. Although the patrol will operate under a different badge, I am sure for many years they will be known as the Lake Macquarie Coastal Patrol, under the banner of Marine Rescue New South Wales. I am sure that the member for Swansea and the member for Lake Macquarie share my sentiment that the Lake Macquarie Coastal Patrol has done a terrific job on behalf of our community. We take our hats off to them and thank them wholeheartedly for their contribution in ensuring the safety of our aquatic community. The change to a new badge under Marine Rescue New South Wales has attracted a handful of cynics. I am pleased to say that the Lake Macquarie Coastal Patrol is comfortable with the rebadging of its organisation and looks forward to continuing to provide its services, albeit under a different name.

I hope tomorrow a huge number of the Lake Macquarie community and others attend the open day. It is fitting that we take this opportunity to support our coastal patrol service, as well as the raft of volunteer groups and individuals across our community, and pay tribute to the work they have done. As well as attracting a high level of public confidence, I hope the patrol receives monetary contributions because the coastal patrol essentially survives on donations. It is with pleasure that I will attend the open day tomorrow to join in the celebrations and recognise the contribution of Lake Macquarie Coastal Patrol and all its volunteers. Although the patrol will operate under a new badge, it will still provide the same level of support, commitment and dedication to the Lake Macquarie local community. I wish the patrol all the best not only for tomorrow but also for the many years ahead. I thank all the volunteers for the terrific work and contribution they make to our community. Well done!

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [12.33 p.m.]: I am sure the House joins with me in congratulating and thanking members of the Lake Macquarie Coastal Patrol on their diligent work over so many years and their willingness and readiness to assist at a moment's notice those in need and members of the aquatic community who use the lake. I thank the member for Charlestown for bringing this matter before the House. The volunteers of the Lake Macquarie Coastal Patrol put their community first. On behalf of the House I thank them and wish them well as they are rebadged under a new designation. We wish them all the best at their open day tomorrow.

NORTH COAST AREA HEALTH SERVICE

Mr THOMAS GEORGE (Lismore) [12.35 p.m.]: I again highlight in the House concerns about cutbacks in the North Coast Area Health Service, particularly the amalgamation of the positions of director of nursing at Lismore Base Hospital and Ballina District Hospital. On a recent visit by the former Minister for Health in the other place to Lismore a representative of the nurses, Mr Gil Wilson, expressed his concerns to the then Minister about the amalgamation of these two positions. I have forwarded those concerns on to the current Minister for Health and Deputy Premier. I also have spoken to the Minister about the issue, but I want to place on the record the concerns of the many nursing staff who have spoken and written to me about this issue.

Clearly, the North Coast Area Health Service is not listening and has no interest in doing anything other than amalgamating the positions. Currently Lismore Base Hospital and Ballina District Hospital each have

a position of director of nursing. How will making these positions part-time improve these facilities? Lismore Base Hospital is the centre for health care on the North Coast. People who get sick are sent to Lismore Base Hospital to receive high-level care. The hospital will not be able to provide the same level of care if it has a reduction in nursing management. The current occupant of the director of nursing position at Lismore Base Hospital involves a 10-hour to 12-hour day plus attendance on the weekend to complete the workload. I have been informed a similar situation applies at Ballina District Hospital. One person will not be able to effectively perform the duties of both these positions as well as travelling between the facilities.

Lismore Base Hospital is a hub facility with many spokes, all of which are of similar distance from the hospital. Ballina District Hospital is on just one of those spokes. It is beyond belief that the North Coast Area Health Service continues to pursue this amalgamation when the Director of Nursing of the Casino and Coraki health facilities and the Director of Nursing of the Byron and Mullumbimby health facilities, two separate small facilities, have informed me that their workload is excessive. Yet the North Coast Area Health Service expects one person to cover two facilities six to 10 times larger than those smaller facilities. Lismore Base Hospital has approximately 200 beds. One person cannot be expected to provide effective management with an additional 36 beds at a facility 35 to 40 kilometres away.

Why would the North Coast Area Health Service proceed with a policy that is opposed by the largest percentage of its workforce—that is, the nurses? As I said, the nurses have expressed their concerns to me about the amalgamation of these two positions. Once again, this is a bureaucracy that is making cuts to front-line services in order to bring its budget in line. The Chief Executive Officer of the North Coast Area Health Service said in a television interview, "The job cuts are necessary to bring our budget in line to pay for our accounts." That is a disgrace.

Mr Andrew Fraser: It is appalling.

Mr THOMAS GEORGE: It is more than appalling. It is a disgrace to impose an extra workload on nurses and put lives at risk to bring a budget in line and pay for accounts.

Mr Andrew Fraser: They should sack the chief executive officer up there.

Mr THOMAS GEORGE: The member for Coffs Harbour says they should sack the chief executive officer. Quite simply, the chief executive officer is not listening. Apparently, no-one in the North Coast Area Health Service is listening. Every day the member for Clarence informs the House that 400 jobs have been lost in the North Coast Area Health Service.

MS CHRIS RONALDS, SC

Mr TONY STEWART (Bankstown) [12.40 p.m.]: Recently I informed the House that I have discontinued my legal action in the Supreme Court against the State and Ms Chris Ronalds, SC. Many of my constituents have contacted me to ask what is the status of issues regarding Ms Chris Ronalds, SC, whom they feel should be brought to proper account for initiating a legally flawed and untrue report, tabled in this House on 11 November, that led to the Premier's decision to dismiss me as a Minister. I inform the House that since this period, a number of people have come forward to my office to formally indicate that they too had become victims of Ms Chris Ronalds' legal ineptitude. These people include, among many others, Mr Bryan McKee-Hata, who recently spoke to Alan Jones about his issues. His experience was reported in the *Sydney Morning Herald* as well.

Mr McKee-Hata is a senior nurse with 24 years experience. Somebody wrote 26 anonymous letters within the Westmead health service complaining about management and bullying tactics. I do not know about the substance of those letters, but I can say that one of the most senior letter-writing experts in the world was called in to investigate the letters and determine whether they were Mr McKee-Hata's letters. That expert concluded that there was no basis to say that they were Mr McKee-Hata's letters. Regardless, Ms Ronalds was brought in to investigate. She found that he did indeed write the letters. Mr McKee-Hata, a person with 24 years experience, resigned.

Edwina Love worked at the Sutherland Hospital, Caringbah, as a cardiac technician. She had been working there for some time. She complains that she was being harassed and bullied within the hospital environment. She wrote a letter of complaint to senior management. As result, Ms Chris Ronalds, SC, was wheeled in. She investigated the complaint. Edwina Love tells me that she was interviewed by Ms Ronalds and

in the in-depth interview she was allowed to answer only yes or no to any questions asked by Ms Ronalds. Obviously, she lost that case but the decision was overturned some 12 months ago due to her tenacity. But the fact remains that she is another victim.

Dr Brian Masters worked at the Midwestern Area Health Service, which is now known as the Greater Western Area Health Service. He was a victim of a report by Ms Chris Ronalds. As a result of that, he resigned from his position rather than accept the report's recommendations. I will not deal with that matter in detail today, but much more is to be said on that. Ms Ann Clifton worked for the Greater Western Area Health Service and reported the misuse of drugs and bullying within the hospital environment. The misuse of drugs is a very serious allegation. What happened? Ms Ronalds was brought in to investigate the very serious allegations. As a result, it was Ann Clifton on whom the report centred, and she lost her role. Ann has told me directly that, "Chris Ronalds has, as a result of this action, destroyed my life. All I did was stand up for the truth." There are many other cases.

Recently I was informed that Ms Ronalds was in Bathurst during a very important coronial investigation into the tragic disappearance of a young woman, Janine Vaughan, who disappeared without trace from Bathurst in December 2001. I am advised that during the coronial investigation, Ms Ronalds stayed at the luxurious five-star Bishops Court in Bathurst. Fair enough—I guess she is senior counsel. I am further advised that at this stage Ms Ronalds became involved in a discussion with fellow guests and spoke about the coronial investigation—adding, quite tangibly, her own perspectives about certain people of interest to the police Strike Force Mountbatten investigation that is dealing with that tragic case.

This is potentially a serious issue because clearly, as senior counsel assisting police in that coronial inquiry, Ms Ronalds should not in any way be discussing this investigation publicly and should remain absolutely tight-lipped about any knowledge she has of the investigation, including any opinions she might have about certain suspects. Any public comment on such an investigation, whether in conversation or elsewhere, should be made only by the police. They are the people who are in charge of the investigation. Today I wrote to the New South Wales Attorney General, the Hon. John Hatzistergos, to advise him in more detail about this issue. It will be up to the Attorney General to ascertain what action should be taken relating to Ms Ronalds' conduct in this matter. In the meantime, I will continue to work on behalf of the many people who have contacted me to raise concerns about Ms Chris Ronalds, SC.

ROADS AND TRAFFIC AUTHORITY RESPONSE TO CORRESPONDENCE

DRIVERS LICENCE DEMERIT POINTS

Mr MALCOLM KERR (Cronulla) [12.45 p.m.]: On behalf of motorists in the Cronulla electorate I draw to the attention of the House the hardships that have been imposed upon them by the Government. Many motorists who travel from the Cronulla electorate use the Eastern Distributor and tollways. The Government's process for collecting tollway charges is causing difficulties. I speak from personal experience: the Roads and Traffic Authority [RTA] failed to link my new tag to the proper account and failed to answer my correspondence. For months I received toll notices and additional administration charges of, I think, \$10 for each toll. I am pleased to note that the Auditor-General's report states:

This year we received an increased number of complaints and inquiries about the Roads and Traffic Authority's (RTA) E-toll tags and E-toll passes. The issues raised were mainly problems with billing and delays by the RTA in responding to complaints.

We raised these issues with the RTA. They decided to establish a position for a Customer Relations Coordinator who would be responsible for all customer and stakeholder complaints associated with tolling issues. We hope this will result in more effective complaint-handling and the provision of better quality service by the RTA.

Let us all hope so. People are experiencing difficulties also in checking whether they have accumulated demerit points. While appreciating the need for privacy, the online checking of motorists' demerit points on the Roads and Traffic Authority website is onerous and time consuming. Not only are licence details required but full registration details, including the last three digits of the engine number of the driver's vehicle. This creates difficulty if the driver does not own the vehicle that he or she regularly drives and the registration paperwork is not readily available to the driver.

While it is commonly assumed that a driver who accrues 12 demerit points in three years is not a responsible driver, this has certainly proved not to be the case for constituents in my electorate. Motorists in my electorate have gone over the 12 demerit points on a long weekend by simply backing out of their driveway

without wearing a seatbelt, or exceeding the speed limit by under 15 kilometres per hour simply to keep up with the flow of traffic in circumstances that would make it dangerous to do otherwise. They have also incurred points for speeding in a school zone when they have entered that zone after turning a corner within the zone. Licensed drivers should have much easier access to their demerit points to avoid the devastating loss of licence, and resultant loss of income, and to maintain a conscientious awareness of the importance of safe and responsible driving.

When motorists lose points and take the matter to court, if the magistrate is tempted to combine justice with mercy under section 10, the motorists face a further injustice as a result of the Government's legislation because although a magistrate may waive a fine, or order that no penalty at all be imposed, he or she has no power to order that demerit points should not be part of the penalty. I was very pleased, and I am sure the people of New South Wales will be pleased as well, that the Leader of The Nationals introduced a bill to ensure that that discretion will be available. After all, even in murder cases and other very serious crimes we trust judicial officers to exercise discretion and dispense mercy if the circumstances dictate. However, New South Wales motorists, including motorists in my electorate, do not have available to them what section 10 was designed to do, resulting in undeniable hardship for motorists in the Cronulla electorate.

TRIBUTES TO DR PAT MOWBRAY, ALAN WASHBOURNE, FAY VAUGHAN AND PROFESSOR JIM HAGAN

Ms NOREEN HAY (Wollongong) [12.50 p.m.]: It is with great sadness that I notify the House of the passing of some well-known and respected community identities in the Wollongong area in the past few weeks. On 10 October, at the age of 75, Dr Pat Mowbray passed away after a year-long courageous battle with lung cancer. Right up until the end Pat was a tireless campaigner for the health of people, and indeed the planet. As the deputy director of Futureworld and former president of Healthy Cities Illawarra, Pat was still attending meetings and was actively pursuing her quest for a healthier community, not once considering giving it all away to live a quiet life.

During her life Pat achieved many things. She was awarded the Public Health Association of Australia (New South Wales) Health Impact Award in 1998 and an Order of Australia Medal in 2002. She was Deputy Medical Superintendent and Director of Community Health at Wollongong Hospital for 16 years; a Fellow of the University of Wollongong; an honorary member of the Graduate School of Public Health; and she helped establish Futureworld in 1993. Dr Mowbray began her medical career at Wollongong Hospital in 1959 after realising that her five-foot stature would not accommodate her desire to become a dancer. She has been quoted as saying, "Audiences expected tall, willowy ballerinas." She went on to be one of only two full-time doctors on staff, pioneering the development of the local region's community health services. Dr Mowbray's passing will be felt deeply throughout the whole community.

Another truly great individual in the Wollongong area was Mr Alan Washbourne. Mr Washbourne, who was a tireless campaigner for the Berkeley community, passed away on 20 September from melanoma. He was so well known in his community that he was affectionately known as "Mr Berkeley". He tried to raise the image of the Berkeley area and often appeared in my office complaining bitterly about the fact that people who had never been to the area continued to criticise it. He felt they were besmirching its name. I would describe Mr Washbourne as a truly decent and genuine man, with a particular passion for his community—and, of course, he loved cricket.

Mr Washbourne was a fervent advocate for improving Berkeley's image. He was the former president of the now defunct Berkeley Neighbourhood Watch and was actively involved in the restoration of the Berkeley Pioneer Cemetery. Maria and Charlie Gibb, local activists in the Berkeley area, were often seen with Alan trying to right perceived wrongs. His community participation also extended to a number of sporting and scouts associations. Mr Washbourne was recognised for his services to the community with the Order of Australia Medal in 2003 and he featured on the front of the White Pages telephone book in 2004. At his funeral his daughter Joanne described her father as "a true Australian gentleman", and I would agree with that title. She thanked him for making the world a better place. She said:

He never walked past a man, woman or child in need. He only saw the good in people and was always positive and uplifting in his outlook.

I also acknowledge the passing of a Port Kembla stalwart in my electorate. Fay Vaughan was a woman who wasted no time letting you know if there was something she believed you needed to know. So much so that she would phone me to suggest that perhaps I wear a different colour outfit because the one I wore on the news that

day made me look washed out. I will dearly miss Fay Vaughan. People like her are few and far between. She was no relation, but she was a staunch supporter of mine who followed every move I made and everything I said.

Professor Jim Hagan also died recently. He and his partner Lois were great stalwarts of the Australian Labor Party and Jim was president of the Thirroul branch. It is very sad that so many respected members of the community have passed away in such a short space of time, and it is our loss. Hopefully, they have set an example for others to strive to follow. If we can achieve just a fraction of what those people achieved we will be doing very nicely in the electorate of Wollongong, the area in which I live.

COFFS HARBOUR POLICE STATION

Mr ANDREW FRASER (Coffs Harbour) [12.55 p.m.]: Today I raise an issue that I have raised in this House before. It is getting to the stage where police officers and court officials in Coffs Harbour are becoming somewhat desperate because their facilities are so poor. Recently the mother of a probationary constable—whom I will not name for fear of some sort of retribution against the officer—came to me and said that her child was working at Coffs Harbour police station and that the conditions were appalling. The Commander, Superintendent Mark Houlihan, operates out of a demountable building in what used to be the car park at the rear of the building. Officers work in what used to be the muster room, which now has desks but not enough computers and chairs for all officers. The police officers find it extremely difficult to work in those conditions.

Unfortunately, it was said recently that the Coffs Harbour Local Area Command had a bad reputation for community service. I suggest that if police officers are working in appalling conditions they are under extreme pressure and their work and the reputation they have in the community are suffering because of it. Some phenomenal police officers are operating in the Coffs/Clarence Local Area Command, but they are working in Third World conditions. I challenge anyone to look at their conditions and then deny they are appalling. It is probably the worst police station and justice facility in the State of New South Wales.

Prisoners have escaped from the dock in the courthouse. The courthouse was built as a government office block in 1963 but was converted to a courthouse and has been utilised as such ever since. Promise after promise has been made to build a justice centre incorporating a courthouse and police station in Coffs Harbour ever since this Government came to power—in fact, it was on the list of works to be carried out under the last Coalition Government and construction was supposed to start in about 1997. But the project fell off the list of works. I concede that under Minister Whelan, a former Minister for Police, better cells and better conditions were provided, including a walkway to transfer prisoners from the police station to the adjacent courthouse. But that is all that has been done. When young officers enter the police force as probationary constables and tell their mothers that they are working in archaic, Third World conditions it gives an indication why police officers are leaving the force in droves. It is because of the working conditions.

In the House last week, and during the parliamentary sittings the week before, I referred to the large number of accidents and deaths on the Pacific Highway. I am reliably informed by the police association in Coffs Harbour that this is because there is not enough funding available for the highway patrol to run 24 hours across the Coffs/Clarence command. More than 30,000 heavy vehicles a week travel through the area on the busiest highway in New South Wales. It is coming up to Christmas and we will have an influx of tourists heading north who will stay in Coffs Harbour. All that will happen is a number of officers—probably from the electorate of the member for Miranda and other Sydney areas—will be deployed to the area for about six weeks and they will have a blitz and maybe catch a lot of locals going five kilometres an hour over the speed limit. Undoubtedly, it will slow down the traffic—which is what we are after to stop the accidents—but the reality is that the police station is understaffed and the community is being underserved out of a Third World facility, both in the courthouse and in the police station.

It is high time this Government did what it promised. Every year the Government has promised planning for a new police station and a new courthouse in Coffs Harbour, yet nothing has been done. We have not seen the plans; we have just heard vague promises. If we are going to maintain and retain young probationary constables we need to give them facilities that are consistent with the duties they have to perform, that reflect their position in society and that will keep them in the police force and not cause them to walk away due to stress-related illnesses. That happens far too often in the Coffs/Clarence command.

TRIBUTE TO PROFESSOR JIM HAGAN

Mr PAUL McLEAY (Heathcote) [1.00 p.m.]: It is with sadness that I inform the House of the passing of Professor Jim Hagan. I thank the member for Wollongong for acknowledging Professor Hagan's passing in

her private member's statement. Professor Jim Hagan was an amazing man who dedicated his life to things that he was passionate about. He was committed to the Labor Party. He had a love of history, the railways and service, but mainly he loved people. A service held in Wollongong during the week was extremely well attended, and I will talk about that in a moment. Jim Hagan is survived by his wife, Lois, his sons John and Jim and his grandchildren Clare, Angus and Jasper. Jim was proud of his family, among other things, and his two sons in particular. John works in forestry. Jim is Australia's representative at the World Bank and he returned to Australia to attend his father's funeral.

I knew Professor Hagan as Jim. He was president of the Thirroul branch of the Australian Labor Party. He was dedicated not only to hard work and passion but also to details. If people made a commitment Jim often wrote it down and then chased them up. He did not let anyone get away with comments because he was forensic in the way that he would deal with things that he thought needed to be done. I appreciated the warm arm he extended to me. We spent time together at his house. A number of times Jim, Paul Tuckerman and I sat on Jim's veranda drinking coffee and talking about how to improve the fortunes of the Labor Party in the local area and how I could improve the way I represented the area as the local member of Parliament. Jim always had an eye on how the Australian Labor Party would be welcomed in the community.

One strength of the Thirroul branch was its absolute commitment to broadening the Labor Party's appeal in the area. For 40 years Thirroul branch has been holding annual community dinners, which have evolved over time. I understand they used to be dance nights; now they are more civilised affairs with dinner and guest speakers. They are about normalising and broadening the appeal of the Australian Labor Party and making it much more part of the life of the village of Thirroul. Jim joined the Australian Labor Party in 1956. Many of the people who spoke at his service talked about his union activism. Rob Castle talked about Jim's union activism, environmental activism and anti-war stance. Jim's son Jim spoke of his childhood as only a son can talk about his father.

Les Lazarus talked about some of the early years. As one of Jim's oldest friends, he reminisced with stories about not letting the fact that he was one of the quiz kids on the radio programs in 1941 to 1945 go to his head. He was sure that that was the case. Noel Rutherford from the Australian National University in Canberra and Ron Stewart from the University of Wollongong and close friend talked about Jim's fondness for keeping commitments and friendships that had developed, in some cases over 60 years. Jim provided them with regular and continual updates. I am told this was often done while sharing what they called the brew that is true. Jim loved his home brew, and the Hagan brew kept them together.

Cliff Blake from Charles Sturt University and Warren Grimshaw from public education also talked about Jim's love of life and his passion for what he believed in, his love of education and history, and the fact that one of Jim's strengths was to deal with people in a professional and courteous way. Les Johnson, who was the Federal member for Hughes for 29 years, dedicated 12 of his 13 election wins to Jim Hagan's commitment and campaign advice. Rob Hood, who was one of Jim's last research assistants, talked about how they were still friends 20 years later. It was a wonderful experience to share that with the family, and I thank them for allowing me to do that. The member for Keira and I will be purchasing half a dozen copies of a great little Australian kids book by Danny Katz called *A Little Election*, which is a story about a little boy who wants to be Prime Minister. We will be presenting the books to our local public schools in memory of a great man, Professor Jim Hagan.

GLOBAL POVERTY

Mr ROB STOKES (Pittwater) [1.05 p.m.]: Today I want to highlight to the House the outstanding work being undertaken by the northern beaches branch of Results Australia. Results is an international network of volunteers actively engaged in grassroots campaigns to raise awareness of the escalating impacts of global poverty. The volunteers are everyday people from all walks of life bound together by a shared vision of a world without poverty. Led by national manager Maree Nutt, who is a Mona Vale resident, and group leaders Louise Lorimer and Lili Koch, Results Northern Beaches is a highly dedicated group of volunteers, including Diana Shakes, Melissa Pearce, Leonie Keighley, Barbara Turner, Melissa Husher, Michele Kaye, Julian Pulvermacher and Carol Moran. They are all committed to making a difference throughout the world. Their commitment towards raising awareness, building support and inspiring action is truly remarkable.

Global poverty will not go away overnight, and Results is determined to push for the global change in attitude that is so desperately needed. Having enough to eat and drink, and shelter to sleep under is often taken for granted by a fortunate majority of people in Australia. But for countless people throughout the world, and even directly outside Parliament House, life is a constant struggle. While many in Australia may be removed

from the immediate effects of war, famine, disaster and disease, we must be part of the solution to these diabolical problems. Results volunteers are working tirelessly to highlight this need and prompt decision makers into action. Governments throughout the world, including the New South Wales Government, are often in the best position to drive change. Their enormous purchasing power, ability to legislate, and platform leadership allow them to take big steps towards practical measures.

This could be seen in New South Wales through initiatives such as the Government purchasing fair trade products, which would directly benefit those in poverty-stricken regions, and encouraging research into more effective solutions and acknowledging those who have gone above and beyond to help address the effects and causes of poverty; and through ideas such as the introduction of a Premier's challenge against poverty award, for example, which should be thoroughly considered and investigated, based on the same premise as the Premier's reading challenge. The more the Government can do to create awareness and encourage people to get involved, the more chance we have to make a meaningful contribution towards alleviating poverty. This type of proactive approach is desperately needed.

Far too often governments place too much emphasis on planning for the effects and ramifications of poverty, such as refugees and civil conflict, without looking to address the source and cause. Australia and many other countries are currently facing huge difficulties with the inflow of asylum seekers seeking refuge from hardship and poverty. So much of the debate about desperate refugees coming to this nation focuses on how to stop them when we need to focus on the factors in their homes, such as war, famine and grinding poverty, which force them to leave. Well thought out preventative measures aimed at reducing poverty at the source would go a long way towards reducing the push factors that force desperate families and individuals to flee their homelands in search of reprieve.

Groups such as Results have a vital role to play because those suffering from the effects of poverty are often without a voice. They are excluded from contributing to decisions that affect them and powerless to hold decision makers to account, despite being the ones most vulnerable to the effects of a changing climate, disease and environmental degradation. Their needs are being sidelined. Groups such as Results are fighting for change. Recently I had the pleasure of meeting with representatives of Results Northern Beaches. I was extremely impressed by their passion and commitment. Their ability to communicate the enormous crisis occurring throughout the world and the response which is needed were certainly eye opening, to say the least.

After meeting with these wonderful local ladies it is little wonder that Results is having such great success in amplifying the voices of the vulnerable and helping lift poverty alleviation to the top of the political agenda. While only a small group, Results Northern Beaches has proven to be enormously effective. Global poverty is one of the most critical issues of our time. How we choose to deal with this crisis has ramifications for billions of people worldwide. Australia is not removed from global poverty; nor are we immune. Everyone has the ability to take a stance, and everybody can make a difference. This is something that Results Northern Beaches is firmly focussed on and has fought for with great success. I am proud to pledge my support for Results Australia, and I strongly encourage all members of this House to do so.

TRIBUTE TO LARRY HUNTER

Mr ALAN ASHTON (East Hills) [1.10 p.m.]: Today I draw to the attention of the House the sad and untimely death of Larry Hunter of Revesby. Larry Hunter was the president and founder of the Padstow Panthers Junior Rugby League Football Club, which was formed only in 2000. I have the honour to be the club's patron. Larry Hunter was a very big man with a big heart who passed away last Saturday just days short of his fifty-eighth birthday.

I first met Larry Hunter shortly after being elected in March 1999. Larry was experiencing some difficulties with the Canterbury-Bankstown junior rugby league. My office was able to assist, but because of Larry's great passion for his sport and the battlers and underdogs that he represented he occasionally found himself disagreeing with the junior league, sometimes again and again. I know that Canterbury-Bankstown, as they will be renamed in 2010, have been referred to as the "family club" in rugby league for many years. However, the Panthers, as the newest club in the Canterbury junior league, was truly a family club. For some time the Panthers did not have a home ground. However, with the assistance that I was available to provide and the assistance of Bankstown council and councillors Alan Winterbottom and Ian Stromborg, Padstow Park became the home ground.

Larry's wife, Noeline, ran the canteen and sons Wayne, Glen and Paul coached and managed the various sides. Wayne's partner Toni also contributed to the success of the club. His daughter Kerry also managed teams and helped in the canteen. Larry did all of the above and managed the sausage sizzle and the

barbeque as well. The club always struggled for sponsorship and I know that the family often went without some of the luxuries that many have to help those less fortunate than themselves. Larry also had to drive his players to and from games because so many of the Panthers members came from very low socioeconomic backgrounds. The club was a United Nations type of club with youth from the Middle East, the Pacific Islands, a few Anglo kids and even a young champion who was a refugee from Sierra Leone. The parents could often not afford the fees to register their kids with the club, but they were never turned away. Good people helped out, but the Panthers club was and is a team of battlers.

Kids who have needed a second or even a third chance in life or sport found support from Larry Hunter and his family. His young son Andrew also plays for the club, as does Kerry's partner, Wayne Beh. Many of the Padstow Panthers players have gone on to play first grade for National Rugby League [NRL] clubs. As the patron I was able to sit in the dressing rooms while Larry or his coaches talked to the players about the game to be played. He always stressed teamwork, playing for your mates, not giving away silly penalties, and playing within the rules. Larry Hunter knew that to be a good footballer you had to be a good person first. I remember one day that the Canterbury club was sending an NRL player to the Panthers presentation day, but at the last minute the player could not turn up. Larry called Stephen Price, then the Bulldogs captain, who immediately agreed to fill in. That is an example of the respect attracted from so many NRL players.

Larry Hunter and his family were also members of the Australian Labor Party. During election campaigns the players would letterbox pamphlets for me and other Labor candidates and Larry and his family would distribute how-to-votes cards on polling day. Larry would visit my office regularly seeking all sorts of advice and requests for assistance. However, it was never about Larry himself or his family. He was always trying to help someone who had fallen on hard times, a player who had trouble at school, students who had problems at school or even with the authorities. Larry was an engaging, almost charismatic character whom one could not help but like. Even when I was really busy, if Larry rang I nearly always took his call. If he dropped in I would often say to my staff that I would see him but that I would not be long. Inevitably my staff would not see me again for an hour or more as Larry and I discussed rugby league, schools, referees, council issues, legal matters, raffles and all sorts of things that might help out the club, and other issues that people talk about when they get on really well.

Larry's health was never very good. However, like many people he was driven to make a difference for others and not himself. Larry Hunter began as an ordinary constituent in my office and ended his life as a wonderful friend of mine. My staff—Christine, Joanne, Allan, Myrna and Sue—pass on their sympathy to his family. My wife, Linda, who was often asked whether her school could provide the Panthers with players, also deeply regrets Larry Hunter's passing. To Larry's family and friends and those who knew him through his love of league and greyhounds, I pass on my deepest sympathy and that of my colleague Daryl Melham, the Federal member for Banks.

BUILDING THE EDUCATION REVOLUTION

HORNSBY NORTH PUBLIC SCHOOL

Mrs JUDY HOPWOOD (Hornsby) [1.15 p.m.]: Unfortunately, the Building the Education Revolution [BER] in my electorate is turning into the Government scraps outdoor learning revolution. Hornsby North Public School has fallen victim to the Government's poor management of the education revolution funding with news that its covered outdoor learning area [COLA] will have to be scrapped. This news follows another local school's report that New South Wales Labor Government was wasting up to 25 per cent of these funds on bureaucracy and management fees. Documents show that hundreds of New South Wales schools may have to cancel or scale down their projects under the BER as a result of cost blowouts. Sadly, Hornsby North Public School is the first school in my electorate that has reported that this happened. I recently received an email from a parents and citizens association representative stating:

Well surprise—the project under the BER is estimated to come over budget by \$600K so they are now deleting items that they promised we would get.

I don't really understand because \$3.2M is a lot of money. I don't really understand how a 2 storey rectangle can cost so much. If we were building a house with the works it would be a very grand house indeed.

Unfortunately, the school has been told that it will have to lower its expectations. When the principal asked the project manager for a detailed breakdown of the costs she was told that that information could not be supplied. The project manager recently sent the principal a letter stating that the project would be downsized. The project manager's letter states:

As indicated the big ticket items to be deleted from your project are as follows:

- 1.) COLA & Associated works

A rainwater tank and solar panels were also deleted. The letter continues:

I would ask that you—
the principal—

reply back to this email that you acknowledge from a Budget point of view that the above items are required to be deleted to enable your school project to come in on budget.

As it happens, the parents and citizens representative's father is an engineer. He was asked for his opinion and he stated:

However, I don't know how the Principal can be qualified to "acknowledge from a Budget point of view that the above items are required to be deleted to enable your school project to come in on budget". I think that it is appalling and unprofessional to ask this. How can she know? I think that it may be a future let-out (for the Government...) so that they can somehow blame her, or say that she should accepted it. She should resist acknowledgement, particularly if she is not allowed to see the detailed breakdown of costs.

This engineer casts great doubt on the way in which the BER funding has been managed and asks various questions, including:

How is a market assessment relevant to a school project?

Site and location access—an allowance should have been made ...

Site Ground conditions—an allowance should have been made ...
Suspended floor systems—should have been included in the rates

Bush Fire assessment leading to a higher level of construction for the class rooms—I don't know that this site would require special construction for bush fires, and the additional cost should be small.

Relocation of Demountables to a temporary location during construction. This cost should be small and you would think that an allowance should have been included in the original budget.

The school had great expectations about the expenditure of \$3.2 million. Once again, the broken Labor Government cannot handle this type of budget. Stimulus funding should be spent quickly to stimulate the economy. That will not happen if the State Government cannot allocate finances properly. The Rees Government's poor handling of the Commonwealth's BER program is further evidence of its financial incompetence and inability to deliver infrastructure projects. The school needs a covered outdoor learning area. I am sure that other local schools will be contacting me about overestimates. It is hard to understand that a budget that was allocated and projects that were put forward and accepted are now over budget and cannot be realised.

TAMWORTH REGION OPTOMETRY SERVICES AND ASSOCIATE PROFESSOR PHIL ANDERTON

Mr PETER DRAPER (Tamworth) [1.20 p.m.]: During a recent function in Manilla I had a very interesting conversation with a real inspiration, Phil Anderton. Phil was born and raised in Newcastle, attended Marist Brothers High School, Hamilton, and decided he wanted to be an optometrist after his first eye examination, at age 14, when he could not believe the difference new specs made to his previously myopic blurred vision. After completing the Leaving Certificate Phil studied optometry in Sydney at the University of New South Wales. He completed the undergraduate optometry course in 1969, and worked for several years for Gibb and Beeman, often attending their country practices as a locum in places such as Lismore, Wollongong, Newcastle and Camden.

An interest in eye and vision science led to his completing further studies at the universities of Melbourne and Sydney. In 1978 he was appointed lecturer at the University New South Wales School of Optometry, working there as an optometry academic until 2005. Phil was responsible for developing and establishing the postgraduate program that underpins the therapeutic prescribing rights for optometrists, introduced in the New South Wales Optometrists Act 2002. Many initial enrollees were rural optometrists, keen to gain the new privileges to help improve service to their customers and provide accessible local alternatives.

Apart from routine duties examining vision and providing glasses, rural optometrists play a vital role in the detection, diagnosis and management of acute and chronic eye disease. They have specialised ophthalmic equipment and expertise, and work in close collaboration with general practitioners, the local hospital and the

nearest medical eye specialists. This helps minimise the risk of vision loss from eye disease in rural communities. They use therapeutic eye drops in optometry to treat uncomplicated infections and inflammations, and they locally co-manage chronic diseases like glaucoma in consultation with the nearest ophthalmologists.

In 2004 Phil moved to live in semi-retirement at Manilla and joined the practice of the only optometrist in Gunnedah, where he worked as a locum one or two days a week. Compared with metropolitan practice, Phil was amazed at the broad scope of practice required. He was delighted to become a part of the positive and supportive clinical network that exists in Gunnedah between the optometrist, the local general practitioners and the regional ophthalmologists in Tamworth, Dubbo, Orange, and Armidale. Phil still travels to Sydney occasionally to teach at the University of New South Wales and for New South Wales Optometrist Association business. He is currently an adjunct Associate Professor at the University of New South Wales, and was elected President of the New South Wales Division of the Optometrists Association Australia in October 2008.

Phil also runs mobile clinics for Aboriginal communities two days a month with regular optometry services, including regular screenings for diabetic eye disease. The International Centre organises these clinics for Eyecare Education, and the Aboriginal Health and Medical Research Council of New South Wales. Recently Phil set up a regular one-day-per-week clinic at the Manilla Health Service. He pays an access license, and his services are entirely supported by Medicare. Locals have expressed gratitude to Phil and the health service for this valuable new service, which saves considerable travel. He also attends Manellae Lodge Aged Care Facility as required, on a domiciliary basis. These eye/vision clinic services will be integrated within the new Manilla HealthOne.

Phil is keen to have final year undergraduate optometry students from the University of New South Wales experience the broad scope and positive networks of rural practice as a key part of their clinical training. He is working to have the University of New South Wales and the University Department of Rural Health establish a joint rural clinical placement program, to place all students in Tamworth for four weeks of intensive rural clinical training and experience, hopefully spending time with rural general practitioners and eye specialists, and gaining a useful insight into the entire framework supporting eye and vision health in the Tamworth region. Phil has also initiated the formation of an Australia-wide Rural Optometrist Group to represent the interests and special needs of rural optometrists to Governments and other professions.

Rural professionals face many problems, including limited access to cable-speed Internet; no ready availability of teaching hospital clinics and specialists; isolation from peers and professional resources; lack of locums, and poor prospects for succession planning or generational change. His aim is to promote the special value of rural optometrists as the locally available eye health professional, and highlight the need for adequate technical and professional support. It will link closely with peak bodies such as the National Rural Health Alliance.

There are many professionals like Phil who have decided to retire to rural areas. These days "retirement" does not necessarily mean total withdrawal from one's trade or profession. There are probably many older retirees in rural areas who could be an untapped resource for their communities. Governments should identify these individuals, and provide them with the support needed to allow them to adopt a role as a valuable part-time service. Phil greatly enjoys his tree change, and his life as a part-time rural optometrist immensely, and hopes to continue in the role for a long time. By the way, for relaxation in his retirement he is a member of the local gliding club, and also the Gunnedah Shire Brass Band, which is the current national champion.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [1.25 p.m.]: This is a very important issue. I thank the member for Tamworth for bringing the achievements of Associate Professor Phil Anderton to the attention of the House. Associate Professor Anderton is a true leader of our people and has achieved an enormous amount in his life, and continues to do so. I have visited the School of Optometry at the University of New South Wales, and it is a wonderful institution. I pay tribute to both it and Associate Professor Anderton and the vision to set it up. Accessible optometry is vital to the welfare of our rural population, and the Rural Optometrist Group is a tribute to Associate Professor Anderton's persistence.

I am also very familiar with the achievements of the International Centre for Eyecare Education and its service to Aboriginal communities. Again I very much salute Associate Professor Anderton for his contribution to Aboriginal health. We both know about the very high rate of eye disease among our indigenous population. Finally, I would love to be one of his students. Someone with his wisdom, knowledge, compassion, sense of social justice and sense of fun must be a wonderful teacher and anybody who attends his rural clinical school will have a fantastic education in life and optometry.

LURNEA AND GLENQUARIE NEIGHBOURHOOD CENTRES

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [1.26 p.m.], by leave: Recently I visited Lurnea Neighbourhood Centre, where I met the wonderful Pat Cuninghame. Pat has been working at Lurnea Neighbourhood Centre for 10 years and it is a wonderful privilege for me to be able to pay tribute to Pat, one of the unsung heroes of the Liverpool area. Neighbourhood centres such as Lurnea exist on extremely limited funding. In fact, funding from the Department of Community Services, which supports Lurnea Neighbourhood Centre, has not increased for 10 years, apart from the consumer price index. On that funding, Lurnea Neighbourhood Centre is able to provide an extraordinary amount of services for the community. For example, youth health services from Fairfield Liverpool Youth Health Team now offers help to young people with issues such as behaviour conflict trauma and past issues, such as past abuse, grief, loss, depression and self-harm.

Lurnea Neighbourhood Centre also runs English classes, a seniors' group, three playgroups including one at Lurnea Public School, vacation care, exercise classes at Casula Community Centre for Seniors, a tax help service run by a volunteer from the Australian Taxation Office on Monday mornings, a weight loss support group and, most importantly, anybody can drop in at any time to meet Pat and be linked with many local services. I am in the process of trying to obtain some funding for this wonderful neighbourhood centre through the Community Building Partnerships Program, as its play equipment needs upgrading. On the day I was there a playgroup was in progress and I was able to meet Dawn Madden. Dawn has been a true inspiration to me. She has been volunteering every Tuesday and Wednesday for 14 years for playgroup. I place on the public record how incredibly lucky we are to have Dawn as a member of our community. It was a wonderful privilege to meet her. I was also able to meet Nikki Blake and Lisa Stark from the benevolent society. They were running an outreach playgroup on the oval during the day I was there. Neighbourhood centres such as Lurnea are absolutely vital to the fabric of our society. They do a wonderful job and I am pleased to commend Lurnea Neighbourhood Centre to the House.

Moving on to another neighbourhood centre in my electorate, I was fortunate to be with the Minister for Community Services, who gave a \$1,000 one-off donation to support the monthly community lunches at Glenquarie Neighbourhood Centre. These lunches are a chance for the community and workers to meet and share information, and to catch up. About 125 people gather each month. I was most pleased to be able to introduce the Minister to the wonderful staff at Glenquarie Neighbourhood Centre. These neighbourhood lunches are very successful. They are a fantastic networking opportunity for the people who live in Macquarie Fields and for professional groups. It is a grant chance to be able to catch up and have a bit of fun. I have spoken of Trish Fogarty and the Glenquarie Neighbourhood Centre before and yet again thank it for its support to me over the past few years. I am also grateful for the opportunity it has given me to run my outreach offices there. I also hope to be able to help Glenquarie Neighbourhood Centre in the Community Building Partnerships Program. Neighbourhood centres such as Lurnea and Glenquarie are absolutely vital to the welfare of our communities in south-western Sydney, and I commend them both to the House.

WAGGA WAGGA OBSTETRIC SERVICES

Mr DARYL MAGUIRE (Wagga Wagga) [1.30 p.m.], by leave: I have raised in this House before the crisis of obstetrics in Wagga Wagga and I do so again today. The front page of the *Daily Advertiser* of Friday 30 October states:

Here's the reason why Wagga has no obstetrician:

'THEY STUFFED ME AROUND'

The article went on:

IN THE middle of an obstetrics crisis, Dr Michael Koutsoukis was the obstetrician the Great Southern Area Health Service couldn't afford to let get away but did—and the State Government doesn't want to know.

A contract offered to Dr Koutsoukis as a full-time senior obstetrician at Wagga Base Hospital in May was—in his words—so badly stuffed up, he took another job in the meantime.

The blunder and what Dr Koutsoukis described as a "complete lack of interest" by the Wagga hospital's administration has cost expectant mothers in the Riverina his highly sought-after services.

Later the article continued:

NSW Minister for Health Carmel Tebbutt refuses to talk about the Riverina's obstetric issue and yesterday, Labor MLC Tony Catanzariti, based in Griffith, did not return calls.

GSAHS director of clinical services Dr Joe McGirr blamed the system.

"Our system let us down ... yes, we administer the system. It was one incident and it was really disappointing. We've undertaken a review to make sure it won't happen again. It was a situation we could have done better," he said.

Dr Koutsoukis said he was offered a position at Wagga Base Hospital as a senior staff specialist obstetrician, an employee of NSW Health, in May this year.

I'd worked on and off in Wagga as a locum for about 18 months and around Christmas time, I saw a couple of jobs advertised on the NSW Health Intranet. No one approached me about them, I just stumbled across them," Dr Koutsoukis said.

"I sent an email, expressing my interest in the specialist position but I didn't hear anything back. A few months later, I think it was March or April this year, I was back in Wagga. They still hadn't been filled so I asked about them again.

"I was interviewed and told I had the job as a senior staff specialist and I thought 'great'.

Unfortunately, the guy in Albury got my contract wrong, and they had me as a lower grade, which of course, costs money. And over a period of months, I didn't really have any contact from them.

"I just felt we weren't getting anywhere in Wagga. The guy at Bowral was great—much more professional. They had my contract sorted out in 2 to 3 weeks. I guess he saw the opportunity. They went through the process very thoroughly and efficiently.

"Eventually, I got a call from Wagga asking me to come back for yet another interview but by then, it was too late.

"If they cared, you'd think they would have been on the phone straightaway to sort it out.

"They stuffed me around over \$30,000 to \$40,000 but they're paying three times that for locums. To employ a full-time locum costs about \$900,000 a year."

The article went on:

"I was very disappointed. They just stuffed me around so much, we lost confidence in their ability. We had looked at real estate and schools for my son, everything. I was very committed to Wagga," he said.

"I don't know why it's so dysfunctional. It doesn't seem like there is anyone accountable there. A big hospital like that—I just can't work it out."

They are damning words. As I said yesterday, this issue needs action from the Minister. It needs her hands-on, undivided attention to ensure that the crisis at Wagga Wagga Base Hospital is resolved. Today's editorial in the *Daily Advertiser* states:

Action needs to be taken to find obstetrician

HEALTH Minister Carmel Tebbutt must take immediate action to rectify the farcical situation facing the Wagga Base Hospital and its inability to find a permanent obstetrician.

The editorial went on:

If it was the hotel industry and without such serious consequences, it would best be described as an episode from *Fawlty Towers*. GSAHS chief Heather Gray is, as usual, silent.

Later the editorial stated:

... Riverina Labor politicians and indeed the minister refuse to discuss the issue, but they would be mistaken to think it's going to go away.

This issue is not going to go away. We want permanency in obstetric services. I want expectant mums to be able to visit the same obstetrician throughout their pregnancy to ensure that a relationship is formed. That is a fair and reasonable request. The Government points to difficulties all the time but clearly from the information published in the newspaper today there are serious problems with the administration of contractual arrangements by Great Southern Area Health Service. Again I appeal to the Minister and to those bureaucrats in charge to fix the problem. We want it fixed. Those families do not deserve the uncertainty. I have made an appointment to see the Minister about the issue and I want her to take a personal interest in it. It is critical for the entire region, a catchment of 280,000 people that the base hospital serves.

Private members' statements concluded.

**The House adjourned, pursuant to standing and sessional orders, at 1.34 p.m. until
Tuesday 10 November 2009 at 1.00 p.m.**
