

LEGISLATIVE ASSEMBLY

Tuesday 23 May 2006

Mr Speaker (The Hon. John Joseph Aquilina) took the chair at 2.15 p.m.

Mr Speaker offered the Prayer.

Mr SPEAKER: I acknowledge the Gadigal clan of the Eora nation and their elders, and thank them for their custodianship of this land.

UNPROCLAIMED LEGISLATION

Mr SPEAKER: Pursuant to standing orders I table a list detailing all legislation unproclaimed 90 days after assent as at 23 May 2006.

VARIATIONS OF PAYMENTS ESTIMATES AND APPROPRIATIONS 2005-06

Mr John Watkins tabled variations of the Consolidated Fund receipts and payments estimates and appropriations for 2005-06 under section 26 of the Public Finance and Audit Act 1983 for the Department of Education and Training.

PETITIONS

CountryLink Rail Services

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

Cronulla Electorate Policing

Petition requesting reinstatement of police numbers at Miranda police station and maintenance of a strong visible police presence in Cronulla, received from **Mr Malcolm Kerr**.

Mount Austin Public School

Petition requesting funding for the provision of a school assembly hall at Mount Austin Public School, received from **Mr Daryl Maguire**.

Holbrook Public School Airconditioning

Petition requesting funding for the installation of airconditioning in all learning spaces at Holbrook Public School, received from **Mr Daryl Maguire**.

Wagga Wagga Electorate Schools Airconditioning

Petition requesting the installation of airconditioning in all learning spaces in public schools in the Wagga Wagga electorate, received from **Mr Daryl Maguire**.

Colo High School Airconditioning

Petition requesting the installation of airconditioning in all classrooms and the library of Colo High School, received from **Mr Steven Pringle**.

Snowy Hydro Limited Sale

Petitions opposing the sale of Snowy Hydro Limited and urging public consultation, received from **Mr John Price** and **Mr Andrew Stoner**.

Breast Screening Funding

Petition requesting funding for breast screening to allow access for women aged 40 to 79 years, received from **Mr Michael Richardson**.

Singleton Hospital Land Sale

Petition opposing the proposed sale of Singleton Hospital land, received from **Mr George Souris**.

Community-based Preschools

Petitions requesting increased funding to community-based preschools to enable them to maintain parity with preschools administered by the Department of Education and Training, received from **Mr Greg Aplin, Ms Sandra Nori and Mr Andrew Stoner**.

Recreational Fishing

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

CSR Quarry, Hornsby

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

Bombala Council Rate Structure

Petition opposing a 6 per cent rate increase proposed by Bombala Council, received from **Mr Steve Whan**.

The Rock/Bullenbong Road Upgrade

Petition requesting funding for the immediate upgrade of The Rock/Bullenbong Road, received from **Mr Daryl Maguire**.

Old Northern and New Line Roads Strategic Route Development Study

Petition requesting funding for implementation of the Old Northern and New Line roads strategic route development study, received from **Mr Steven Pringle**.

QUESTIONS WITHOUT NOTICE

SMARTPOLES CONTRACT

Mr PETER DEBNAM: My question is directed to the Premier. Given that a Federal Court judgment includes allegations of collusion between Eddie Obeid and the Council of the City of Sydney to the disadvantage of Goldspar, and that Frank Sartor was personally involved in the negotiations that ultimately saw the council breach its obligations and act in bad faith, has he referred these allegations to the Independent Commission Against Corruption? If not, why not?

Mr MORRIS IEMMA: The response is the same as the response to the question asked by the Leader of the Opposition when the House last sat.

DROUGHT SUPPORT PROGRAMS

Mr STEVE WHAN: My question without notice is addressed to the Premier. What is the latest information on the Government's efforts to support rural communities affected by drought?

Mr SPEAKER: Order! I call the Leader of The Nationals to order.

Mr MORRIS IEMMA: The honourable member for Monaro has asked a question of great interest to his constituents. This month's drought figures, released yesterday, tell a dismal story. The figures show an alarming increase in the area of New South Wales that is drought declared. The May figures show that 62 per cent of New South Wales is now in drought, 28 per cent is on a knife's edge and classified as marginal, and just 10 per cent is in a satisfactory state. This is a truly heartbreaking situation for country communities. Just five months ago it looked as though the drought had finally broken with only 18 per cent of New South Wales being drought declared as of December 2005. The summer crops were strong and the prospects for winter crop planting looked good. But, sadly, it was not to last. Again drought has New South Wales by the throat. That means that the Government will stand by our farmers.

Mr SPEAKER: Order! The Premier has the call.

Mr MORRIS IEMMA: Rainfall over late summer and autumn was in the bottom 10 per cent to 20 per cent of historical levels, combined with temperatures of 2 degrees to 4 degrees higher than average. Those harsh conditions have plunged the State back into widespread drought in only five months. The Government has stood by farmers since the drought hit in 2002; we have provided \$214 million in assistance since then. I advise the honourable member for Monaro and other members of the House that today the Government will expand the transport subsidy program for livestock producers to help them get the fodder and water to stock over the drought period.

Mr Gerard Martin: Representations from Country Labor!

Mr SPEAKER: Order! I call the honourable member for Upper Hunter to order. The Premier has the call.

Mr MORRIS IEMMA: As the honourable member for Bathurst says, it is as a result of representations from Country Labor.

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

Mr Andrew Stoner: What are they saying about the sale of Snowy Hydro?

Mr MORRIS IEMMA: The Leader of The Nationals should ask Nick Minchin. The expansion will mean that the subsidies will continue for the Western Division. Given the worsening conditions over the past few months, the Government has decided to expand access to the subsidies across the entire State. That enhancement will take effect as of May 2006 in response to this month's drought figures, and it means that any livestock producers in a drought-declared area from now until the end of August will be able to apply for the transport subsidies.

The transport subsidy program entitles producers to receive a 50 per cent subsidy on the cost of transporting fodder and water to stock, water for domestic use, stock to and from agistment, and stock to sale or slaughter. For any drought-declared area that comes out of drought for a given month, then goes back into drought between now and the end of August, farmers will continue to be eligible for transport subsidies for the month they are in drought. The transport subsidy program will again be reviewed in August based on conditions at that time. Transport subsidies help to ensure the welfare of farm animals and helps to avoid the mass slaughtering of livestock associated with previous droughts. I further advise the House that the Government will extend funding for the Drought Support Workers Program for a fourth consecutive time to help families to cope with the strain of this drought.

Mr Alan Ashton: Hear! Hear!

Mr MORRIS IEMMA: Supporting workers—this side of the House! Drought support workers provide a crucial link between farming families and various agencies, such as the Rural Assistance Authority, rural financial counsellors and Centrelink. The workers also organise farming family gatherings and drought support workshops, which more than 31,000 farms across the State have attended so far. The workers' continued involvement will help farmers to cope with mental health issues associated with the drought. Drought workers are located in the Hunter and at Parkes, Bourke, Gunnedah, Deniliquin, Goulburn, Hay and Wagga Wagga. The Government will, of course, continue to monitor and review drought assistance measures to ensure that they meet the needs of our farming communities.

SMARTPOLES CONTRACT

Mr ANDREW STONER: My question is directed to the Premier. Did the Premier not refer matters raised by Justice Gyles to the Independent Commission Against Corruption because he was the Minister for Public Works at the time the department was undertaking work associated with the Smartpoles contract, or was it because Eddie Obeid made him Premier?

Mr MORRIS IEMMA: The Leader of The Nationals refers to a contract with the Council of the City of Sydney and to a court case. If he has any material, any allegation, he should take it to the Independent Commission Against Corruption. My answer today is the same as the answer I gave to a question asked a number of weeks ago.

PUBLIC TRANSPORT USE

Ms TANYA GADIEL: My question is addressed to the Minister for Transport. What is the latest information on public transport use and related matters?

Mr JOHN WATKINS: Today I reveal significant results of the Iemma Government's continued investment in our bus fleet, our improvements to maintenance and our focus on customer service. The Government has been working hard to provide better, cleaner, more reliable buses for Sydney. We have been working hard to get people onto buses through promoting our comprehensive services, looking after our passengers, protecting our drivers, reforming the bus industry and developing special bus measures that give priority to public transport users. The Government remains committed to constantly improving our services despite the Federal Government's continued rort over the GST, its continuing discrimination against commuters while promoting private car use through the fringe benefits tax arrangements, and its steadfast refusal to protect Australian families against spiralling fuel prices.

Mr Alan Ashton: They don't care.

Mr JOHN WATKINS: No, they do not care. The Federal Government commits crimes against commuters in New South Wales with the spineless, silent endorsement of the State Opposition, which never stands up for commuters in this State. The State Opposition is consistent in just one thing: its refusal to stand up for the people of New South Wales.

Mr Alan Ashton: Shame!

Mr JOHN WATKINS: It is shameful; their behaviour is absolutely shameful. The Government's investment in public transport is working. We are building a better system and passengers are voting with their feet.

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

Mr JOHN WATKINS: The people of Sydney and Newcastle are catching buses in record numbers. State Transit is experiencing significant patronage growth with about 45 million people catching buses across Sydney and Newcastle over the past three months. That is an increase of 750,000 people on last year's figures, which translates to an extra 60,000 people a week who are catching government buses. As a result, additional buses have been placed on bus corridors including Epping Road, Military Road, through Lane Cove, through Pittwater, Victoria Road, Eastern Valley Way, Crown Street, Glebe Point Road and Anzac Parade.

The Government is purchasing 685 new buses over seven years, including 505 clean-diesel and gas buses and 80 articulated Volvos for high-capacity routes. One hundred new buses are already on the road. Those results are clear evidence that public transport patronage is continuing to grow, despite efforts by the Opposition to consistently undermine public transport in this State. Given the strong patronage growth in Manly and Pittwater, where the local members support public transport, imagine what will happen when an Independent knocks off the honourable member for Wakehurst and the Independents get that whole northern beaches corridor for themselves. That is when we will really see patronage growth along the northern beaches.

The most impressive growth in public transport use has been in Western Sydney, on the Liverpool to Parramatta T-way. That service has recorded annual growth of about 22 per cent, and during that snapshot took on board an extra 71,000 passengers. That amazing result means that hundreds of private motor vehicles were

off the road. That is why the Iemma Government is investing another \$524 million on the second T-way that will deliver the same fast, efficient, direct connections between Parramatta, Blacktown, Parklea and Rouse Hill.

Newcastle buses also had significant patronage increases with an additional 38,000 commuters in that same three-month period—very strong growth. In the face of those improvements, it is entertaining but of little real value that the Leader of the Opposition claims that he will introduce light rail from day one if the Coalition wins the forthcoming election. Day one! Although it is tempting to welcome his first attempt at a transport policy, his comments are too badly considered to be taken seriously. It is just another example of the Opposition telling every single interest group, private operator, business, corporate donor and the New South Wales community that it can deliver what they want. It is a lie that consistently comes unstuck.

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

Mr JOHN WATKINS: For example, when the Leader of the Opposition was questioned on the details of his light rail plan on radio station 2UE on 19 May, he again deferred policy making to anyone but the Coalition. The man who would introduce light rail on day one, said:

Well, I would be sitting the Council and the business community down and saying, "Listen, you've got to agree the routes, whether it's George Street, Castlereagh Street, or whatever."

The person who will introduce light rail from day one said that he would get the Council of the City of Sydney and business groups to decide on a route "or whatever." They are the key words, as with most Coalition comments. The next key line is "We'll get back to you later". The Coalition has no transport policy, no details at all. Day One Peter says, "We'll get back to you on that." The Leader of the Opposition shows also a fundamental misunderstanding of light rail operations. He suggested that his light rail option would, "encourage people to move off the heavy rail system at Central and use the light rail". They will not move people off buses onto light rail, but off the heavy rail system onto light rail at Central. The current light rail proposal of the Lord Mayor of the City of Sydney, the honourable member for Bligh, is to unload about 25,000 bus passengers a day at Central railway station and put them onto light rail. But the bizarre idea of the Leader of the Opposition is to unload train passengers at Central and get them onto light rail.

Mr Barry O'Farrell: Point of order: My point of order is relevance prompted by the Minister's bizarreness. Bizarreness is a new rail timetable for the Illawarra that delivers people slower. Not even the *Illawarra Mercury* delivers that. You are taking people for a ride, the wrong ride.

Mr SPEAKER: Order! The Deputy Leader of the Opposition will resume his seat. Apart from there being no point of order, I challenge him to find the word "bizarreness" in the dictionary.

Mr JOHN WATKINS: If "bizarreness" is a word, it is defined on the Opposition benches. The Leader of the Opposition suggests that we unload train passengers at Central and put them onto light rail to bring them to the central business district [CBD]. Every morning that means the combined crowds of Telstra Stadium, Aussie Stadium and the Sydney Cricket Ground would be forced to disembark at once and catch trams at Central just to shift them down through the CBD. That is the honourable member's bizarre plan for light rail. No wonder he does not have any detail on it. And all of this when 9 out of 10 of people say that the one thing they do not want to do with public transport is change from one mode to the other. That is why they want to stay on buses. Unfortunately, even the colleagues of the honourable member do not support that idea. On 17 July the well-known honourable member for Davidson told the *Manly Daily* that he is opposed to light rail because it was simply an expensive way of replacing bus services.

Mr SPEAKER: Order! The House can do without an encore from the Opposition benches.

Mr JOHN WATKINS: I thank him because that is exactly what it is. In contrast to Opposition members' wildly unrealistic plans—and I use the word "plans" lightly—the Government is progressing with improvements to bus operations in the CBD. We have already established bus priority lanes through the CBD and on key corridors including George, Elizabeth, Castlereagh, York and Druiitt streets. The success of these measures can be seen by the growth of key bus services into the CBD.

Investment in bus priority measures throughout Sydney is continuing with \$135 million being invested over the next three years for strategic bus corridors, the trialling of ticket vending machines at bus stops in the CBD to improve boarding times, and investment in satellite technology to deliver bus priority at intersections. The Iemma Government will continue to deliver public transport improvements that the people of this State

want and deserve. We will continue to deliver changes that lure commuters back to public transport, and we will continue to deliver a better system. Members opposite are not even fit to deliver a pizza.

SMARTPOLES CONTRACT

Mr BRAD HAZZARD: My question without notice is directed to the Minister for Planning.

Mr SPEAKER: Order! Members on the Government benches will not interject during the honourable member's pregnant pause.

Mr BRAD HAZZARD: Given—

Mr SPEAKER: Order! Ministers will come to order and listen to the question.

Mr BRAD HAZZARD: Just let the Minister listen to the question because he has some answering to do.

Mr SPEAKER: Order! Ministers will come to order and allow the Minister for Planning to hear the question.

Mr BRAD HAZZARD: Given that Justice Gyles' Federal Court judgment notes that the Minister, as Lord Mayor, was personally involved in negotiations with Goldspar that ultimately saw council breach its obligations and act in bad faith, how can he be trusted not to repeat the same unethical behaviour on other government projects?

Mr SPEAKER: Order! I have a slight problem with the wording of the question in the sense that it is purely hypothetical. The standing orders do not allow hypothetical questions.

Mr Barry O'Farrell: Point of order—

Mr SPEAKER: Order! I have not yet ruled on the question. I have merely said I have a problem with the wording of it. I will hear the point of order of Deputy Leader of the Opposition.

Mr Barry O'Farrell: To assist you, are you seriously suggesting that a Minister in this place cannot defend himself on issues of ethical behaviour? If you are, it takes this place to a much lower degree.

Mr SPEAKER: That is not what I said. The Minister has a duty and a responsibility to answer a question that is posed to him and he is perfectly capable of doing so. However, the question is, in part, hypothetical and does not seek information. I will allow the Minister to answer the first part of the question, which complied with the standing orders, as he sees fit. The Deputy Leader of the Opposition will resume his seat.

Mr FRANK SARTOR: I welcome the honourable member's question. As I said in reply to a question I was asked two years ago, it just goes to show how desperate for issues Opposition members are. As I recall, the actions the council took at the time were perfectly within its rights and as it saw fit. We were trying to get the city ready for the Olympics and Goldspar was not performing. I will go back and check the record but I seem to recall that the final decision of the elected council to terminate the contract might have been unanimous; that is, Kathryn Greiner might also have voted for it.

We went from Goldspar, which failed to perform, to a joint contract that was given to La Mer and Streetscape. It turned out that Streetscape performed better. A third tranche was given to Streetscape and we delivered the city terrifically for the Olympics. Opposition members will not tell us that Goldspar and Doug Rawson-Harris, who is capable of turning the most reasonable person into a very frustrated human being—

[Interruption]

It was not me; I was a model of restraint when I met with him. Sue Puckeridge, the head of my legal department and a most reasonable and nice woman, would tear her hair out after every meeting with Doug Rawson-Harris because he wanted us to double the fee we were paying him. But that is a separate issue. Opposition members will not tell us about the three or four cases that Goldspar pursued and lost before Justice

Gyles. Finally it changed tack and used a technical argument that we were not within our rights to terminate the contract and Justice Gyles found in favour of the case. I am advised that the city is appealing. Let us get this issue into perspective. I do not have a skerrick of regret about what was done at the time. We got the city ready for the Olympics. Opposition members are wasting their time.

STATE ECONOMIC PERFORMANCE

Mr RICHARD AMERY: My question without notice is addressed to the Premier. What is the latest information on New South Wales' economic performance?

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

Mr MORRIS IEMMA: I thank the honourable member for his strong interest in driving forward the economy of this State. In 1991 Moody's, the ratings agency, placed the former Coalition Government on credit watch. The last time the Coalition was in charge of the Treasury benches the ratings agencies put it on credit watch. Since 1995 it has been triple-A all the way. For the benefit of the honourable member, I am pleased to advise that Moody's reaffirmed New South Wales' triple-A credit rating. I quote from Moody's report, which states it is because of New South Wales "well established record of surplus operations, its modest debt burden, and the strength and diversity of the State economy."

That ratings agency review was written in full awareness of our economic and financial statement issued in February and it defies all efforts on the part of Opposition members to continually talk down this State. Opposition members are always out in the community desperately trying to talk down New South Wales and drive investment elsewhere, even when the ratings agencies confirm not only our triple-A credit rating but also the strength and diversity of the New South Wales economy. Moody's also examined the budget estimates—the projections—and noted:

... comfort is derived from the government's plan to implement expenditure reductions as announced in its February 2006 Economic and Financial Statement.

The Moody's report notes:

NSW retains a comparatively low debt burden.

The report goes on:

A stable AAA rating outlook reflects the State's strong fiscal record and modest debt burden.

The report notes that a negative movement in the State's credit rating would happen only:

... in a highly unlikely scenario, such as a series of large deficits due to a prolonged economic recession and no adequate policy response.

That is the resounding endorsement of the ratings agency. Of course, there is one potential problem—that is, if the Coalition ever regained the Treasury benches, as it did in the late 1980s and early 1990s when the State was put on credit watch. What would send the State's triple-A credit rating crashing? It is the Opposition's \$22 billion worth of unfunded promises—the "yes" to everyone. Every conceivable source of revenue would be down because the Coalition would say "yes" to every conceivable project, promise or program to the tune of \$22 billion. That is what would crash the State's credit rating. The State's solid economic and financial performance was not the only thing on Moody's mind. It raised another very interesting point that backs and endorses the comments of the Governor of the Reserve Bank of Australia about the continued cheating of New South Wales taxpayers of their GST revenue. Remember what Governor Macfarlane said in February?

Mr Adrian Piccoli: Will Bill Shorten change it?

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

[Interruption]

Mr SPEAKER: Order! The Premier has the call. Honourable members will stop interjecting across the Chamber.

Mr MORRIS IEMMA: Don't worry about the rising star on our side of politics in Canberra. Worry about what Bill Heffernan and the rest of them are saying about the deadwood on the Coalition front bench. Worry about those on the backbench awaiting execution who are desperately pushing the distress button. To refresh the memory of the honourable member for Murrumbidgee, in February the Governor of the Reserve Bank said:

At the moment there doesn't seem to be a logical case for taking taxpayers' money in NSW and Victoria and distributing it to Western Australia and Queensland.

Let us not forget how the Australian Bureau of Statistics and the Commonwealth Grants Commission have endorsed the governor's comments. Now to that ever-increasing list we can add Moody's.

Mr Barry O'Farrell: Point of order: My point of order goes to relevance. If the Premier were concerned about this issue, why will he not take the Leader of the Opposition up on his offer and go to Queensland—

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

[Interruption]

Mr SPEAKER: Order! The Deputy Leader of the Opposition knows better than to try to raise a point of order by asking a further question of the Premier. The Premier has the call.

Mr MORRIS IEMMA: Let us not forget how the Australian Bureau of Statistics and the Grants Commission have endorsed the comments of the Governor of the Reserve Bank. To that list we can now add Moody's. The report states:

NSW's percentage share of unconditional grants has been reduced as a result of updates to the equalisation formula.

That is the GST distribution. In plain English, Moody's confirms again that New South Wales is being cheated. Taxpayers continue to be cheated of \$3 billion per annum without a word of support from the Opposition. In fact, Opposition members are out in the community justifying the continued cheating.

Mr Brad Hazzard: Point of order: We all know that the former Premier—

Mr SPEAKER: What is the point of order?

[Interruption]

Mr SPEAKER: Order! The honourable member for Wakehurst will resume his seat. There is no point of order. Government members will come to order. The Premier has the call.

Mr MORRIS IEMMA: The honourable member for Wakehurst is trying hard to give a grand farewell performance as Wendy sizes him up. Maybe he can organise a swap: Wendy will take his job and come into this place and then help the honourable member to get a job in radio.

We are getting on with the job of driving investment and employment in New South Wales. I can advise the House of two significant new developments for the people of country New South Wales. The first is a \$10 million New South Wales Government Treasury Corporation loan to Casino's Northern Co-operative Meat Company. I am sure the honourable member for Lismore will welcome that. Just think what we could have done for the honourable member for Lismore if we had had a share of that \$3 billion! The money will fund water-saving and recycling measures that will help sustain the operation in times of drought by not only saving water but also cutting costs. This will help to secure the future of 820 jobs in Casino, which is great news for families on the North Coast. It is also great news for the environment because we must use our scarce water resources efficiently. I see the honourable member for Lismore nodding in agreement.

The other development about which I will advise the House is a \$1.8 million T-Corp loan to Batlow Fruit Co-operative Ltd, which is one of the State's top apple producers. These funds will help the co-operative increase its packing and cool-storage facilities. This will mean that apples can be stored throughout the year, which will ensure regular cash flows for growers and better supplies for consumers. I am sure the honourable

member for Burrinjuck will welcome that news and what it means for southern New South Wales. There we have it: confirmation of the State's sound financial and economic position and the announcement of two additional measures to help secure jobs in country New South Wales.

SCHOOL ZONE FLASHING LIGHTS CONTRACT TENDERING PROBITY

Mr ANDREW STONER: My question is directed to the Premier.

Mr SPEAKER: Order! I am sure the Premier would like to hear the question.

Mr ANDREW STONER: Given that Eddie Obeid's sons are already spruiking their—

Mr Gerard Martin: Ask about the bush!

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

Mr ANDREW STONER: Are there no school zones in the bush, you dope?

Mr SPEAKER: Order! The Leader of The Nationals has the call.

Mr ANDREW STONER: Given that Eddie Obeid's sons are already spruiking their products for school safety zones, which are potentially worth up to \$300 million to the Obeid family, and given the involvement of Ministers in the awarding of contracts to the Obeid family, what safeguards are in place to guarantee that Labor Ministers will not do more favours for the Obeids?

Mr MORRIS IEMMA: That portion of the school safety plan that goes to expressions of interest relating to flashing lights will be handled the same as every other program of procurement the Government undertakes, with the strictest of probity guidelines in place. As the Leader of The Nationals knows, Ministers are at arm's length from those processes. In fact, our record for integrity and probity when it comes to tendering is one of the reasons why New South Wales is such a strong place to invest. It is commented upon in business circles that the tendering and contracting processes in this State meet the highest standards of probity. Those standards will apply to school safety flashing lights expressions of interests and to any other form of tendering and contracting.

SKILLS SHORTAGES

Mr STEVEN CHAYTOR: My question is addressed to the Minister for Education and Training. Will the Minister inform the House about what the New South Wales Government is doing to address skills shortages?

Ms CARMEL TEBBUTT: This Government knows that it is essential to provide enough skilled workers to meet local labour market needs. In a recent survey, the Australian Industry Group identified that the biggest constraint on expansion that industry is facing currently is the shortage of skilled labour. Industry cannot get the skilled work force it needs to expand. That is just one example of how the skills shortage is impacting not only the New South Wales economy but also nationally.

[Interruption]

If members opposite know all of this, why have they not done something about it? The New South Wales Government is giving the highest priority to reducing skills shortages, particularly in the traditional trades, and our efforts to provide practical solutions to address the issue are producing results. I am not the only person to say this. A report by the National Centre for Vocational Education Research released today shows that in 2005 the largest growth in student numbers undertaking vocational training occurred in New South Wales—not any other State or Territory, but New South Wales—an 8.6 per cent growth compared with 2004. New South Wales is doing more than its bit to tackle skills shortages. These figures show that we are topping the States and Territories, and these are not the only encouraging figures. In 2005 New South Wales delivered 122.5 million hours of training, an increase of 9.7 per cent and twice the national growth of 3.9 per cent.

These sorts of figures do not happen by accident. They are the result of a concerted effort by the New South Wales Government to tackle the skills shortage. While the Commonwealth has chronically underinvested

in this area, our plans and our practical solutions are getting results. It is also encouraging to see that apprenticeships are on the rise. Last year more than 18,500 people started apprenticeships, an increase of nearly 33 per cent on the 14,000 apprenticeships that commenced in 1995. TAFE New South Wales is an integral part of the State's vocational education and training system. It plays a vital role in tackling skills shortages. In 2005 TAFE New South Wales had more than 500,000 enrolments. Approximately one in 10 people of working age in New South Wales trained at TAFE.

TAFE institutes have focused on increasing enrolments in apprenticeships that meet the skills shortages that are particularly relevant to local and State needs. The increase in enrolments coincided with not only high levels of employer satisfaction with TAFE New South Wales but also high levels of student satisfaction. These outcomes are not surprising. Over the past decade TAFE New South Wales has developed new products, transformed its modes of delivery, and extended its range of programs and services. TAFE New South Wales is at the leading edge of new technology, distance learning and delivery in the workplace. Not only do we deliver vocational education and training [VET] through TAFE but our students are also undertaking VET programs as part of their Higher School Certificate. In 2005, 68,559 government and non-government students undertook a nationally recognised vocational education and training qualification.

Mr Brad Hazzard: Point of order: New South Wales is one of only two States that does not allow for part-time apprenticeships.

Mr SPEAKER: What is your point of order?

Mr Brad Hazzard: You have not got the apprenticeships right—

Mr SPEAKER: Order! The honourable member for Wakehurst will state his point of order or resume his seat.

Mr BRAD HAZZARD: —how can you come into this place and claim to be doing it?

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

[Interruption]

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

[Interruption]

Mr SPEAKER: Order! I call the honourable member to Wakehurst to order. The Minister for Education and Training has the call.

Ms CARMEL TEBBUTT: That is more than 35 per cent of year 11 and 12 students.

Mr SPEAKER: Order! I call the honourable member for Bathurst to order for the second time.

Ms CARMEL TEBBUTT: I know that members opposite are particularly sensitive about this issue, and I can understand why. They are embarrassed.

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

Ms CARMEL TEBBUTT: I understand members of the Opposition are embarrassed at the behaviour of their Federal colleagues. They are embarrassed at the behaviour of the Federal Minister for training, the Hon. Gary Hardgrave—and I would be embarrassed too.

Mr SPEAKER: Order! Government members will come to order. I call the Leader of the House to order.

Mr Wayne Merton: Point of order: My point of order goes to the question of relevance. Today is a very cold day and I am worried about the children at Crestwood Public School.

Mr SPEAKER: Order! The honourable member for Baulkham Hills will resume his seat. I will refrain from calling him to order because we enjoy his interjections from time to time. The Minister for Education and Training has the call.

Ms CARMEL TEBBUTT: It is embarrassing for the Opposition because, while this Government has announced 10 trade schools across New South Wales—another plank in our plans to address skills shortages—two years ago the Federal Government promised 25 Australian technical colleges across Australia. How many of those 25 colleges promised two years ago with great fanfare are up and running? Four! And those four have fewer than 100 enrolments. That was the Federal Government's plan to address skills shortages, announced with great fanfare two years ago—25 Australian technical colleges!

We told the Federal Government at the time that participation in the public education and training system would be a much more effective course. But, no, the Federal Government chose to go it alone; it chose to do it with Australian technical colleges [ATCs], and it now has four up and running. And, not only that; we also have the Federal Minister threatening communities in New South Wales. The honourable member for Lismore is embarrassed because the Lismore-Ballina community has been threatened, and so has the Dubbo community and the Queanbeyan community. The Federal Minister has told them that if they do not pull up their socks they will not get an ATC. This is outrageous behaviour on the part of the Federal Government!

Mr Donald Page: You are the reason! You are the reason and you know it. Don't tell lies.

Ms CARMEL TEBBUTT: I note the honourable member for Ballina is also embarrassed because he has been forced to write to me suggesting that the New South Wales Government compromise its strong stance on WorkChoices in order to get a technical college up and running.

Mr Donald Page: Point of order: My point of order is under Standing Order 139. The Minister is clearly debating this issue and she does not know what she is talking about. The reason we do not have ATCs in New South Wales is because of her.

Mr SPEAKER: Order! The Minister is responding to the question.

Mr Donald Page: She will not offer an Australian workplace agreement [AWA] to these people who need to teach. That is all she has to do.

Mr SPEAKER: Order! The Minister cannot debate the question. She is clearly responding to interjections.

Mr Donald Page: If she got her act together we would have them in New South Wales. She might also tell us why half the students in TAFE—

Mr SPEAKER: Order! I call the honourable member for Ballina to order. The Minister for Education and Training has the call. I am sure the Minister will refrain from debating the point with the honourable member for Ballina.

Ms CARMEL TEBBUTT: The New South Wales Government will not cop AWAs as part of Australian technical colleges. We will not cop AWAs in our schools.

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

Ms CARMEL TEBBUTT: The New South Wales Government put forward very good proposals for technical colleges in Ballina, Dubbo and Queanbeyan. They were rejected by the Federal Government and we have been forced to step in with our own trade colleges. These trade colleges are offering opportunities for our higher school certificate students and it is being done through the public education and training system. We are bringing together schools with TAFE and industry to provide cutting-edge training in areas where there is a demand for skilled workers. This is a plan that will work, unlike the Federal Government's failed ATC proposal. Colyton High School will be the first to benefit from a trade school. It has a partnership with the Housing Industry Association directly linking students with industry employers who will provide them with on-the-job experience.

Mr SPEAKER: Order! I call the honourable member for Wakehurst to order for the second time.

Ms CARMEL TEBBUTT: The centre at Colyton High School will specialise in construction. It is located near a major housing development on the former Australian Defence Industries site. The Government has strong plans to address skills shortages. They are practical, they work, they make a difference, and they provide real opportunities for New South Wales.

SMARTPOLES CONTRACT

Mr MICHAEL RICHARDSON: My question is addressed to the Minister for Energy. Given that Justice Gyles' judgment noted the Goldspar contract was discussed in great detail at a meeting between EnergyAustralia and the City of Sydney council in December 1998, has the Minister ordered an investigation into the role that EnergyAustralia played in depriving Goldspar of its contract? If not, is that because Eddie Obeid made him a Minister?

Mr JOSEPH TRIPODI: Over the past several weeks the Premier has comprehensively answered these types of questions, and I think that suffices on the matter.

Mr SPEAKER: Order! The honourable member for Wakehurst will control his enthusiasm.

SYDNEY CENTRAL BUSINESS DISTRICT POWER SUPPLY

Mr PAUL PEARCE: My question without notice is addressed to the Minister for Energy. What is the latest information about plans to boost the power supply for the Sydney central business district?

Mr JOSEPH TRIPODI: Sydney is Australia's only truly global city, and its central business district [CBD] is the hub of Australia's economic activity. It is the country's largest commercial office market and generates 8 per cent of Australia's total gross domestic product. The amount of commercial office space used in the CBD is expected to grow by up to 8 per cent by 2012, and an extra 20,000 workers will be employed here over the next five years. The Sydney CBD also has a growing residential sector, with almost 5,000 extra apartments expected to be connected to the power supply by 2012. This growth in commercial and residential development means that demand for power in the CBD is expected to grow by 3 per cent a year.

The Government has made it a priority to boost economic activity throughout the State. A reliable and secure source of power is one of the fundamentals for a sound and growing economy. That is why EnergyAustralia will invest \$289 million between now and 2010 to upgrade the electricity supply for the Sydney CBD. This massive boost to Sydney's electricity network will help cater for the CBD's growing demand for power. Earlier this month work started on a new \$83 million zone substation in the north of the city. I am told by EnergyAustralia that by 2012, when the substation is expanded to full capacity, it will be able to supply 25 per cent of the electricity needs of the city.

From tomorrow EnergyAustralia will release plans to build a \$60 million 1.7-kilometre underground link between the new zone substation and the electricity grid. EnergyAustralia will exhibit its environmental assessment report for this project until 23 June. This public consultation will give people their chance to comment on the proposal. Those major infrastructure investments are due to be completed by 2010. They come on top of recent major CBD projects, including the city central zone substation, completed in 2003, at a cost of \$60 million, and the Campbell Street zone substation, completed in 2004, at a cost of \$30 million.

EnergyAustralia is also investigating a \$180 million plan to replace the city east zone substation and another \$180 million plan to replace the CBD zone substation. This massive investment in our electricity network is a signal to the business community that the Government is serious about investing in infrastructure to help grow the economy. This unprecedented investment is also driving a jobs boom for electrical workers. EnergyAustralia is now this State's single largest employer of apprentices. It has 420 apprentices in training, including 144 first-year apprentices whom I officially welcomed earlier this year. It is a very worthwhile investment by EnergyAustralia. These workers will help to deliver a more reliable and secure electricity network. They will serve on the front line of EnergyAustralia's work force, responding to storms and other major events. The \$3 billion investment in the EnergyAustralia network will drive even more jobs for electrical workers, with another 150 apprentices expected to be taken on by EnergyAustralia every year for the next five years.

Questions without notice concluded.

BUSINESS OF THE HOUSE

Restoration of General Business: Suspension of Standing and Sessional Orders

Motion by Mr Carl Scully agreed to:

That standing and sessional orders be suspended to permit a motion to be moved forthwith to allow certain items of General Business, not disposed of at the close of the previous session, to be restored to the business paper.

RESTORATION OF BUSINESS OF THE PREVIOUS SESSION**General Business (for Bills)****Motion by Mr Carl Scully agreed to:**

That the following items of General Business, not disposed of at the close of the previous session, be restored to the business paper:

General Business Notices of Motions (for Bills) Nos 2 to 5, and
General Business Orders of the Day (for Bills) Nos 1, 3, 4, 5, 7, 8, 9, 10, 12, 13 and 15.

CONSIDERATION OF URGENT MOTIONS**Liberal Party of New South Wales**

Mr PAUL LYNCH (Liverpool) [3.16 p.m.]: My motion is urgent because the people of New South Wales deserve to know who controls the New South Wales Liberal Party. The motion is urgent because the people of New South Wales deserve to know who controls the Leader of the Opposition. The motion is urgent because the people of New South Wales deserve to know from where the Liberal Party gets its support. The people of New South Wales deserve to know whether ultra-conservative religious groups or cults provide financial and other support to the New South Wales Liberals.

The motion is urgent because the people of New South Wales ought to know what groups are behind the New South Wales Liberal Party. The motion is urgent because the people of New South Wales are entitled to know whether the people who run the Liberal Party in New South Wales are a group that believes only in a winner-takes-all philosophy, a group that has absolutely no acceptance of tolerance, and a group that has no acceptance of compassion. The motion is urgent because the people of New South Wales are entitled to know what group of ultra right-wing extremists runs the Liberal Party.

State Government Administration

Mr PETER DEBNAM (Vaucluse—Leader of the Opposition) [3.17 p.m.]: I am reminded of the first day that filthy little grub came into this Chamber and every day since. I remember his first speech.

Mr SPEAKER: Order! The honourable member for Liverpool will be addressed by his correct title.

Mr PETER DEBNAM: He is a filthy little grub.

Mr Paul Lynch: Point of order: I take it that the Leader of the Opposition is now conceding that his motion does not have priority, granted that he is not even attempting to address it.

Mr SPEAKER: Order! The Leader of the Opposition will address the reasons why his motion should have priority.

Mr PETER DEBNAM: He is still a filthy little grub. I will explain why my motion is far more important than that of that filthy little grub.

Mr Alan Ashton: Point of order: I understand that the Leader of the Opposition is a little bit rattled. However, Mr Speaker, you have made three rulings that he should not use that sort of language. As he has twice ignored your rulings, I ask that you warn the Leader of the Opposition that if he again uses that unparliamentary language he will be directed to resume his seat.

Mr SPEAKER: Order! I understand the point made by the honourable member for East Hills. At a recent sitting of this House I reprimanded a Minister for continuing to refer to members of the Opposition by other than their official titles. I direct the Leader of the Opposition to refer to all members of this House by their proper titles.

Mr PETER DEBNAM: I could add "honourable", but it would not look too good.

Mr SPEAKER: Order! The Leader of the Opposition will deal with the reasons why his motion should have priority.

Mr PETER DEBNAM: My motion reads:

That this House condemns the Government's failure to uphold standards of public administration.

This goes to the issue we have discussed in this House today: Eddie Obeid's influence not only on this Labor Government but also on the City of Sydney council.

Mr SPEAKER: Order! Government members will remain quiet.

Mr PETER DEBNAM: It is of extreme concern to the people of New South Wales that Eddie Obeid has undue influence on each and every one of them. Even before the Minister came into this Chamber he had influence on people such as Frank Sartor. I refer to the questions we have raised in the House today, which are substantial questions that remain unanswered. Do you know why they are unanswered? Because members opposite are really worried about telling the truth. The Federal Court has started to reveal the truth for them. I refer to page 72—

Mr Milton Orkopoulos: Point of order: You have ruled on a number of occasions that the purpose of this debate is to give reasons why the motion should have priority. The Leader of the Opposition is debating the substance of his motion; he certainly is not debating its urgency.

Mr SPEAKER: Order! There is some substance to the point of order. The Leader of the Opposition may need to refer to some aspects of the substance of the motion to show why it should have priority, but I caution him in that regard.

Mr PETER DEBNAM: The motion is urgent because in 1998-99 Eddie Obeid had substantial influence with this Labor Government, and he still has that influence today. We have heard today that the Obeid family—the Obeid clan, the Obeid mob—is still trying to have influence over government contracts, this time over school crossing contracts. If we go back to page 72 of 80—

Mr Milton Orkopoulos: Point of order: The Leader of the Opposition is making vile accusations against another member of Parliament. He should move a substantive motion.

Mr PETER DEBNAM: At page 72 of 80, clause 181 of the Federal Court decision states:

It is also to be noted that Newman had worked with Matchett at KWA previously. This background was fleshed out in evidence by Rawson-Harris when being cross-examined as to allegations that he made, after receiving—

Mr SPEAKER: Order! I caution the Leader of the Opposition in relation to dealing with the substance of the motion rather than the reasons why it should have priority.

Mr PETER DEBNAM: I continue:

—the 'order' of 19 October 1999, of collusion between Mr Obeid (by then a Minister in the New South Wales Government) and the City of Sydney to the disadvantage of Goldspar.

[Time expired.]

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

The House divided.

Ayes, 50

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

Noes, 36

Mr Aplin	Mrs Hopwood	Mrs Skinner
Mr Armstrong	Mr Humpherson	Mr Slack-Smith
Mr Barr	Mr Kerr	Mr Souris
Ms Berejikian	Mr McTaggart	Mr Stoner
Mr Cansdell	Mr Merton	Mr Tink
Mr Constance	Ms Moore	Mr Torbay
Mr Debnam	Mr Oakeshott	Mr J. H. Turner
Mr Draper	Mr O'Farrell	Mr R. W. Turner
Mrs Fardell	Mr Page	
Mr Fraser	Mr Piccoli	
Mrs Hancock	Mr Pringle	<i>Tellers,</i>
Mr Hazzard	Mr Richardson	Mr George
Ms Hodgkinson	Mr Roberts	Mr Maguire

Pair

Ms Burney

Mr Hartcher

Question resolved in the affirmative.**LIBERAL PARTY OF NEW SOUTH WALES****Urgent Motion****Mr PAUL LYNCH** (Liverpool) [3.31 p.m.]: I move:

That this House:

- (1) notes with concern the influence of extreme political groups on the New South Wales Liberal Party; and
- (2) further notes with concern the serious splits which have now appeared in the Liberal Party between the moderates and the ultra Right.

For the first time in 25 years the ultra Right now controls the New South Wales Liberal Party. The people on the other side of this House are now controlled and directed by the extremists, by the ultra Right, and the present Opposition leader was put there to carry out its programs. For a long time the moderates within the Liberal Party kept the extremists at bay. The extremists were known, only too appropriately, as "the uglies" and they included some of the most fundamentalist and extremist groups in this State.

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

Mr PAUL LYNCH: The people of New South Wales are entitled to know who these people are. They are entitled to know from where the Liberal Party gets its support. They are entitled to know what it would mean should the Leader of the Opposition, the honourable member for Vacluse, ever become Premier; what would it mean for this State if the right-wing extremists, the ultra-extremists—

Mr Anthony Roberts: Point of order: My point of order is that this is the man that would outlaw the Girl Guides and the Country Women's Association for being right-wing extremists.

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

Mr PAUL LYNCH: The Country Women's Association members are not right-wing extremists. They stopped singing *God Save the Queen*, unlike the honourable member for Lane Cove. Indeed, they are considerably more progressive than the honourable member for Lane Cove, which rather underlines the point I make about right-wing extremists having taken over the Liberal Party. There have always been conservatives within the Liberal Party, but they have in large measure been kept at bay.

"The uglies" were of course led for a long time by that fascist, by that Nazi, Lyenko Urbanchich. Undoubtedly he is a man of incredibly bad reputation. He is in essence a paradigm of intolerance, someone with a complete lack of compassion. He is someone who believes in the "winner takes all" philosophy—the sorts of things that the Liberal Party now excels in. Indeed, if honourable members want an example of lack of

tolerance, they need only consider the extraordinary performance by the Leader of the Opposition earlier when I tried to argue priority. He wasted a good one minute of his five minutes in ranting and raving in a bizarre personal attack upon me. That seems to me to be a fairly good example of a complete lack of tolerance.

Mr Barry O'Farrell: Point of order: If the honourable member for Liverpool wants to talk about ranting and raving, one need only read his maiden speech.

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

Mr Barry O'Farrell: The second part of my point of order relates to the right of reply. As you know, Mr Speaker, an attack on a person outside this Chamber establishes a right of reply. I put it to you that there is no right of reply if the person being besmirched, if the person being attacked, if the person having extraordinary epithets being applied to them, is dead. I ask you to direct the honourable member for Liverpool to get on with the substantive motion.

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

Mr PAUL LYNCH: The final nail in the moderate coffin came just last week when the moderates leader, Sam Witheridge, surrendered his seat on the Liberal Party's State executive. There are now just three moderates on a 21-seat body. It is worth making the point that most of this story is being told by members of the Liberal Party. The things the Government knows about this matter come from within the Liberal Party. It seems that the election of John Brogden to the leadership of the Liberal Party in this place caused an almost thermonuclear reaction within the ranks of the hard right, who redoubled their efforts and did everything they could to take over their own party. The ultra-right in particular began to undermine John Brogden. Honourable members will recall that in November 2002 it was revealed that John Brogden had received payments from PricewaterhouseCoopers Legal. That was not disclosed in his pecuniary interest declaration and it led to a huge ongoing debate.

Mr Brad Hazzard: Point of order: The standing orders require that a member who is no longer in this place should not be subjected to an attack or abuse. If the honourable member for Liverpool is attacking John Brogden, he ought to back off now.

Mr SPEAKER: Order! At this stage there is no point of order. I did not understand the honourable member for Liverpool to be attacking a former member, and that could not be the basis of a point of order in any event. As a citizen of this State, the former member would be entitled to a right of reply, should he wish to exercise that right.

Mr Brad Hazzard: I have not finished my point of order.

Mr SPEAKER: Does the honourable member for Wakehurst have a further point of order?

Mr Brad Hazzard: It is actually a continuation. Under Standing Order 138 the honourable member for Liverpool is required to speak to the motion. If he is now speaking to matters relating to a person who is no longer a member of this Chamber, how can that be relevant?

Mr SPEAKER: Order! There is no point of order. The text of the motion allows the honourable member for Liverpool to speak in the way he is speaking and to substantiate his argument. I will hear nothing further from the honourable member for Wakehurst. He will resume his seat.

Mr PAUL LYNCH: If the honourable member for Wakehurst listens to what I am saying, he will find out that I am not attacking John Brogden. If anything, I am trying to expose the people within the party of the honourable member for Wakehurst who attacked John Brogden. The real point about what happened in 2002 is that the attack came from within the Liberal Party. I can reveal to this House today that the information the Government had about those matters was provided to the Government by people from within the Liberal Party of New South Wales. To make it absolutely clear, I seek the leave of the House to table the documents that were provided to the Government by members of the Liberal Party.

Mr SPEAKER: Order! The honourable member for Liverpool knows that the standing orders do not allow him to do that.

Mr PAUL LYNCH: In that case, I will simply let them lay on the table.

Mr Barry O'Farrell: Point of order: Mr Speaker, can I take you back to earlier rulings when successive Leaders of the Opposition have sought to lay documents on the table and you have asked for those documents to be removed.

Mr SPEAKER: Order! That is correct. I indicated to the honourable member for Liverpool that the standing orders do not allow me to comply with his request.

Mr Barry O'Farrell: Thank you. He will remove them from the table?

Mr SPEAKER: They have been removed.

Mr Barry O'Farrell: So they will stay off the table?

Mr SPEAKER: Order! They have been removed from the table. As I have said, the standing orders do not permit him to table those papers.

Mr PAUL LYNCH: I inform the Deputy Leader of the Opposition that those papers may not now be on the table of the House, but they will be in all sorts of other places very shortly. Those documents include a catalogue of correspondence relating to the Walsh Bay development. The list, compiled originally by the New South Wales Department of Public Works, is clearly identified as having been faxed from the office of the Leader of the Opposition in the New South Wales Legislative Council; that is, from the other side of the House. Members on that side of the House were running around, giving documents to the Labor Party to make sure that John Brogden could be brought down. That is the level to which the internal factional blues within the Liberal Party had descended, and that is a clear example of what the ultra Right of the Liberal Party has been up to.

Of course, the matter is not restricted simply to undermining John Brogden; that did not work so they kept going. David Clarke, who learnt at the knee of Lyenko Urbanchich, mounted obsessive campaigns to take over the Liberal Party, to control every conceivable organ of the party that he could. The end consequence is that he has dominance within the Liberal Party—at the moment. The flashpoint of that campaign occurred in April last year when Liberal Party members complained of extreme intimidation at one meeting where people who supported Mr Clarke displayed pistols. Shortly after, Clarke's group gained control of the Liberal Party. By then the only person who stood in the way of Clarke completely controlling the Liberal Party was John Brogden. Once again, the political assassins had to be dragged out.

We know about Brogden's behaviour in relation to Helena and Bob Carr and we know about his other notorious behaviour. The point I am making here is that that information, that story, did not get much of a run in the media until it was leaked by the Liberals to the Murdoch media. It is worth making the point that the editor of the *Daily Telegraph* confirmed who was responsible for that on the ABC television program *Stateline* on 2 September 2005. Enter Alex Hawke. Alex Hawke is to David Clarke what David Clarke was to Lyenko Urbanchich. When asked about the source of those stories that undermined him, John Brogden said:

The federal president of the Young Liberal movement, Alex Hawke, has been named as pushing it. He needs to take a long, hard look at himself.

Of course, the only response from the Leader of the Opposition was:

To the best of my knowledge there were no Liberals involved in it.

I suppose that is acceptable if you can avoid the low flying figures. [*Time expired.*]

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [3.41 p.m.]: I give the honourable member for Liverpool full marks for continuing his pattern of behaviour in this place. In the 150 years in which this Parliament has been in existence, in which this Chamber has sat, no members have started their careers with the sort of attack delivered by the honourable member for Liverpool on 1 June 1995 against the former member for Camden. Today we saw an attempt to revive that sort of attack. At some stage the honourable member for Liverpool needs to realise that sort of behaviour keeps him on the back bench—when he is three-quarters brighter than most of the luminaries who sit on the front bench. If the honourable member for Liverpool could concentrate on the issues and be constructive he might sit permanently on the front bench. But,

no, he has decided to take the low road. He has decided to retell in this Chamber every rumour, every skerrick of gossip around this place, but at the end of the day it stands for nought.

The motion moved by the honourable member for Liverpool notes with concern the impact of the influence of extreme political groups of the New South Wales Liberal Party. If things were as dire as he says, how is it that people who reflect the broad church of the Liberal Party continue to hold their preselection in this place? How is it possible that we are now having a selection of unity candidates for Manly, Menai and Miranda? If what the honourable member for Liverpool says were true we would be in the grip of extremists, and the first truth is that I would not be a member of the Liberal Party.

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

Mr BARRY O'FARRELL: The second truth is about preselections. Mike Baird in Manly and Graham Annesley in Miranda have come into the Liberal firmament and been selected as Liberal candidates on the basis of widespread support across the Liberal Party. It does not follow nor is it logical for the honourable member for Liverpool to say on the one hand that we are under the control of extremists and on the other that we have fine, middle-of-the-road candidates, prepared again to raise the banner of the Liberal Party during the next State election campaign. I seek to amend the motion. I move:

That the motion be amended by omitting all words after "House" and inserting instead "notes with concern the factional deals behind the election of the member for Lakemba as Premier of New South Wales".

My amendment is far more important than the spurious motion moved by the honourable member for Liverpool. Whoever is Premier of New South Wales has a far greater impact on the people who make up New South Wales. The Premier of New South Wales has a far greater impact than any person who sits on this side of the House. We may be celebrating the 150th anniversary of this place, but what we have learnt over that 150 years is that Executive Government has triumphed in this Chamber. Those who sit at the top of Executive Government control all the power in this State. What happened when the honourable member for Lakemba became Premier is far more relevant than dragging over a sordid history as the honourable member for Liverpool is doing today.

When the honourable member for Lakemba became Premier we saw a repeat of the Fine Cotton affair, except on this occasion the nag was carried across the line by a troika: Mark Arbib, the Minister for Energy and Eddie Obeid. Anyone who gets into any position in this State with the backing of Eddie Obeid deserves to be looked at extremely closely. We know that that bloke, who sits in the upper House, would not stand scrutiny. We know that any decent government worth its salt would not allow Eddie Obeid to sit in its party room. Again today we have seen the influence that Eddie Obeid, his sons, his businesses and his family—in the capital "F" sense of that word—have across the polity and the business community in New South Wales.

Too often in this State we see dirty deals done dirt cheap by Eddie Obeid. The dirtiest deed of all was what they did to the Minister for Police, Sparkles Scully. It is cruel to see the honourable member for Smithfield who sits in this Chamber today; he is a mere shell of the person we got to love and like between 1995 and 2005. What they have done to the honourable member for Smithfield they would not do to prisoners in our gaols. He has no spark left, he has no bling left, he has no vigour left. Why is that so? Because his so-called friends, the Minister for Energy—

Mr Alan Ashton: Point of order: We have heard members opposite take several points of order on the honourable member for Liverpool about the former member for Pittwater and previous members. That took up two or three minutes of the time of the member speaking. Now, despite the amendment moved by the Deputy Leader of the Opposition, we have heard a substantial attack on Mr Eddie Obeid, a member of the upper House, which is not really sustained, except through the amendment. He can say whatever he likes about the honourable member for Lakemba becoming the Premier of New South Wales, but that was the choice of the Labor caucus. The Deputy Leader of the Opposition ought not make disparaging comments about the Minister for Energy, the Premier or Mr Obeid in the context of the points of order ruled on by Mr Speaker before Mr Deputy-Speaker took the Chair.

Mr DEPUTY-SPEAKER: Order! I understand the matters raised by the honourable member for East Hills. If the Deputy Leader of the Opposition wishes to launch a substantive attack on the various members he has named, he knows he must use the appropriate forms of the House. I ask him to return to the amendment.

Mr BARRY O'FARRELL: It is substantive as to how the current Premier reached that deal. We know that Sparkles was dumped by his mate. We know that the honourable member for Smithfield no longer sparkles in this House.

Mr DEPUTY-SPEAKER: Order! The Deputy Leader of the Opposition knows that the use of props in the House is not allowed. He does not need them. I am sure the power of his speech is sufficient to persuade the Chamber to his point of view. If it is not, he should resume his seat.

Mr BARRY O'FARRELL: The headlines that appeared in august journals and records such as the *Sydney Morning Herald* are relevant. One article was headed "Murder on Macquarie Street".

Ms Noreen Hay: Point of order: Although the member opposite was requested to not use a prop he continued using a prop. I ask you to direct him, once again, to refrain from using props. If not, perhaps he should be asked to resume his seat.

Mr DEPUTY-SPEAKER: Order! I accept the point of order taken by the honourable member for Wollongong. I am sure the Deputy Leader of the Opposition has finished using props and will now return to his amendment or to the substance of the motion.

Mr BARRY O'FARRELL: I welcome the intervention by the honourable member for Wollongong. She might like to explain her movement from the Left to the Right—her elevation over the honourable member for Monaro into the chairmanship of the Public Accounts Committee—probably the biggest disgrace that has occurred in 150 years in this Chamber. It is outrageous to bypass someone with academic credentials and to replace him with somebody who does not know what "GSP" means. I assume that was also part of the deal relating to the election of Premier Morris Iemma.

Perhaps with the exception of Mark Arbib, a person who sits outside this Chamber, the other two members who helped the honourable member for Lakemba get across the line as Premier do not stand scrutiny. If it were not for the actions of a Democrat candidate the Minister for Energy would have been up on sexual assault charges. If it were not for the intransigence of the Independent Commission Against Corruption the Hon. Eddie Obeid, a member of the upper House, would be in gaol.

Ms Noreen Hay: Point of order: The Deputy Leader of the Opposition has made sexist and offensive comments about the Minister for Energy.

Mr BARRY O'FARRELL: To the point of order: Sexual assault on a woman in his office is sexual harassment.

Mr DEPUTY-SPEAKER: Order! I am dealing with the point of order taken by the honourable member for Wollongong. The Deputy Leader of the Opposition will resume his seat. The honourable member for Wollongong has the call.

Ms Noreen Hay: The Deputy Leader of the Opposition often makes sexist comments. It is totally inappropriate for the Deputy Leader of the Opposition to make those sorts of allegations and to use the language he used today. This whole debate is about the treatment of a former Leader of the Opposition and the way in which he was dealt with. Opposition members try to justify their statements by making inappropriate allegations about Government members. The Deputy Leader of the Opposition should not be allowed to continue in that way. If he cannot behave properly he should be told to resume his seat.

Mr DEPUTY-SPEAKER: Order! The Deputy Leader of the Opposition is well aware of the forms of the House. I warn him again that if he wants to make allegations against fellow members of this Chamber he should do so using the correct forms of the House.

Mr BARRY O'FARRELL: In the time available to me I refer— *[Time expired.]*

Ms ANGELA D'AMORE (Drummoyne) [4.51 p.m.]: There is an old saying that a house divided will not stand. The New South Wales Liberal house has been rocked to its foundations. No-one should be in any doubt about the damage caused by the ultra Right's infiltration of the once stable New South Wales Liberal Party. The story of this division is best told by leading Liberals themselves. I will merely quote their words. This is what the Hon. Patricia Forsythe, a Liberal member of the Legislative Council, had to say on ABC television last year:

There are extremists and zealots... who have got a lot of power inside the Liberal Party at the moment.

She went on to say:

I'm prepared to say that within the parliamentary party, I am very fearful of the power of David Clarke.

So she should have been because she has now lost preselection for her seat. Honourable members should not take my word on this; they should listen to what former Federal leader John Hewson had to say:

I have no doubt in my own mind and from what I hear that it was 'get even'. It was 'get even' for the fact that she (Forsythe) spoke out, so honestly on Stateline some months ago and indeed, in that interview she foreshadowed that his retribution could occur. I am very disappointed.

Former Liberal Victorian leader Jeff Kennett said this about the New South Wales Liberal Party:

You've got to be concerned with the narrowness of those who have control of the party and the way they are exerting control over the party.

Maybe we should take heed of what Federal Liberal Minister Joe Hockey said:

David Clarke is a member of the NSW Parliament and now that he holds extraordinary sway over the NSW Liberal Party, I think people all have a responsibility to ask him what he stands for.

That is a good point. Even Federal Ministers are asking what the New South Wales Liberal Opposition stands for, given that some of these individuals control the Opposition leader. Joe Hockey also said:

They have a responsibility to tell us what they stand for.

And they also have a responsibility to tell us if they are in discussion or cahoots with the Exclusive Brethren.

I challenge the Leader of the Opposition to tell the House what dealings he or his party have had with the Exclusive Brethren. An air of secrecy pervades the New South Wales Liberal Party. This once broad church is no more. Crusading zealots are hunting down these moderates. Potential opponents are being threatened and compromised. Members of extremist cults are being recruited as willing foot soldiers in this war on moderate Liberal Party branches, and the Leader of the Opposition says he knows nothing about any of it. He need only read the papers and listen to his members, but he will not acknowledge any of this. To do so would mean acknowledging his complicity in this ugly story of intolerance by ultra right-wingers in his own party who have installed him as the leader at the expense of right-thinking and moderate Liberals.

However, the bigger question is: What does he have in store for the electorate? Does anyone really think that the Leader of the Opposition, if elected Premier, would stand up for New South Wales against the hard Right agenda now being pursued by the Liberals in Canberra? Would he be allowed, even in the unlikely event that he was so inclined, to stand up for New South Wales families against Howard's attacks on their workplace conditions? I think not. The Leader of the Opposition and the ultra Right are the jackals of modern politics. We only hope they are never in a position to exert real control over the lives of the hard-working citizens of this State.

Mr ANDREW CONSTANCE (Bega) [3.56 p.m.]: The Leader of the Opposition deserves to be congratulated. Last week, under his leadership, the Liberal Party was able to attract two star candidates for the next State election. The first is Graham Annesley who will knock off the nobody from Miranda, and the other is Mike Baird, the son of Bruce Baird and candidate for the State seat of Manly. All that has come about under the leadership of the current Leader of the Opposition. Members of the Labor Party are moving these ridiculous urgency motions because they are running scared. We have seen the published polls and we know there is a massive swing towards the Coalition as a result of its strong leadership and this Government's incompetence. Earlier the honourable member for Drummoyne quoted statements that had been made by former Liberal leaders.

Mr Alan Ashton: Point of order: While the honourable member for Bega is referring to members of the Liberal Party he might wish to comment on how John Brogden shoehorned him into the seat of Bega at the last election.

Mr DEPUTY-SPEAKER: Order! That is not a point of order. The honourable member for Bega has the call.

Mr ANDREW CONSTANCE: I will quote from a statement made by a former so-called great Labor leader:

The Libs have stirred up shit on me but, truth be known, most of it has originated from our side of politics, people who were in the Labor Party at one stage or another. Look at the list: Heyhoe, Conway, Fraser, Harrington, Waller, Lynch, Gray, Ray and Beazley. They couldn't stop me getting the leadership, but bloody hell, they have given the Libs a bucketload of bullshit to chuck at me. And it is not just me. The worst hatchet jobs seem to come from inside our show: the job on Kernot, the rumours about Bob Carr, the Sussex Street gay mafia, etc.

Thank you Mark Latham. That was an extract from Mark Latham's diaries. That pretty well sums up the honourable member for Liverpool, the snivelling little grommet that he is, and this rotten, stinking little left wing in the Labor Party under the leadership of Paul Lynch. We have only to look at members of the Labor Party. We have political death row on the benches opposite. The Australian Labor Party landscape is beginning to stink as a result of the rotten stinking carcasses of left-wing members who are under attack. We have only to look at what Michael Costa has planned for those left-wing members in the Hunter. Bryce Gaudry, for instance, is a lovely chap but he is under the radar. We also have people like the honourable member for Charlestown, the Minister for Aboriginal Affairs, Milton Orkopoulos, the honourable member for Maitland and the honourable member for Hunter. I find particularly intriguing—

Mr Paul Lynch: Point of order: I understand that fairly wide-ranging attitudes have been expressed in this debate and I understand the fantasy aspect of quoting from the *Latham Diaries* but I do not understand what the recent comments of the honourable member for Bega have to do with either the motion or the amendment before the House. I know that it is hard for the honourable member for Bega to concentrate on any one topic for more than two seconds but could you bring him back to the matters before the House?

Mr DEPUTY-SPEAKER: Order! I uphold the point of order. The honourable member for Bega should address his remarks to the motion or the amendment.

Mr ANDREW CONSTANCE: I am more than happy to talk to the amendment. Let us consider the meeting that took place involving Michael Costa, Eddie Obeid, Eric Roozendaal, the Minister for Energy, the Deputy Premier, the Minister for Aboriginal Affairs, John Della Bosca and the honourable member for Kiama—I do not know why he would be at such a meeting—to try to undo the Minister for Police. Poor Sparkles!

Mr Alan Ashton: Point of order: Does the honourable member for Bega intend to rattle off the name of every member of the Australian Labor Party in the lower House? He does not really have enough time to do that, but Labor members will wait while the honourable member mentions every one of us. We hold 55 seats in this place. If the honourable member for Bega starts at the beginning of the alphabet he will mention me soon.

Mr DEPUTY-SPEAKER: Order! There is no point of order. If the honourable member for Bega is quoting from a document, he should verify his source.

Mr ANDREW CONSTANCE: Interestingly, my source is one of the people who were at the meeting. The honourable member for Wollongong made a contribution to the debate. We all know that she is about to be speared by the Minister for Small Business, who is running scared from an Independent candidate in his seat of Keira. We all know that the honourable member for Kiama wants to be the member for Illawarra because he is running scared from the Liberal Party candidate, Trevor Frederick. We all know that the honourable member for Wentworthville is trying to be shifted out of her seat. We all know that the honourable member for Londonderry is trying to move to the seat of the honourable member for Mount Druitt because he is running scared. The fact is that the Labor Party is rotten to the core. [*Time expired.*]

Ms KRISTINA KENEALLY (Heffron) [4.01 p.m.]: I will try to bring some decorum to the debate. I represent an electorate in which reside a high proportion of Russian Jews, who escaped from their country of origin. They were persecuted by fascists and deprived of democratic freedoms before they came to this country. They reside in Redfern and Waterloo and are grateful to live and participate in a free and democratic society. I have talked to those residents, who tell me that they are absolutely terrified about the dominance of the New South Wales Liberal Party by a tiny but well-organised group—

Mr Barry O'Farrell: Point of order: A minute and a half ago you made a ruling in relation to a contribution by the honourable member for Bega in which you asked him to substantiate a claim that he had made. I now ask that the honourable member for Heffron substantiate her claim with names, letters and so on.

Mr DEPUTY-SPEAKER: Order! The honourable member for Heffron has been speaking for only 36 seconds. I am sure she will deal with that as she continues her speech.

Ms KRISTINA KENEALLY: I am happy to talk about that issue. I have held a number of mobile offices and community forums at which Russian translators were present. I have held many meetings, including one in the past few months, at Waterloo. In fact, I held one last weekend on the corner of Botany and Henderson roads. This issue keeps coming up. The covert activities of this organised, right-wing group, which now controls the Young Liberals, the Liberal Women's Council, and the New South Wales Liberal Party State Executive, are like a plague. Last year this group shoehorned its chosen candidate into the parliamentary leadership. The man who organised the coup d'etat against Liberal moderates was David Clarke, member of the Legislative Council. The man who trained Clarke and taught him the art of ethnic branch stacking was that notorious Nazi propagandist, the late Lyenko Urbanchich. Urbanchich was an original member of the fascist groups that infiltrated the New South Wales Liberals in the 1950s and 1960s. He rose to prominence by waging a bitter racist campaign against the late Ted St John in the mid 1960s merely because St John opposed apartheid in South Africa.

Mr Anthony Roberts: Point of order: I ask you to direct the honourable member for Heffron to substantiate her claims.

Mr DEPUTY-SPEAKER: Order! They have been substantiated during the time I have been in the chair. The honourable member for Heffron has the call.

Ms KRISTINA KENEALLY: Over the following decade Urbanchich and his followers perfected the art of ethnic branch stacking, recruiting hundreds of far-right and fascist members from various Eastern and Central European communities. This was the springboard from which an assault was launched against the moderate Liberal establishment, which sought to promote mainstream policies. It was during this period that a young David Clarke was inducted into Urbanchich's close circle of supporters and learned the art of ethnic branch stacking. Clarke then joined Urbanchich on the Executive of the Liberal Ethnic Council when it was established in 1977. In this role the pair moved among the most extreme, anti-democratic elements of communities and continued their recruitment campaign in an effort to unseat moderate Liberals. Thankfully, all this came to an abrupt halt—

Mr Brad Hazzard: Point of order: How come the honourable member for Heffron is not talking about Deirdre Grusovin and what she did to her?

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order. The honourable member for Wakehurst will resume his seat.

[Interruption]

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The honourable member for Wakehurst will resume his seat. There is no point of order.

Ms KRISTINA KENEALLY: Thankfully, all this came to an abrupt halt in 1979 when Urbanchich's role as a notorious World War II Nazi propagandist was exposed on ABC radio. An inquiry was launched by the Liberals, led by John Spender, QC—

Mr Andrew Fraser: Point of order: If the honourable member for Heffron wishes to go into ancient history perhaps she would like to tell us about—

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order. The honourable member for Coffs Harbour will resume his seat.

[Interruption]

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The honourable member for Coffs Harbour will resume his seat or I will call him to order.

Ms KRISTINA KENEALLY: This sordid story of David Clarke and Urbanchich deserves to be told.

Ms Tanya Gadiel: Point of order: I refer you to earlier rulings about members flouting the standing orders of this place and about the use of props. I draw your attention to the fact that the honourable member for Coffs Harbour is flaunting a photograph of a man who has been bashed. While I appreciate that the honourable member for Coffs Harbour is a notorious thug in this House, I ask you to direct him to cease.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! Props must not be used in the House. The honourable member for Coffs Harbour should not use them in future.

Mr Barry O'Farrell: Point of order: Your predecessor in the chair ruled upon a succession of points of order. It is inappropriate for the honourable member for Parramatta to use that language about the honourable member for Coffs Harbour. I suggest that you ask her to withdraw.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I cannot comment on decisions made by other occupants of the chair. I have ruled on the point of order. I remind all members that they must refer to other members by their correct titles.

Mr PAUL LYNCH (Liverpool) [4.06 p.m.], in reply: There are two distinguishing features about the debate this afternoon. One is that Opposition members have lodged no substantive defence. No Opposition member who contributed to the debate dealt with the issue of the right-wing extremist takeover of the New South Wales Liberal Party. My second point is that this debate has provided clear evidence of the right-wing takeover of the New South Wales Liberal Party. The honourable member for Ku-ring-gai spoke during the debate. He did well—although I did not agree with most of what he said. He presented his argument. He was very impressive. Why is he not the Leader of the Liberal Party? The honourable member for Ku-ring-gai is not the Leader of the Liberal Party because there has been a right-wing Liberal takeover. The reality is that the honourable member is a victim of the right-wing Liberal takeover—as he well knows. The fact that he is not the leader is good evidence of the truth of Labor's assertions. I am happy to remind the House of what has happened. Scandalous allegations were made against the honourable member for Ku-ring-gai about things that were allegedly found in his office 12 years ago.

Mr Brad Hazzard: Point of order: I remind the honourable member for Liverpool and you, Madam Deputy-Speaker, that the honourable member is speaking in reply. The standing orders state specifically that a member shall not be entitled to raise new matters in reply. Therefore, the honourable member for Liverpool should be directed to respond only to the allegations and submissions that have been made already. He should not make new assertions that he knows have no truth whatsoever and which we will not have the opportunity to rebut appropriately.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The debate has been wide ranging, and the honourable member for Liverpool may continue. The honourable member for Wakehurst will resume his seat.

Mr Brad Hazzard: Does that mean from now on—

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I have ruled on the point of order. The honourable member for Wakehurst will resume his seat.

Mr Brad Hazzard: You gave a direction—

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I have ruled on the point of order. The honourable member for Wakehurst will resume his seat.

Mr PAUL LYNCH: In direct reply to the contribution by the Deputy Leader of the Opposition, I remind honourable members that he said he had the numbers to be Liberal Party leader. He was not prepared to be Liberal Party leader, however, because of the actions of the ultra Right. He was quoted in the *Sydney Morning Herald* by his own supporters as having said that the ultra Right had done over one leader and he would be the next. The most eloquent proof of what we on this side of House have said in this debate was the presence and the attendance of the Deputy Leader of the Opposition. His contribution—the fact that he said what he said in the way he did—confirmed once again precisely the arguments that we have put forward.

I should also make the point, in relation to the rest of what was said by members opposite, that absolutely no substantive argument was put forward about the right-wing takeover. The best they could do was

talk about the broad church and the candidates that were selected—people such as Steve Simpson, who is, apparently, a Unity candidate. That is not what Charlie Lynn was saying. Charlie Lynn was wandering around saying, "Another one of ours got up." It is a really interesting definition of "broad church"—broad church for public presentation but, in reality, another hard Right candidate, according to Charlie Lynn, who, I suspect members on both sides of the House would agree, knows a bit about hard Right politics in the New South Wales Liberal Party. The suggestion that the Liberal Party is a broad church is just nonsense. The hard Right has taken it over, and the State Executive is now dominated by the hard Right. Guns have been brandished by hard Right stacks at branch meetings.

Mr Tony Stewart: In Punchbowl.

Mr PAUL LYNCH: In Punchbowl, of all places. When confronted with these allegations those opposite have no answer. They have no response to the sorts of things that we have said today. There has been no response from any of the Opposition speakers to the questions raised about the Exclusive Brethren. That is a matter that really should be explored a bit further.

Mr Andrew Fraser: Why don't we talk about this one, *Abuse of Power*?

Mr PAUL LYNCH: While we are talking about right-wing thugs, I note the interjection by the honourable member for Coffs Harbour. I also made the point earlier about the complete lack of tolerance, the lack of compassion, the winner-take-all mentality of the ultra Right. It is worth going back just briefly to the attack launched on me by the Leader of the Opposition and the honourable member for Bega. That level of personal vituperation is—

Mr Andrew Constance: Point of order: These are the Latham diaries. I quoted it word for word. You are a dill! The Latham diaries spelled it out.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! The honourable member for Bega will resume his seat.

Mr PAUL LYNCH: The honourable member for Bega is a liar, because I was not referring to Latham's diaries, I was referring to the personal attack he launched on me. [*Time expired.*]

Question—That the words stand—put.

The House divided.

Ayes, 51

Ms Allan	Mr Gibson	Mrs Paluzzano
Mr Amery	Mr Greene	Mr Pearce
Ms Andrews	Ms Hay	Mrs Perry
Mr Barr	Mr Hickey	Mr Price
Ms Beamer	Mr Hunter	Ms Saliba
Mr Black	Ms Judge	Mr Sartor
Mr Brown	Ms Keneally	Mr Shearan
Miss Burton	Mr Lynch	Mr Stewart
Mr Campbell	Mr McBride	Ms Tebbutt
Mr Chaytor	Mr McLeay	Mr Tripodi
Mr Collier	Ms Meagher	Mr Watkins
Mr Corrigan	Ms Megarrity	Mr Whan
Mr Crittenden	Mr Mills	Mr Yeadon
Mr Daley	Ms Moore	
Ms D'Amore	Mr Morris	
Mr Debus	Mr Newell	<i>Tellers,</i>
Ms Gadiel	Ms Nori	Mr Ashton
Mr Gaudry	Mr Orkopoulos	Mr Martin

Noes, 32

Mr Aplin	Mr Humpherson	Mr Slack-Smith
Mr Armstrong	Mr Kerr	Mr Richardson
Ms Berejikian	Mr McTaggart	Mr Souris
Mr Cansdell	Mr Merton	Mr Stoner
Mr Constance	Mr Oakeshott	Mr Tink
Mr Draper	Mr O'Farrell	Mr Torbay
Mr Fraser	Mr Page	Mr J. H. Turner
Mrs Hancock	Mr Piccoli	Mr R. W. Turner
Mr Hazzard	Mr Pringle	<i>Tellers,</i>
Ms Hodgkinson	Mr Roberts	Mr George
Mrs Hopwood	Mrs Skinner	Mr Maguire

Pair

Ms Burney

Mr Hartcher

Question resolved in the affirmative.**Amendment negatived.****Question—That the motion be agreed to—put.****The House divided.****Ayes, 51**

Ms Allan	Mr Gibson	Mrs Paluzzano
Mr Amery	Mr Greene	Mr Pearce
Ms Andrews	Ms Hay	Mrs Perry
Mr Barr	Mr Hickey	Mr Price
Ms Beamer	Mr Hunter	Ms Saliba
Mr Black	Ms Judge	Mr Sartor
Mr Brown	Ms Keneally	Mr Shearan
Miss Burton	Mr Lynch	Mr Stewart
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Mr Chaytor	Mr McLeay	Mr Tripodi
Mr Collier	Ms Meagher	Mr Watkins
Mr Corrigan	Ms Megarrity	Mr Whan
Mr Crittenden	Mr Mills	Mr Yeadon
Mr Daley	Ms Moore	
Ms D'Amore	Mr Morris	
Mr Debus	Mr Newell	<i>Tellers,</i>
Ms Gadiel	Ms Nori	Mr Ashton
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Noes, 32

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Mr Draper	Mr O'Farrell	Mr Torbay
Mr Fraser	Mr Page	Mr J. H. Turner
Mrs Hancock	Mr Piccoli	Mr R. W. Turner
Mr Hazzard	Mr Pringle	<i>Tellers,</i>
Ms Hodgkinson	Mr Richardson	Mr George
Mrs Hopwood	Mr Roberts	Mr Maguire

Pair

Ms Burney

Mr Hartcher

Question resolved in the affirmative.**Motion agreed to.****COMMISSION FOR CHILDREN AND YOUNG PEOPLE****Matter of Public Importance**

Mrs BARBARA PERRY (Auburn) [4.30 p.m.]: My matter of public importance relates to the Commission for Children and Young People. Ensuring the safety and wellbeing of children and young people is a responsibility we all share. Child protection transcends all cultural, religious, economic and geographic boundaries. It also transcends political allegiances. New South Wales has a record in child protection of which we can be rightly proud. We have been at the forefront of some of the most exciting and innovative measures aimed at ensuring that our children and young people can reach their full potential in an environment that nurtures and protects them. One of the most important of those measures was the establishment of the Commission for Children and Young People, which was established by this Parliament with bipartisan support in June 1999. It was the first body of its kind in Australia. It was established in response to the 1997 Wood royal commission, which found that no single dedicated voice spoke for the interests of children and young people in New South Wales.

The commission is charged with three primary tasks: promoting the safety, welfare and wellbeing of children and young people; ensuring that children and young people have a voice in decision making that affects their lives; and strengthening the important relationships in the lives of children and young people, and improving their wellbeing. Since its creation the commission has changed the direction of how New South Wales works for the safety and wellbeing of our kids. No doubt honourable members are aware of the vital work the commission performs to ensure our workplaces are safer for children and young people. New South Wales was the first State to introduce a working with children check, which provides guidance for employers to help them recruit the right people to work with kids. The commission, with its partner-accredited agencies, is soon to reach the extraordinary milestone of having carried out 1.25 million working with children checks for the employers of New South Wales. That is 1.25 million instances in which a job applicant has been screened to ensure that the applicant is an appropriate person to take up a position of trust working with our children.

In addition to the working with children check, the commission works tirelessly with child-related organisations to support them in developing child-safe and child-friendly workplace procedures and policies. That added level of protection ensures that organisations have strategies in place to ensure that on an everyday basis their workplaces are safe and protective environments for kids. "Child safe" means that organisations take steps to keep children safe from physical, sexual or emotional abuse. "Child friendly" means kids are valued, respected and included so that they feel confident they will be listened to. This is the world the Commission for Children and Young People is dedicating to making a reality for New South Wales, a world in which kids are not only kept safe from harm but one in which their happiness and wellbeing are nurtured and promoted.

One of the most fundamental ways in which we can promote the happiness and wellbeing of our children and young people is to listen to them. Before the Commission for Children and Young People was established, no formal body was dedicated to ensuring that the voices of our kids were heard. The days when children were to be seen and not heard are long gone. I am sure honourable members would agree that our community is a better place for that. Children and young people have a right to be consulted on matters of public policy and key issues that affect them. Kids have an enormous amount to contribute, and they want to participate in addressing issues that impact on our community—their community. The commission actively consults with children and young people across New South Wales to ensure their views and perspectives are heard and understood.

To date some 15,000 children and young people have worked with the commission, contributing to deliberations and policy development on key issues. Those issues have included the impact of drugs and alcohol on individuals, families and communities, improved safety for young drivers and the development of the national mental health plan and national suicide prevention strategy. That is an enormous achievement, and one of which those young people and the commission should be proud. The commission is constantly looking for

new ways to involve kids throughout New South Wales. During Youth Week this year the commission conducted a video link-up involving young people in Bombala, Cootamundra, Evans Head, Grenfell, Hay, Kendall, Sussex Inlet and West Wyalong. Using video conferencing and an online forum, kids were able to share their thoughts and opinions, interact, and share their experiences of growing up in rural and regional areas of the State.

I understand the information gathered from those young people will be shared with their local councils so that they can better understand what is important to young people in rural and regional New South Wales. The commission is also vigorously pursuing its mission to provide information about children's lives and experiences so that the whole community can continue to take action to support the development and wellbeing of our kids. Last year the commission completed a groundbreaking study, another Australian first, into the working experiences of young people aged 16 years and under. The children at work study revealed for the first time the full extent of participation of those under 16 years of age in the work force, as well as important areas of concern, such as safety and harassment. It also showed just how important work is, even part-time work—babysitting, working in a shop or a fast food outlet—to young people.

With the current changing environment of industrial relations, it is more important than ever to highlight the needs and experiences of this large and potentially vulnerable section of the work force—Australia's children. I understand that following the recommendations of the report a task force has been set up to review the vast amount of new information revealed by the study and to develop strategies to assist young workers. I look forward to reading its recommendations. Another extremely important aspect of the commission's work is to liaise with organisations and individuals, government and non-government, giving them information and advice on how to increase the participation of children and young people. The commission has developed the fantastic Taking PARTicipation Seriously kit for organisations that want practical advice about how to involve children and young people in activities, events and decision making about issues that affect their lives.

In a worldwide study of participation materials commissioned by Griffith University, the Taking PARTicipation Seriously kit was identified as the best resource of its kind. The principles and strategies outlined in the kit were used as the basis of the children and young people's participation strategy at the 2002 New South Wales Alcohol Summit. That strategy, in turn, won the award for robust public participation process from the International Association of Public Participation. As I mentioned earlier, the commission was established with the bipartisan support of both Houses. Parliament's continued bipartisan support has been an essential element in the great strides the commission has taken to create a more child-friendly and child-safe New South Wales. Since 2003 I have been fortunate to act as the Chair of the joint parliamentary Committee on Children and Young People. The committee was established under the commission's legislation to oversee its work, and examine trends and changes in services and issues affecting children and young people. The committee, which includes members of both major parties as well as The Nationals and the Greens, is a great example of the type of bipartisan parliamentary support that is needed.

The committee currently is undertaking an inquiry into children and young people, and the built environment, which is of great importance because the nature of our built environment affects the experiences and lifestyles of children and young people in many ways. The built environment heavily influences kids' learning and development, the way they socialise and their sense of personal identity. Elements of the built environment, such as lighting, public transport, and neighbourhood design, may have a strong impact on children and young people's sense of safety. In an era plagued by unprecedented levels of childhood obesity, well-designed public space can encourage kids to get out and get healthy. The built environment is a complex issue, and this inquiry gives the Parliament the opportunity to examine it in the breadth and depth it deserves. I look forward to tabling the committee's report and recommendations later this year.

The commission continues to make an invaluable contribution to our ability to create a community that nurtures, values and protect our kids. We in government are committed to supporting the commission now and in the future. Recently a number of measures have been taken to ensure this. A review by Helen L'Orange made a number of recommendations, many of which were introduced into Parliament last year in the Commission for Children and Young People Amendment Act. I am pleased to inform the House that a number of parts of the Act will be proclaimed shortly that will assist the commission in carrying out its great work. Under the recently created Office for Children, the Commission for Children and Young People will co-exist with the Children's Guardian, which will allow the two independent statutory bodies to share administrative functions to achieve back-office efficiencies.

Ms GLADYS BEREJIKLIAN (Willoughby) [4.39 p.m.]: I appreciate the opportunity to participate in this discussion today. I acknowledge the contribution made by the honourable member for Auburn to child protection matters generally, and specifically as chair of the Joint Committee on Children and Young People. I have often observed the committee's deliberations on important issues. I also take this opportunity to acknowledge the honourable member for Hornsby, who is a member of that committee. I know she is always extremely vigilant in this place in relation to child protection matters and in relation to many other issues.

As the honourable member for Auburn said, the Commission for Children and Young People is an important body. It is very important for us to ensure that young people not only have the opportunity to express their views but also have a way to express their ideas about important issues of public policy which impact upon them directly. The commission does a great deal of good work in promoting safety and health issues as well as a broad range of issues that impact directly upon young people. The commission is an independent organisation. Its mantra is the simple but very critical one of making New South Wales a better place for children and young people.

The commission administers two pieces of legislation, the Commission for Children and Young People Act 1998 and the Child Protection (Prohibited Employment) Act 1998. Essentially the commission drives the safety, welfare and wellbeing of children and ensures that the views of young people are taken seriously. The commission addresses relationships between children, their families and their communities, which are important for their safety, welfare and wellbeing. The commission also looks out for vulnerable children and young people, who, of course, should be given priority. As I said at the outset, the bipartisan nature of the establishment of the commission in 1998 is an important legacy in dealing with important child protection issues.

I take this opportunity to express my concern at the Minister's response to some issues which relate to the Commission for Children and Young People. In particular I refer to the *Government Gazette* of 7 April this year, in which the Minister made a proclamation through regulation. In gazette No. 42 published on 7 April 2006 under the heading "Public Sector Employment and Management (Children and other matters) Order 2006", the Minister advocated in clause 5:

Abolition of the Office for the Commission for Children and Young People as a department and transfer of branches

- (1) All branches are removed from the Office of the Commission for Children and Young People and added to the Office for Children.
- (2) The Office of the Commission for Children and Young People is abolished as a Department of the Public Service.

The proclamation also stated that in future, all documents will refer not to the Commission for Children and Young People but to the Office for Children. The Minister, in defence against my raising the issue, is yet to explain why she has made this decision and how it is in the best interests of children and young people. I have asked her on many occasions in this place to explain to the community, given the important and critical work the commission does—work that has been acknowledged again today in a spirit of bipartisanship—why she has not explained the rationale for that action.

If the Minister has a reason which many members of this place have overlooked, let us have her explanation. She has not offered this House or the community an explanation of why both the Office of the Commission for Children and Young People and the Office of the Children's Guardian were abolished as formal government agencies and have been amalgamated into one office. Why has the Minister done this? Does the Minister ever intend to explain her position?

I regret that, given the time that has elapsed, the Minister may never explain why she has taken that action, but I do regard it as a blow. I know the Minister has stated on the public record that her action will make no difference to the operations of the commission, but why has the Minister taken the action if it will not make a difference? I think it is a blow for both the Commission for Children and Young People and the Office of the Children's Guardian, because they were two separate and independent bodies. It is a matter of grave concern to me as the shadow Minister—and I am sure many members of this House share my concern—as to why this decision was made without an explanation, especially given the important role that both organisations independently carry out. Another issue related to that is that the *Government Gazette* published on Friday 28 April made this announcement relating to Col Gellatly:

The Premier, pursuant to the provisions of the Public Sector Employment and Management Act 2002, has appointed the officer listed below to the chief executive service position shown, effective from the date shown ...

Office for Children Col GELLATLY, Director-General ...

With all due respect to Dr Gellatly, he does not seem to be an expert in child protection matters, albeit he is an expert in many other things. It concerns me that the Minister has gone over the head of the Commission for Children and Young People and the Office of Children's Guardian and appointed the head of the Premier's Department as the head of the Office for Children. Again, the Minister has not explained why she has taken that action. All honourable members of this place who are very concerned about child protection matters deserve an explanation, as do the many advocacy bodies, community organisations and non-government and government agencies who are involved in child protection.

A very important piece of legislation was passed in November last year: the Commission for Children and Young People Amendment Bill. At that time I placed on the record my concern that the Minister's second reading speech was delivered the night before the bill was passed at 10.00 p.m. The Minister gave the Opposition less than 24 hours to consider the very important provisions of that bill. It was regrettable that, given the circumstances, the Minister was not present to debate the bill and was not present to reply to the number of important issues that were raised during the debate. Because the Opposition regards child protection matters as very critical, we chose not to oppose the bill, even though we had less than 24 hours to examine its provisions and even though we had no opportunity to consult or consider whether any provisions needed to be amended. Because the Opposition values child protection so highly, we supported the bill.

Given the opportunity provided during this discussion today, I put on the record my concern that the bill followed a five-year statutory review during which approximately 400 submissions had been received, yet the Minister thought it appropriate to give the Opposition less than 24 hours to respond to it. It is not acceptable from a public policy point of view and it is not acceptable treatment of people who regard child protection matters as critical.

Obviously I support the comments made by the honourable member for Auburn about how important child protection matters are and how important are the views expressed by young people through the Commission for Children and Young People as well as the role played by the commission in providing an appropriate and independent framework in which issues can be debated and action taken to address them. Again I express my concern that regrettably when issues regarding the commission have come to the Parliament, the Minister has been continually absent from participation in debate. She did not provide the Opposition with sufficient opportunities for consultation in relation to matters that involved a five-year review process. If I have missed something, I ask somebody to alert me, but to date I still have not seen any follow-up in relation to that bill.

The legislation provided a framework for the commission to do a lot of work, particularly in relation to rules governing people working with young people and other regulatory frameworks. Given that nearly six months has elapsed since the bill was passed by this House, I would be interested to know when the Minister proposes to report on the progress of the legislation and provide any updates on the work of the commission, and how that all fits in with the commissioner's new role within the Office for Children.

In conclusion I thank the honourable member for Auburn for providing an opportunity for us to debate this very important matter. I again acknowledge the work done by the honourable member for Hornsby and others who approach child protection issues in a bipartisan manner because the resolution of those issues is so critical to the future of many vulnerable people in our community, and because, for many people who wish to move forward, the provision of information and education on important matters such as health or mental health is vital.

I will mention the great work the commission does as an example of its role. According to the Child Death Review Team Annual Report for 2004, released by the New South Wales Commission for Children and Young People, suicide was the second leading cause of the death of young people aged 15 to 17 years in 2004, yet the Government has said nothing about how it is responding to that report or what it is doing to address that serious issue. The commission has a very important role. Regrettably the Minister has consistently ignored the issues raised by the commission and has ignored the need for full and robust bipartisan debate on these matters. I call on her to change that approach.

Ms VIRGINIA JUDGE (Strathfield) [4.49 p.m.]: It gives me great pleasure to speak about the Commission for Children and Young People. It has been a great privilege to serve as a member of the joint parliamentary Committee on Children and Young People for just over three years. I consider that role a privilege and a way of upholding and defending the interests of all the children of our great State. I acknowledge the great work of the Chair of the committee, the honourable member for Auburn. She has led the committee

very thoughtfully, carefully and diligently and, with the assistance of its staff, has made sure that the committee fulfils its statutory requirements.

I will address a couple of erroneous statements made by the honourable member for Willoughby. She said that, in response to a question without notice about the role of the Children's Guardian and the Commission for Children and Young People, the Minister alleged that the honourable member for Willoughby was under the misapprehension or misconception that the Commission for Children and Young People and the Office of the Children's Guardian had been, in her words, "quietly abolished". That beggars belief. I do not know how she got that notion into her head. The honourable member for Willoughby spoke to one of the most credible and diligent journalists—

Ms Gladys Berejiklian: That is pathetic, it is in the gazette.

Ms VIRGINIA JUDGE: The journalist I am talking about is not pathetic. I am referring to Mr Alex Mitchell, who always has his finger firmly on the pulse. He was the only journalist who said that former Premier Carr was about to retire—and, indeed, his prediction came true. He is a very diligent journalist. For the honourable member for Willoughby to have approached him and advised him of the abolition of those two offices is very misleading. I am sure he is now aware of that, as is everyone. The Minister addressed the allegation of the honourable member for Willoughby and said that it was "alarmist nonsense". The Minister said that the restructure of the two organisations was to provide a more interactive approach, a sharing of resources, both material and non-material, to achieve a better result for our young people. No doubt, that is what we are all interested in achieving.

I have a very strong personal commitment to social justice, as do my colleagues. A real democracy can come about only as a result of real inclusion of a society where everyone is valued and respected, particularly the less powerful and less privileged. It is too easy to disregard our children and young people, to undervalue their thoughts and opinions, and to overlook the many wonderful contributions they make to our community in favour of media stereotypes of young drop-outs and hooligans, as they are sometimes portrayed. I am pleased to take this opportunity to acknowledge the great work done by the Commission for Children and Young People in addressing that imbalance and giving our children and young people a voice in the corridors of power.

The commission is a dynamic and formidable force, advocating tirelessly in the interests of our children. That is as it should be. I congratulate commissioner Gillian Calvert, her staff and the thousands of children and young people across this great State with whom the commission works, on their achievements on behalf of the children of New South Wales. The commission does incredible work in consulting with young people and reporting on issues that interest and affect them. Not long ago we had the Alcohol Summit to which a lot of young people made submissions and at which they spoke. Their input was fantastic; measured and intelligent. Obviously many of their ideas have been taken on board.

My colleague the honourable member for Auburn spoke at length about the commission's most recent report into the working lives of children under the age of 16. The commission has provided national leadership in highlighting the importance of investment in the early years of every child's life. In conjunction with the Queensland Commission for Children and Young People, the New South Wales commission was the driving force behind developing and promoting the report entitled "A Head Start for Australia: An Early Years Framework". That framework set out a way forward for improving outcomes for children from birth to eight years. The committee has contributed to building a better world. Although its work may have been a drop in the ocean, it is all the little drops that count. Hopefully the world will be better as a result. [*Time expired.*]

Mrs BARBARA PERRY (Auburn) [4.54 p.m.], in reply: I thank all honourable members who participated in the debate. I acknowledge the work of my committee and of the Commissioner for Children and Young People, Gillian Calvert. I have some concerns about the veracity of the arguments put forward by the honourable member for Willoughby. It would be unreasonable to think that two important bodies would be abolished overnight—it would be impossible. Clearly the honourable member for Willoughby has misread the *Government Gazette*. I understand that the honourable member for Willoughby had a very detailed briefing on these matters by the director general. Honourable members would be aware that recently the Children's Guardian was reappointed for a five-year term. I congratulate the Children's Guardian on reappointment to that important position.

To say that that office had been abolished, that overnight that watchdog of children in out-of-home-care had gone, and similarly that the Commission for Children and Young People, with all its functions, had been

abolished, is incorrect. Their abolition would mean that the Working with Children Check, on which people rely and on which thousands of employers have relied, would be gone. Their abolition would put our children in a very unsafe situation; and that is not the case. I reassure the honourable member for Willoughby that those organisations have not been abolished. Recent administrative changes do not change the functions, funding or independence of the Commission for Children and Young People or the Children's Guardian.

The commissioner and the guardian are appropriately listed as statutory officers under the Public Sector Employment and Management Act 2002. They cannot be removed from that list without Parliament's agreement. An absolutely intrinsic point is that, by the recent consolidation, the Government has strengthened the administrative support available to both organisations. I would have expected the honourable member for Willoughby to agree that it was important to enhance the roles of both those important bodies. The consolidation has not reduced in the slightest the statutory functions and independence of those offices. The changes are purely administrative and demonstrate the good management of community resources. I would have expected the honourable member for Willoughby to have totally supported that. I am gobsmacked that she would put herself in a position to be misinformed, and to misrepresent the facts.

Ms Gladys Berejiklian: We were sold a dud.

Mrs BARBARA PERRY: It is very disappointing. Honourable members who have spoken in the debate have agreed that the Commission for Children and Young People has helped make New South Wales a better place for kids. The bipartisan support of this House has made that possible. Despite the misreading by the honourable member for Willoughby and her unwarranted concern, I hope she will continue her bipartisan support for the Office for Children. I extend thanks to honourable members on both sides of the House for putting the interests and well-being of our children and young people ahead of political interests, and for continuing their unbiased support for this most valuable and valued organisation. If the honourable member for Willoughby has any further concerns I am sure the Minister or the director general would be more than happy to assist her to ensure that she is well informed about these changes. I look forward to continuing my role as chair of the committee and to working with all those involved in it. As I indicated earlier, we are embarking on an exciting inquiry which I hope will be completed towards the end of this year.

Discussion concluded.

PRIVATE MEMBERS' STATEMENTS

Private members' statements, by concurrence, taken forthwith.

BLACKTOWN ELECTORATE PREMIER'S AWARDS NOMINATIONS

Mr PAUL GIBSON (Blacktown) [5.00 p.m.]: Tonight I refer to a Cabinet meeting that was held on Tuesday 16 May at the Joan Sutherland Centre, which is located in Western Sydney. This Government is taking decision-making away from Macquarie Street out to the suburbs and to various places in New South Wales, which is much appreciated by people living in Sydney's west. Last week a civic reception was held after the Cabinet meeting, at which the Premier gave out certain awards to people from different Western Sydney electorates. I had the pleasure of nominating two people in my electorate and I would like to say a bit about each of them tonight.

The first nomination was of Father Arthur Bridge, a Catholic priest for approximately 25 years who is my parish priest. On 10 April Father Bridge celebrated his tenth anniversary as parish priest of St Patrick's at Blacktown. Father Bridge is a great supporter of and fundraiser for musical arts in Western Sydney, including Ars Musica, the Sydney Youth Orchestra, Musica Viva in local schools, and the Sydney Symphony and Song Company. He has done a remarkable job in bringing music to many people in Western Sydney who otherwise might not have had an opportunity to participate in these events.

Father Bridge gives out complimentary tickets to poorer members in the Blacktown community to enable them to attend Sydney Symphony and Song Company performances. Father Bridge also buys food for people in need of assistance, visits their homes to deliver the food, checks on how they are going and looks after the sick and poor in Blacktown. Ten years ago he was responsible for implementing the Loaves and Fishes program at St Patrick's, which is still operating today. He is a wonderful ambassador and human being and does amazing work for the poor and the people in Blacktown.

Steven Koprivic was the second nomination for a Premier's award. Steve, an employee of Blacktown council who refers to himself as the local garbage man, looks after the main street of Blacktown. He walks up and down the street all day and picks up papers and anything else that is left there. Steve is a well-known personality in Blacktown who can be seen pulling his trolley up and down the street all day. If parking police are on patrol he alerts anyone wishing to park in a non-parking spot that he or she could be booked. He visits shopkeepers and tells them, "I have seen some people watching your premises. Make sure that you lock your doors tonight." He is an asset to everyone in the Blacktown electorate.

It is appropriate that Steve was nominated for the Premier's awards. Many people give of themselves and their efforts are not recognised until it is too late. I am glad that Steve was rewarded for his wonderful work—the most appropriate presentation of an award to anybody in Blacktown. On Tuesday council staff picked Steve up from the main street in a council car and took him to the presentation at the Joan Sutherland Centre. It was a wonderful day. I cannot think of two more worthy recipients for the Premier's awards than Father Arthur Bridge and Steve Koprivic because of the wonderful work they do. All too often awards are given to well-known people who perhaps receive many awards, while those who deserve them are overlooked. This time they were not overlooked. My congratulations go to Father Arthur Bridge and to Steve Koprivic on the wonderful work they do for the people of Blacktown.

CENTRE FOR INDEPENDENT STUDIES THIRTIETH ANNIVERSARY

Mr ANDREW TINK (Epping) [5.05 p.m.]: On 26 April 1976 a young high school teacher from Richmond High School wrote to Professor Lauchlan Chipman, a philosopher at the University of Wollongong, in the following terms:

I am currently in the process of forming a centre to promote the study of liberty... The fact that there are very few intellectuals in Australia that have any hope of discussing and arguing the case from the libertarian point of view, ie free markets, minimal state and so on, is disturbing to me and many others. The centre here will be called "The Centre for Independent Studies".

On 4 May the Centre for Independent Studies [CIS] celebrated its thirtieth anniversary in the presence of 600 guests, including the Governor of New South Wales, Prime Minister John Howard, and former Premier Bob Carr, who narrated a short film on the history of this centre. Of particular interest to me and to my local electorate was the fact that the centre was founded in a garden shed at 9 Westwood Street, Pennant Hills. Unfortunately, the garden shed no longer exists but there are still photographs of it. It had a pitched tin roof that was virtually completely rusted through, fibro side walls, and a couple of pokey little windows with wisteria or some other plant creeping dangerously all over it and rendering it in danger of collapse. The executive director had this to say about the centre:

The centre was established to promote and develop ideas supporting a free society. Ultimately the ideas that we explore and develop we hope will underpin and inform sound public policy, as the policy processes in our democracy are the practical manifestations of much of what we do.

I will spend some time referring to a speech that Greg Lindsay, director of the centre for the whole of that period, made on the occasion of the thirtieth anniversary. He said:

As long ago as Plato and Aristotle, philosophers have sought answers to the most fundamental questions of our existence. What gives my life meaning? What constitutes the virtuous life in relationship to my fellows? What is a good society?

The search for answers has to start with individuals and work upwards. We need to focus on the responsibilities of individuals for themselves and for their families and their immediate communities. These are what Edmund Burke had mind when he talked about "little platoons".

He also referred to the fact that the psychologist Abraham Maslow talked about the happy and fulfilled lives of human beings and about preconditions, one of which was physical sustenance. Others included personal safety and security, love and affection, and a sense of belonging. But, as Mr Lindsay said, Maslow went further and concluded that two of the key elements to a sense of happiness were self-esteem and self-actualisation, which were achieved by people exercising independence and mastery over their own lives. It is the same with self-actualisation. According to Mr Lindsay, Maslow meant by that that we have to stretch ourselves beyond the comfort zone and engage in forms of endeavour that allow us to realise the potential within every one of us.

The basic human needs for self-esteem and self-actualisation point to the importance of the little platoons and to the inherent limits of government. Some of the needs that Maslow identified can be met by government but others perhaps cannot. Indeed, the more government does for us the less opportunity we have to achieve things for ourselves and to push ourselves beyond our comfort zones. The basic message of the CIS is

that because governments can do some things it does not mean that they should. There are times when governments should say, "No, that is not our role" and leave it to individuals to do the work themselves. To do otherwise would be to drain too much life from life. Mr Lindsay then went on to give a wonderful example by referring to the Albanians, who he says wish neither to be the butt of jokes nor the poor relation on the continent any longer. He notes:

A think tank is an important part of the new world to them. The Institute there has a staff of three and a budget of \$50,000. The three main principles that it promotes are individual rights, the market economy, and the open society.

That is exciting. The CIS from Pennant Hills has set up a similar organisation in this country, and there are many others across the globe. I congratulate Greg Lindsay and the CIS on its thirtieth anniversary.

BANKSTOWN LOCAL AREA COMMAND RESPONSE TIMES

PUBLIC LIABILITY INSURANCE

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [5.10 p.m.]: This afternoon I want to have a bit of a whinge—to use the Australian vernacular—about two important electorate issues of which the wider community should also be aware. First, on Monday *Daily Telegraph* reporter Rhett Watson, who usually researches his articles thoroughly, wrote that police from the Bankstown Local Area Command took 7½ hours to respond to an emergency. This so-called emergency, which made headlines that day, involved an anonymous report about an abandoned motor vehicle with flat tyres. The vehicle was not causing anyone any distress. It was not a safety hazard and the matter received the priority it should have received in the very busy Bankstown Local Area Command, which gets more than 3,000 priority calls each month.

Police had other priorities that day—real emergencies involving people and their needs—that were more important than dealing with an abandoned vehicle. It is a bit rich for Rhett Watson to report that it took police 7½ hours to respond without presenting any facts to substantiate his allegation. He wrote that police could have driven to Coffs Harbour in the time it took them to respond. That is not a reasonable comment and it is not fair to police in the Bankstown Local Area Command. Those officers work very hard and their emergency response times meet community expectations. In fact, the vast majority of priority calls in Bankstown are dealt with within 15 minutes. As I said, the Bankstown command receives more than 3,000 priority calls each month. I put on record the truth behind the 7½-hour wait. The so-called emergency was an abandoned vehicle with flat tyres parked in a Bankstown street. Police dealt with the matter appropriately after attending to more urgent priorities.

Secondly, I am concerned about the use of public parks. There is much focus and attention on the need for people to exercise. In the past few weeks the media have run stories about the increased incidence of diabetes and other health conditions caused by a lack of exercise. For the past eight or nine weeks a group of young people in my electorate have been playing touch football in Roberts Park in Greenacre after work. It is a nice way for them to get together and become fitter. A rugby league team also uses the ground and a few weeks ago a club official turned off the lights in the park while the group were playing. When my constituents asked why, they were told, "Bad luck; the club pays for the lighting so you're not getting it."

The incident brought to a head the issue of use of public amenities. I chased up the matter. I thought I could organise for that group of 22 people to continue to get together and play touch football socially after work. But it was not that easy. I was informed that even if the group paid for the lighting—which it is prepared to do when the ground is not being used by the football club that hires it—they would also have to pay third party public liability insurance. It seems that people can no longer play sport on public grounds without taking out third party public liability insurance. That is ridiculous. Bankstown is a large community and local people need recreational space in which to exercise. Third party public liability insurance would cost the group of 22 people about \$5,000. I think that demonstrates how low society has sunk. We must address the idea of attaching liability to every activity. Children play at school, in playgrounds and in public parks, where adults also exercise. All levels of government must address the issue of public liability insurance and ensure that public amenities are available to the people who pay for them.

[Private members' statements interrupted.]

BUSINESS OF THE HOUSE

Notices of Motions

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! It being 5.15 p.m. the House will now deal with General Business Notices of Motions (General Notices).

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

[Private members' statements resumed.]

SNOWY HYDRO LIMITED SALE

Ms KATRINA HODGKINSON (Burrinjuck) [5.36 p.m.]: Within the electorate of Burrinjuck, just to the south of Talbingo, is the Tumut 3 power station. Between Talbingo and Tumut lies the Blowering Dam, and the Jounama Pondage, and on the southern side of Talbingo is the Talbingo Reservoir. Each of these landmarks forms a part of the iconic Snowy scheme. I again place on the record my absolute opposition to the sale of Snowy Hydro Limited. Many residents of the Burrinjuck electorate have contacted me expressing their strong opposition to this sale. But the New South Wales Labor Government has ploughed ahead with this fire sale to plug its budget black hole.

At the last State election, held in March 2003, while the Labor Party made lots of false promises, absolutely nowhere was there any mention of its goal to sell Snowy Hydro Limited. Regardless of what one thinks about the sale of Telstra, at least the Federal Coalition had the guts to make it an election issue. The sale of Telstra has been widely debated in the Federal Parliament. Not so the sale of Snowy Hydro in this place. No-one suspected that the Snowy Hydro was to be sold until a leak came across the desk of the New South Wales Leader of the Opposition last November. It blew the lid off Labor's secret plans.

Recently my office has received many letters, emails, telephone calls and faxes opposing the sale of Snowy Hydro Limited. I have not received one item of correspondence or comment in favour of the sale. The State Labor Government seems hell-bent on ensuring that all those good citizens of New South Wales who are opposed to this sale are not heard. I would like to give detail to a few of those voices. The State Labor Government will ignore them at their peril. Gundagai Shire Council recently wrote to me saying:

Council strongly believes that the Australian Icon should not be privately owned. The scheme was built for the benefit of the whole of Australia and this can only be guaranteed if Snowy Hydro remains in public ownership.

Mr Ted Denson of Tumut wrote:

Dear Katrina

I write to voice my disappointment and concern at the proposed sale of snow hydro.

Mr Peter Prewett of Tumut wrote:

I am shocked by the absence of any community consultation on the sale of the Snowy Mountain Scheme. It is just being foisted upon us.

Mrs Joan Limon of Tarago wrote expressing her extreme disappointment about the sale, and emphasising that the Snowy Hydro is vitally important to the Australian people. Ms Veronica Burns and Mr Anthony MacDougall of Binalong rang my office to express their extreme disappointment about the decision to sell Snowy Hydro. On 26 April this year around 200 people turned out in Griffith, at a meeting organized by my Nationals colleague, Adrian Piccoli, to express their concerns about the sale. On 20 April more than 300 people at a meeting in Cooma, including local mayors, engineers and conservationists, cheered as the plan to sell was criticized. Mr David Hain of Cootamundra wrote:

The Snowy is an Australian icon. It is on par with Uluru and the Harbour Bridge. It physically represents the seed from which modern Australia grew. Building the Snowy Scheme was a nation changing cultural event and it still resonates as such. The Snowy is internationally recognised as one of the greatest engineering achievements of modern times. How can we justify selling our heritage?

If we allow our history to be sold, we indict and convict ourselves as a race of cultural vandals with no values other than the pursuit of a dollar. This is not to say that an icon cannot be responsibly and intelligently used for the public benefit, which for the past fifty years the Snowy has been. So why sell it?

The New South Wales Farmers Association spokesperson, Bruce Atkinson, said that the general population is not comfortable with the sale and is deeply concerned that the asset should not fall into the hands of a large and dominant investor. Mr Vin Good, a former commissioner of Snowy Hydro Limited, is opposed to the sale. It was reported in the *Land* newspaper that he was angry that the privatisation process is taking just seven months and that there has been no real debate in Parliament. Mr Bruce Tout from Gundagai wrote:

Maybe the State Government does not want any small shareholders, but only share dealers and multi-nationals.

Mr Peter Cocker of Jindabyne wrote:

Once the sale happens, the people of Australia will lose control of their water and new owners will become immensely rich at our expense, all for a short fix for the budget problems of the New South Wales State Government.

Mr Valentine Tyson of Bowral wrote:

After hearing of the sell-off of this, very much, Australian people owned asset I am horrified.

Mr Aubrey Renolds from Goulburn wrote:

This is a national public asset belonging to the people of Australia, not a toy of the government to hand over to some foreign owner.

Mr Michael Wheeldon of Queanbeyan rang my office today to state his opposition to the sale. It is unfortunate that he cannot have his own short-term local member represent his concerns. These are just a few of the comments I have received. The message I get from letter after letter, email after email, phone call after phone call is: do not sell the Snowy. The clear message to the State Labor Government from the people of New South Wales is: do not sell the Snowy. Anyone who is interested in opposing the sale of the Snowy can lodge their concerns via an email petition at www.savesnowyhydro.com. The Nationals strongly oppose the sale of Snowy Hydro Limited. It is a sad indictment of the people of the New South Wales Government that is going through with the sale. [*Time expired.*]

Miss CHERIE BURTON (Kogarah—Minister for Housing, and Minister Assisting the Minister for Health (Mental Health)) [5.41 p.m.]: That was the most hypocritical speech I have ever heard. If The Nationals seriously oppose the sale they should send their correspondence to their counterparts in the Federal Government.

EDUCATION WEEK

Mr JEFF HUNTER (Lake Macquarie) [5.41 p.m.]: Last week we celebrated Education Week right across New South Wales. It was the fifty-second Education Week—the first one was in 1954. The aim of Education Week is to welcome parents, carers and other members of the community through the school gates to see what has changed since their student days. Now, of course, the community is an integral part of everyday school life. What we set out to achieve 52 years ago certainly has been successful. The theme for Education Week this year was "New South Wales Public Schools Leading the Way", which is exactly what public education is doing in New South Wales. The public education system in New South Wales is the largest and most diverse in Australia, with 2,200 schools located in every part of the State educating more than 745,000 students.

Our public schools are vibrant, inclusive and innovative places with highly trained teachers dedicated to preparing our young people for the future. Every year we spend a huge amount of money on equipping our schools. I am informed that our schools have 163,000 computers. Internet connections allow students to access an unprecedented wealth of information and communicate with their peers halfway around the world. A significant number of events and activities were organised for last week, including tours of open classrooms, student performances, displays, sporting demonstrations, debates and a number of official assemblies.

In the Lake Macquarie electorate I was happy to attend a number of Education Week functions at local schools. I started off the week at Fennell Bay Public School, which held a school assembly that was watched by a large contingent of family and friends of the students. I was on stage with the principal of the school, Nielsine Oxenford, and School Education Director, Liz Rushton. It was fantastic to see the school showcase the talents of

its many students. I congratulate all of the teachers, the staff, the students and the dedicated community of Fennell Bay Public School. The school is very pleased with the \$145,000 the Government has allocated for the new retaining wall around the front of the school, but I remind the Minister for Education and Training that the school is keen to have security fencing installed. I hope that she may be able to accommodate that request in the forthcoming budget.

With my local parliamentary colleagues I was pleased to attend the presentation of Education Week awards for the Lake Macquarie area, which were held at the Warners Bay Performing Arts Centre on Wednesday last week. Schools throughout the Lake Macquarie area were recognised for their achievements. I congratulate the very worthy recipients of the awards. Following the presentation I travelled to Speers Point Public School with the Federal member for Charlton, Kelly Hoare. We were met by the principal of Speers Point Public School, Judith Harrison, and representatives from the Active After Schools Program. As part of Education Week the school showcased many of the sporting activities of the Active After Schools Program. I was very pleased, together with the Federal member, to participate with some of the students in those activities.

I then travelled with the Federal member to Teralba Public School, where we were met by the principal, Diana Bassett. The school's Back to School Day assembly, which was fantastic and enabled the students to showcase their many and varied talents, drew a huge crowd from the local community. However, it was a hot, sunny day and the school does not have a large outdoor covered learning area. The school community spoke to me about it on the day. I am going back to the school shortly to discuss some of these issues, and I will make representations to the Minister seeking funding to assist the school. Finally, last week I attended my old primary school, Arcadia Vale Public School, where I was met by the principal, Lyn Davies, and the School Education Director, Liz Rushton. The school will celebrate its fiftieth anniversary in 2008. As a former student of the school I have been asked to encourage as many former students as possible to make contact with the school to make the fiftieth anniversary a special one. Again, the assembly was fantastic and students were able to showcase their many talents. I congratulate the teachers and staff of Arcadia Vale Public School on their great work in public education.

SCHOOL PEDESTRIAN CROSSINGS SAFETY

Ms GLADYS BEREJIKLIAN (Willoughby) [5.46 p.m.]: I speak about the importance of safety at pedestrian crossings in the vicinity of our schools. Regrettably, the failure of the State Government over a number of years to take the necessary action has resulted in a number of recent accidents that have caused serious injury to both children and adults. I place on record a number of concerns raised by local school communities in the electorate of Willoughby that highlighted those safety issues. The Northbridge school community went through the process of advertising for a new lollipop person, as they are affectionately known, or a crossing supervisor. Regrettably, it did not receive any applications during the required period. However, shortly after the official date closed a most appropriate applicant approached the school to take up the position. The school is understandably excited to find such an appropriate person, especially as he has strong links to the local community. He was invited to morning tea at the school, where he met with the local community. It was an added bonus that the applicant was able to commence employment straightaway.

However, it was a shock to all concerned when the Roads and Traffic Authority [RTA] advised the school that it would have to start the process from the beginning and that the person would not be able to take up the job for at least another eight to 10 weeks. That means the school will have to wait until the next school term to have a new crossing supervisor, or lollipop person, on the job. Recently I met with parents at the school and discussed with teachers their concerns about safety. Parents have been so concerned that they have set up a roster to fill the serious safety gap. The school crossing in question is at a very busy stretch on Sailors Bay Road. It is in the vicinity of many driveways and local businesses that impact on the visibility of the crossing.

It is ironic that early last week the Minister for Roads was telling everybody that the reason that school crossings did not have supervisors or lollipop persons in place was because of problems in finding people to fill the positions. Here is an example of a school community having identified an appropriate person, and the RTA saying the school will have to wait another 8 to 10 weeks before that person can be employed. It is not appropriate that bureaucratic bungling by the Minister for Roads and his department should jeopardise the safety of schoolchildren. I call on the Minister to immediately intervene and expedite the process in relation to the crossing at Northbridge primary school. I understand that the school has been in regular contact with the RTA in this regard.

Similarly, last week students at the Chatswood Public School were being forced to cross Centennial Avenue during peak hour without a crossing supervisor. That is a very busy part of Chatswood and is in direct

proximity to the Pacific Highway. The school has had to resort to allowing staff members to act as crossing supervisors in the afternoons, but the crossing has been unattended in the mornings. I also know that parents at Our Lady of Dolours Primary School at Chatswood have applied through the RTA for an upgraded crossing between the school and Chatswood Chase, which is also a very dangerous crossing.

In February 2003 the then Minister for Roads, Carl Scully, began a 12-month trial of flashing lights at school zones, yet it has only been recently that the current Minister has addressed the issue. Where has the Government been for three years? According to RTA statistics, over the past three years 21 pedestrians aged between zero and 16 were killed on New South Wales roads and approximately 1,500 were injured. Evidence from South Australia, Queensland and Victoria shows that flashing lights have been effective in reducing child pedestrian injuries. The New South Wales trial that commenced in 2003 resulted in a reduction of vehicle speeds. The then Minister for Roads, Carl Scully, told Parliament on 26 February 2004 that the results of the earlier trials were very encouraging. Yet for over three years the Government has failed to act in relation to this very important matter.

In the past few days we have heard that the Minister for Roads has finally adopted the Coalition's position in relation to this important safety issue. Why has it taken so many years for the Government to act? What assurances does the community have that it will not take years and years to implement the measures announced by the Government? I urge the Government to address the issue of safety at crossings in the Willoughby electorate and, of course, in other areas that need safe crossings. The Minister recently announced the Government's so-called safety audit, which simply announced the 59 multilane pedestrian crossings throughout the State but did not provide details about which crossings will receive traffic lights or the priority of any upgrades. I call on the Minister to address the safety concerns I have referred to in the Willoughby electorate and to give an assurance that he will act as soon as possible on those concerns and will not, like his predecessors, take years and years to address this serious safety issue. [*Time expired.*]

FAR NORTH COAST REGIONAL FOOD TOUR

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [5.51 p.m.]: I bring to the attention of the House the Far North Coast Regional Food Tour 2006, which visited my electorate last Friday with the Minister Small Business, and Minister for Regional Development, David Campbell. The tour was a resounding success, with many of the local producers sealing deals with Sydney distributors. The food tour showcased some of the finest produce from Coffs Harbour, Lismore, Byron Bay and the Tweed. This is the second event of this type. Last year the tour focused on the Murray, Riverina and Central West regions. These food tours are a practical way for the State Government to invest in the future of our regional communities by encouraging investment and job creation. Among the tour group were industry representatives such as retailers, exporters, consolidators, transporters, chefs, wholesalers and distributors. The chefs included Marc Miron of the Four Seasons, Detlef Haupt of the Sydney Convention Centre, Darling Harbour, and Parliament House's own head chef, Vanessa Jones, as well as the *Daily Telegraph's* food and wine writer, Sue Bennett.

It was my great pleasure to be at Outrigger on the Beach at Salt, South Kingscliff, to welcome the Minister and his Department of State and Regional Development officers, including Trevor Wilson and Karen Robertson of the Tweed office, who worked hard to arrange the tour in Byron and the Tweed. The tour group and others tasted the finest food of our local producers, including Earth Star Foods of Murwillumbah, represented by Jewel Brown, which had on display its organic dips, hummus, tofu and felafels. Rodina Smoked Goods was also there, with the owner, Betina Clark, presenting us with amazing smoked products, including Atlantic salmon, chicken, turkey, ham and vegetables, all of which are smoked on the premises. Rodina Smoked Goods has a shopfront on Bay Street, Tweed Heads, which is in the Tweed CBD.

The Bio Organic Farm, which produces organic tomatoes, capsicum, basil and Lebanese cucumbers, also had on display the largest garlic knobs I have ever seen. They were approximately 12 centimetres in diameter with the individual cloves measuring six centimetres in height. Caldera Coffee owner, Robyn Cousins, produces 100 per cent Arabica roasted coffee beans and ground coffee at her property at Dulguigan outside Murwillumbah. She also had a successful display. Tropical Fruit World of Duranbah was represented by Amy Gauld, who had samples of tropical fruits, jams and sauces. Ilnam Estate Wines was represented by Lachlan Quinn from the Quinn family, who produce an extremely good wine from the cooler micro-climate of Carool outside Tweed Heads. Last, from the Tweed, was Anni Brownjohn of the Right Food Group, Ozganics of Murwillumbah, which produces organic pasta sauces, fruit spreads, dressings and fresh soups of an amazing variety and sensational quality.

Byron Bay, Lismore and Kyogle were also represented by Byron Bay Chilli Company; the Byron Bay Tea Company, which produces organic tea; Energy Macadamia Products of Bangalow; Iron Pot Food Company of Kyogle; Wild Finger Limes of Bangalow, whose fruit, incidentally, is known as the caviar of the Far North Coast; Byron Honey; the Byron Cookie Company; Byron Macadamias of Federal; Armstrong Farms of Byron Bay; and, last, Border Range Fresh Farmed Rabbit of Kyogle. The tour also visited many of the farms and producers on-site, as well as the Ilnam winery. I take this opportunity to thank the Minister for listening to my insistence that the Tweed be included in the next tour. This food tour has been a tremendous opportunity for the Far North Coast, and in particular my electorate of Tweed. I saw 17 buyers, providores, chefs and exporters who were keen to do business with our local producers and growers. I congratulate these buyers and chefs. They have been tremendously enthusiastic about our regional food and wine and strongly support our country's produce.

By promoting our local produce, we are expanding market opportunities nationally and internationally and that can only be great news for local business, jobs and tourism. These quality producers will also increase our regional cuisine tourism as people around Australia notice the high quality and diversity of our local produce. I actively support the agritourism market in the Tweed and surrounding regions. As recently as March Country Labor members visited the Tweed and spoke to some of our local producers, who are keen to embark on such a venture. We need to protect our local Duranbah plateau and surrounding farming lands. Agritourism is a major way of doing that by enabling farmers to stay viable and stay on their land. The food tour also dovetails comfortably with other initiatives of the Department of State and Regional Development, such as the Taste of Tweed, which focuses on using fresh local produce in local hospitality and accommodation outlets.

Taste of Tweed is funded jointly by the Tweed Shire Council and the Department of State and Regional Development, and is managed by our local peak tourism body, Tweed and Coolangatta Tourism Inc. It includes an inaugural Tweed food writers event, which will host a number of well-known food writers and chefs, as well as Sydney media representatives who have also shown significant interest in attending. I am sure this will also be a resounding success and continue the promotion of our region and our wonderful products, as well as confirming that agritourism, including selling straight from the farm gate, can be a viable adjunct to farming.

Mr DAVID CAMPBELL (Keira—Minister for Water Utilities, Minister for Small Business, Minister for Regional Development, and Minister for the Illawarra) [5.56 p.m.]: I thank the honourable member for Tweed for bringing the Far North Coast Food Tour to the attention of the House. I also thank him for his efforts to ensure that local people were involved. The food tour is part of the New South Wales Government's Regional Economic Development Program, which is designed to ensure that New South Wales regions are open for business and that New South Wales is on the menu.

The food tour referred to by the honourable member is the second event organised by the Government. Last year a similar tour visited the Murray, Riverina and Central West regions of the State. As the honourable member for Tweed has mentioned, last week a group of decision makers, buyers, exporters and purchasers from Sydney visited Tweed Heads, the Northern Rivers region, Lismore, Coffs Harbour and Byron Bay as part of an exercise to ensure that value-adding businesses and value-adding industries in agriculture throughout the State are able to achieve their best production and sell their products in Sydney.

The tour does not only involve tasting local product. A great deal of business matching also takes place. Buyers sit down with producers, one-on-one, and talk about products, give some feedback, provide advice about labelling and marketing and, at the same time, pick up some local products. It is a worthwhile exercise, and I am delighted to say that at each of the stops in last week's tour business was written and local businesses sold new product not previously available in Sydney. The aim of the tour was to ensure local regional businesses have the opportunity to sell to the Sydney market and beyond, perhaps even import replacements. I thank the member for Tweed for his support in the exercise and for raising the matter this evening.

MS TRACEY FREYLAR AND THE OFFICE OF THE PROTECTIVE COMMISSIONER

Mr JOHN TURNER (Myall Lakes) [6.00 p.m.]: Tonight I speak about Tracey Freylar and her parents, Susan and Walter Freylar. In 1996 Tracey was involved in a horrific motor vehicle accident when she was aged 19 years. She is now confined to a wheelchair and has brain injuries. However, she is cognisant of her surroundings and is a lively 29-year-old. Tracey was awarded compensation of approximately \$7 million as a result of the accident. Because she was an adult at the time of the accident the Office of the Protective Commissioner has been assigned to look after her affairs, although in reality day-to-day activities and care are provided by her parents, Susan and Walter. In my view the Office of the Protective Commissioner has been

negligent in the manner in which it has looked after this young lady's affairs. In my view it has also not put forward the best possible scenario for Tracey's wellbeing.

Any number of areas concern me, but in the limited time I have available I will raise one matter that is of the greatest concern to Tracey and her parents. That concerns the provision of adequate living arrangements for Tracey now and for her future when her parents are gone. Her parents have purchased two blocks of land to build a specific home for Tracey's needs. For example, Tracey needs a spa and a swimming pool, she needs automatic doors and large passages which she can traverse in her wheelchair. She needs a gym and physiotherapy equipment. The Office of the Protective Commissioner allocated \$550,000 for the construction of this house. A local designer was employed and came up with a house that would fit the budget and Tracey's special needs. However, the Office of the Protective Commissioner said it believed the project would be overcapitalised if the two blocks were utilised and that there may not be sufficient funds for Tracey's future.

The designer then redesigned the house so that in the event of financial problems the house could be subdivided into two townhouses and one could be sold off. That was still not acceptable to the Office of the Protective Commissioner. However, Tracey's parents dispute that there would be a problem and, ironically, the Office of the Protective Commissioner has not withdrawn the offer of \$550,000 to build the house. All that is in dispute is a block of land valued at approximately \$150,000. As a result of the decision of the Office of the Protective Commissioner, the house cannot be built and Tracey continues to live in her parent's house, which is not adequate for her present needs.

To top it off the Office of the Protective Commissioner will be charging Tracey \$600 per month to manage the vacant land. The wanton disregard for Tracey's welfare and the mismanagement of her financial affairs are further reflected when one looks at her tax bill, which was \$166,114 for 2004-2005. The tax return was prepared by the Office of the Protective Commissioner, which charged her a staggering fee of \$3,500 to prepare what was a simple return and \$2,500 as a record-keeping fee, a sum total of \$6,000. Tracey's parents employed a leading firm of accountants in my electorate, which has informed me that the return is very simple and preparing the return would attract a fee of no more than \$500 if it were done through a commercial organisation.

Those accountants have also reviewed the return, which, as I said, had a tax bill of \$166,114. They believe that if done correctly the tax bill should have been \$35,000. The Office of the Protective Commissioner is also charging an average of \$6,820 per month to administer the investments in Tracey's name, as well as a fee of \$14,480 from the fund for a platform provider's fee. Again, I am told that on a commercial basis the fees on a \$7 million investment would be expected to be between \$3,500 and \$4,166 per month. Overall, if Tracey's affairs had been properly managed by the Office of the Protective Commissioner there would be a saving of up to \$200,000 per year and there would not be this head-in-the-sand attitude of not being able to provide for Tracey's accommodation because it would be overcapitalising. If Tracey's affairs were properly administered the cost of the house, which the Office of the Protective Commissioner said was overcapitalising, could be recovered in just two and a half years.

The accountants now looking at the matter also tell me that if even \$100,000 was saved and invested at 5.5 per cent over twenty years, it would result in additional funding for Tracey of \$3.678 million. The Office of the Protective Commissioner must hang its head in shame over the manner in which it has administered Tracey's affairs. It must also justify why it has mishandled Tracey's affairs in such an appalling, and I believe negligent, manner. I suggest that the Office of the Protective Commissioner make restitution to Tracey for the errors, mistakes and overcharging that has occurred. However, more important than anything else, it must allow Tracey to build the home that is appropriate to her and her limitations. To continue to deny her that right is hardly fulfilling the role of Protective Commissioner. The Attorney General must look into this matter and I intend to recommend that Tracey's parents take this matter to the Ombudsman for investigation.

SYDNEY (KINGSFORD SMITH) AIRPORT REDEVELOPMENT

Ms KRISTINA KENEALLY (Heffron) [6.04 p.m.]: I speak about a matter that I have brought before the House on a previous occasion. Sydney Airports Corporation Limited [SACL] proposes to build a \$200 million supermall just 250 metres from the third runway in the electorate of Heffron. The Commonwealth Government is the sole consent authority and that means that SACL can disregard local and State planning laws. The Iemma Government and local councils have strongly opposed the proposal, arguing that the development would cause traffic chaos and could jeopardise aviation security. I thank the Mayor of the city of Botany Bay, Mr Ron Hoenig, for his strong voice and leadership on this issue.

When SACL met the Minister for Planning, Frank Sartor, it agreed to scale down its original proposal, but is yet to provide anything specific on what that scaled-down proposal entails. On 21 April SACL treated the local Heffron community with total contempt. It said that there would be no community consultation on either its new plans or scaled-down plans for the mega shopping mall. SACL says that our community does not deserve to have a say on its plans to build a shopping mall. It is important that the people of Heffron have an opportunity to have a say about this proposal, so last week I circulated in my electorate a Sydney airport shopping mall survey. So far over 200 have been returned, which I believe to be a fairly swift response. I have been overwhelmed by the fact that people have not just ticked boxes on the survey; they have written quite significant comments. I would like to read some of those comments onto the record. Catherine Jefferies of Eastlakes wrote:

... if they want to put [the shopping centre] so close to the second runway then close the third runway! That is a compromise that would be ideal. No noise for us and they can continue with their shopping mall.

Tina Paradiso of Rosebery wrote

... aircraft landing too close to a new proposed shopping more sites is a danger in [the] the event of a crash.

Indeed, security and safety concerns are running a close second in the survey. The first and most important issue to the people of Heffron is the traffic chaos that would come about as a result of this proposed shopping mall. David Humphries of Rosebery wrote:

... traffic chaos will make it harder to get to the airport on time and crowd out residents who needed to negotiate through the traffic.

Lorne Fogarty of Rosebery wrote:

... I have nothing against shopping malls. I do have something against modern corporations in general putting profit before people. I would like more information before choosing a definitive stance on the issue, but based on the facts presented [so far] I would think there must be some authority or department which could bring the company to account. If there is nothing to hide, why not disclose the proposal?

Unfortunately, as Mr Fogarty and many of the residents in Heffron now know, there is no authority or department that can bring SACL to account except the Federal Government. Under the terms of the relevant legislation SACL can completely disregard State and local planning laws. The residents whose comments I have read gave me permission to use their names and to read their comments in the House, but there are other comments I would also like to read onto the record. A resident from Botany Road in Mascot wrote:

... all the extra trucks delivering goods to a shopping mall would create havoc in the area. Also there are several shopping malls in the area, some of which are doing very well...another one won't help any of them.

It is interesting that local residents have raised concerns about the impact on the local shopping centres. Indeed, a resident from Brussels Street, Mascot wrote:

.... [There] are no benefits to local residents—already have Eastgardens shopping centre and Rockdale Plaza to the south. [We] already have extremely heavy traffic peaks on Southern Cross Drive to General Homes Drive and Foreshore Road is used [by] primarily heavy trucks, prime movers and gas tankers etcetera servicing the port area. A shopping centre here would be a disaster and increase the danger factor to all concerned using the area.

That comment sums up the bulk of the concerns of the people of Heffron. I will take those concerns to the Federal transport Minister and to the Sydney Airports Corporation directly. I will continue to stand up for my local residents to ensure their voices are heard, despite Sydney Airports Corporation saying we do not deserve to have a say.

MEDICAL PROFESSIONALS REGIONAL RECRUITMENT

Mr GREG APLIN (Albury) [6.09 p.m.]: The critical shortage of medical professionals in country areas has forced communities to take action to recruit specialist doctors, general practitioners, and surgeons. In Albury, Dr Scott Giltrap of the Border Medical Association has established a working party to raise funds to employ a recruitment officer to find doctors for the region from within Australia and selected countries. The initial response has been very positive from businesses, councils, medical organisations and doctors. Since launching the plan last month, the Border Medical Association has been pledged half of the budgeted \$300,000 and is working hard on attracting corporate donations. Apart from finding medical specialists, the recruitment officer will be required to also arrange certification of the doctors and help them to settle. That is where unexpected problems are encountered and I bring the following experience to the attention of the House in the hope that the Minister for Health will ensure that the registration process is overhauled.

During March a border specialist sought my assistance in a matter concerning essential medical coverage at Albury Base Hospital. The specialist noted that the slow bureaucracy at NSW Health and the New South Wales Medical Board had held up registration for a new physician so he would not be able to provide the cover for which he was rostered in April. I was informed of the potential disruption to services and patient care at Albury Base Hospital during the school holidays after Easter, when other physicians would be away. Further, I was advised that the new physician had been registered in Victoria since January but could provide cover at Wodonga hospital only. As honourable members would know, physicians are responsible for all the patients admitted to medical wards and are often involved with the care of many complicated surgical patients as well.

The hospital cannot function without an on-call physician and the emergency department would have to be placed on bypass for all medical patients suffering from heart attacks, strokes, chest infections and so on. The new physician is a German, recruited under the Area of Need Program. He arrived in January and started work in Wodonga. Applications to the New South Wales Medical Board began immediately. The process is supposed to take about six weeks so the new physician was placed on the roster for April but in late March the applicant was informed that the process would not be completed in time for him to work in April or possibly even in May. While some shifts could be covered there would be periods during the school holidays after Easter when Albury Base Hospital would be left without a physician. I put this situation to the Minister for Health and asked that he rectify the border anomaly by expediting the registration process. The Minister replied that the New South Wales Medical Board had not received the application and that there was no impact on services at Albury Base Hospital after Easter.

Unfortunately, both answers were totally untrue. These are the facts. The initial application for registration by the New South Wales Medical Board was made on 23 January from the Wodonga hospital after a phone call to check the requirements. The board then advised that the application was not suitable and had to be resubmitted as a specialist top-up application. That was sent on 28 February. The board then advised that additional paperwork was required, including a letter from the College of Physicians referring to an area-of-need position at Albury Base Hospital. The documents were obtained and submitted to the board on 27 March. One whole month later the board asked that the entire application be resubmitted. It was faxed on 3 May and the board rang back to state that the application needed to be under Area of Need Program assessment paperwork, and that was duly submitted on 5 May.

The Minister's reply did not answer the question about the delays in registration but did reveal the incompetence of the processing. All the applications, faxes, phone calls and names of staff members contacted at the board over that four-month period are documented. As for the disruption to services at Albury Base Hospital, it will interest the Minister to know that there was no physician on call on 19 and 20 April, and patients requiring admission under a physician were in fact transferred from the emergency department at Albury to Wodonga hospital in Victoria. The Minister sought to blame the Commonwealth Government for the assessment process for overseas trained doctors but he should have been aware that this physician had already obtained specialist recognition through the College of Physicians and the Australian Medical Council in January, which had allowed him to work in Wodonga.

Now that New South Wales registration has finally come through, following the requirement to travel to Sydney to present documents in person, the physician has found that the conditions are onerous with peer review every week, documents to be signed by a justice of the peace, and reporting requirements to the board—all of which are leading him to consider working in Wodonga only. After his experience he is unlikely to recommend New South Wales to any overseas colleagues. The process for registration in New South Wales appears to be a disincentive to the recruitment of medical specialists. I recommend a thorough overhaul if we are to succeed in recruiting and retaining doctors in this State.

COMMUNITY CARE SERVICES

Mrs DAWN FARDELL (Dubbo) [6.14 p.m.]: Very soon this House will, yet again, vigorously debate the merits or otherwise of the annual carve-up of our State's finances in the budget. We do not need to be reminded of the intense interest that surrounds any announcement about decisions taken on the best way to spend New South Wales taxpayers' money. No doubt those decisions have wide-ranging impacts on the lives of many people, dictating expenditure and shaping futures of both individuals and organisations. But in this current climate of high fuel prices, shrinking services, increasing wages and shifting populations, I bring to the attention of the House the views of community care groups around the electorate of Dubbo that are feeling the biggest pinch.

Recently I have been in discussions with several community-based care groups and service providers from the volunteer, government and non-government sectors concerned with the wellbeing of the frail aged, people with a disability, those suffering a chronic illness, and their carers. I am increasingly concerned that the losses the electorate of Dubbo has experienced in vital services, funding, and skilled people have reached a critical point that requires immediate and serious attention; and those most at risk are those I have mentioned.

Rarely is special consideration granted to find out why there has been a downturn in employment in communities that gave families a reason to move. This scary domino effect is felt community-wide and mirrors current concerns by community care groups. Already many towns have stood by and witnessed the loss of the local doctor, chemist, optometrist or dentist. Aside from the immediate impact on the economy is the severe reduction of access to essential services for the elderly, the disabled, and the chronically ill. How many residents in a major metropolitan area would put up with a two-hour drive just to get to a chemist to get a prescription filled or an x-ray? Well, that is the grim reality for those living in smaller towns. Carers and support organisations now have far more complex logistics issues.

Transport to areas where there is access to medical or therapy services is experiencing a major increase in demand. Some larger centres are lucky—they might have retained fully delivered medical services—but sadly it is becoming more common to offer an outreach program. This has a troubling impact on the frail aged and people with a disability or a chronic illness. Care organisations advise that not everyone is able to access public or community transport; they simply do not have the means. Through the goodwill of carers, volunteers or neighbours some are lucky enough to be able to make appointments with specialists or for therapy, but not all. So why is it that desperate pleas from volunteer and community care groups appear to be unnoticed? Twelve months ago the Council of Social Service of New South Wales begged for an end to government squabbling and game playing so that more than \$60 million could be delivered to assist in areas such as home help, community transport and meals on wheels.

I highlight one case: the delivery of Meals on Wheels to the Parkes community by the Parkes Shire Food Service. It has five part-time staff, volunteers, and a limited budget. There is a considerable demand on the organisation as it also services the communities of Parkes, Peak Hill, Trundle and Tullamore. Every week 353 hot meals are delivered to the elderly, the disabled and the chronically ill. Its frozen meal service delivers another 50 meals to Parkes and surrounding villages during that same time. Every week 111 clients are visited. The Parkes Shire Food Service Manager, Sandra Littlewood, is understandably proud of the organisation but somewhat confused and frustrated by the weekly balancing act of having to juggle the service's limited resources. If it operates in the red, it receives little in the way of additional funds; if it operates in the black, the Department of Disability, Ageing and Home Care puts its hands out to take away funds. Additional pressures including skyrocketing fuel prices are coped with only through the extreme generosity of volunteers.

The service is not claiming fuel, but it is dedicated to seeing its remaining funds put towards client use. I have the utmost respect for organisations and volunteers such as the Parkes Shire Food Service, Community Transport, the Parkes Housebound Library Service, the Family Support Service, the St Vincent de Paul Society, Anglicare, and Evergreens. That picture can be painted throughout the entire State, wherever such care and community groups have to focus on a shrinking bottom line, which is detracting from the valuable work they carry out. Scraps being dished out from the Government purse are being complicated by declining volunteer numbers. There are many other agencies spread throughout the greater Central West region coping with those same circumstances, and they are just as worried. As a result they have formed a collective, the Central West Community Care Forum, which, with a membership of 70 groups, is concerned with vanishing essential services. The groups are being asked to do a lot more with less and ask only for a balancing-up, not only of the books but also of attention.

The groups are asking these very simple questions: Although it is widely acknowledged that our population is ageing, why do all governments continue to finger point over providing adequate funds? Why is the burden of compliance, regulations and reports not taken into consideration? A more reasonable scale of compensation for health-related transport costs and encouragement of those essential services into country areas would make a great start. The Central West Community Care Forum wants to see greater co-operation between the Commonwealth and the State governments, an end to the sniping and games so that funds can be freed up and delivered to those at the coalface. Give our communities access to doctors, dentists and optometrists and invest in futures, not tunnels. The great human wealth around the electorate of Dubbo must be supported if we are to focus on a better future. Those whose voices are not always heard should start screaming the loudest. It is time they were heard by all. [*Time expired.*]

YOUNG ACHIEVEMENT AUSTRALIA

Mr RICHARD TORBAY (Northern Tablelands) [6.19 p.m.]: Last week I became a small shareholder in a new business which has a timeframe of only 24 weeks to make a return. The principals of the business are a group of year 11 students from New England Girls School and Duval High School in Armidale.

Mr Peter Draper: Great schools!

Mr RICHARD TORBAY: As the honourable member for Tamworth rightly says, they are great schools. They are participating in an excellent program through Young Achievement Australia, a not-for-profit organisation that runs and facilitates business skills programs for year 11 and university students across Australia. The program involves 15 to 25 students getting together with mentors from the local business community and forming a company. Together, the students and mentors select and register a business name, and research and develop a product. The students take on positions within the company, such as managing director, finance director and marketing director. They sell shares to raise capital and develop a business plan. The students are required to keep accurate budget and finance records, and the overall aim is to make a profit for their shareholders. So I am looking forward to a positive outcome.

The company is liquidated after the completion of the 24-week program. The program is designed to be as realistic as possible. The students pay taxes and rent, open a bank account, and negotiate their lease and access to facilities with their mentors. Young Achievement Australia [YAA] is a once in a lifetime opportunity for young people to get hands-on business management experience. It helps students to make more informed career choices and improve their business and interpersonal skills, as well as giving them an extra leg up the career ladder. Taking part in the program, either as a student or a mentor, is a significant commitment. Generally it means meeting once a week for 24 weeks. If students cannot attend all the meetings they must seek permission from the company human resources director and complete an annual leave form, just like in the real world.

In addition to running the business, producing a product and returning a profit to their shareholders, all YAA companies are eligible to enter for regional, State and national awards and to take part in business skills workshops and trade fairs. It is a great learning experience for the young people involved. The program has been running since 1979 and there are many success stories. Companies have made large profits, which have been returned to their shareholders; they have sold their products to global companies; and individuals have gone on to work for their mentors or have been offered jobs and careers solely based on their YAA experience. Over recent years courses have been run in the New England area in Inverell, Tamworth—I note the presence of the honourable member for Tamworth in the Chamber—and Armidale. That is all thanks to the help and support of local volunteers from the business community and encouragement from the staff of local schools and colleges. I congratulate them.

In 2005 the YAA company from Armidale was the winner of the regional Northern New South Wales Trade Fair and was the winner of the New South Wales Environmental Award with its product—liquid fertilizer made from horse manure, diluted and placed into recycled milk containers. I have been told that it is an exciting product. The previous year the Armidale YAA company was regional Northern New South Wales Company of the Year and runner-up in the New South Wales Company of the Year competition with its picture frames made from scrap timber. There are many examples of how these young people have gone beyond what is expected of them and demonstrated that they are business people and leaders of the future. I have great hopes for this year's group of students, who have adopted Gotcha Hooked as the trading name for their product, which is a well-designed coat rack made from used horse shoes.

During the session I attended we spoke about business and marketing, and the necessity for them to do their homework and explore opportunities. That research is valuable. They are already doing well with a large network of family and friends keen to help them, and good guidance is on offer from mentors such as Ann Gibbs at the Armidale accountancy firm Cameron, Kirk Rose. There is no charge for students taking part in YAA. The program relies solely on the goodwill of the business community and local and State governments in the form of sponsorship.

I commend the local communities, which continue to provide financial support for this extremely worthwhile endeavour. To participate, students do not have to be studying a business-related subject. They just need to be able to demonstrate commitment, enthusiasm, and a desire to succeed. I encourage my colleagues and fellow members to support YAA and the YAA companies in their communities. I ask them to encourage local councils and businesses to continue to provide assistance to this extremely worthwhile program.

Private members' statements noted.

CRIMES AMENDMENT (ORGANISED CAR AND BOAT THEFT) BILL**ELECTRICITY SUPPLY AMENDMENT (PROTECTION OF ELECTRICITY WORKS) BILL****INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT (OPERATIONS REVIEW COMMITTEE) BILL**

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

[Mr Acting-Speaker (Mr John Mills) left the chair at 6.25 p.m. The House resumed at 7.30 p.m.]

CIVIL LIABILITY AMENDMENT BILL**Second Reading**

Debate resumed from 10 May 2006.

Mr ANDREW HUMPHERSON (Davidson) [7.30 p.m.]: I lead on behalf of the Opposition and indicate that we will not oppose the bill but will seek to amend it in the upper House. In 1999 the Court of Appeal in *Sullivan v Gordon* permitted an injured claimant to recover damages for the loss of capacity to perform gratuitous services for other people. This is distinguished from damages that compensate a claimant for the need for services to be provided to the claimant. In 2005 the High Court considered the case of *Sullivan v Gordon* in determining another matter and ruled that the damages awarded in *Sullivan v Gordon* should be overruled.

The High Court suggested that such a shift in civil liabilities law should be a matter for the Parliament and not the courts—something with which Opposition members concur. This bill seeks to partially reinstate damages as set out by the *Sullivan v Gordon* ruling in line with the suggestion of the High Court that this matter be dealt with by the Parliament. The Government released a discussion paper and exposure draft bill in April this year. The bill will enable certain claimants who have personal injury claims to recover damages for the loss of their capacity to provide gratuitous services to their dependents or to others.

The bill provides a cap on the hourly rate for calculating the amount of damages, in line with rulings by the High Court, and it provides guidelines for damages relating to the amount of time the claimant would have spent providing such services to dependents had that claimant not received an injury. The bill sets a nine-hour minimum for these services on a weekly basis. The Opposition concurs with that. The Law Society was good enough to respond to the Opposition's request for comments. I will read its response onto the record:

The Law Society does not oppose the Civil Liability Amendment Bill 2006, which reinstates *Sullivan v Gordon* damages, allowing for damages with respect to loss of capacity to provide services to others.

However the Law Society is concerned that the Government has departed from the threshold determined in *Sullivan v Gordon*, where the Court of Appeal found that a person who has lost the capacity to care for a child should be compensated on the same basis as the traditional *Griffiths v Kerkemeyer* claim, that is damages should be awarded if care is required for at least 6 hours a week.

The Civil Liability Amendment Bill sets the threshold for claims at 9 hours a week, so care must be required for 9 hours, rather than 6 hours as determined by the High Court in *Griffiths v Kerkemeyer*, before a claimant is entitled to provisions.

The Government has not provided any reason for departure from the *Griffiths v Kerkemeyer* threshold. Financial implications should not be a factor as insurers have, since 1999, been collecting premiums on the understanding that *Sullivan v Gordon* damages applied. There would be no further cost to the insurers or the insured should the threshold be amended to 6 hours.

The Opposition concurs with that view and accordingly will seek to amend the bill in the upper House to change the threshold to nine hours, as was originally anticipated. The Government advised us in a little more detail that the bill will reinstate *Sullivan v Gordon* damages by permitting the recovery of damages by a claimant for a claimant's loss of capacity to provide gratuitous domestic services to a claimant's dependents defined as relatives of the claimant or members of the claimant's household. This will apply to claims under the Civil Liability Act 2002, motor accidents claims, and dust diseases claims.

To ensure that the damages are available only in cases involving the greatest need, damages may be awarded only when the services will be needed for at least nine hours per week and for at least six consecutive months. There is a reasonable expectation that if the claimant had not been injured the claimant would have

provided the services for the required time. The claimant's dependents must not be capable of performing the services themselves, by reason of their age or physical or mental incapacity, and the hourly rate for damages will be capped at the existing rate for *Griffiths v Kerkemeyer* damages, that is, average weekly earnings. As I said, the Opposition does not oppose the bill but will seek to amend it in the Legislative Council, where we will seek the support of crossbench members to reduce the qualifying period to six hours rather than nine hours.

Mr BARRY COLLIER (Miranda) [7.36 p.m.]: The High Court's decision in the case of *Griffiths v Kerkemeyer* (1977) 139 CLR 161 established that claimants needing nursing and domestic services that are provided gratuitously by family members or others as a result of their injuries may recover damages for those services. In New South Wales the recovery of *Griffiths v Kerkemeyer* damages has been modified by statutory provisions such as section 72 of the Motor Accidents Act 1988, section 128 of the Motor Accidents Compensation Act 1999 and section 15 of the Civil Liability Act 2002.

In a purported extension of the principle in *Griffiths v Kerkemeyer*, the New South Wales Court of Appeal in the matter of *Sullivan v Gordon* (1999) 47 NSWLR 319 permitted an injured claimant to recover damages for loss of capacity to perform gratuitous services for other people, in this case the claimant's children. These damages were held to be recoverable as a separate head of damage known as *Sullivan v Gordon* damages. Damages of this kind differed from those awarded in *Griffiths v Kerkemeyer* because they were awarded for the loss of the plaintiff's capacity to provide services to another person rather than for the cost of services the plaintiff has required or will require in the future.

Sullivan v Gordon has accordingly come to stand for the proposition that if a claimant is deprived, by injury, of the capacity to provide services to other persons, and if the desire of the claimant to provide those services constitutes a need, the commercial cost of replacing those services is recoverable as a separate head of damage. The required need has been readily established in cases involving young children or disabled members of a household. Some cases have also awarded damages in respect of ordinary domestic and other assistance where there is no special need.

In *CSR Ltd v Eddy* (2005) HCA 64 the High Court considered *Sullivan v Gordon* damages for the first time and held that that case and all Australian cases following it should be overruled. In that case the claimant had sought damages for his inability to continue to provide gratuitous assistance, including vacuuming, cleaning, gardening and general maintenance, to his wife who suffered from osteoarthritis. In the High Court the respondent argued that *Sullivan v Gordon* damages were a natural extension of *Griffiths v Kerkemeyer* damages.

However, the High Court regarded *Griffiths v Kerkemeyer* damages as being anomalous because they were a departure "from the usual rule that damages other than damages payable for loss not measurable in money are not recoverable for an injury unless the injury produces actual financial loss". The High Court considered the various policy considerations put forward by the respondent in favour of allowing *Sullivan v Gordon* damages. In particular, the claimant argued that *Sullivan v Gordon* damages were important to avoid loss to the family. If the work is not done the health and safety of families will suffer, and if compensation is refused the injured claimant's family will suffer hardship. While acknowledging those policy considerations, the High Court said:

The respondent's arguments then, are not necessarily to be rejected for flaws in the policy reasoning on which they rest; they are to be rejected because they rest on policy reasoning which is more appropriate for the legislature to weigh than for the Court.

This bill gives Parliament the opportunity to consider the policy issues in relation to such damages. A range of policy considerations may be relevant. For example, Australians are generally living for much longer than they did previously, leading to an increased burden on families. Further, the provision of external care can be beyond the reach of many families. Finally, without reform, increased demand on available government services could result—notwithstanding that such services are necessarily limited.

Legislatively, four Australian jurisdictions give some recognition to *Sullivan v Gordon* damages. In the Australian Capital Territory section 100 of the Civil Law (Wrongs) Act 2002 creates a legislative right to recover *Sullivan v Gordon* damages. Section 59 (3) of the Queensland Civil Liability Act 2003 and section 281D of the Victorian Wrongs Act 1958 assume the existence of such damages at common law and apply to them the same statutory restrictions as apply to *Griffiths v Kerkemeyer* damages. The South Australian Parliament recently legislated to restore *Sullivan v Gordon* as a head of damage in South Australian dust diseases claims in response to the High Court's decision in *CSR Limited v Eddy*.

The bill proposes to reinstate *Sullivan v Gordon* damages partially, as set out in proposed section 15B, by permitting the recovery of damages by a claimant for the claimant's loss of capacity to provide gratuitous domestic services to the claimant's dependants. The Government proposes that partial reinstatement of *Sullivan v Gordon* damages will apply to claims under the Civil Liability Act 2002, motor accident claims and dust diseases claims. The proposal is designed to ensure that damages are payable in the cases of greatest need. The key requirements designed to achieve this are: the services will be needed for at least nine hours per week and for at least six consecutive months; the claimant's dependants must not be capable of performing the services themselves by reason of their age or physical or mental incapacity; and the services are needed and that need is reasonable in all circumstances. While the availability of damages will be limited to those cases involving the greatest need, this is a fair and reasonable approach that will ensure the changes remain affordable. I commend the bill to the House.

Mr PAUL LYNCH (Liverpool) [7.42 p.m.]: The Civil Liability Amendment Bill primarily does two things. First, it partially reinstates, in some cases, an entitlement to an award of damages consistent with the case of *Sullivan v Gordon*. Second, it restricts the damages in asbestos cases that are awarded in accordance with the principles in *Griffiths v Kerkemeyer*. The necessity for legislation for *Sullivan v Gordon* damages arises from High Court decision *CSR Limited v Eddy* (2005) HCA 64. The judgment was delivered on 21 October 2005. This High Court decision concerned a case brought in the Dust Diseases Tribunal in New South Wales before the tribunal president, the well-regarded Judge O'Meally. Part of the award to the plaintiff was in the sum of \$165,480, and this was expressed as being for *Sullivan v Gordon* damages.

The plaintiff suffered from mesothelioma and the damages were compensation for the inability of the injured worker to continue to provide domestic assistance to his wife, who suffered from osteoarthritis. Accordingly, she had difficulties bending and twisting, and this restricted her capacity to do housework and gardening. Her husband had assistance with cleaning, gardening, housework and general maintenance before his mesothelioma struck. The trial occurred in 2003. An assessment was made that the plaintiff was likely to die in the next year and that he would have otherwise carried out these tasks for a further 20 years, doing so for 1½ hours per day at a rate of \$25 per hour. There was then a discount of 20 per cent for contingencies in accordance with normal principles, and an amount of \$165,480 was awarded. The judgment was appealed to the New South Wales Court of Appeal, which upheld it in accordance with the previous decision of *Sullivan v Gordon* (1999) 47 NSWLR 319. It was then appealed to the High Court, which overturned the line of authority, including *Sullivan v Gordon*.

The majority judgment in the High Court argued a number of things. It argued that the *Sullivan v Gordon* damages—that is, damage for the inability of a plaintiff to provide services—did not fall within the category of *Griffiths v Kerkemeyer* damages and that it was erroneous to say that it did. *Griffiths v Kerkemeyer* (1977) 139 CLR 161, was a High Court case that allowed a plaintiff to recover the commercial cost of nursing and domestic services provided by family and friends of the family. The High Court also rejected any argument that *Sullivan v Gordon* should be maintained because of an analogy with *Griffiths v Kerkemeyer*. Indeed, the majority judgment revealed a deep-seated and barely concealed dislike of anything to do with *Griffiths v Kerkemeyer*. Having established to its own satisfaction that *Sullivan v Gordon* is bad law and should be overturned, the High Court also argued that the introduction of such doctrines should be up to the legislature. I note on the way through that the majority judgment did some gratuitous written violence to various law reform agencies. However, that explains the necessity for this legislation.

There is a wide range of support for the desirability of what are now called *Sullivan v Gordon* damages. Self-evidently, they were awarded in New South Wales from 1999 until 2005. Queensland and Victoria both accept the *Sullivan v Gordon* principle but provide limitations on the simple common law position. There is also legislation in the Australian Capital Territory to allow these types of claims. There also seems to have been a similar legislative initiative in Scotland and common law development in England. Against this background, the Government released an exposure bill in April this year and received a variety of submissions. The result is this bill, which reinstates *Sullivan v Gordon* damages subject to a number of restrictions that reduce the pre-High Court scope of such damages.

The case for reinstating these damages flows from the basic principle that damages should compensate for harm done. Some of the cases referred to previously provide powerful examples of why these damages should be paid. For instance, a woman dying of mesothelioma sought damages to provide care for her nine-year-old triplets. A man diagnosed with mesothelioma sought these damages because he provided care to his legally blind wife, including all housework and accompanying her whenever she left the house. These examples give graphic form to the legal principles involved.

The bill partially reinstates *Sullivan v Gordon* damages. It allows the recovery of damages for a person's loss of capacity to provide gratuitous domestic services to the person's dependants. This applies to claims under the Civil Liability Act 2002, motor accident claims and dust diseases claims. Damages are available only in the following cases: when the services will be needed for at least nine hours per week and for at least six consecutive months; when there is a reasonable expectation that if the claimant had not been injured he or she would have provided the services for the required time; and when the person's dependants are not capable of performing the services themselves by reason of their age, or physical or mental capacity. The hourly rate for damages will be capped at average weekly earnings.

Dependants must be wholly or partly dependent, and are defined in the legislation to include, broadly speaking, relatives or members of the household and any unborn child. Provisions also allow damages with these restrictions to be awarded in cases that were otherwise excluded from the Civil Liability Act, including dust diseases, tobacco or smoking claims, sexual assault or intentional loss. Without this inclusion such claims would normally be covered by the common law position, which after the recent High Court decision would mean that they would not recover these damages at all.

The bill also extends the existing hourly rate cap of average weekly earnings for *Griffiths v Kerkemeyer* damages to dust diseases claims. Currently, the dust diseases rate for such damages is the commercial rate. So this represents a significant reduction in the amount that will be allocated as *Griffiths v Kerkemeyer* damages in dust diseases claims. The basis for this, as I understand it, is to remove what would otherwise be a significant discrepancy between *Sullivan v Gordon* damages and *Griffiths v Kerkemeyer* damages in dust diseases claims, with the former an average weekly earnings rate and the latter based on commercial rates. The Parliamentary Secretary said in the second reading speech that there was no good reason for this discrepancy. This is obviously a significant issue—although I note that it merited only one sentence in the briefing note that I received about the bill.

As a general principle, I have a lot of sympathy with standardising entitlements. However, if we judge the New South Wales system by that principle, we must admit that until now it has been a pretty abject failure. We now have a plethora of different schemes and rules for different injuries. There is—to use the Parliamentary Secretary's words—no good reason for such discrepancy. At present in New South Wales if a person breaks a leg as a result of the negligence of someone else, that person will get different amounts of money and will be medically assessed in totally different ways depending on whether the injury happened in a motor vehicle accident, in a workplace accident or in a shopping centre. I hope that the Attorney General's passion for consistency extends to the larger issue of making sense of tort law reform.

Ms VIRGINIA JUDGE (Strathfield) [7.48 p.m.]: I support the Civil Liability Amendment Bill. I commend the Attorney General, his staff and departmental officers for their diligent hard work in bringing the bill before the House. In the 1999 decision in *Sullivan v Gordon* the New South Wales Court of Appeal permitted an injured claimant to recover damages for the loss of capacity to perform gratuitous services for other people. In that case the plaintiff recovered damages for loss of the capacity to care for her young child. The damages are different from the more traditional *Griffiths v Kerkemeyer* damages. Those damages compensate the injured claimant for the claimant's need for gratuitous services to be provided to him or her. The award of these damages by the New South Wales Court of Appeal has, indeed, not been without controversy.

The decision in *Sullivan v Gordon* has not been followed in all States and Territories. On 21 October 2005 in *CSR Limited v Eddy*, the High Court for the first time considered *Sullivan v Gordon* damages. It held that the case should be overruled and that the damages should not be available as a matter of law. The High Court found that the damages departed from a number of general principles underlying the award of damages and that, if there was to be such a shift in the law, it was a matter for Parliament and not the courts. The second reading speech for this bill highlighted a number of cases in which it might be appropriate for injured persons to recover damages for the loss of capacity to care for others. For example, there is the South Australian case involving a woman who had contracted mesothelioma. The woman cared for her three young triplets before she contracted the disease. If a similar case arose in New South Wales, the woman would not be entitled to *Sullivan v Gordon* damages for her inability to care for her three precious young children.

There is also the New South Wales case involving a man who has, sadly, now since died from mesothelioma. He had provided significant assistance to his legally blind wife, including cooking, cleaning and other household chores. He also arranged for her to attend her medical appointments. These examples highlight the fact that there are some cases in which it is appropriate for damages to be available. The Government released a discussion paper and exposure draft bill in April 2006 proposing that the damages be partially

reinstated in cases involving the greatest need. The bill has been revised following that consultation process to take account of a number of specific issues that were raised. The bill proposes to partially reinstate *Sullivan v Gordon* damages by permitting the recovery of damages by a claimant for the claimant's loss of capacity to provide gratuitous domestic services to the claimant's dependants. The bill defines dependants to include relatives of the claimant or members of the claimant's household.

The bill will apply to claims under the Civil Liability Act 2002, motor accident claims and dust diseases claims. A number of important, but necessary limitations are included to ensure the damages are available only in cases involving the greatest need. For example, damages may only be awarded where the services will be needed for at least nine hours per week and for at least six consecutive months. The bill makes special provision to ensure that short periods of respite care and care by a non-custodial parent over the required six-month period do not disentitle a person to compensation. The bill also provides that there must be a reasonable expectation that, if the claimant had not been injured, the claimant would have provided the services for the required time. Under proposed section 15B, the claimant's dependants must not be capable of performing the services themselves by reason of their age or physical or mental incapacity. This will ensure that the damages are available only in cases where a person is genuinely dependent on the injured person for care. It would not be reasonable to expect dependants to pay damages in respect of persons who, although they received the benefit of services, are capable of caring for themselves.

The hourly rate for damages will be capped at the existing rate for *Griffiths v Kerkemeyer* damages—that is, in accordance with average weekly earnings. The bill also extends the existing hourly rate cap for *Griffiths v Kerkemeyer* damages to dust diseases claims. This change will ensure that the amount that can be recovered is capped on a consistent basis with *Sullivan v Gordon* damages and that the bill does not increase the overall cost of dust diseases claims. Overall this bill balances the needs of those who are seriously injured with ensuring that the changes remain affordable. I commend the bill to the House.

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [7.54 p.m.], in reply: I thank honourable members for their contributions to the debate. The bill provides for *Sullivan v Gordon* damages to be available in cases of the greatest need. The bill will ensure that seriously injured persons are able to recover damages to assist them to meet the cost of providing ongoing care for those who were dependent on them for care prior to their injury. The High Court rejected these damages in 2005 because they are inconsistent with the ordinary principles upon which damages are awarded. The court recognised, however, that it is open to Parliament to decide, on policy grounds, that these damages should be available.

The two cases highlighted in the second reading speech show there is a need for the damages to be available in some cases. The bill partially reinstates *Sullivan v Gordon* damages, but does so subject to certain limitations. These limitations are designed to address the many uncertainties that the High Court identified in relation to such damages. Nonetheless, the amendments will ensure that the damages are available in cases of the greatest need. Tonight there has been some comment about why the threshold for the award of *Sullivan v Gordon* damages is nine hours per week, whereas the threshold for *Griffiths v Kerkemeyer* damages is only six hours. The Government noted submissions that argued that there was no basis for choosing a weekly threshold of nine hours per week for *Sullivan v Gordon* damages when the equivalent threshold for *Griffiths v Kerkemeyer* damages is only six hours. There is, however, a very clear basis for choosing a higher threshold for *Sullivan v Gordon* damages.

It cannot be assumed that the damages are analogous and should therefore be treated the same. The High Court clearly stated that, while both types of damage involve a "need" for services, it is a different kind of need in each case and the recipient of the services is different. More importantly, *Sullivan v Gordon* damages do not arise directly from the injury, whereas *Griffiths v Kerkemeyer* damages do arise more directly from the injury. Therefore, there is no reason in principle why the two types of damages should be treated the same on this point. Further, *Sullivan v Gordon* damages are not as soundly based in principle as other damages and should be subject to more stringent limits. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CONSTITUTION AMENDMENT (GOVERNOR) BILL**Second Reading**

Debate resumed from 10 May 2006.

Mr ANDREW HUMPHERSON (Davidson) [7.57 p.m.]: I lead for the Opposition on the Constitution Amendment (Governor) Bill. The war on terror has made it necessary for all jurisdictions to consider their constitutional arrangements in the event of a major catastrophe, for example one related to terrorism or to a natural disaster. The New South Wales Government has, accordingly, done so and sought advice from the Crown Solicitor to the effect that, so far as the current arrangements are concerned, incapacity does not currently extend to situations where the Governor is within New South Wales but is unable to exercise his or her functions due to reasons beyond simple mental physical incapacity.

The bill provides that the Lieutenant-Governor, who is currently the Chief Justice of the Supreme Court, may assume administration if the Governor is unavailable. The bill provides for the new term "unavailable" in place of the term "incapacitated". The bill defines the term "unavailable" as applying to the Governor in the following four circumstances: having assumed the administration of the Government of the Commonwealth; being absent from the State; being physically or mentally incapacitated; and, being otherwise unavailable to exercise and perform his or her powers and functions.

The Government has indicated that its reason for seeking advice on this matter was to establish whether the Lieutenant-Governor or administrator could assume administration if the Governor was still within New South Wales but was prevented from exercising his or her functions because of a post-disaster collapse of communications, infrastructure and/or transport systems, or because he or she could not be located or contacted.

On the face of it, the Opposition has no objections to the bill and will not oppose the bill in either House. At this point we have been unable to ascertain whether these legislative changes could apply in inappropriate circumstances. Specifically the Government has advised members that the bill will enable the Lieutenant-Governor or an Administrator to assume administration of New South Wales in the event that the Governor is unavailable; and will ensure that the Lieutenant-Governor or Administrator may only assume administration in such circumstances with the concurrence of the Premier or another Minister, providing one of them is available.

Further, the bill will ensure that the new provisions are not to be used simply for administrative convenience—a matter that would have been of primary concern to the Opposition—by limiting the concurrence of the Premier or another Minister to situations in which there are special circumstances, and it is not possible to determine if or when the Governor will become available again, or necessary for the administration of the State that certain functions of the Governor be exercised prior to the Governor's return. Finally, the bill provides that the Lieutenant-Governor or an Administrator may not assume administration in circumstances in which the Premier or another Minister is not available to grant concurrence unless he or she is satisfied that the criteria for the Premier's or Minister's concurrence are met. Accordingly, the Opposition does not oppose the bill.

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [8.01 p.m.], in reply: I thank the honourable member for his contribution to this debate. The bill again demonstrates the Government's commitment to ensuring that New South Wales is fully prepared to respond to a major incident. The bill has been drafted after careful consideration of the circumstances that might affect the functioning of Executive Government in a crisis situation. The bill will ensure that the Executive Council can continue to operate notwithstanding difficult circumstances that may exist following a major terrorist or other incident. A number of important safeguards are included to ensure that the procedure provided for by the bill is used only in appropriate circumstances. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

SUMMARY OFFENCES AMENDMENT (DISPLAY OF SPRAY PAINT CANS) BILL**Second Reading**

Debate resumed from 10 May 2006.

Mr MICHAEL RICHARDSON (The Hills) [8.02 p.m.]: I lead for the Opposition in this debate. I indicate also that the Opposition will not oppose this bill. It is probably not surprising given that it is, to all intents and purposes, identical to a piece of legislation that I introduced in this House in 1995. I guess all good things eventually come to pass. Ultimately, I am delighted to say, this Government has seen the extreme error of

its ways and has seen fit to adopt the proposal to lock up spray paint cans to prevent their theft by graffitiists. The reason for doing so is simple. Although the Minister did not refer to it, the reason is that about 90 per cent of cans used by graffitiists are stolen, and therefore locking up spray paint cans, or keeping them behind an attended counter, will make it more difficult for graffitiists to access tools of their trade.

In 1996, and yet again in 2000, the Government entered into a voluntary agreement with the Retail Traders Association to have cans locked away or behind attended counters. That arrangement did not work. Back in 1996 I said it would not work. I said so because I had gone to Victoria, which had had a similar system in place for more than 12 months, and it had not worked in that State. But this Government, as always, turned a deaf ear to the truth. It did not like the truth, and did not want to hear it. As a consequence, for the past 10 years there has been an explosion of graffiti across New South Wales—at a cost estimated to be \$100 million a year. That figure came from the now disbanded Graffiti Task Force in 1994. Even if we do not allow for inflation over that time, we are talking about a billion dollars worth of damage that could have been prevented had this Government listened to a pretty sensible idea put up 11 years ago. But, as I said, it is not very good at listening.

I quote from a speech of a former Minister for Fair Trading, Mrs Faye Lo Po', delivered on 16 May 1996. Given that is almost exactly 10 years ago, one might understand why I feel a little annoyed about the attitude of the Government towards this legislation. At that time Mrs Faye Lo Po' asked, "Where will all this lead?" She also said:

Are trained inspectors in the public service expected to enforce these requirements by shaking cans on display or employing measures of stealth to catch shop attendants not locking up the cages after each purchase? It is logistically impossible for retail traders to keep control of the sale of cans. To make retailers criminals because they are selling spray cans is ridiculous. I think the notion of penalties for retailers having on display for sale a legitimate and useful product such as spray paint is unreasonable.

Mrs Lo Po' went on to say:

My point is who wants to stop hobbyists from having access to cans? The people who use them are hobbyists, people engaged in crafts, in doing up pushbikes or touching up cars. It is a labour-intensive exercise for shopkeepers to have to unlock a cage to get out a spray can if a customer wants to buy one. It is remarkable that the honourable member for The Hills, a member of a free-enterprise party, wants to put a further impost on business.

Minister Lo Po' really went to town when Alby Schultz, then the member for Burrinjuck, interrupted. She said that she had been "listening to the rubbish uttered by the honourable member"—that is a reference to me—and added, " what he said truly is nonsense." So 10 years ago locking up spray paint cans was "rubbish" and "nonsense". She also went on to say:

... this bill appears excessive and an overreaction to the situation.

Yet now the Government has introduced a like bill and taken the proposal as its own. In 2001 we amended the legislation to include a ban on sales to persons under 16 years of age. We were prepared to accept that a small proportion of spray cans used by graffitiists might be purchased from, in particular, \$2 shops, and we tried to do something about that as well. Of course, the Government stole that idea also and implemented it as its own legislation, which was gazetted in 2003.

Because the vast majority of cans used by graffitiists are stolen, the amount of graffiti on streetscapes, railways and fences has not diminished to any significant extent. Private property now seems to be fair game. That was not so 12 or 13 years ago. Private property now seems to be regarded as fair game, no matter the age or the infirmity of the person whose property is being vandalised. I suspect the prime motivation for introducing this bill is revealed by question No. 5663, which was asked in this place by the honourable member for Mount Druitt on 30 March this year. The question asked the Attorney General:

During the years 2004 and 2005 how many cases of malicious damage caused by the spraying of graffiti were reported to police in the State of New South Wales? During the same period, how many such incidents were reported to the Mount Druitt police?

We saw exactly the same thing happening across the State as was happening in the Mount Druitt electorate. The New South Wales police recorded a total of 6,340 criminal incidents of graffiti in 2004 and 9,094 in 2005. The Mount Druitt local area command recorded 91 criminal incidents of graffiti in 2004 and 175 in 2005. We are talking about an absolute explosion of graffiti crime across the State. Something like 43 per cent more incidents were recorded in 2005 than were recorded in 2004. The Government is absolutely desperate to get elected and it understands the importance of this issue across the State. Finally the Government has accepted a solution to the problem that the former Minister for Fair Trading derided 10 years ago as rubbish and nonsense. It is interesting

to note that when the then Minister for Fair Trading, John Watkins, relaunched the voluntary code of practice in 2000 he used a line that I had used in press releases and in this place when I talked about making it harder to get the tools of the graffiti trade. Those words are used in the heading of a press release put out by Mr Watkins, the former Minister for Fair Trading, on 4 December 2000.

I said that the next step in cleaning up our environment was to make paints and pens more difficult to get. The voluntary industry graffiti strategy applied to art supplies, hardware, paint departments, stationery, discount stores, shoe shops, service stations and newsagents, but it did not prove a thing, as can be seen from the statistics I quoted. The voluntary industry graffiti strategy, announced twice, did not reduce the incidence of graffiti in this State by so much as a single solitary tag. It is a disgrace. In her second reading speech the former Minister for Fair Trading referred to some of the things that the Government has done. Most of these initiatives seem to have been aimed at buck passing the responsibility for the cleaning of graffiti to someone else. For example, the Government legislated to allow councils to clean graffiti off private property. I know that the councils I spoke to were not over the moon about that proposition. The Parliamentary Secretary referred to graffiti blasters, but, once again, it was a cost-shifting exercise. I know that Hornsby Shire Council applied for a graffiti blaster, and regretted it. The Government announced a graffiti information line, which was introduced by Baulkham Hills Shire Council a couple of years before that announcement.

The suggestion of legal graffiti art projects for young people is something I recommended in a paper I wrote in 1994, but this Government really is not on the ball. It takes them a long time to react. The former Premier, Bob Carr, made much of the Graffiti Community Orders Clean-up Scheme, which, as the 1994 *Hansard* shows, we legislated for. It was the recommendation of an interdepartmental working party on graffiti that had been set up at my instigation. The great difficulty is persuading magistrates to order graffitists to clean up their graffiti. The Government has shown no propensity to encourage judges and magistrates to impose penalties that fit the crime. Getting a graffitist to clean off graffiti, particularly in front of his or her peers, would really fit the crime. The legislation contains a couple of changes from the Graffiti Control (Spray Paint Can) Bill 1995, which was reintroduced into Parliament in 1996 after prorogation. The thrust of the bill and much of its language is exactly the same. The major change is higher penalties for non-compliance by retailers. We had a penalty for retailers of three penalty units, or \$330. The Government has seen fit to increase that to 10 penalty units or \$1,100.

I go back to the comments made 10 years ago by the Hon. Faye Lo Po' when she was talking about criminalising retailers and suggesting that I had not thought through the legislation. I certainly did think it through and we put a lot of work into it. We had a lot of discussions with retailers and the paint industry. We did not want to make the retailers the criminals, which is why we thought that three penalty units was appropriate. But the Government, in its usual grab for cash—this is an opportunity for the Government to make some more money if retailers do not comply—has seen fit to increase the penalty from three penalty units to 10 penalty units. They have also implemented a clause that would allow the regulations to provide exemptions for certain classes of spray cans. They have moved back the introduction date from 1 September to 1 November. These changes are the result of discussions with the Australian Retailers Association. We certainly do not object to them. The bill provides for a two-year review of the effectiveness of the legislation. Obviously, 10 years ago it would have been possible for the Government to move similar amendments to my bill, but they chose not to. As a result hundreds of millions of dollars worth of damage has been done across the State and people have been tearing their hair out.

One fellow told me that within 24 hours of installing a new Colorbond fence it had been spray-painted along the entire length. He spent a lot of money on it and he was nearly in tears. That may not have happened had the Government agreed to the legislation 10 years ago. One of the more bizarre suggestions by the former Premier, Bob Carr, was to insert a whistle into spray cans. I cannot help but wonder what tune the spray cans might have played. Would it have been a piercing shriek or might it have played *Colonel Bogey's March*? What impact would this have had on the legitimate users of spray cans, whom the Government purported to represent at the time? Why on earth would you propose something so idiotic when the solution was staring you in the face? A similar law to mine was introduced in New York City in 1985 and, as a result, New York subway trains are a great deal cleaner than ours. The law restricted the sale of cans and broad-tipped markers—which were required to be locked up—to adults only. We consulted with the New York authorities before we introduced our bill. We consulted with everybody—the paint industry, the aerosol industry and the Australian Retailers Association. We set up a committee chaired by the former member for Albury, Ian Glachan, a man of enormous integrity.

Mr Malcolm Kerr: A man with retail experience.

Mr MICHAEL RICHARDSON: As the honourable member for Cronulla reminds me, Ian Glachan had retail experience because he once owned a newsagency. In my naivety, I guess, I had thought that if a man with Ian Glachan's integrity examined the issue objectively, consulted widely, made a strong recommendation that the legislation should be adopted, and maintained a totally open mind in relation to this issue, the Government might have agreed to it. But not this Government, which put it all in the too-hard basket—with the consequence that hundreds of millions of dollars in damage has been done across the State.

The Opposition will not oppose the bill. Similar provisions were Opposition policy at the most recent State election and would have been implemented several years ago if the Coalition had won the election. Next year is another year when there will be an election. Next year I do not expect to be speaking from the Opposition side of the House. Next year the Opposition will be introducing a raft of legislation to get this State back on track to deal with crime, to create economic development and to provide the basic services that the people of New South Wales are crying out for.

Ms ANGELA D'AMORE (Drummoyne) [8.21 p.m.]: I am pleased to speak in support of the bill today. This bill amends the Summary Offences Act to regulate the display of spray paint cans in retail outlets. It supplements the provisions of the Act that make it an offence to wilfully damage or deface any premises or other property by means of spray paint, to have spray paint in one's possession with the intention that it be used to damage or deface premises or other property, or to sell spray paint to a person under the age of 18. Despite these measures, graffiti continues to be a problem that costs the community millions of dollars.

By restricting the display of spray paint cans so that graffitiists no longer have ready access, the theft of spray paint cans will be discouraged and the scourge of graffiti will be reduced. I am aware that some retailers were not in favour of these restrictions when they were first announced. They felt that keeping cans in locked cabinets would be costly, not just because of the cost of the cabinet, but as a result of increased staff costs associated with the loss of self-service, costs arising from fewer impulse purchases, and so on. The cost of acts of graffiti to government and the community outweighs the cost retailers would face in complying with this legislation.

I congratulate the Minister for Fair Trading on consulting with retailers and finding a way to action their concerns. Retailers will have a choice about how to restrict access. They can use a locked cabinet, or they can keep spray paint cans behind a counter, as long as the customers do not have access to them without the assistance of a staff member. Legitimate purchasers will not mind having to ask for assistance and retailers will benefit by a reduction in shrinkage. South Australia has had similar laws in place since 2002. There is no evidence that retailers' sales of spray paint cans have been adversely affected. Some business opposition is to be expected, but honourable members may recall that when the prohibition on selling spray paint to juveniles was introduced in 2003, retailers used the very same costs argument to oppose its introduction. I understand that retailers now support this provision and do not appear to have found the costs prohibitive.

Of course, restricting the display of spray paint cans is just one of the strategies adopted by the Government to combat graffiti. Over the past 10 years, there have been many initiatives under the Graffiti Solutions Program, which I note the Opposition refuses to acknowledge. This program recognises that graffiti is a significant issue for the community and that a statewide program is needed in order to build a broader understanding of graffiti issues and to better co-ordinate responses to these issues at all levels of government and the community. The Graffiti Solutions Program is based on four key elements: improved co-ordination between local government, State Government agencies and the community; enforcement and monitoring of legislation; partnership with industry; partnership with local government.

On 9 May the Premier announced the New South Wales Government's comprehensive strategy to drive down the incidence of graffiti on trains, public transport infrastructure and other community facilities. The strategy includes the establishment of an anti-graffiti action team that will bring together experts from the New South Wales Police Force, transport agencies, the Attorney General's Department, local government, the Roads and Traffic Authority [RTA], retailers and the paint industry to co-ordinate and implement new anti-graffiti initiatives; funding of a \$500,000 contribution from RailCorp to the New South Wales Police Force to continue the work of the Operation Chalk crackdown on graffiti vandals; and introduction to Parliament of this legislation. This bill is an example of the Government's partnership with industry. Retailers of spray paint cans are not expected to bear the entire burden of anti-graffiti measures, but they are expected to play their part. The Premier has made it clear that the Government will continue to work closely with retail traders and the industry to ensure that the legislation is workable.

The message is that, notwithstanding legitimate uses for spray paint, the community expects new standards that guard against the misuse of spray paint. Retailers will not feel unfairly targeted if they are made aware of the other measures that are being undertaken to combat graffiti. The Office of Fair Trading will be conducting an education campaign aimed at both retailers and their customers who may feel inconvenienced by the changes. The education campaign will explain the purpose of the reforms, provide information to retailers about the full range of existing legislative and non-legislative measures to combat graffiti, and include advice to consumers on the reasons for the changes.

When I discussed this issue with the police in my electorate, one of the measures they said is most important is that residents and businesses should notify the police and local councils where graffiti occurs and take a photograph of the tag. That will assist the police and local government agencies to identify common tags on the database and co-ordinate removal of the graffiti, which is an extremely effective strategy in denying graffiti-ists the satisfaction of having their work constantly looked at. I welcome all the changes provided by this legislation. I commend local councils on doing a good job in working with businesses and community groups in the removal of graffiti and I commend local police officers who very diligently work with the community in addressing this costly problem.

Especially in school holiday periods in my electorate, I notice an increase in graffiti on public property such as schools. It costs a lot of money to remove graffiti—money that could be better spent on community programs. Graffiti is an issue that must be addressed by the whole community. Residents, businesses, local councils and the police should work together. This legislation will go a long way toward improving co-ordination. I welcome the Government's initiative in bringing forward these reforms as part of its fight against graffiti crime.

Mrs JUDY HOPWOOD (Hornsby) [8.29 p.m.]: It is with pleasure that I participate in debate on the Summary Offences Amendment (Display of Spray Paint Cans) Bill. At the outset, I indicate that the Opposition will not oppose the bill. This bill is for an Act to amend the Summary Offences Act 1988 to regulate the display of spray paint cans in shops. The object of the bill is to amend the Act to require retailers who sell spray paint cans to properly secure them if they are displayed in areas to which members of the public are permitted access. Under the new section that will be part of the Act when the bill is passed, a spray paint can is properly secured if it is displayed in a locked cabinet, or in or behind a counter, so that customers cannot gain access to spray paint cans without the assistance of shop staff, or in any other manner prescribed by the regulations.

The regulations will exempt certain kinds of spray paint cans from the new section. The operation of the new section will be reviewed after two years following the commencement of the proposed Act. I reiterate the disappointment expressed by the honourable member for The Hills who introduced legislation a few years ago to control graffiti. If his bill had been passed, it would have led to retailers placing spray paint cans in places that are not accessible to the public, thereby assisting local communities to control graffiti. I admit to some disappointment in the spate of increased graffiti activity in my electorate lately. I have reported graffiti several times, but it is almost impossible for one person to keep up with the incidence of it. As other honourable members have pointed out, graffiti is a problem that must be addressed by the whole community working together. Residents and businesses should co-ordinate with local councils and the police to implement effective programs for the removal of graffiti and, better than that, to prevent graffiti from occurring in the first place.

Graffiti is a tremendous cost to the community and society; probably well in excess of the \$100 million per year that was estimated years ago. As 90 per cent of graffitiists' cans are stolen, the introduction of this bill is well over time. It should have been introduced years ago when the idea was first proposed. I congratulate people in my local area, including the Mount Colah Neighbourhood Watch. For a long time its major project has been graffiti removal in the local area, and it has been extremely successful. It has not only removed graffiti from obvious and accessible areas, such as public pathways, but has also negotiated with private citizens and owners and managers of business to remove graffiti from small strip shopping areas and other places.

It is a sad indictment of the Government that neighbourhood watch groups have been discouraged. In the Hornsby electorate only two or three groups are active. However, they are instrumental in community problems, such as graffiti, and they should be encouraged as part of an overall scheme of keeping graffiti under control. It is very important to report graffiti immediately to police and council. Unreported graffiti is an encouragement to perpetrators to continue placing their tags on public and private property.

Recently I saw a car parked in a fast-food area with graffiti on its sides, most unattractive. People do not like graffiti. In my electorate I have seen it on laneways, substations, stationary vehicles, fences, poles and

bridges—it is a shocking picture. Graffiti makes residents feel unsafe, as if it is an indication of criminal activity. It takes away the beauty of otherwise very attractive areas. The Opposition will not oppose the bill and I reiterate that it is overdue. I would like to see the idea that I raised in a bill a couple of years ago—that public authorities be made more responsible for graffiti placed on their stationary facilities such as substations and bus shelters. Councils should be able to make orders against public authorities to remove graffiti from their property as soon as possible, within 24 to 48 hours. However, again, I share the disappointment of the honourable member for The Hills; that proposal was voted against. I look forward to the Government adopting that idea in the near future.

Mrs KARYN PALUZZANO (Penrith) [8.33 p.m.]: I am pleased to support the Summary Offences Amendment (Display of Spray Paint Cans) Bill. The bill gives effect to the Premier's announcement on 5 February 2006 that, as part of its respect and responsibility plan, the Government will require retailers to physically restrict access to spray paint cans. The bill amends the Summary Offences Act to require retailers who sell spray paint cans to keep those cans either in a locked cabinet or behind a counter in such a way that a customer cannot gain access to them without assistance. The aim of that is to reduce the theft of spray paint cans and contribute to a reduction in the amount of graffiti in the community.

Graffiti is antisocial behaviour that shows a lack of respect for others, for property and for shared public places. Such behaviour has a negative impact on our quality of life. The bill is a small part of a comprehensive anti-graffiti strategy that the Government has in place. Currently a number of criminal offences have stringent penalties for graffiti vandalism. These include: wilfully damaging or defacing property with spray paint, which carries a maximum penalty of \$2,200 or six months imprisonment; possessing spray paint with the intention of damaging or defacing property, which carries a maximum penalty of \$1,100 or three months imprisonment; possessing an offensive implement, including anything intended to damage property, in a public place or school, which carries a maximum penalty of \$5,500 or two years imprisonment; and maliciously destroying or damaging property, which carries a maximum penalty of five years imprisonment.

Through its comprehensive anti-graffiti strategy, which is a key part of the Government's Respect and Responsibility Plan, the Government is focusing on increasing the detection of graffiti crimes, preventing graffiti from occurring and forcing offenders to remedy the results of their actions. The Government's anti-graffiti strategy includes the establishment of an Anti-Graffiti Action Team, which brings together experts from NSW Police, transport agencies, the Attorney General's Department, local government, the Roads and Traffic Authority, retailers and the paint industry, in order to co-ordinate and implement new graffiti initiatives; increasing use of community service orders to make offenders repair the damage caused by graffiti vandalism; identification of graffiti hot spots and stepping up of enforcement and surveillance, especially with closed-circuit television.

The anti-graffiti strategy includes assisting councils and government utilities to develop graffiti management plans targeting high graffiti environments; local councils accrediting community groups and volunteers to remove graffiti; and a \$500,000 funding contribution from RailCorp to NSW Police to continue the work of Operation Chalk, to crack down on graffiti vandals. Operation Chalk involves covert operations on RailCorp property including railway stations, stabling yards, commuter car parks and the rail corridor. Twelve police officers are working with RailCorp and the network's 600 transit officers, proactively deploying resources to target vandals. Teams are able to monitor vandals' every move via closed-circuit television or other technology with the aim of making arrests before a spray can is even uncapped. So far Operation Chalk has resulted in 24 arrests, 300 charges laid and the disbanding of two well-established vandalism crews.

Graffiti is best combated when the Government works in partnership with the local community and councils. In the Penrith electorate there is a partnership between the local community and the local council. In 1998 I met a Kingswood resident, Matthew Cherian, who lived next to a very large swath of open space. At that time there were many creek lines in Kingswood, which now have stormwater drains through them and parks over the top, and they have both public and private fence lines. The council has ownership of one side of the fence, and private residents have ownership of the other side of the fence. Matthew Cherian's backyard had a very long fence line. For many years it was targeted by spray can graffitiists. It was quite common to see many tags on his fence.

When Matthew spoke to me I thought that council could work a little harder as a neighbour. When I was elected to council in 1999 I very quickly became a member of the graffiti working party and made sure that council did act responsibly as a neighbour. The graffiti working party trialled the removing of graffiti and repainting fences in certain areas, including Matthew Cherian's fence. Subsequently we had working days on which we repainted the fence—but it was retagged and we repainted it.

Local teams in Kingswood working in partnership with the Attorney General's Department and the Department of Juvenile Justice were able to remove tags at weekends. That occurred in 1999 and it is now 2006. Mr Cherian's fence is not tagged as much now as it was. When it is tagged the tags are removed straightaway to reduce the amount of graffiti. I commend Penrith City Council for facing up to its responsibilities six years ago and protecting public open space. When I was a member of Penrith City Council the Penrith Valley Community Safety Partnership was established. I commend David Burns, manager of Penrith City Council and Yvonne Perkins, the council officer responsible for the partnership. Council received seed funding from the Attorney General's Department to establish a safety partnership with local residents, the business community, police and other agencies.

The Penrith Valley Community Safety Partnership identified five key areas within the community that were important for dealing with safety. The second key area relates to antisocial behaviour and aspects of malicious damage, assault and offensive conduct that have to be addressed. Within its strategy document the partnership developed and implemented programs to reduce levels of malicious damage and graffiti to the property of the city of Penrith. That occurred way back in 2001-02. The partnership has been developing and implementing programs to reduce the levels of malicious damage and graffiti in and around Penrith. It has hosted a number of mural projects and promoted a graffiti-free zone that involves a partnership between the community and businesses in Penrith city. The graffiti information package contains a variety of materials to assist residents and the business community in the removal of graffiti from their properties.

Penrith City Council is continually seeking new initiatives in the management of legal graffiti, which includes the establishment of partnerships throughout the city. Other initiatives include the introduction of control measures to assist in reducing crime and vandalism. The council has adopted a zero tolerance approach to graffiti on all council buildings. That has resulted in a significant reduction in the incidence of graffiti attacks over the past two years. This dynamic and active partnership exists between the community, businesses and council. As I said earlier, the Attorney General's Department allocated seed funding to promote that community safety partnership. Council has a zero tolerance approach to graffiti on council buildings and it works as a good neighbour to remove graffiti on the properties of those people whose fences border public open space. A public domain unit reduces graffiti on council-owned buildings. It also works effectively with government utilities.

Mr Michael Richardson: Point of order: This bill, which is straightforward, is about locking up spray paint cans. The honourable member for Penrith has been talking at great length about some initiatives in her electorate that are not related to locking up spray paint cans. I ask you to bring her back to the substance of the bill.

Mr ACTING-SPEAKER (Mr John Mills): Order! This is a second reading debate relating to spray paint graffiti in general, so members have a fairly broad brief. From what I have heard so far the honourable member for Penrith is in order.

Mrs KARYN PALUZZANO: The Penrith Valley Safety Partnership has linked with other agencies—Telstra, the Roads and Traffic Authority, Integral Energy, Australia Post and RailCorp. The council's web site provides businesses with phone numbers that can be used to obtain assistance in the removal of graffiti. I commend the partnership for its work with Penrith Valley Chamber of Commerce and the Blue Mountains Chamber of Commerce. The Penrith Valley Chamber of Commerce has been active in establishing ways to assist businesses to reduce the level of graffiti on roller shutters or the side walls of their properties. I support the bill and commend it to the House.

Mr MALCOLM KERR (Cronulla) [8.45 p.m.]: For a Government that has been on more roads to Damascus than a Syrian long-distance lorry driver, this is remarkable conversion.

Mr Stewart: It sounds like your road to preselection.

Mr MALCOLM KERR: We got there unanimously. I realise that this is a wide-ranging debate but, despite provocation from the Parliamentary Secretary in the Chamber, I will not stray from debating the bill. I hope the honourable member for Penrith sends a copy of her speech to her predecessor. For more than 10 years the electorates of Penrith and Drummoyne have been denied the advantages that were detailed in the contributions of the honourable member for Penrith and the honourable member for Drummoyne. This bill was first introduced in 1995. The honourable member for Penrith mentioned 2001-02, but what does she have to say about 1995? The people of New South Wales could have had the benefit of those advantages.

Mr Thomas George: They were the olden days.

Mr MALCOLM KERR: As I have just been reminded, it was in the last century.

Mrs Karyn Paluzzano: It was when the University of Western Sydney was fully funded under a previous government.

Mr MALCOLM KERR: If this bill had been agreed to it would have come into operation under this Government. This Government had an opportunity to fund it. Because the honourable member's predecessor erroneously described this legislation as rubbish and nonsense, a lot of graffiti has been perpetrated. I agree with the honourable member for Penrith that graffiti does enormous damage to the built environment. All honourable members have spoken about the real damage that it does to society. It is a graphic act of lawlessness that damages people's properties and should be stamped out and not tolerated.

The victims of graffiti are often those in society who can least afford it and their environment is damaged as a result of the activities of vandals. Because of the action of the former member for Penrith and the Labor Government the very advantages that Government members have extolled in this House have been denied to the people of New South Wales for more than a decade. That is something for which the present member for Penrith will be accountable at the next election and it is something she will have to explain. For a long time the Carr and Iemma governments were on the wrong track in relation to graffiti. We could have had the effective responses outlined tonight by Government members in this Chamber, responses no doubt that will be outlined in another Chamber.

Mr Thomas George: Same car, different driver.

Mr MALCOLM KERR: Same car, different driver. Because of the navigation of the honourable member for The Hills we will arrive at a reasonable destination and take the next step in our fight against graffiti.

Mr Michael Richardson: It has been a long journey.

Mr MALCOLM KERR: It has been a long journey that has taken over 10 years. As I said earlier, the people of New South Wales have been denied the advantages in this bill. I welcome this measure now, as I welcomed it in 1995. I also supported it then.

Mr Tony Stewart: You didn't support it in 1994, did you?

Mr MALCOLM KERR: The problem was not so bad in those days.

Mr Daryl Maguire: People had more respect in 1994.

Mr MALCOLM KERR: There was a degree of respect for property then, but that has deteriorated in the past 10 years. People talk about 150 years of responsible government in New South Wales but we are really celebrating only about 139 years of responsible government.

Mr Tony Stewart: It all started in the shire.

Mr MALCOLM KERR: Graffiti did not start in the shire. I reject that attack on the shire and the people of the shire. Labor members who represent shire electorates should be in the Chamber interjecting in support of their constituents. I will stand up for the people of the shire every time. It has been left to me. Let the record show that I am the only shire member in the Chamber who is here to repel the attack from the other side of the House on the decency and morals of the shire and its people. Graffiti has reached plague proportions in the past decade. At least in this bill we are taking a step forward, which the honourable member for The Hills outlined for us. I hope that when the bill is proclaimed there is adequate acknowledgment of the pioneering work of the honourable member for The Hills in attacking this scourge. I congratulate the honourable member for The Hills on his heroic efforts in bringing this problem before the House and outlining a solution to it.

Mr STEVEN CHAYTOR (Macquarie Fields) [8.51 p.m.]: Like the other honourable members who have spoken in this debate, I must express my extreme dislike for graffiti in the community. I am sure all honourable members will agree that it is a serious problem in their electorates and throughout the entire State. I

support the Summary Offences Amendment (Display of Spray Paint Cans) Bill. I am sure the honourable member for Cronulla is aware that the final paragraph of the second reading speech by the Minister for Fair Trading acknowledges the initiative shown by the honourable member for The Hills in this area sometime ago. However, the Minister also makes the very clear and important distinction, which Opposition members have not mentioned, that the Government has done much work in the past 10 years under its Graffiti Solutions Program.

Some of those initiatives are worth repeating. The Government introduced the Graffiti Community Service Orders Clean-up Scheme, which encourages councils to establish graffiti clean-up teams and provides opportunities for offenders to remove graffiti as part of their community service work. This important initiative has resulted in the completion of 60,000 hours of graffiti removal work. The orders are currently in use in 20 local government areas and I understand that their expansion to other hot spots is being investigated. Other initiatives include the Beat Graffiti Grants Program; the Graffiti Information Line, which gives businesses, community organisations and residents a chance to report graffiti and access information about removal services; the Graffiti Blasters Initiative, which targeted 13 local government areas and provided grants of \$25,000 for the purchase of graffiti-blasting equipment; the Retail Traders Voluntary Industry Strategy, which informed retailers of their right to refuse to sell graffiti equipment and how to avoid the theft of graffiti equipment; and an information program that included the New South Wales Government graffiti information web site and the "Graffiti Solutions Handbook for Local Government, Planners, Designers and Developers".

The Government has reviewed ways of reducing graffiti in our community and this bill is another part of that plan. It is a further step towards ensuring that we do all we can to minimise the incidence of graffiti, which detracts from city image, destroys amenity, shows no respect for public property and imposes a significant cost on local communities.

Mr Daryl Maguire: What about private property?

Mr STEVEN CHAYTOR: Yes, I accept that graffiti also damages private property. The bill aims to reduce the amount of graffiti in the community by reducing the theft of spray paint cans. The bill requires retailers to keep spray paint cans either locked in a cabinet or behind the shop counter so that members of the public cannot access them without assistance. The Minister acknowledges in her second reading speech that this bill is part of the Government's respect and responsibility reforms, which focus on instilling respect for public and private property and placing responsibility squarely on the shoulders of those who disrespect property. It follows the 2003 initiative that banned the sale of spray paint cans to persons under the age of 18 years. When announcing the proposed bill the Premier made a commitment that the New South Wales Government would work with retailers and the spray paint industry to ensure that the legislation was workable. The bill's provisions give effect to that commitment.

There is no doubt that we need community partnerships in order to minimise the incidence of graffiti. This bill ensures that retailers, both large and small, join those community partnerships by depriving the would-be graffiti perpetrators of easy access to spray paint cans. It is important to acknowledge that graffiti detracts from the pride that people feel for their local communities. I am sure that honourable members support the bill, which will make access to spray paint cans even more difficult and reduce the incidence of graffiti.

Although I represent the electorate of Macquarie Fields I also serve on Campbelltown City Council, which introduced several successful graffiti initiatives. I will outline some of them to the House because it is important to illustrate how community partnerships can tackle graffiti problems. That partnership approach is enshrined in the bill, which ensures co-operation from retailers. Campbelltown council organised graffiti clean-up days in Ingleburn and Glenfield. The council employs professional contractors to clean public buildings in sensitive areas, which costs about \$110,000 per annum. The contractors also conduct regular inspections and remove graffiti from known problem sites. The council has used work-for-the-dole schemes and Juvenile Justice and Corrective Services schemes to target fencing and other prominent areas where graffiti is easy to remove.

The council has also entered into a trial program with the Department of Housing targeting public housing estates in Minto. Graffiti kits are provided to residents when requested to allow effective graffiti removal. In high-profile areas charitable groups are supported in removing graffiti when necessary. The total cost of ancillary cleaning with materials is in the order of \$30,000. The council also introduced a graffiti hot line, which it marketed under the slogan "Tell on a Tagger", to encourage community partnership. I attended both clean-up graffiti days in Ingleburn and Glenfield. The former Federal member for Werriwa was at the Ingleburn clean-up and the former member for Macquarie Fields attended the clean-up at Glenfield. On those days the entire local community—local people, businesses, the council, community groups and members of

Parliament—targeted particular areas and removed all graffiti from those localities. The community came together in partnership to improve the civic amenity of the local area. The initiatives were very successful.

The city of Liverpool also employs a person full-time to remove graffiti. That is a \$65,000 commitment by the council and I am aware of the excellent work that results. I contacted the council about the removal of graffiti at Maple Road Village, Phar Lap Close and along Furlong Avenue in Casula. Those inquiries were initiated by the honourable member for Liverpool, who is in the Chamber. I forwarded them to the council and the graffiti was removed within 24 hours. That is the type of commitment that is needed to ensure that graffiti is regularly removed.

I would also like to say something about community partnerships and outline some of the areas in the suburbs of Glenfield and Macquarie Fields where graffiti has been successfully targeted. In Glenfield, the Blinman Oval amenities block on Harrow Road, the Kennett Park toilets in Fawcett Street, and the Seddon Park toilet amenity block and hall on Railway Parade are constantly targeted. The graffiti is, in turn, constantly removed by the council. In the suburb of Macquarie Fields the high profile sites that are constantly patrolled and constantly have work undertaken for the removal of graffiti include the Hazlett Oval toilets on Bensley Road, the Glenquarie Youth Club Centre on Victoria Road, the Flinders Park toilets on Eucalyptus Drive, the Macquarie Fields Park change rooms and amenities on Fourth Avenue, and the Milton Park amenities in Railway Avenue.

I refer honourable members to the volume of graffiti removed from each one of those sites during the month of April this year. In Glenfield: at Blinman Oval, 11 square metres; in Kennett Park, 1 square metre; and in Seddon Park, 19 square metres. In Macquarie Fields: at Glenquarie Youth Club Centre, 1 square metre; Flinders Park, 8 square metres; Macquarie Fields Park, 3 square metres; and Milton Park, 13 square metres. The removal of graffiti is even more important when considered in the context of the cost of its removal. At the Macquarie Fields Indoor Centre on Fields Road, 9 square metres of graffiti were removed in April at a cost of \$117; 50 square metres of graffiti was removed from a private property at 18 Harvey Street, Macquarie Fields, at a cost of \$755; 3 square metres of graffiti was removed from Railway Parade pavement at Glenfield at a cost of \$39; and 4 square metres of graffiti was removed from Simmos Beach at Macquarie Fields at a cost of \$52.

The total cost to Campbelltown City Council of the removal of 711 square metres of graffiti was \$9,415.53 for the month of April alone. While I acknowledge that this might mean only a couple of dollars on every rate notice, if the volume of graffiti were to increase, the cost of removal will be greater and the cost to residents also will increase. Those figures highlight the need for this bill. By reducing the likelihood of theft of spray paint cans, the bill will make a positive contribution to ensuring that there is less graffiti and, consequently, less cost to the local community. I am fortunate to represent an electorate where local government authorities work as part of community partnerships to have graffiti regularly removed.

I would, however, urge caution in regard to "graffiti art" projects. I have difficulty in associating the words "graffiti" and "art". I know some members of this House would have a different opinion, but I believe that so-called legal graffiti art projects do not now, and never will, replace good public art policy. I believe the incidence of graffiti in the community, whether legal or illegal, detracts from local civic amenity and that the best option is to have good quality public art that lifts local amenity. In my view, that will be best done by adopting a zero tolerance approach to graffiti in the area. I conclude my comments by noting that building design is also undoubtedly successful in the reduction of the incidence of graffiti. It is my experience that implementing the best aspects of community safety in design principles will ensure that buildings that enshrine and enhance civic pride are not as frequently subjected to graffiti tagging.

People take pride in buildings that add to civic amenity. I have had firsthand experience of that at the skate park at Campbelltown, an area that is well respected by young people. Graffiti is constantly removed and, as a result, the area is subjected to less and less graffiti and the imposition on ratepayers is also less. I strongly support this bill and believe it will go a long way towards ensuring that the incidence of graffiti is reduced by limiting the ability for people to steal spray paint cans from the shops that sell them. I commend the Government for its consultation with industry and look forward to the results, which will be yet another step that the Government has taken over the past 11 years to reduce the incidence of graffiti in our community.

Mr JOHN TURNER (Myall Lakes) [9.04 p.m.]: Honourable members will be aware that, although I have the carriage of this matter on behalf of the Opposition as the shadow Minister for Fair Trading, I have allowed my colleague the honourable member for The Hills to lead on behalf of the Opposition. I have done so

because in reality it is his bill. He introduced a similar bill in 1995, but the Labor Government failed to support it. It has taken 11 long years for the Government to catch up and realise such a bill was needed. We have heard that the Government is behind the times, and the bill is certainly proof of that. The introduction of the bill has vindicated the action of the honourable member for The Hills in introducing a similar bill in 1995.

[*Interruption*]

Honourable members opposite may well laugh, but they should explain why this bill has been introduced 11 years later. Whilst the Opposition will begrudgingly support the bill, there are still some problems related to graffiti vandals. That is what they are—they are vandals, not artists. The biggest problem relates to the availability of the Internet to graffiti vandals to purchase graffiti material. I am somewhat amazed by how bold and "out there" some of the organisations are. One Internet organisation, the Powder Bomb, provides everything from the paint and a variety of nozzles to the hoddy bubble, that is, the outfit with a hood that the vandals wear in an attempt to disguise themselves when they are committing their criminal acts. The Powder Bomb site reveals that it will provide free shipping on all Australian orders over \$100 and also indicates that it can supply markers, nibs and tips, inks, caps, magazines and DVDs. Judging by what is on the web site, the DVDs are explicit in relation to the vandalism engaged in by these criminals.

Mr Tony Stewart: What is the Howard Government doing about it? They are being imported.

Mr JOHN TURNER: The honourable member should talk to Dulux Paints and a few of the other companies. The Powder Bomb site also boasts privacy and states that all major credit cards will be accepted. It has direct links to similar sites, such as Addict Art, Aerosol Addiction, Aerosol Art Around Canberra, and Da Hub, which is a showcase of Melbourne graffiti. Another site called Aussie Graff, which appears to operate out of Newcastle, also highlights what can be done through the Internet. That site shows graffiti vandalism to a wall with a caption that states:

This is just one of my pieces ... keep bombing just to piss off our Councils, and the City Rail coz this is the real art of Australia.

Although this legislation will go some way towards slowing down the incidence of graffiti vandalism using stolen spray cans, there is still real problem out there. I note that in her second reading speech the Minister referred to a Graffiti Community Service Orders Clean-up Scheme that encourages councils to establish graffiti clean-up teams. The Minister also said that some grants are available for graffiti blasters. I should inform the House in this debate what is occurring in the Great Lakes area. Some years ago Mr Ted Bickford decided that he would do something about the steadily increasing level of graffiti that was beginning to appear in the Forster-Tuncurry area. He would rise early and, voluntarily and almost anonymously, often before the light of day, as part of a personal service to the community, remove the graffiti that was applied the night before.

I recall that some research undertaken years ago—the honourable member for Macquarie Fields referred to similar research—indicated that one of the best ways to deter graffiti vandals is to remove the graffiti before it can be boasted about. Mr Bickford has recently been acknowledged by the community for his work and is now at a stage where he is sponsored by the council, which initially gave him some cleaning materials for his voluntary work but now supplies a vehicle and the cleaning supplies that he uses to routinely clean off the graffiti when it occurs. The Great Lakes Council has also provided a graffiti hotline line so that Mr Bickford, driving his graffiti buster vehicle, can attend quickly and remove the offending graffiti. What is more important is that Mr Bickford has established a reputation and gained such a level of respect that graffiti in the area is almost non-existent.

When instances of graffiti vandalism occur, the perpetrators are usually people from outside the Great Lakes area. Because of Mr Bickford's networks, particularly with young people, many of whom are former graffiti vandals, the non-local people who despoil the area with graffiti can often be successfully pursued. Mr Bickford has also involved young people in his graffiti removal work. Many of these people were young vandals. Regrettably, Mr Bickford has observed that there has been a change in the demographics associated with graffiti and that younger people are becoming involved. He is aware of incidents of graffiti vandalism involving nine-year-old to 13-year-old children.

As a result of his observations and concerns, and his dedication to the community, Mr Bickford has now, with the permission of schools and the Great Lakes Council, embarked on an education program in the schools. He visits primary schools in the Great Lakes Council area and explains the social and criminal ramifications of graffiti vandalism. It is a fully integrated program and Mr Bickford is accompanied by a young

person who has been convicted of graffiti offences and now assists in cleaning up the graffiti. That young person highlights the evils of graffiti. The program is interactive and involves young students in what Mr Bickford is doing, enlists them as spotters of graffiti, and of course is educating them against entering the graffiti field. Great Lakes Council is fully supportive of Mr Bickford. One of the incentives Mr Bickford uses is the presentation of council certificates to young people who assist with removing graffiti, as well as spotting the graffiti, or participating in courses and school activities where Mr Bickford presents his program.

It is clear that Mr Bickford's school education program is an outstanding success, and he wishes to expand it and take it further afield. In that regard, I raised the matter with the Minister for Education and Training and the Attorney General. The Minister for Education and Training indicated that schools in New South Wales participate in a Crime Prevention Workshop program, which includes aspects related to graffiti for students in years 5 and 6 and years 7 to 9. I am pleased to say that there have been some discussions between Mr Bickford and the North Coast Region Education Department involving Mr Bickford's educative program.

I return to the specifics of the bill. It is noted that there is a requirement that spray cans be secured in a locked cabinet or in or behind a counter or on any other manner prescribed by the regulations, so that customers cannot gain access to cans without the assistance of shop staff. The Minister has stated that she has had consultation with the Australian Retailers Association, which has put to me—and I happen to concur—that the timetable for the implementation of the security measures is far too tight.

I note that the Minister has been big-hearted and pushed the date for the implementation of the legislation back to 1 November 2006. However, it will be a significant undertaking for some organisations, and will require additional expense and time to implement. I note that the Australia Retailers Association has requested that the Government give retailers time to budget and to educate their staff to comply with the legislation with a start-up date of 1 March 2007. But that has been rejected by the Minister. It is not only a matter of educating and complying with the legislation. There are also matters such as the trading period that retailers will be involved in leading up to Christmas and New Year, which is obviously a very busy time.

As the Government has delayed the bill and dragged its feet for 11 years, I cannot for the life of me see why it cannot push the date for compliance back to 1 March 2007. I note also that the Australian Retailers Association would like its members to be recompensed for the expense of putting the security measures into place. In a realistic attitude, however, they know that this request would not be successful. I regret that the Opposition could not support that request. However, the Opposition strongly supports the proposition that the legislation should not be proclaimed or put in place until 1 March 2007. We would hope that the Government will delay the proclamation of the bill until that time. Otherwise, we do not oppose the bill.

Mr ALAN ASHTON (East Hills) [9.13 p.m.]: I welcome my guests in the public gallery, members of the Padstow Rotary. I thought it important to speak tonight on the Summary Offences Amendment (Display of Spray Paint Cans) Bill 2006 for the simple reason that graffiti is a big issue in the Bankstown local government area. I am sure the Parliamentary Secretary Assisting the Minister for Police, Mr Tony Stewart, would agree with me on that point because we have a quite horrific problem with spray paint cans being used for graffiti. Unfortunately, this problem is happening in our schools, in shopping centres, on public and private buildings, and on private property.

I disagree with the honourable member for The Hills because in the past few years the Government has taken many steps to bring to heel some so-called graffiti artists. Some of these young and not-so-young graffitiists think that what they are doing is art. I do not agree with their thinking. To me, it is first and foremost vandalism. In all the years that I was a school teacher, the one thing I could not abide was vandalism, including vandalism in the form of graffiti. I tried to get through to school kids the message that vandalising something with graffiti would, in the end, cost them jobs. That is because an enormous amount of time has to be spent by employers, councils and private home owners in cleaning up the graffiti, and that is an oncost to the community. I pointed out that, because of insurance costs and the like and the difficulty of employing people, the young people themselves were less likely to get jobs.

As the House would know, the Government has already introduced substantial measures to tackle the graffiti problem. Those measures have met with mixed success. Let us be honest about that. It has banned the sale of spray cans to juveniles, with a fine of \$1,100 for shop staff who sell spray cans to young kids. It was only a few years ago that spray cans were at the very front of the shop, almost as door-busters to get kids to come into the shop and buy them. Understandably, many shopkeepers were not all that sympathetic to the idea that the Government and the police had to try to make it harder to obtain spray cans. But we knew the reality was that those kids were using spray cans for graffiti.

Damaging or defacing property with spray paint is also a summary offence, with a \$2,200 fine, or six months imprisonment, and possession of spray cans with intent to so use them carries a fine of \$1,100 or imprisonment for three months. Despite that legislation, I am told that in 2004-05 alone RailCorp, for example, spent \$2.3 million removing graffiti from trains. I also have some rather horrifying figures retarding Bankstown. They indicate that in 2001-02 Bankstown City Council spent \$532,944 cleaning up graffiti in the city of Bankstown.

Mr Tony Stewart: Terrible!

Mr ALAN ASHTON: It is terrible. It is such a great waste. That money could be spent on libraries, new books for libraries, new computers, fixing swimming pools, maintaining sporting grounds or on roads and other infrastructure. All members, whether they represent city or country electorates, know just how much could be done with that money. But it got worse. In 2003-04, Bankstown City Council spent \$525,991 on graffiti removal; in 2005-06, some \$631,000 of ratepayers' money will be spent on cleaning up graffiti; and for 2006-07 the allowance for cleaning up graffiti is \$665,000. I am not saying that Bankstown City Council has the worst reputation for graffiti, but I do know that in some of the suburbs of my electorate, particularly in Panania but also in Revesby and sometimes in Padstow, the problem is almost endemic. I have had several meetings with the local area commander to see what can be done. The honourable member for Bankstown and other community leaders and I have had other meetings about what can be done about this problem.

It is wrong to think that these are just kids who are out of control. We know, for example, that in my electorate some of the main suspects are adults who take their kids out as part of graffiti crews to damage property in our areas. It is sad to drive through Panania shopping centre on a Sunday morning and see the damage that has been done overnight. One of the great laws that this Government has passed gave councils the right to enter on premises and clean up graffiti as quickly as possible. I know for a fact that many school kids are taught that graffiti is art. I do not like to think of myself as a fuddy-duddy, but—

Mr Daryl Maguire: It is not art.

Mr ALAN ASHTON: —it is not art. I agree with the honourable member for Wagga Wagga. It is vandalism by another name. Art, to me, is where kids come along and draw something really creative on a wall. Calling the graffiti on railway stations, shopfronts and chemist shops, and on shutters that are ruined, art is just not good enough. The bill will make it clear that anyone who would sell cans of spray paint to young people will have to have those cans securely locked away. Who would have thought we would ever have to do that with what is essentially a can of spray paint, which once upon a time was used to touch up your old VW, which I once had, or for other proper industrial and commercial purposes. It is quite wrong that these spray paint cans are being sold to young people—or often being stolen by them—because they not only commit a crime by stealing the cans but go on to commit another crime with them.

This important legislation introduced by the Minister for Fair Trading will ensure that spray paint cans are displayed in a locked cabinet within or behind a counter so that a member of the public cannot gain access to the can without the assistance of the retailer or employee working in the shop, and in any other manner prescribed by the regulations that will follow the passing of the bill. I presume the Opposition does not oppose the bill. We should follow it through because it will save the community a lot of money. Hopefully we will be able to convince these young kids that graffiti is not art but vandalism that is costing them a lot of support from older people and costing them jobs.

Mr DARYL MAGUIRE (Wagga Wagga) [9.20 p.m.]: The sad reality is that for the past 10 years during which the Government has procrastinated over the introduction of the bill, which, originally, was crafted by the honourable member for The Hills, graffiti has cost our communities across the State \$1 billion in damages. As the honourable member for East Hills said, much of the money that was used to remove unintelligible graffiti messages and tags by individuals who get a kick out of damaging private and public property could have gone to worthwhile community projects.

Grffiti really is a sad indictment of a modern society. I have it in my region, as do all members throughout the State. I do not agree with the honourable member for East Hills on many things, particularly his choice of ties, but I agree with him that graffiti is not art. One of our great failings over the past 30 years is that a lot of do-gooders in society have encouraged people to express themselves on the wall of a building, whether it be someone's brand-new shed, a railway viaduct or the column of a building, and they are doing it. The introduction of spray paint cans and their increased availability over the years have made it even easier. It is right to say that most of the spray paint cans used for graffiti are stolen.

In 1994, 1995 and 1996 I was President of the Chamber of Commerce in Wagga Wagga and I started a graffiti fund which raised about \$2,000 in trust, with the aim of dobbing in graffiti artists so that they could be brought to justice and made to clean up their graffiti. I acknowledge that the Government subsequently introduced legislation, but I would be really interested to know how many people have been made to clean up graffiti under the Government's program. I suggest it would be very few, because of a lack of police numbers, and because the public has not been encouraged to report graffiti and vandalism. Time and again in this place we have said that the reporting of all sorts of crime, be it graffiti or vandalism, should be encouraged.

When I was president of the chamber of commerce I certainly encouraged such reporting. I also encouraged members of our community to clean off the graffiti, which is an important step because it removes from graffiti artists the pleasure they derive from telling their friends they have tagged a building. During my 23 years as a retailer my retail premises were often subjected to graffiti and acts of vandalism. There also have been occasions when private homes in my suburb have been graffitied. My home was no exception, but I cleaned it off immediately, at great cost.

The bill is designed to limit the access of thieves and would-be graffiti artists to spray paint cans. But graffiti artists can use other technologies. Although I support the suggestion by the honourable member for The Hills, as I did in a previous debate, to limit access to spray cans, technology is available to charge the can at the point of purchase. For example, spray paint cans can be displayed, but they will not work until they have been charged. The technology exists in automotive shops to mix paint to the colour you want and then the can is coated and gassed. Until then it is totally ineffective. That is just another solution that could be applied.

We are trying to limit access to spray paint cans, but will the Minister tell me in his reply what the Government intends to do about the prolific use of wide felt-tipped markers? Every morning when I drive to work I note any graffiti and then I ring the council so it can clean it off. I absolutely detest graffiti. Anyone who studies graffiti as I do will have noticed an explosion in the use of wide felt-tipped markers. What does the Government propose to do about that?

Mr Alan Ashton: We'll get on to it.

Mr DARYL MAGUIRE: When you get on to that, what do you then intend to do about other improvisations that will allow these people to spray and deface buildings? A creative graffiti artist or vandal could use other technologies, such as adding water-based paint to a spray container and pumping it to apply the paint.

Mr Alan Ashton: Don't give them ideas.

Mr DARYL MAGUIRE: There are other ideas. The sad reality is that this is just one of the ways that vandals and graffiti artists can apply paint to a building. I am sure all honourable members would agree that the legislation deals with the result of a community attitude that has said for years that it is acceptable for some people to deface a wall and destroy private property. We need an explanation as to what the Government intends to do to deal with the problem at its core, and that is a lack of respect for people's property, public property and each other. People who damage property are making a statement: they do not respect property for which someone has worked hard or they do not respect the fact that some people are in a different position in life.

The Government must attack the root cause and deliver positive programs to the community to engender respect. Many times I have heard the Premier mention respect for this and that. The Action Awareness Group has been conducting a campaign in Wagga Wagga for a number of years. They are about respect. The Action Awareness Group—people who wanted to help the Government address the root cause of some of these problems—sent a package to the then Premier, Bob Carr, but he did not bother to respond to them: They have a program in place, proudly sponsored by Telstra, Coca-Cola, KFC, the Wagga Wagga Australian Hoteliers Association and many others to promote, "stop, think and respect". That is the message that is fundamental to the bill. That is what the Government really needs to address. This group, led by Ronda Lampe, has contributed an awful lot to promoting respect. The group has held colouring-in competitions, put up posters in clubs and pubs asking people to stop and think about their actions, and has held Respect Week. The university has been engaged in producing jingles and a marketing program to promote respect.

From 27 November to 3 December last year was Wagga Wagga's Respect Week. The group has produced discs on respect and on the actions it has taken to date. All these activities have been aimed at addressing the fundamental cause and problems that manifest in graffiti. I have brought the program's package

to this House because this debate has provided an ideal opportunity to draw it to the attention of the Government. I inform the Parliamentary Secretary Assisting the Minister for Police and Utilities, who is at the table, that I will make this package available to the Premier. I will deliver it to the Parliamentary Secretary.

Mr Tony Stewart: When did they send it?

Mr DARYL MAGUIRE: It was sent to Premier Carr, and it has been given to me to deliver to Premier Iemma, which I am about to do.

Mr Tony Stewart: The Premier has not received it.

Mr DARYL MAGUIRE: The Premier will say that this is a new Government.

Mr Tony Stewart: This is Premier Iemma.

Mr DARYL MAGUIRE: The fact is that Premier Iemma was part of the Carr Government and part of the decision-making process. I am saying that this package was sent to Premier Carr, who chose to ignore it. I will give the package to the Parliamentary Secretary to pass to the Premier. It is a program the previous Premier chose to ignore. It presents an opportunity to deal with the problem of graffiti and to try to address the issues I have raised about respect in the community. It is a way of encouraging young people to do productive things rather than draw on and spray walls with paint. I will hand this program to the Parliamentary Secretary with pleasure, and I look forward to a response regarding the proposals put forward by Ronda Lampe and others and the program's sponsors.

I make the point that the program has been successful in the Wagga Wagga electorate. I pass it on not to engage in political point scoring but, rather, to help the Government find a solution. Unless the Government deals with the graffiti problem at its root, graffiti will only become worse. The Government may limit spray cans, and that may help, but, as I have said, other technologies will be found and we will need to deal with other ways that people find to express themselves. I encourage the Parliamentary Secretary to deliver the package to the Premier. I thank the House for its indulgence.

Ms MARIE ANDREWS (Peats) [9.32 p.m.]: I am pleased to support the Summary Offences Amendment (Display of Spray Paint Cans) Bill. Before I deal with the bill in detail I will respond to some comments made by the honourable member for Wagga Wagga by pointing out that no matter what type of technology is used in graffiti, it will be an offence of malicious damage and will be dealt with according to law. Honourable members will be aware that all graffiti, whether it is on public or private property, unless the property owner has given permission, is a criminal offence.

Graffiti is a problem that costs the community millions of dollars. For example in 2004-05, RailCorp spent \$2.3 million removing graffiti from trains. Figures show that between 2004 and 2005 the annual number of graffiti incidents recorded by NSW Police increased by 43 per cent and the number of graffiti incidents in New South Wales schools increased by 107 per cent. The New South Wales Labor Government has adopted a multifaceted approach to reducing graffiti crime. In addition to policing and punishment, the Government has introduced strategies aimed at reducing opportunities for graffiti by changing the environment in which it takes place. One such environmental measure is to encourage the responsible retailing of graffiti materials to prevent theft in shops.

But the bill goes further than encouragement. It requires retailers who sell spray paint cans to properly secure them if they are displayed in areas in which members of the public are permitted access. Spray paint cans are properly secured if they are displayed in a locked cabinet, or in or behind a counter so that customers cannot gain access to them without the assistance of shop staff. This law is part of the Government's new strategy announced by the Premier on 9 May to combat graffiti crime. It is part of the Premier's campaign to instil greater respect for public property and to shift home responsibility to those who disregard it.

Graffiti damage to public property and infrastructure is not art: it is an offence. It damages public property, costs millions of dollars to remove, and angers the community. Regrettably, the Central Coast is not exempt from graffiti damage. According to recent Bureau of Crime Statistics and Research figures, there were 5,611 incidents of malicious damage within the region last year. This equates to more than 15 incidents each day of the year. The Brisbane Water Local Area Command, which covers a good proportion of the Peats electorate, has consistently ranked in the top five worst areas in New South Wales for malicious damage, including graffiti. I might add that that is despite the fact that the command takes a dim view of anyone who breaks the law.

Catching graffiti offenders in the act is far from easy. I feel confident that the bill will assist our hardworking and dedicated police officers in their determination to drive down crime within our communities. I congratulate the Brisbane Water Local Area Command on launching the special police operation codenamed Viper, which stands for "vandalism integrated prevention and enforcement response". The operation was launched in April this year. Included on the police's hit list are schools, train stations, surf clubs, parks, basketball courts and youth centres. Graffiti is targeted as part of this campaign against vandalism. The Woy Woy Peninsula is one area identified as being among the worst for graffiti and vandalism.

I acknowledge the determination of the local area commander, Superintendent Max Mitchell, and his crime manager, Detective Chief Inspector Darren Bennett, to crack down on vandalism. Their efforts have my full support. I call on local residents to get behind the police in their fight against crime by reporting all incidents of antisocial behaviour. Graffiti certainly is antisocial and offensive. It shows a lack of respect and responsibility on the part of those who commit the offence. Graffiti now accounts for approximately one-third of the 8 per cent increase in malicious damage within the Gosford City Council area since 2004. Last year there were 460 reported incidents of graffiti in the Gosford area, with schools being the target of 152 separate attacks.

Over the years, Ettalong Girl Guides hall has also come in for special attention from graffiti offenders. After much sheer hard work by the guide leaders, the hall is now looking terrific. I hope this bill will help to ensure that it remains in that condition. The measures in the bill cannot be put in place immediately. The Government has agreed that the amendments will commence on 1 November 2006. At the suggestion of the retail industry, the Government has agreed to review the operation of the legislation two years after its commencement. Providing for ongoing review of legislation is part of best-practice regulation. Regulation which imposes restrictions on business must be shown to be workable, efficient and cost effective, and to have a net public benefit.

The bill also provides for exemptions. Similar laws in South Australia exempt paints that do not contain a pigment and are invisible when sprayed on a surface. Retailers have suggested that certain aerosols, for example small craft paints and paints which create special effects such as a suede look, are not used for graffiti and could be exempted. Further consultation will be needed to decide on exemptions. Honourable members on both sides of this House undoubtedly have been concerned about graffiti crime and will welcome the Government's initiative in introducing reforms as part of its respect and responsibility plan. I congratulate the Minister for Fair Trading on introducing the bill to the House. I am sure its objectives will play a major role in reducing the incidence of graffiti. I commend the bill to the House.

Ms DIANE BEAMER (Mulgoa—Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [9.39 p.m.], in reply: I thank all honourable members for their contributions to the debate on this important bill. I will respond to a couple of the issues that were raised. The honourable member for Myall Lakes referred to his concern about web sites, which I share. Web sites proliferate on the Internet and promote graffiti, graffiti activities and graffiti competitions.

In response to that, I have written to the Federal Minister for Communications, Information Technology and the Arts, Senator Coonan, regarding those web sites. As it is a Federal responsibility, I have asked Senator Coonan to shut down the sites that promote graffiti competition and that tell people when and where to show their best graffiti. Those web sites promote malicious damage offences and contravene our laws. They should be shut down. The honourable member for The Hills spoke about the penalty that is applicable to retailers and shop owners who do not comply with the provisions of the bill. The penalties provided in the bill mirror legislation currently in place, which makes it an offence to sell spray paint cans to minors.

The bill will reduce the incidence of graffiti by helping reduce the theft of spray paint cans. Retailers will be required to secure their spray paint cans, either in a locked display cabinet or within or behind a counter so that members of the public cannot gain access to a can without the assistance of a retailer employee. The Government has listened to concerns of retailers regarding the lead-in time, which was a concern of the honourable member for Myall Lakes. Originally the time for implementation was to be September, but that has been extended by two months, so retailers will have until 1 November to comply with the bill. The bill is part of the Government's Respect and Responsibility Plan; it is one part of a comprehensive whole-of-government response to graffiti. I thank honourable members for their contributions and I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

JUDICIAL OFFICERS AMENDMENT BILL**Second Reading****Debate resumed from 19 May 2006.**

Mr ANDREW TINK (Epping) [9.42 p.m.]: In the absence of the shadow Attorney General I will lead on this bill on behalf of the Opposition. The Opposition will not oppose the bill, although it does not go far enough. Until 1986 Parliament had complete responsibility for the oversight of the judiciary from the point of view of the ultimate sanction, which was dismissal. Dismissal could be carried out only by a vote of both Houses of Parliament. However, as I understand it, anyone had the right to approach a member of Parliament to make a complaint against a judge. On and from that time, using parliamentary procedures, a matter could be brought before Parliament to be dealt with.

When the Judicial Officers Act 1986 was set up, in effect Parliament delegated that authority to the judges. Under the Act a member of the public cannot bring a complaint directly to Parliament for Parliament to deal with it. The process is filtered through the Judicial Commission. On the twentieth anniversary of the Judicial Commission it is appropriate for me to set out how things have been working. In recent times they have been working less than satisfactorily. I bear this personally in a way because when the matter of Judge Dodd arose—he was frequently falling asleep while on the bench—the Chief Judge of the District Court, for whom I had and have enormous respect, publicly stated that Judge Dodd had been—past tense—successfully treated.

I was under a great deal of pressure from the media to comment on Judge Dodd and I took at face value what the Chief Judge of the District Court said which, I hasten to add, I believe he said in absolute good faith. I replied to the media in answer to their questions that I had been assured, the public had been assured, and a public statement had been made by the Chief Judge of the District Court, that Judge Dodd has been—past tense—successfully treated. As we now know, that was not the case. Indeed, we were in an extraordinary situation after the Act had been in force for 20 years when the Roads and Traffic Authority [RTA]—much maligned and heavily criticised in this House for many things, including the cross-city tunnel—was able to come to grips with what was, in the eyes of the public, a simple problem.

It appeared at that time that the Judicial Commission had been completely unable to deal with a problem involving Judge Dodd. The problem was the ability of Judge Dodd to be able to concentrate, which was relevant to both his work on the bench and his ability to drive a motor vehicle. Therefore, it was relevant for the RTA, which sent him a simple show cause notice, to which he did not respond. I understand that his licence was duly suspended. It was really only at that time, when the story was run in the *Daily Telegraph*, that the Judicial Commission came to grips with the matter and subsequently dealt with it. I accept and appreciate that this bill is an attempt to deal with some of the issues that arose in the Judge Dodd case in as much as they involve a wider concept of the complaint rather than a strict distinction between minor and serious complaints, which was part of the cause of the problem. The bill proposes that judicial officers be dealt with by providing heads of jurisdiction with a greater capacity to step in and seek and demand information that might be relevant to the problem that faced Judge Dodd.

It is my personal view that the bill does not go far enough. A number of further important steps need to be taken to reflect the ultimate responsibility that Parliament has for the removal of a judge. We have now completely delegated that ability to deal at first instance with all complaints that ultimately come to us through the judiciary, so we have no power to deal with them all the way through. We are reliant on the judiciary through the Judicial Commission for the initial filtering of complaints. Without further safeguards, that is an unsatisfactory situation. The Attorney General at the time the Judicial Officers Bill was first debated 20 years ago was Terry Sheahan. He said that the only reason why a community representative was not on the Conduct Division was that the then Chief Justice did not like such a provision.

The time has come for a community representative to be appointed to the Conduct Division of the Judicial Commission. It is high time that that happened. Apart from the Attorney General of the day, Terry Sheahan, putting forward that argument, which I strongly support, and it being knocked on the head at the time by Sir Laurence Street, it is something which has academic support, and the support of a number of people. Support has been received from both Parliament and academics for a layperson to be appointed to the Conduct Division. A footnote on the document in my possession states:

Refer to V. Morabito. "The Judicial Officers Act 1986 (NSW): a dangerous precedent or a model to be followed (1993) 16 *UNSW Law Journal* 481 at 501; and D. Kerr SC, MP, Federal member for Denison. The Removal of Federal Justices: QUI

Custodio Custodis?", 2005 *AIAL Administration Law Forum*, Canberra. Australia. 30 June 2005 at 21. John Hatton MP NSW Legislative Assembly Hansard 2nd October 1986 at p4480.

As there is a substantial amount of support for this proposition, I believe it is something that should occur. It is also worth noting that lay people are now involved in helping to judge the conduct of both solicitors and barristers. I cannot imagine there being anything more important than judging the conduct of the judiciary, as distinct from the judgments they make, which quite properly remain matters for appeal courts and can be extremely technical. When it comes to basic competency issues I do not think they are extraordinarily complicated matters. No more complicated matters would come up in relation to the personal conduct of a judge's competence than there would be in relation to any barrister or solicitor and it is quite appropriate to have a lay person on the Conduct Division.

From our point of view we are the people who ultimately have to exercise this power and we exercised it from start to finish until 1986. A non-judicial person represents the wider community and also represents all our constituents. It might well be somebody who is a highly qualified layperson—the sort of person who sits on tribunals that deal with misconduct by judges and barristers. In my view there ought also to be some other oversight of the Judicial Commission that reflects Parliament's ultimate role. I do not see any reason why there should not be a lay inspector of the Judicial Commission. Obviously it would need to be someone of high repute—I would have thought somebody with the sorts of skills held by a former Auditor-General of New South Wales. Somebody of that capacity would be an appropriate person.

Whilst this Act is a step in the right direction, it is a very small step. In essence, some big steps still have to be taken. To put it bluntly, when looking at the way in which the Judge Dodd matter was handled, the twentieth anniversary of the Judicial Commission is not a happy occasion. There is not much to celebrate when, after 20 years, the Roads and Traffic Authority can do it better than the most senior judges in the State. With great respect, that is not something that is remedied by this bill. To be seen to be doing something about it would involve the injection of non-lawyers or non-judicial figures in the judging of judges, but not in their entirety.

By a majority it should remain a judicial function but a layperson should be there for judges in the same way that there is a layperson for barristers and solicitors. In our legislative reform of the Judicial Commission we have a long way to go before we reach the position referred to by the Attorney General who introduced this bill 20 years ago. We require a layperson on the Conduct Division, an inspector and maybe even a parliamentary oversight committee, although I am not so sure about that. Should a matter come before the Parliament for adjudication in the way that the Vince Bruce matter came before Parliament there might be an argument that all those required to consider and vote on that issue cannot at the same time have an oversight role.

I think that needs further work. I concede now that that might not be possible but I certainly think it is worth looking at. However, the other two points to which I referred are important. We require an inspector who is not a member of Parliament and we require a layperson. It is advisable for the Judicial Commission to have some ongoing jurisdiction beyond the time that a judicial officer leaves the bench. For many years we have had this argument with police. I remember that one of the threshold issues with police was that once they resign and are out of the force the Ombudsman could not touch them—an untenable proposition. The Ombudsman and the Police Integrity Commission have ongoing jurisdiction in relation to police. The Independent Commission Against Corruption has ongoing jurisdiction in relation to us when we leave Parliament and it has ongoing jurisdiction in relation to public servants who are leaving the public service and so forth.

There is provision in the Statute Law (Miscellaneous Provisions) Bill for an amendment to ensure that people employed by the Independent Commission Against Corruption can be followed up even after they leave the commission. I do not believe it should be any different for judges; they should be accountable to the Judicial Commission when they leave office. After the fiasco involving Judge Dodd, when I was shadow Attorney General a significant number of representations were made to me by people who were affected by his decisions. They were furious that the Judicial Commission and the officers quite rightly said they could not take it any further, that nothing more could be done, that there had been no report and that was the end of the matter because the judge had resigned. It was a totally unsatisfactory situation for any complainant to be in.

The Judicial Commission was giving the right advice but it had the wrong Act. The Act must be changed to enable that extension and to ensure that, if judges have done wrong, they can be brought to account after they retire. That would bring them into line with police, amongst others. The Opposition does not oppose the bill. However, it is a pretty poor effort when we take into account the fact that the Attorney General who introduced the legislation 20 years ago acknowledged this was a problem. It is still a problem and it has to be fixed.

Mr PAUL LYNCH (Liverpool) [9.57 p.m.]: I wish to make a brief contribution in support of the Judicial Officers Amendment Bill, which results from a process of review and consultation. The principal Act is the Judicial Officers Review Act 1985. A review was announced in April last year and that review includes submissions from the public, judicial officers and the legal profession. The review was followed by consultations with heads of various jurisdictions. There seem to be two significant principles that inform this debate. The first principle is the necessity for accountability and transparency, including the obligation to remove judicial officers who ought to be removed and the second principle is the independence of the judiciary.

Of course, there is a very real possibility for these principles to conflict or, at the very least, to compete. Obviously it is important for this legislation to pay due regard to both those principles. The second principle, the independence of the judiciary, is often ignored by some of the rhetoric in this place and by some of the rantings of the tabloid media. To put it gently, that is regrettable. The independence of the judiciary is an essential element to the rule of law and an inherent element of any genuinely democratic society. It is worth reciting that in this Chamber because so much rhetoric ignores that fact. That does not mean, and it cannot mean, that the judiciary is in any sense untouchable.

I think the provisions in this amending bill maintain appropriate regard to both those principles. The amending bill keeps in place the broad structure established in the principal bill. One of the changes included in this bill is to extend its provisions to acting judges, that is, an appointee to a judicial office for a specified term. That, of course, is a perfectly sensible extension. There is an obvious remedy already in such cases because the term of an acting judge simply cannot be extended. However, on a point of principle this amendment seems a more desirable and fairer way to proceed.

Another change in this legislation is the abolition of the classification of complaints as either minor or serious. There is no need to categorise complaints in such a way and it could be argued that it is an unnecessary bureaucratic step. Complaints can simply be treated on their merits and in an appropriate way without going through the exercise of classification. The second reading speech delivered by the Parliamentary Secretary alludes to the impact upon complainants of their complaint being classified as minor. I think the implication is that this causes unnecessary irritation. As it achieves no particularly useful purpose, there seems to be no good reason to oppose that change.

Quite important are the provisions in this legislation concerning impairment of judicial officers. This has been made quite topical by the tabloid media overreactions that are, regrettably, all too predictable. The legislation inserts a new part 6A into the principal Act, entitled "suspected impairment of judicial officers". At present a judicial officer can only be requested to undergo a medical examination by the Conduct Division in relation to a serious complaint and when the members of the Conduct Division believe that the judicial officer concerned may be mentally or physically unfit to efficiently exercise his or her functions.

This amendment empowers a head of jurisdiction to request the Judicial Commission to investigate the suspected impairment of a judicial officer. The Judicial Commission can conduct a preliminary examination of the suspected impairment. The Judicial Commission may require a judicial officer to undergo a medical or psychological examination. The Judicial Commission may refer the question of impairment to the Conduct Division of the commission or to the head of jurisdiction. It may also summarily dismiss the request for an investigation if that is appropriate. These are significant changes. It is no longer necessary for a complaint to be made for suspected impairment to be addressed. That has to be a better result than the current system for the litigants and indeed the judges. Given the stage of proceedings in the House, I will not make any further contribution except to commend the bill to the House.

Mr KERRY HICKEY (Cessnock—Minister for Local Government) [10.00 p.m.], in reply: I thank the honourable member for Epping and the honourable member for Liverpool for their contributions to the debate. The honourable member for Epping asked why there was no lay representation on the Conduct Division. The primary function of the Conduct Division is to examine and deal with complaints referred to it by the commission. Under the proposed amendments the Conduct Division will also have a role in examining matters involving the suspected impairment of a judicial officer.

The Conduct Division will examine complaints and impairment matters that raise, or potentially raise, concerns of a more serious nature. If the matter is sufficiently serious, the Conduct Division may form an opinion that the matter could justify parliamentary consideration of the removal of the judicial officer, and that it must report to the Governor. In conducting its investigation of a matter the Conduct Division has many of the same functions as are conferred on commissioners and the chair of a commission appointed under the Royal

Commissions Act 1923. It is imperative that persons appointed to the Conduct Division are able to exercise such powers competently. The Government does not consider it appropriate that laypersons perform these functions.

The Judicial Officers Amendment Bill provides for new and expanded provisions covering impaired judicial officers, and updates the complaints-handling provisions of the Judicial Officers Act. The legislation will promote best practice complaints-handling procedures and greater transparency in the handling and outcome of complaints. The new provisions for dealing with a judicial officer who may have impairment will enable appropriate assessments to be undertaken, assist in managing the impairment, and allow any appropriate action to be taken. The amendments ensure that New South Wales will remain at the forefront in addressing concerns about the performance of judicial officers. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

SPECIAL ADJOURNMENT

Motion by Mr Carl Scully agreed to:

That the House at its rising this day do adjourn until Wednesday 24 May 2006 at 10.00 a.m.

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Motion by Mr Carl Scully agreed to:

That standing and sessional orders be suspended forthwith to permit:

- (1) the introduction of the following bills, notice of which was given this day for tomorrow, up to and including the Minister's second reading speech:

Correctional Services Legislation Amendment Bill
Interpretation Amendment Bill

- (2) the introduction of the following bills, without notice, up to and including the Minister's second reading speech:

Children (Detention Centres) Amendment Bill
Coal and Oil Shale Mine Workers (Superannuation) Amendment Bill
Liquor Amendment (2006 FIFA World Cup Hotel Trading) Bill
Local Government Amendment (Waste Removal Orders) Bill
State Revenue Legislation Amendment Bill
Statute Law (Miscellaneous Provisions) Bill

at the conclusion of which the House shall adjourn without motion moved; and

- (3) until the rising of the House, no divisions or quorums to be called.

LOCAL GOVERNMENT AMENDMENT (WASTE REMOVAL ORDERS) BILL

Bill introduced and read a first time.

Second Reading

Mr KERRY HICKEY (Cessnock—Minister for Local Government) [10.05 p.m.]: I move:

That this bill be now read a second time.

The Local Government Amendment (Waste Orders Removal) Bill has been drafted to respond to a need for local councils to be able to react quickly and effectively to a situation that is posing a threat to public health or the health of an individual on private land. The Local Government Act currently allows councils to issue an order to landowners and occupiers in a number of situations to preserve healthy conditions. For example, an owner or occupier can be ordered to restore land to a safe and healthy condition. The current powers to issue orders cannot always allow a council to get a landowner to make their land safe and healthy as quickly as is needed. This is because before serving an order under current arrangements, a council is required to give notice

of its intention to serve the order so that the recipient has an opportunity to make representations to the council about the order. These representations may be both written and oral, and legal representation may be used. If, after hearing the representations, the council decides to go ahead and issue the order, the recipient can appeal to the Land and Environment Court.

There is an existing order relating to the conduct of an activity on premises that constitutes a life threatening hazard or threat to public health or safety. This order can be given in an emergency, which would mean that the council would not have to give notice of the order or hear representations. However, the recipient can still appeal to the Land and Environment Court against the making of the order. This can mean delays of as many as 18 months or more before the clean-up can be achieved.

Public health is a very serious matter. Councils should be able to respond promptly to situations where public health or the health of an individual is put at risk. The bill will allow councils to issue a new order on an owner or occupier of residential premises requiring them to remove and dispose of waste that constitutes a threat to public health or the health of an individual. A new 22A order can be issued to remove or dispose of waste on residential premises where, in the opinion of an environmental health officer, the waste is causing or is likely to cause a threat to public health or the health of an individual.

A 22A order can also require the owner or occupier of residential premises to refrain from keeping the waste. An order could remain in effect for up to five years. At any time during the period, if there is a failure to comply with the terms of the order, the council may enter and clean up the land or premises without the need to serve a further order. The cost of the clean-up work is to be borne by the person upon whom the order is issued. For example, if it is the occupier who is responsible for the accumulation of waste, the order will be issued to the occupier. If the owner is responsible for the accumulation of waste, the owner will be issued with the order. This will avoid a situation where a landlord is forced to bear the cost of clean-up orders served as a result of a tenant's conduct, and vice versa. This is consistent with current provisions of the Act. It is up to the council to determine whether to charge for the cost of the clean-up work, taking into consideration each case on its merits.

The power to issue a 22A order is different from the usual types of orders, because a council will not first have to issue a notice of its intention to issue the order and hear submissions as to why it should not issue the order. Also, there is no right to appeal to the Land and Environment Court about the council's intention to issue the order. Because of this, a 22A order can be issued only where an environmental health officer, as defined in the Public Health Act 1991, is of the opinion that the waste causes, or is likely to cause, a threat to public health or the health of any individual.

Before issuing a 22A order a council will be required to consider whether the order will make a resident homeless. If the order does have that effect and the resident cannot find alternative satisfactory accommodation the council will be required to provide the resident with information about satisfactory alternative accommodation. This is already a requirement in the Act when other orders are issued. A council will have to give the order in writing. This will make sure that the person to whom the order is issued knows his or her obligations.

The council will also be required to give reasons for the order being made. These may be provided in the order or in a separate document. This is consistent with the current provisions of the Act in relation to other orders in section 124. A council will have to give the person a reasonable period in which to comply with the order. This will give the resident or owner the opportunity to clean up the premises themselves at their own cost. However, if the situation is so serious that the council believes the circumstances constitute a serious risk to health or safety or are an emergency the council will be able to require that the clean-up occur immediately. The effect of the order may involve council officers repeatedly entering land or premises over the maximum five-year period. Councils will be required to notify the owner or occupier served of the intention to enter the property on a certain date and at a certain time to clean up. This notice will be required each time the council seeks to enter the property during the period the order is in force.

This means that when the work required to give effect to the terms of the order has not been done at any time during the period the order is in force the council can enter the property and carry out the necessary clean-up work. While it is recognised that this type of order may have the potential to deprive residents of their inherent right to quiet enjoyment of their property and their right to privacy, in such situations it is the right of the public and individuals to have their health protected, that must be the paramount consideration. There is an exception to the requirement to give notice when the threat to public health or the health of an individual is so serious that the clean-up must be done urgently. The bill requires that the paramount consideration in giving this

order is the protection of public health. If the terms of the order are not complied with in the period specified and the council is required to do the clean-up work itself it can then resolve to recover the cost of the work from the person issued with the order. The Act already allows this to occur when other orders are issued.

The bill removes some appeal rights that relate to the process of issuing clean-up orders but does not remove the right of a person to bring proceedings in the Land and Environment Court for an order to remedy or restrain a breach of the Act. This means that when a person believes that a council had no grounds to issue an order in terms of order 22A they can ask the court to review the decision. For example, if a person did not believe the waste on their premises constituted, or was likely to constitute, a threat to public health, they could ask the court to set aside the order. When a person has complied with the terms of the order but believes that the order should not have been made, they can seek compensation for expenses incurred. This can occur only if the court finds that the giving of the order was unsubstantiated or the terms of the order were unreasonable.

The amendments in this bill will significantly improve a council's ability to deal with residents who fill their yards with rubbish collected from the streets, garbage bins and council clean-ups. We are not talking about unsightly conditions or visual amenity. We are talking about a threat to the health of neighbours and the public. A recent example of where this reform is needed urgently is in Waverley. Waverley Council has tried for about 17 years to get the owner of residential premises in Bondi to rectify the unhealthy condition of the premises, which posed a health risk to the public, neighbours and the landowner. The rubbish was attracting rodents and other pests, and spilled out from the premises onto the pavement. At one point rubbish had accumulated up to the eaves of the house.

The council issued an order to clean up the premises under its existing powers but the council's decision to issue the order was appealed to the Land and Environment Court. There were eight hearings in that appeal process before the court recognised that the order could be validly issued and that the clean-up was required. The court then gave a further two months to allow the landowner to clean up the land herself. It was only when she failed to do this that the court allowed the council to enter the property and clean it up. But that is not the whole story. The council has reportedly spent around \$27,000 on its latest clean-up of the premises and another \$30,000 on legal costs defending its decision to issue the orders in the Land and Environment Court. This is because the owner continues to collect rubbish after the council cleans it up.

The story has not ended yet. There are recent media reports that the owner of the Bondi premises is again filling her yard with rubbish. The council has indicated that the rubbish started to accumulate again soon after the council had cleared it away in December last year. The council has again issued a notice of an intention to issue a clean-up order and the landowner has again appealed to the Land and Environment Court. On the last occasion the court recognised that there was a threat to public health as a result of the accumulated rubbish. The neighbours were deeply concerned about their health and amenity due to the increase in odours and vermin in the area. The bill will give Waverley Council the ability to enter the Bondi premises and clean it up without the current delays. Local residents will not be so affected by one resident's behaviour, which is putting her own health and the health of the public at risk.

But this is not an isolated incident. A resident in the Fairlight area of Manly was also collecting rubbish and storing it in the yard. This, too, created an unhealthy situation for the resident and the neighbours. I recognise that underlying mental health issues sometimes contribute to these unfortunate situations. In such circumstances councils are expected to proceed in a sensitive manner when issuing clean-up orders. Nevertheless, councils must be able to act when public health is threatened. This is not only for the sake of the person collecting the waste but also for the sake of other residents of the premises and neighbours and the wider public. It is a requirement of this bill that councils give the protection of public health paramount consideration in issuing this order. Whenever a court reviews a matter relating to order 22A, the court will also be bound to give the protection of public health paramount consideration. Copies of the bill and briefing notes have been provided to the Local Government and Shires Associations and the Opposition spokesman. The Mayor of Waverley has said that the amendment will:

... save councils large amounts of money in legal costs; it will mean we can act faster to solve the problem.

The bill provides a sensible and timely way for councils to deal with the problem and I commend it to the House.

Debate adjourned on motion by Mr Thomas George.

COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr KERRY HICKEY (Cessnock—Minister for Local Government) [10.18 p.m.]: I move:

That this bill be now read a second time.

Many coal mine workers in our State are disadvantaged in two vital areas of employment. The bill brings equity for our coal mine workers by amending the Coal and Oil Shale Mine Workers (Superannuation) Act 1941 to abolish compulsory retirement at age 60 and ensure that they receive employer superannuation contributions of at least the community standard paid to other workers. The Coal and Oil Shale Mine Workers (Superannuation) Act 1941 implemented key recommendations of the 1940-1941 Royal Commission of Inquiry into Mine Safety. Accordingly, retirement was made compulsory at age 60 and a retirement pension scheme was established for coal mine workers and their widows. Compulsory age retirement still affects most coal mine workers. The Act requires them to cease employment in the New South Wales coal industry when they reach 60 years of age. Because of the broad definition of a mineworker under the Act, this requirement affects industry employees in transport and ancillary operations, as well as those engaged directly in the extraction of coal.

For example, a truck driver must, on turning 60, end a longstanding employment with a coal operator and seek employment elsewhere, perhaps in another town or State. He may find similar employment as a truck driver, but not in the coal industry, not in New South Wales. Abolition of compulsory retirement at age 60 will provide coal mine workers in New South Wales with similar options to the rest of the community. They may still retire at or before reaching 60, but they will also be able to choose to continue working past the age of 60 so that their skills and experience are retained by the New South Wales coal industry. The change is consistent with both State and Commonwealth Government policy for the elimination of age discrimination and encouragement for older employees to remain in the work force. It is anticipated that the initial impact of the change will not necessitate increased premiums to the Coal Mines Insurance Scheme covering these workers.

I now turn to the proposed changes to employer superannuation contributions for coal mine workers. The original statutory pension scheme for coal mine workers was closed to new members in 1978 and amalgamated with later lump sum schemes. In 1995, at the request of the industry parties, the contribution arrangements were retained in the Act while the scheme rules were largely transferred to a trust deed. The scheme now mainly operates under Federal superannuation regulation, with a corporate trustee comprising employer and employee representatives. Over recent times the industry parties have sought to address the scheme's funding liabilities. Various industry agreements have prescribed contribution arrangements, which have in turn been incorporated into the Act. The required contribution under the Act is a complex combination of a fixed amount plus prescribed percentages of a reference rate determined by the corporate trustee, and payments stipulated in the scheme's trust deed.

Unlike most current superannuation payments made on behalf of employees, the resulting contributions do not reflect or fluctuate with the coal mine worker's individual salary. They produce a standard flat weekly contribution amount of about \$126 per week, which, for many coal mine workers, is below the community standard of 9 per cent of their weekly ordinary time earnings. For many years the provision of superannuation for Australian workers was piecemeal and largely voluntary on the part of employers. In 1992, the Hawke-Keating Labor Government established a universal superannuation system through the Federal superannuation guarantee. Since its inception, the rate of contributions has increased and most employers now make contributions at the rate of 9 per cent of the employee's salary, generally the employee's ordinary time earnings. This is the community standard.

Superannuation for coal mine workers has not kept pace with that of other workers. Many coal mine workers in New South Wales receive employer superannuation contributions below the community standard. They receive less than 9 per cent of their ordinary time earnings. Often, we are advised, they are missing out on superannuation contributions of \$30 or more each week, a significant loss to their retirement savings. To bring equity to New South Wales' coal mine workers, a statutory safety net is to be placed in the contribution arrangements of the Act equal to the community standard. From 1 July 2006, no coal mine worker in New South Wales is to receive contributions that are less than the safety net of 9 per cent of their ordinary time earnings. Payments required under the Act to finance defined benefit liabilities and pension indexation are not to be included in, or affected by, the safety net.

The safety net is a practical solution to coal mine workers' concerns about their retirement savings and follows extensive consultation with mine owners and the Construction, Forestry, Mining and Energy Union. I thank these bodies for their input and support. The last amendment moves the timing of contribution payments to the fund to a monthly basis. At the request of the corporate trustee, employers will be required to make remittances to the fund no later than 21 days after the end of the month for which the mineworker was employed. I commend the bill to the House.

Debate adjourned on motion by Mr Thomas George.

LIQUOR AMENDMENT (2006 FIFA WORLD CUP HOTEL TRADING) BILL

Bill introduced and read a first time.

Second Reading

Mr GRANT McBRIDE (The Entrance—Minister for Gaming and Racing, and Minister for the Central Coast) [10.25 p.m.]: I move:

That this bill be now read a second time.

The 2006 FIFA World Cup will be held from 10 June until 10 July 2006 in Germany. This event will generate unprecedented interest in football given Australia's participation in the final tournament for the first time since 1974. It is expected that many Australians, including those who may only have a passing interest in football at other times, will be keen to watch the telecast of matches from Germany. There will be strong interest in outcome of most World Cup matches because of the multicultural nature of Australian society, and the many different nationalities of residents and visitors.

Unfortunately, the time difference between Germany and Australia will result in match telecasts beginning late at night or in the early morning hours. Telecasts for World Cup stage 1 group matches to be held from 10 to 24 June 2006 will begin at 11.00 p.m., midnight, 2.00 a.m. and 5.00 a.m. New South Wales time. Telecasts for stage 2 matches to be held from 25 to 28 June 2006 will begin at 1.00 a.m. and 5.00 a.m. local time. The telecast of quarter-finals, semi-finals and finals matches to be held from 1 to 10 July 2006 will begin at 1.00 a.m., 4.00 a.m. and 5.00 a.m. local time. Many people will choose to watch those telecasts in licensed venues, principally hotels and registered clubs. They want to share the experience; they want to share in the atmosphere with friends. Hotels also have facilities such as large screen displays, which may not be available in their own homes. Under the Liquor Act, standard hotel trading is limited to midnight closing on Monday to Saturday, and 10.00 p.m. closing on Sundays.

A number of hotels already have extended trading past midnight Monday to Saturday approved under the Act. These hotels are located in metropolitan and regional areas and their trading hours vary from a range of closing times through to 24-hour operations. With these limits in mind, the Government has considered the issue of hotel trading during the 2006 FIFA World Cup. There are concerns that some matches, particularly those commencing at 11.00 p.m., will be part-way through when many hotels are required to close for the evening at midnight. Closing hotels part-way through matches will create difficulties for licensees in asking patrons to leave and in dispersing them from the immediate surrounds of the hotel. To reduce the likelihood of these issues, the Government supports a limited general extension of hotel trading hours for those matches beginning at 11.00 p.m. This will allow patrons to view the entirety of these matches.

The bill achieves this by amending the Liquor Act so that hotels can automatically trade until 1.00 a.m. on the following day for each day from 10 to 19 June 2006. The Government understands that these are the only days on which match telecasts begin at 11.00 p.m. This is a modest but reasonable extension to accommodate matches which will have already begun during standard trading hours for most hotels. The bill allows the sale of liquor for consumption on the licensed premises only during the extended period, and does not permit take away sales. Further, the extension will not overrule any previously imposed trading restrictions or other conditions that apply to an individual hotel licence.

This includes restrictions resulting from a complaint about disturbance to the neighbourhood. The noise and disturbance complaint provisions of the liquor laws will be unaffected. Hotels will continue to be subject to the liquor laws requiring the responsible service of alcohol and the responsible operation of licensed premises, otherwise disciplinary action can be taken. Also, the bill does not specifically overrule planning approvals

administered by local councils. As I have already noted, some hotels already have extended trading approved under the existing liquor laws. This proposal will not restrict the trading rights of those hotels. The Government does not support a general extension of hotel trading to accommodate other World Cup matches beginning at or after midnight. Those matches will not be completed until after 2.00 a.m. New South Wales time; in fact, some will not be completed until after 7.00 a.m. The amendments in this bill apply to hotels only.

While registered clubs are also a popular venue to view sporting telecasts, clubs generally have no restrictions on their trading hours and are therefore able to trade during and after these events. The Government does not consider it necessary or desirable that an extension of trading hours be made available to licensed restaurants or other licensed venues. Those venues are generally not used by the public for viewing sporting events. Finally, there is a precedent for this bill. The Liquor Act was amended in 2002 to extend hotel trading for the final of the 2002 FIFA World Cup held in Japan. I commend the bill to the House.

Debate adjourned on motion by Mr Thomas George.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL

Bill introduced and read a first time.

Second Reading

Mr PAUL McLEAY (Heathcote—Parliamentary Secretary) [10.32 p.m.], on behalf of Mr Morris Iemma: I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill continues the well-established statute law revision program that is recognised by honourable members as a cost-effective and efficient method for dealing with amendments of the kind included in the bill. The form of the bill is similar to that of previous bills in the statute law revision program. This year the bill includes an additional schedule to deal specifically with statute law revision amendments consequential on the enactment of the Legal Profession Act 2004. Schedule 1 contains policy changes of a minor and non-controversial nature that the Minister responsible for the legislation to be amended considers to be too inconsequential to warrant the introduction of a separate amending bill. The schedule contains amendments to 40 Acts. I will mention some of the amendments to give honourable members an indication of the kind of amendments that are included in the schedule.

Schedule 1 makes amendments to the Agricultural Scientific Collections Trust Act 1983 that will allow scientific and historical collections held by the trust to include non-agricultural collections relating to fishing, forestry and mining held by the Department of Primary Industries. This will provide further protection to these collections. The schedule makes various amendments to the Ports Corporatisation and Waterways Management Act 1995 to change the name of the Waterways Authority to the Maritime Authority of New South Wales. The new name is considered to better reflect the functions of that body. The Companion Animals Act 1998 will be amended to ensure that "restricted dogs" include those kinds, types or breeds whose importation into Australia is prohibited under the Commonwealth Customs Act 1901. This will ensure a more uniform approach to the restriction of dangerous dogs.

It is proposed to amend the Conveyancing Act 1919 to allow regulations to be made to provide for the refund or waiver of fees taken by the Registrar General under various Acts. Similar amendments are proposed in respect of the Non-Indigenous Animals Act 1987 and the Water Management Act 2000. Schedule 1 also amends the Commercial Agents and Private Inquiry Agents Act 2004 to remove a requirement that a person be under immediate supervision for the first year that the person holds an operator licence under that Act. Immediate supervision is onerous, costly and unnecessary for routine activities. New licensees will still be required to be under supervision during their first year. The Independent Commission Against Corruption Act 1988 is amended to clarify that the Inspector of the commission may investigate complaints about former officers of the commission, as well as the conduct of current officers. This ensures that the Inspector has appropriate oversight powers.

Amendments to the Environmental Planning and Assessment Act 1979 are proposed to clarify that declarations of development as major infrastructure and other projects to which part 3A of the Act applies can be made in respect of a class of development as well as in respect of a particular development. That Act is also amended to clarify that, following recent amendments, the Minister and the Director General of the Department

of Planning retained their power to give orders for the enforcement of the Act in connection with matters for which they are the consent authority under part 4. Amendments to the Gene Technology (GM Crop Moratorium) Act 2003 will update the names of organisations that may nominate members to the New South Wales Advisory Council on Gene Technology to reflect name changes. They also provide that nominations are to be made by the organisation itself rather than a specified officer of the organisation.

Schedule 1 amends the Game and Feral Animal Control Act 2002 to exempt an employee of a person who owns or occupies land from the need to obtain a game hunting licence to hunt on the land. The amendments also allow the Game Council to delegate to its chief executive officer the administrative function of issuing identification cards to inspectors under the Act. Amendments to the Liquor Act 1982 and the Registered Clubs Act 1976 also provide for the delegation of functions; in those cases the amendments permit the Director General of the Department of the Arts, Sport and Recreation to delegate his or her functions in relation to key officials and former key officials to the Commissioner of the New South Wales Office of Liquor, Gaming and Racing. This amendment will allow appropriate administrative arrangements to be made for the exercise of these functions in the new department.

Offences relating to the release of balloons into the air under the Protection of the Environment Operations Act 1997 are to be amended. Currently, it is an offence to release 20 or more lighter-than-air balloons at the same time, and it is an aggravated offence if 100 or more balloons are released. The amendments will increase the number of balloons to 100 or more and 300 or more respectively. This arises from a recent case where, as an unforeseen consequence of this law, the release of balloons at a funeral was prevented. It is not expected to have adverse environmental effects.

Finally, an amendment to the Terrorism (Police Powers) Act 2002 will streamline the oversight function of the Ombudsman, by permitting him to combine reports on the use of preventative detention and the use of covert search warrants into a single document to be presented to the Minister for Police and the Attorney General. Schedule 2 deals with matters of pure statute law revision consisting of minor technical changes to legislation that the Parliamentary Counsel considers are appropriate for inclusion in the bill. Examples of amendments in schedule 2 are those arising out of the enactment or repeal of other legislation, those correcting duplicated numbering and those updating terminology.

Schedule 3 contains statute law revision amendments that are consequential on the enactment of the Legal Profession Act 2004. Examples of amendments in schedule 3 include standardising terms used in other Acts so that they are consistent with those used in that Act, and updating references to the Legal Profession Act 1987, which is now repealed. Schedule 4 repeals a number of Acts and regulations and provisions of Acts. The Acts and instruments that were amended by the Acts or provisions being repealed are up to date and available electronically on the legislation database maintained by the Parliamentary Counsel's Office. Schedule 5 contains general savings, transitional and other provisions. These include provisions dealing with the effect of amendments on amending provisions, savings clauses for the repealed Acts, and a power to make regulations for savings and transitional matters, if necessary.

The various amendments are explained in detail in explanatory notes set out beneath the amendments to each of the Acts and statutory instruments concerned or at the beginning of the schedule concerned. If any amendment causes concern or requires clarification, it should be brought to my attention. If necessary, I will arrange for government officers to provide additional information on the matters raised. If any particular matter of concern cannot be resolved and is likely to delay the passage of the bill, the Government is prepared to consider withdrawing the provision from the bill. I commend the bill to the House.

Debate adjourned on motion by Mr Thomas George.

INTERPRETATION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr PAUL McLEAY (Heathcote—Parliamentary Secretary) [10.43 p.m.], on behalf of Mr Morris Iemma: I move:

That this bill be now read a second time.

The Interpretation Act contains a number of provisions that are designed to guide the interpretation of legislation. An Act relating to the interpretation of legislation was first enacted in 1897 and was comprehensively updated in 1987. The Interpretation Amendment Bill contains a number of miscellaneous amendments to this important legislation. Significantly, the bill contains amendments that will modernise the publication process for making statutory rules and which will improve public access to legislation in New South Wales. Currently, under the Interpretation Act, when statutory rules are made the full text of the rule is required to be published in the New South Wales *Government Gazette*. While the *Government Gazette* contains an historical record of all statutory rules made, there are limitations as to the manner in which instruments can be published. Searching in the *Government Gazette* for rules in force, and any amendments made, is also a complex task.

Parliamentary Counsel has proposed amendments to the Interpretation Act to provide for the online gazettal of new statutory rules on the New South Wales government legislation web site maintained by the Parliamentary Counsel. The amendments will apply to regulations, proclamations commencing or amending Acts, environmental planning instruments, court rules and by-laws approved by the Governor. Official publication will now occur online instead of in the printed *Government Gazette*. However, a copy of the full statutory rule will continue to appear in the *Government Gazette* to maintain public access to the information for those who do not have electronic access. This will be reviewed over time. Official publication online of statutory rules already occurs in the Commonwealth, Tasmania and the Australian Capital Territory. New South Wales and Western Australia are the only jurisdictions in Australia that still publish the full text of statutory rules in a printed gazette.

There are a number of benefits of the proposal. Online publication will provide for enhanced publication capabilities. For example, it will now be possible to provide for the colour publication of instruments and non-standard size publication. Colour publication will be particularly useful for maps that are attached to environmental planning instruments that are not, in many cases, able to form part of the planning instrument because of current limitations. As a result of these amendments the planning instruments and associated maps will be able to be accessed on a single site.

The New South Wales Government legislation web site also has advanced search and indexing capabilities. Changes will be made to the New South Wales government legislation web site so the date of official publication of a statutory rule will appear on the instrument when it is accessed or downloaded. Official publication on the New South Wales government legislation web site will occur on Fridays, which is the same day that the *Government Gazette* is currently published. It will also be possible to publish on days other than Friday if earlier publication is required, as is the case with special supplements of the *Government Gazette*. The proposal is another step in improving online access to statutory instruments.

While the amendments in this bill are limited to statutory rules and do not include statutory instruments such as orders and guidelines. The amendment on item [9] to the bill provides for regulations to be made so that other statutory instruments can be made in the future by way of online publication. In addition, as future legislation is drafted, the Parliamentary Counsel will be able to advise agencies as to whether a proposed power to make a particular statutory instrument should provide for official publication on the New South Wales Government legislation website. Over time access to these other types of statutory instruments will be improved and it will possible to determine from a single web site which instruments are in force, those that have been repealed and those that have been amended.

The bill also includes provisions to provide a statutory basis for the New South Wales Government legislation web site. The amendment in item [11] will enable the Parliamentary Counsel to certify that the form of legislation downloaded from the web site is correct, thereby providing the same official status for electronic versions of legislation as paper reprints certified in accordance with the Reprints Act. This certification will be able to be provided in respect of legislation in force at the date of download and also in respect of historical versions available online. This will reduce in the future the need for courts, government agencies and others to rely on paper reprints as the authoritative versions of the law. Certification of online versions will not commence immediately as software development is currently being undertaken to provide the New South Wales government legislation web site with the require functionality to ensure that "authentic" versions are downloaded. Such a system is already operating successfully in the Australian Capital Territory.

The bill also updates the provisions of the Reprint Act and transfers them to the Interpretation Act. Those provisions currently authorise the official paper reprint program for the publication of legislation. The amendments make Parliamentary Counsel, rather than the Attorney General, responsible for authorising reprints.

In practice, the Parliamentary Counsel currently exercises this function under delegation pursuant to the existing Reprints Act. It should also be noted that the provisions of the Reprints Act that authorise direct statute law amendments to be made to legislation in the course of reprinting an Act are not being re-enacted. Minor statute law amendments are now made by way of the statute law revision bill that is enacted in each session.

Item [1] of schedule 1 deals with references in Acts to "statutory bodies representing the Crown". Prior to a recent decision of the High Court, the view was taken that wherever New South Wales legislation states that a statutory body is "for the purpose of any Act, a statutory body representing the Crown", such a body enjoys the status, immunities and privileges that are conferred on the Crown. This view was based on the High Court's decision in *Wynyard Investments v Commissioner of Railways*. Parliamentary Counsel advises that the statute book has been drafted in reliance on this earlier decision.

In the case of *McNamara v CTTT*, the High Court effectively reversed its previous decision in *Wynyard Investments* and held that the Crown's immunities do not automatically extend to such bodies. As a result of the High Court's decision, a number of adverse consequences could arise because statutory corporations will no longer have the benefit of the immunities and privileges ordinarily afforded to the Crown. Accordingly, the amendment confirms that the interpretation adopted in the *Wynyard Investments* case continues to apply so that a statutory body that is expressed to represent the Crown has the status, immunities and privileges of the Crown. The amendment will have retrospective effect to restore the position prior to the High Court's more recent decision. It is important to point out that item [12] of schedule 1 will ensure the successful appellant in the High Court's case retains the benefit of her victory.

Item [5] of schedule 1 amends the Interpretation Act to make it clear that a power to appoint different days for the commencement of an Act includes a power to appoint different days for the repeal of different provisions of a previous Act which is to be repealed on the commencement of the Act. Currently such a provision is generally included in major bills on a case-by-case basis. This provision will be of particular assistance where large, complex Acts are to be repealed in a staged manner and are replaced by new comprehensive legislative schemes. These changes will improve the accessibility of the laws of New South Wales. Instruments published on the database will be fully indexed, and it will be easier to tell what laws are in force and which ones have been repealed. We will also be able to do things we have not been able to do before, including officially publishing maps and other documents in full colour. I commend the bill to the House.

Debate adjourned on motion by Mr Thomas George.

STATE REVENUE LEGISLATION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr PAUL McLEAY (Heathcote—Parliamentary Secretary) [10.53 p.m.], on behalf of Mr Morris Iemma: I move:

That this bill be now read a second time.

The State Revenue Legislation Amendment bill 2006 is part of the Government's ongoing program of maintaining State legislation to ensure its provisions are clear and effective. The bill amends the Duties Act 1997, the Land Tax Management Act 1956, the Pay-roll Tax Act 1971, and the Taxation Administration Act 1996. I will deal with the amendments to each Act in turn. The bill extends a concession for transfers of property from the trustee under a resulting trust. The concession applies when a trustee who has purchased property transfers it to the real purchaser; that is, the person who provided the money to the trustee for the purchase. Judicial interpretation of these provisions in recent years has limited the scope of the concession and resulted in some inconsistencies.

The bill extends the concession to include some instances where the nature or description of the property changes before the transfer and where there are partial transfers of property. This will allow property that has been improved or had a change in legal title to remain eligible for the concession. For example, the transfer of strata lots following the construction of a strata development will be eligible for the concession if the real purchaser provided the money for the purchase of the land and subsequent development. A consequential amendment is made to a separate concession relating to improvements made by the transferee prior to transfer. Another amendment extends the circumstances in which a refund is payable on a transfer of property where the transaction does not proceed and the transfer document is cancelled.

The bill improves two administrative provisions for land rich duty. First, it reduces the amount of information the Chief Commissioner of State Revenue requires from persons who have made exempt acquisitions. This will reduce red tape and compliance costs for taxpayers. Second, registered wholesale unit trust schemes will be required to report on certain transactions. This will enable the Office of State Revenue to monitor the use of the concession for wholesale trusts. The bill also contains provisions clarifying the legislation that covers two current administrative practices. One amendment clarifies the liability to duty on certain group life insurance policies, confirming the existing practice of life insurance companies. This amendment has been developed in consultation with the Investment and Financial Services Association.

The second clarification relates to amendments made to the Duties Act in 2005 to prevent abuse of a mortgage duty concession for debenture issues. The provisions apply to loan advances made on or after 15 November 2005 regardless of the date of the mortgage. At the time of the amendments some tax practitioners expressed concern that the provisions may be open to an interpretation that mortgage duty could be retrospectively imposed on past borrowings by the mortgagor. The bill makes amendments that will make the provisions clearer and allay any concerns about interpretation. The bill also extends eligibility for the First Home Plus Scheme to ensure that persons who have previously owned a property as a trustee or executor are not disqualified when they purchase their own first home. The scheme's provisions are being amended to remove any doubt that decisions by the chief commissioner under the scheme are reviewable, including by the Administrative Decisions Tribunal.

I will now deal with the amendments to the Land Tax Management Act. Honourable members may be aware that the Department of Housing operates a Rent-Buy Scheme, which assists low-income earners to purchase a share of their home. A private company financier owns the remaining share and receives rent from the low-income earner. Home buyers can progressively increase their interest in the home to 100 per cent ownership. About 40 participants remain in the scheme. The properties are not exempt from land tax because a joint owner of each property is a non-exempt company. Most of the homeowners concerned are not liable to land tax because of the land value threshold. However, a very small number of homeowners under the scheme could become liable for land tax as they approach 100 per cent ownership. Because the participants' homes are their principal places of residence the Government is moving to ensure that all land subject to the scheme is exempt from land tax.

The bill also extends the exemption for a principal place of residence for aged persons who move into a nursing home or other care arrangements where the carer is eligible for the Commonwealth carer's allowance. Currently these people are entitled to retain the land tax exemption during an absence from the residence of up to six years provided the property is not leased for more than six months in any year. The bill will remove the six-year limit to accommodate cases where an aged owner is unable to resume permanent occupation of the home. The land tax legislation currently provides a concession for a deceased owner's exempt residence by extending the exemption for up to 12 months after death. This allows sufficient time for the estate to be administered. Once the property is transferred to a beneficiary the exemption ceases to apply, but the land still qualifies for exemption if the person who acquires the land following administration of the estate uses and occupies the land as his or her principal place of residence.

In cases where the beneficiary who is entitled to the land decides to sell rather than occupy it, no land tax applies prior to the sale if the executor remains as the registered owner until the land is sold. However, if the land is transferred to the beneficiary before being sold it becomes liable to land tax even if the sale is completed within 12 months after death. In order to remove this anomaly the bill will allow the exemption to apply until the completion of a sale, even if the land is transferred to a beneficiary prior to sale.

The bill also includes an amendment that extends the exemption for a deceased owner's former residence beyond 12 months after death when a person who resided with the deceased owner continues to reside there with the approval of a beneficiary of the estate. The land tax legislation currently excludes companies from eligibility for the principal residence exemption. The bill contains amendments to make it clear that this restriction applies in any case where a company is an owner unless otherwise specified in the Act. The bill makes minor amendments relating to liability for pay-roll tax on share scheme benefits. This will align the grant of a share or option with the meaning of "acquiring" in the Commonwealth income tax legislation. The amendments also specify two alternative dates on which an employer may choose to pay tax in relation to shares—either the date on which a share is acquired or the date on which the share vests in the employee.

The bill makes an amendment to facilitate the Government's new, \$95 million payroll tax incentive scheme designed to boost employment in areas of high unemployment. The amendment will permit the

disclosure of necessary information to the Director General of the Department of State and Regional Development, who will administer the scheme. All of these amendments have been the subject of consultation between the Office of State Revenue and relevant industry and professional bodies. The bill repeals the Petroleum Products Subsidy Act 1965, which provides the administrative mechanism for the Commonwealth Government's Petroleum Products Freight Subsidy Scheme. Repeal of the Act is necessary as a result of the Commonwealth Government's decision to abolish this scheme. I commend the bill to the House.

Debate adjourned on motion by Mr Thomas George.

CHILDREN (DETENTION CENTRES) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr PAUL McLEAY (Heathcote—Parliamentary Secretary) [11.04 p.m.], on behalf of Mr Bob Debus: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Children (Detention Centres) Amendment Bill, which amends the Children (Detention Centres) Act 1987, the Children (Criminal Proceedings) Act 1987, and the Crimes (Administration of Sentences) Act 1999 to improve the administration of detention centres and the management of detainees, and is for other purposes. The proposals in the bill reflect the Government's recognition of the need to assist with quelling actual serious disturbances or imminent serious disturbances at juvenile detention centres.

The bill allows the Director General of the Department of Juvenile Justice, pursuant to section 26 of the Act, to enter into a memorandum of understanding with the Commissioner of Corrective Services with respect to the handling of riots and disturbances at detention centres. Proposed section 26 (2) will enable the Commissioner of Corrective Services to provide officers from the Department of Corrective Services to assist with quelling actual serious disturbances or imminent serious disturbances at juvenile detention centres upon request by the Director General of the Department of Juvenile Justice. This new strategy of utilising the resources and expertise of the Department of Corrective Services will free up police resources for their main law enforcement functions.

The Department of Juvenile Justice is well equipped, and has trained staff who are able to properly manage and control most incidents that may arise in juvenile detention centres. It is only on rare occasions that the Department of Juvenile Justice may require the assistance of the Department of Corrective Services to quell a disturbance. If Department of Corrective Services officers were called to a juvenile detention centre in the event of a disturbance, these officers would be able to use their skills to quickly and effectively restore good order and discipline, and ensure the safety of Department of Juvenile Justice staff, juvenile detainees and the local community in the same way that this service is provided to adult correctional centres.

Proposed section 26 (3) allows the commissioner and any correctional officer authorised by the commissioner to deal with a riot or disturbance in respect of which such a request has been made as if it were a riot or disturbance in a correctional centre for which purpose the commissioner is to have the control and management of the detention centre.

If deployed to a juvenile detention centre subject to a disturbance, Department of Corrective Services officers would intervene and control the operation of that centre only to the extent necessary to quell the disturbance and to facilitate proper control and management of the centre. Once good order has been restored to the juvenile detention centre, the commissioner or delegated officer would return complete control of the detention centre to the Department of Juvenile Justice as soon as practicable, as in proposed section 26 (5).

If deployed to a juvenile detention centre of the Department of Corrective Services officers would at all times remain responsible to, and take directions from, the Commissioner of Corrective Services or the commissioner's delegated officer. In areas of the centre not subject to the Department of Corrective Services control, Department of Juvenile Justice procedures and directions must be followed. Pursuant to these amendments, any correctional officer authorised by the Commissioner of Corrective Services has, and may exercise, the functions of a Juvenile Justice officer in relation to the detention centre, and has the same functions

and immunities in relation to the control of detainees at the detention centre as he or she has in relation to the control of inmates in a correctional centre.

A Department of Corrective Services officer may use force in accordance with clause 50 of the Children (Detention Centre) Regulation for the purposes of preventing or quelling a serious disturbance or imminent serious disturbance in a detention centre. Department of Corrective Services officers deployed into a juvenile detention centre will be able to use dogs under proposed section 26 (4) to assist in the maintenance of good order and security in a detention centre.

The bill further reflects recognition by the Government that there were a number of shortcomings in the current legislation, particularly with respect to dealing with contraband in centres and measures to deal with the behaviour of detainees in centres. The bill provides an indisputable legislative base for urinalysis testing of detainees. This will allow for the detection of illicit drug or alcohol use, which also could indicate trafficking by staff in such contraband. It will also identify staff who may represent an occupational health and safety risk to themselves and other staff members. Urinalysis testing of detainees who appear to be drug effected at the centre or upon returning from leave assists in targeting detainees who should have their telephone calls monitored by the telephone monitoring system, as well as assisting in the case work management function of detainees generally.

Contraband includes not just illicit drugs and alcohol, but also other dangerous and prohibited articles, such as cigarettes, weapons and mobile phones. The presence of contraband in juvenile justice centres undermines the department's efforts to maximise the rehabilitation of juvenile offenders and presents an occupational health and safety risk to staff and detainees. The bill enables a juvenile justice officer who is on duty or on site in a detention centre to be required to submit to a breath analysis or to provide a sample for the purpose of testing for drugs and alcohol. That provision is contained in proposed section 37J. The amendments also enable a juvenile justice officer who has been taken to hospital following an incident in which a person has been injured or died to provide a sample for the purpose of testing for drugs and alcohol. Proposed section 37L protects doctors and nurses from liability for taking samples for the purposes of the Act.

All visitors to centres will be subject to non-intrusive searching similar to that carried out at airports—that is, walk through metal detector screening, wands, and a request to search the bag of visitors. The searching proposed does not involve physically touching a visitor, as provided in proposed section 32A, Regulation power. The bill makes changes concerning confinement. Currently, detainees can be isolated with respect to serious offences for a maximum of 3 hours in the case of detainees under 16 or 12 hours in the case of detainees 16 or over. Amendments to section 21 increase the maximum period of isolation to 12 hours and 24 hours, respectively. These changes will enable front-line staff to deal with more severe misbehaviour in an appropriate way.

Strict procedures will be put in place to govern the use of these extended provisions. In order to keep confinement periods to an appropriate length, the amendments draw a distinction between young people under and above the age of 16 years. New South Wales remains the only jurisdiction in Australia to make this distinction with regards to the segregation and confinement of juvenile detainees. Behaviour that is so serious that it falls within the criminal law will be referred to New South Wales Police, as is currently the case. All detainees in such confinement will be under constant supervision from staff. The bill also provides in proposed section 19 for the segregation of detainees, as distinct from confinement. Segregation is not a punishment for misbehaviour. Segregation of detainees occurs in situations where a detainee exhibits extremely challenging behaviour, to the extent that he or she is a danger to himself, herself or to others. It is proposed that the amendments will remove the present strict upper limit on segregation periods if the director general so approves.

Furthermore, any detainee subject to isolation through confinement or segregation is at all times visible to and able to communicate readily with an officer. All detainees in isolation are under constant video monitoring. Should a detainee subject to isolation become distressed or attempt to self-harm, then appropriate intervention will take place by trained Department of Juvenile Justice officer and Justice Health staff and/or the specialist crisis management team. It is current departmental practice to make regular—that is, 5 or 10 minutes—checks of detainees considered "at risk", regardless of whether they are isolated or not. This proposal will have no effect on the continuation of that procedure. The director general may authorise the placement of detainees in their rooms during riots, disturbances or other emergencies in centres. Such a measure is required to enable centre staff to secure centres and to maximise the safety and protection of detainees in difficult and dangerous situations. Justice Health operates as a separate organisation providing a statewide medical and nursing service to all detention centres in New South Wales.

The bill provides in proposed section 37E for Justice Health to have the power to require detainees to be provided with appropriate medical treatment, and allows them to be given medical treatment without their consent if it is necessary for the purpose of saving life or preventing serious damage to health. The bill also provides in proposed section 14 that the Director-General of Juvenile Justice is required to consult with and have regard to the recommendations of the Director-General of the Department of Health in relation to matters concerning a detainee who is a forensic patient within the meaning of the Mental Health Act 1990. The bill also provides in proposed section 19 for the segregation of detainees, as distinct from their confinement. Segregation is not a punishment for misbehaviour. Segregation of detainees occurs in situations where a detainee exhibits extremely challenging behaviour, to the extent that he or she is a danger to himself, herself or to others.

It is proposed that the amendments will remove the present strict upper limit on segregation periods if the Director-General so approves. This power has stringent safeguard provisions built into it. This bill reflects recognition by the Government of the need to introduce new provisions to the Children (Detention Centres) Act 1987 to facilitate the administrative transfer of detainees aged 18 and over, to adult custody. In 2001 an amendment to section 19 of the Children (Criminal Proceedings) Act 1987 was made to provide for the automatic transfer to adult custody of young people convicted of a serious children's indictable offence when they turned 18 years of age. However, the amendment also provided the court with the discretion to make an order for the young person to remain in juvenile detention up to the age of 21 years if "special circumstances" existed. Currently, not all young people aged 18 and over in the juvenile system are the subject of the findings of "special circumstances", and some, having been assessed as fitting the category of "special circumstances", prove to settle well over time and mature at a faster rate than expected by the courts.

Older detainees may benefit from the special programs provided by the Department of Corrective Services such as the Young Adult Offender Programs and the opportunity for paid employment offered by the Department of Corrective Services. To cater for these older detainees, it is proposed to introduce an administrative provision that will allow the transfer of detainees aged 18 and over who are deemed suitable to adult custody. Such a provision would also allow the department to focus on its core target group of juvenile offenders. The current transfer provisions available under section 28 of the Act provide mechanisms for transferring a detainee only if he or she has previously transferred to the detention centre from a correctional centre, is on remand for a serious offence, has exhibited misbehaviour or has presented as a high risk of danger.

The bill amends section 28 (2) so as to provide that the transfer of a detainee who is under 18 can be effected only in the circumstances referred to currently in section 28. Proposed section 28 (2A) provides that the transfer of a detainee who is between 18 and 21 can be effected not only in these circumstances but also if the Children's Court authorises the transfer or the detainee requests the transfer. Proposed section 28 (1A) also makes it clear that a transfer order may be made in relation to a detainee who is absent from or has not yet been received at a detention centre. The effect of this amendment is that detainees who are over the age of 21, such as those who have been arrested following revocation of their parole, can be taken directly to a correctional centre rather than to a detention centre. It is also intended to apply the same processes currently employed for the automatic transfer of those older detainees from juvenile custody to adult custody under section 19 of the Children (Criminal Proceedings) Act 1987.

Currently, all detainees transferring to the Department of Corrective Services on a section 19 order are interviewed at least once by the Department of Corrective Services State Co-ordinator, Young Adult Offender Programs, while still placed at a juvenile detention centre. Family and significant others are invited to participate in these meetings, along with juvenile justice program staff. The detainee's case plan, security classification and placement are discussed and confirmed, and an opportunity is provided for the detainee to ask any questions. Details about the adult correctional system and details about the particular correctional centre in which the detainee will be accommodated are also explained. The bill also amends the Freedom of Information Act 1989 to insert, in clause 4 of schedule 1, a new subclause (3C) that provides that documents created by the Drug Intelligence Unit of the Department of Juvenile Justice are exempt documents for the purposes of the Act.

On a related note, I am pleased to advise that a historic class or kind agreement under section 33 (1) of the Commission for Children and Young People Act 1998 is currently being finalised between the Commissioner for Children and Young People and the Director General of the Department of Juvenile Justice. This agreement recognises, for the first time, the particular challenges faced by Department of Juvenile Justice staff in exercising the legitimate use of force. The agreement specifically recognises that legitimate use of force is not reportable conduct for the purposes of the Commission for Children and Young People Act 1998. The agreement also means that complaints concerning the use of force where the outcome of an investigation is that the allegation is not sustained due to insufficient evidence and the allegation is not of a serious nature will not be reportable. Also, allegations of low-level neglect where no harm occurred to the detainee will no longer be reportable. I commend the bill to the House.

Debate adjourned on motion by Mr Thomas George.

CRIMES (SENTENCING PROCEDURE) AMENDMENT BILL
LEGAL PROFESSION AMENDMENT BILL

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

CORRECTIONAL SERVICES LEGISLATION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr PAUL McLEAY (Heathcote—Parliamentary Secretary) [11.21 p.m.], on behalf of Mr Bob Debus:
I move:

That this bill be now read a second time.

This bill introduces amendments to the Crimes (Administration of Sentences) Act 1999 that were recently foreshadowed by the Premier. The amendments will prohibit inmates who are serving sentences for serious indictable offences, or who are awaiting sentencing for such offences, from providing their reproductive material for use, or storage, for reproductive purposes at hospitals or other places, and will require inmates who have had their reproductive material stored for reproductive purposes to pay charges for the storage during any period in which they are imprisoned.

The bill amends the Crimes (Administration of Sentences) Act 1999 by introducing new section 72B within division 8 of part 1 of the Act. Division 8 of part 1 deals with miscellaneous issues including health-related issues affecting inmates. The bill also amends the Children (Detention Centres) Act 1987 to provide that new section 72B of the Crimes (Administration of Sentences) Act 1999 applies to juveniles subject to control in detention centres. The bill therefore applies to males and females, adults and juveniles, who are imprisoned for committing a serious indictable offence.

Application of the amendments to both adult and juvenile offenders is necessary for consistency of operation, particularly in the case of offenders who progress from juvenile detention to adult custody on reaching the statutory age. Application to both male and female inmates is intended to ensure that the legislation cannot be challenged on the basis of breaching the Commonwealth Sex Discrimination Act 1984. Restricting the prohibition to inmates in full-time custody for committing a strictly indictable offence will ensure that only those inmates convicted of very serious offences will be subject to the ban—inmates whose crimes the community abhors and to whom community concerns apply.

I now turn to the detail of the bill. Schedule 1 item [1] inserts section 72B into the Crimes (Administration of Sentences) Act 1999. Section 72B (1) defines expressions used in the proposed section. Serious indictable offender is defined to cover inmates serving a sentence of imprisonment for a serious indictable offence, or awaiting sentencing for such an offence. A serious indictable offence is an offence that may be dealt with only on indictment, and includes offences committed elsewhere than in New South Wales which, if committed in New South Wales, would be serious indictable offences, and various terrorism offences. Examples of offences covered by the definition are offences such as murder, sexual assault and kidnapping.

Section 72B (2) prevents the granting of leave of absence to a serious indictable offender for the purpose of the offender providing reproductive material for use, or storage, for reproductive purposes at any hospital or other place. Section 72B (3) makes it an offence for a serious indictable offender to provide reproductive material for use, or storage, for reproductive purposes at any hospital or other place. This section imposes a maximum penalty of 100 penalty units or imprisonment for 6 months, or both. One hundred penalty units is the maximum penalty applicable under comparable legislation, the Human Tissue Act 1983, for obtaining or using a sperm donor's semen for an improper purpose. A custodial sentence is desirable as an alternative or additional penalty for an inmate who may not be deterred by the prospect of facing only a financial penalty.

Section 72B (4) requires prisoners other than serious indictable offenders, who have their reproductive material stored for reproductive purposes at hospitals or other places, to pay a charge for storage of the material. Section 72B (5) requires serious indictable offenders whose reproductive material was stored for reproductive purposes before the commencement of the proposed section to pay a charge for storage of the material. Schedule 2 amends section 29 of the Children (Detention Centres) Act 1987 to apply the new section to be inserted by schedule 1 to persons subject to control within the meaning of that Act. I commend the bill to the House.

Debate adjourned on motion by Mr Thomas George.

The House adjourned at 11.27 p.m. until Wednesday 24 May 2006 at 10.00 a.m.
