

LEGISLATIVE ASSEMBLY

Wednesday 28 November 2007

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

The Speaker read the Prayer and acknowledgement of country.

AUDITOR-GENERAL'S REPORT

The Speaker tabled, pursuant to section 52A of the Public Finance and Audit Act 1983, the report entitled "Auditor-General's Report—Financial Audits—Volume Five 2007", dated November 2007.

Ordered to be printed.

SYDNEY WATER CATCHMENT MANAGEMENT AMENDMENT BILL 2007

Agreement in Principle

Debate resumed from 27 November 2007.

Mr PHILIP KOPERBERG (Blue Mountains—Minister for Climate Change, Environment and Water) [10.00 a.m.], in reply: The Sydney Water Catchment Management Amendment Bill 2007 was introduced so that the Sydney Catchment Authority [SCA] can continue to deliver excellent quality metropolitan water supplies through a sustained commitment to asset management and catchment protection. The Government has made substantial progress in delivering improvements to the supply of raw water, managing water quality, and improving the health of our catchments. The bill gives further effect to the recommendations flowing from Justice McClellan's 1999 inquiry.

This bill builds on the existing provisions of the Sydney Water Catchment Management Act and strengthens some powers while clarifying others. The proposed amendments also improve the ability of the Sydney Catchment Authority to take appropriate action against those activities that have caused or are likely to cause damage to or detrimentally affect the quality of water or the health of our catchments. I refer to some of the issues that were raised in debate. I thank the member for Goulburn for her constructive contribution to debate on this bill and point out that a verbal catchment correction notice must be followed up within 72 hours with a written notice.

The Sydney catchment area is a vast area that covers hundreds of square kilometres. Issuing a verbal notice will occur practically only in urgent circumstances where a failure to address an issue immediately might lead to an offence being committed that would constitute a threat to the health of the catchment or the water supply. The member also raised questions regarding the definition of "catchment health indicators". The bill transfers the role of compiling indicators on the ecological health of the catchment from the Sydney Catchment Authority to a public authority or other person appointed by the Minister. This shift sees the catchment health indicators being independently compiled and serves to recognise that the Sydney Catchment Authority is one of a number of agencies responsible for reporting on the ecological health of the catchments.

The bill describes the process required in developing, approving, publishing and amending indicators used by the public authority or persons to report on the ecological health of the catchment. Practically speaking, to define catchment health indicators in the Act renders the process inflexible and restricts the reporting process to one set of indicators at one point in time. To change those indicators would mean returning to the Parliament on each occasion. In other words, this will give us an opportunity to review the health indicators on a regular basis, depending on the prevailing circumstances. This is even more pertinent in the context of climate change, droughts, and a number of other events that may affect the need to review the health of the catchment and, accordingly, provide those sorts of indicators. So a flexible approach is a necessary component of the proposed amendments.

Furthermore, the bill does not limit the regulatory control provided by the operating licence. Members should note that under section 26 (1) of the Act the operating licence is subject to the terms and conditions set

by the Governor. The member for Goulburn and the member for Terrigal both referred to the catchment's interface with the agricultural sector and they referred to the routine agricultural management activities, or RAMAS. I am happy to report that the provisions in this bill will not affect those activities. In fact, the relevant regional environmental plan will ensure that they will not be adversely impacted by the proposed amendments to the Sydney Water Catchment Management Authority Act.

I will deal next with the special areas to which the member for Goulburn referred in debate. The member for Goulburn can be assured that changes to the management of Crown lands will be subject to internal government processes, which include the environment, climate change and the management of water. In other words, those special areas that are to be de-proclaimed will not, as a consequence, be subjected to any environmental dangers or anything else. For argument's sake, the special area that constitutes the Nepean River will continue to constitute the Nepean River, and the area will be managed in accordance with whatever environmental parameters have been established. It simply means that the Sydney Catchment Authority does not need those special areas for the purpose for which they were originally intended.

The Divine Weir, or the area known as the Divine Weir, is a stretch of river upon which there is no weir. Back in the early 1920s, before Warragamba Dam was built, it was intended that a weir be constructed, which became known colloquially as the Divine Weir. For obvious reasons it never proceeded and there is no longer a need for the special area classification, so that classification has simply become redundant.

The member for Terrigal and the member for Wagga Wagga referred to the penalties incorporated in the bill. The proposed maximum penalties for breaches reflect the seriousness of the offences. I am talking about the supply of good quality water to Sydney, which is a serious issue. I want to ensure that adequate disincentives and penalties reflect the seriousness of an offence. When dealing with a serious issue such as ensuring the quality and integrity of a water supply upon which millions of people depend, it is only appropriate that the penalties reflect the seriousness of any offence that may be committed to jeopardise the quality or the safety of that water. Opposition members referred also to the powers to enter a property that will be conferred as per the Environmental Protection and Assessment Act. Those powers will be invoked only if there is a need to go on the land after a development application has been lodged.

Contrary to what was suggested last night, an authorised officer will not randomly enter a particular parcel of private land for any other purpose. He or she will do so only after a development application has been lodged, which is consistent with the need to ensure that the provisions of the development application, or the purpose of the development application, do not constitute a breach that might jeopardise the quality of water in the catchment, or the health of the catchment. Last night the member for Castle Hill in his contribution to debate on the bill made sense for all of about 60 seconds and, as one would expect, the rest was pure scaremongering.

[Interruption]

It was pure scaremongering. He has obviously read too many Tom Clancy novels, for example, *A Clear and Present Danger*. Yesterday, when the member for Castle Hill referred to extending the audit process from two to three years he said, "The Government must come clean and explain how this piece of legislation and its actions will improve this issue." He was referring specifically to the algal bloom that currently permeates parts of Lake Burragorang. We must not let the facts stand in the way of a good story, but the reality is that algal bloom is a naturally occurring event. It is a consequence of the early onset of warmer than usual weather, and because after months and months of drought and a paucity of inflows across the catchment area, we suddenly had significant downpours that brought high levels of nutrients into the stored water. Never before has Lake Burragorang had to deal with an event such as the algal bloom that currently permeates the area.

The relevant point is that this bloom does not constitute in any shape or form a threat to Sydney's drinking water. Last night in this Chamber the member for Castle Hill, referring to the algal bloom, used terms such as "the survival of Sydney as a city, and "a great threat constituted by this event". To be charitable to the member for Castle Hill, that is fanciful. The reality is that Sydney's water supply is not under threat as a consequence of the algal bloom.

Mr Greg Smith: Do you drink it?

Mr PHILIP KOPERBERG: I drink it every day and I am sure you do too. The reality is that this naturally occurring incident of algal bloom is not a threat to our water supply. Far from being guilty of not coming clean or engaging in cover-ups, the Government has been remarkably transparent. There have been

numerous press conferences and press releases. On each occasion when there has been a change in Lake Burragorang or when there has been a very low level cryptosporidium incident in the upper canal, we immediately informed the public and reassured them that these incidents were being managed in a manner consistent with what people would expect from both the Government and the Sydney Catchment Authority to ensure that there is no threat to our drinking water.

Despite the fanciful reference to dire circumstances and consequences asserted by the member for Castle Hill both during the course of the debate and in a previous media announcement, Sydney continues to enjoy high quality drinking water—a quality that exceeds by a factor of 10 the best practice national standard. When I appear on television or speak on the radio and assure the people of Sydney that there is no threat to the integrity or safety of their drinking water that is precisely what I mean. The Government insists that every time there is an incident—which is not unexpected, given the vastness of the catchment authority, the vagaries of the weather, the drought and many other factors—we make that known to the people of Sydney and beyond and continue to assure them that the management of their water supply is being effectively handled.

The member for Castle Hill adds no value to the debate but would rather suggest to the great community of Sydney that somehow this naturally occurring event constitutes a grave threat to the safety of its water—and nothing could be further from the truth. We will continue to manage this bloom and, contrary to the suggestion that we are not being transparent in regard to the tenure of the bloom, I am on the public record as saying that it is more likely than not that this bloom will persist until cool weather or significant rainfall occurs. The suggestion that there is a level of toxicity about the bloom could not be further from the truth. The level of monitoring done by the Sydney Catchment Authority, the Department of Health and Sydney Water ensures that at the first sign of any toxicity as a consequence of the algal bloom or for any other reason, immediate alternatives are engaged to ensure the ongoing supply of water to Sydney is perfectly safe.

In summary, the bill provides for better administrative clarity and stronger statutory powers so that the Sydney Catchment Authority can continue to evolve and better meet its functions. It allows the Sydney Catchment Authority to better monitor the health of the catchment; to enforce its new and improved powers under the Act; to cut red tape when it comes to entering into commercial contracts and complying with planning requirements, and to take the necessary steps to stop an impact on water quality. That includes catchment correction and protection notices, stronger enforcement powers and setting new maximum penalties that a court can impose for breaches of the Act. I thank members of the Opposition for their support of the bill and I commend it to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

LOCAL COURT BILL 2007

MISCELLANEOUS ACTS (LOCAL COURT) AMENDMENT BILL 2007

Agreement in Principle

Debate resumed from 13 November 2007.

Mr GREG SMITH (Epping) [10.15 a.m.]: I speak on behalf of the Opposition on the Local Court Bill 2007 and the Miscellaneous Acts (Local Court) Amendment Bill 2007. The Opposition does not oppose the bills. The object of the principal bill is to replace the Local Courts constituted separately within New South Wales with a single Local Court, the sittings of which will be held at various locations within New South Wales. One wonders why this proposal has taken so long because the District Court has had similar changes for many years: there is only one District Court.

The bill also introduces changes to the qualifications of magistrates to ensure that a person eligible for appointment has been an Australian lawyer for at least five years or has held judicial office previously. This issue has been the subject of criticism previously with the appointment of certain magistrates, one being a research officer with the previous Attorney General who had been admitted as a lawyer for only six months although she had been a graduate for some years. Many experienced lawyers in this State have practised in the Local Courts, sometimes on a daily basis, and would be eligible for appointment as a magistrate and have put their names forward but have been rejected. One wonders why this bill does not propose a much more transparent method of selecting magistrates.

I note recently that this Government advertised for expressions of interest for a position in the District Court. It is now in vogue in the United Kingdom for an independent authority to seek expressions of interest from people who want to become judges, to conduct interviews, to carry out checks and produce an eligibility list for the Lord Chancellor so that he or she must appoint from that eligibility list. In recent years there has been much criticism in this State about judges and magistrates. When I recently called for transparency the Attorney General sought to take a cheap shot when he contrasted what I said with what the Commonwealth Attorney-General Phillip Ruddock had done in relation to appointment to the High Court.

Appointments to the High Court are quite different and I do not believe anyone would suggest a separate committee should determine them. However, considerable consultation regarding those appointments is undertaken with the various leaders of bar associations, other relevant groups and each State Attorney General. It was a cheap shot and, in a sense, the Attorney General ended up looking a bit foolish because two days later he received an expression of interest for the appointment of a District Court judge. Usually I do not comment on these things but, as there had been criticism about some appointments of his predecessor, particularly the appointment of one of his research officers, I believed it was appropriate to mention this aspect.

Schedule 1 to the bill maintains the many conditions attached to the appointment and conditions of office of magistrates. For the most part those conditions are consistent with current arrangements. The bill does not include an oath of office for magistrates, as specified in section 16 of the Local Courts Act. However, it appears that section 9 of the Oaths Act would fulfil that necessity as it states, "The oath of allegiance and the judicial oath shall be tendered to and taken by District Court judges, magistrates and other judicial officers who are required by order of the Governor to take the same." It would be a tragedy if judges or magistrates did not have to take some sort of oath or affirmation of office.

The bill also does not contain a provision for the Chief Magistrate to provide periodic reports, as stated in section 27 of the Local Courts Act 1982. However, reporting mechanisms remain requiring the Chief Magistrate to report with the Annual Courts Review and the national report on government services. The Opposition has been advised by the Attorney General's office that it does not believe the section 27 powers match the data needs of the Attorney General and there remains power for the Attorney General to request information on a specific basis. These provisions are the same as those contained in legislation for District and Supreme courts. No doubt considerable correspondence and communication arises between the Attorney General's office and the various courts.

On occasions the Opposition has been critical of cutbacks in those courts that resulted in the Court of Criminal Appeal Registry being operated by insufficiently experienced staff. This led to the strange position in the Janine Balding case with a grant of special leave for appeal to the High Court because a staple was not securing the indictment and the orders of the Court of Criminal Appeal to other documents. Thankfully, that appeal ultimately was unsuccessful. The Folbigg case, which again was before the Court of Criminal Appeal yesterday, referred to a similar problem of attaching necessary documents so as to perfect the judgment. As I understand, this problem allowed an opening for Mrs Folbigg to add a new ground of appeal. We are assured that the new rules in this bill resolve this anomaly. We hope that with adequate staffing in vital court offices the court system cannot be cut back like some minor department that no longer has much use.

The court system is one of the essential aspects of the State Government and must be given full support, as must the prosecuting and public defending agencies and legal aid funding. This idea of cutting back essential services—dumbing down—has to stop. It certainly will stop when we are elected to government. Changes to the Local Court committee ensure that barristers and solicitors are appointed by their respective professional bodies. No longer is there provision for representation from the Director of Public Prosecutions and the Legal Aid Commission. It appears that now there is one committee for both civil and criminal matters instead of separate committees. I am not sure whether the Director of Public Prosecutions and Legal Aid Commission were consulted concerning those changes or asked their views on the matter. At this stage I have not been able to ascertain that information.

The bill maintains the current jurisdictional limits in civil jurisdiction and does nothing to amend matters that come before the Local Court in the criminal jurisdiction. As the Local Court will become one entity, parties can institute proceedings in and seek information from any office of that court or could have the matter moved to another Local Court, a situation that is not easily realised. Transferring matters from a country court to another country court or to the city involved making application to the court and involved a monetary cost for the people involved. Changes that streamline accessibility for litigants to the courts must be commended.

The Miscellaneous Acts (Local Court) Amendment Bill will update references in other Acts in accordance with the provisions of the proposed Local Court Act. It appears that the changes instituting just one Local Court across the State will provide a streamlined court and registry system throughout New South Wales. The changes are long overdue. The Opposition does not oppose this legislation.

Mr ROB STOKES (Pittwater) [10.25 a.m.]: The object of the Local Court Bill 2007 is to replace the separate local courts within New South Wales with a single Local Court. Sittings of this single court of course will continue throughout the many beautiful courthouses in regional New South Wales and Sydney. Specifically, the bill repeals the Local Courts Act 1982 and purports to standardise provisions for the appointment of magistrates. While current magistrates will continue to hold office under this new legislation, the bill seeks to lift the qualifications for appointment as a magistrate for new holders of that office. I shall focus on this particular part of the bill.

This is long overdue reform. Clear evidence is dispensed at all New South Wales local courts that some magistrates have not always demonstrated appropriate knowledge of the law or experience of its application. I am not seeking to dwell on the circumstances of some magisterial failings that I have seen firsthand or been informed of through my office. I am sure all members of this place have evidence or stories of some shortcomings in Local Court justice, most of which has nothing to do with the quality of magistrates, and most do a terrific job, but more to do with the resources allocated to the New South Wales justice system.

Perhaps the single most important institution of our democratic system is an independent, impartial and experienced judiciary. It is a core responsibility of the Government to ensure that the judiciary has appropriate resources and that people appointed as magistrates are of the highest possible standard and calibre. That is vital in ensuring a quality justice system, particularly at the Local Court level where the vast bulk of court work is conducted in New South Wales. I am pleased that this bill, specifically clause 13 (2), seeks to ensure that to be appointed as a magistrate a candidate must be an Australian lawyer of at least five years standing or have been a judicial officer of an Australian court.

However, one area of this bill that might be improved is to standardise the appointment criteria for New South Wales judicial officers. While this reform is long overdue and reflects lifting the appointment criteria for magistrates, I note the District Court and Supreme Court Acts both require that to be eligible for appointment as a judicial officer one must have seven years' experience as an Australian lawyer or otherwise hold office as a judge or judicial officer in an Australian court. I do not see why the qualifications for appointment as a magistrate should be any lower than for appointment as a Supreme Court or District Court judge. Surely, all judicial officers should be of the same high standard. That is a very important step in ensuring a quality justice system.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.30 a.m.], in reply: I thank the members for Epping and Pittwater for their contributions to the debate and note that the Opposition does not oppose the bill. The Local Court Bill 2007 will replace the separately constituted local courts in New South Wales with the Local Court of New South Wales, which will sit at various locations across the State. This change will assist court and registry services to operate more effectively. A party will be able to make inquiries about his or her proceedings at any registry instead of having to contact the registry at which the matter is to be heard. Civil proceedings will not have to be formally transferred between the local courts. Instead, the court will be able to make an order that proceedings be dealt with at another location. The cognate miscellaneous bill—the Local Court Amendment Bill 2007—will make necessary consequential amendments to a large number of Acts and regulations as a result of the creation of the Local Court of New South Wales.

I will respond to some of the issues raised by the members for Epping and Pittwater. The member for Epping asked why this measure has taken so long. This reform was stimulated by the JusticeLink initiative, which creates a computerised network between New South Wales courts that will be more easily managed through a central Local Court structure rather than having a large number of distinct local courts as was the case previously. As the finalisation of JusticeLink approaches it is appropriate that the structure of courts be reformed.

It is not appropriate for the Attorney General to comment on former appointments, and the changes to the qualifications for appointment as a magistrate align New South Wales' requirements with those in other Australian jurisdictions. That partly answers the questions raised by the member for Pittwater. The Attorney General is aware of the calls for greater transparency and accountability in the judicial appointment process. He has directed his department to advertise judicial and tribunal vacancies on Lawlink, the departmental website. Earlier this year advertisements for expressions of interest in appointment were placed for magistrates, and more recently advertisements were placed for District Court judges. After a position is advertised, a register of expressions of interest is created and, when vacancies arise, the register is examined. This has resulted in magistrates being appointed from the ranks of solicitors and barristers from private practice, government and academia.

Of course, the Governor appoints judicial officers in New South Wales. The Governor usually makes such appointments on the recommendation of the Attorney General following endorsement by Cabinet. However, before making any recommendation to the Governor, the Attorney's practice is to consult with the head of the jurisdiction concerned. The President of the Bar Association and the President of the Law Society, as well as other people with a legitimate interest in the process are also consulted. When making nominations to the Governor, the Attorney remains mindful of the pivotal role that judges and magistrates play in the justice system. Nominees for judicial office must have superior legal ability, personal character and integrity. They also require technical and management skills and must be sensitive to the needs and expectations of an increasingly diverse society.

The member for Epping raised issues about sections 16 and 27 being taken across. Section 16 of the Local Courts Act was not carried over to the Local Court Bill because it is obsolete. The Oaths Act 1900 already provides for a magistrate to take an oath of allegiance and the judicial oath when required to do so by order of the Government. Once the Executive Council has approved the appointment of a magistrate, the magistrate is required to take the oath of allegiance and judicial oath before he or she begins to perform judicial duties.

Section 27 of the Local Courts Act requires the Chief Magistrate to submit periodic reports as directed by the Attorney. The section was not carried over into the Local Court Bill because, again, it is obsolete. The Attorney has not had to rely on the section to get information from local courts. Moreover, the section does not require the Chief Magistrate to provide as much operational information as the Attorney may require or the Chief Magistrate already provides to the Attorney and other areas of government. For example, local courts provide the department with information as part of the budget process. Local courts also provide the department with information that is sent on to the Productivity Commission to assist with the preparation of the annual report on government services. Local courts also publish an annual review, which contains a significant amount of operational information.

Concerns were also expressed about the requirement in section 27 for the Chief Magistrate to provide information about any matters relating to discipline that have arisen and that may have affected or may affect the availability of magistrates or the disposal of business by courts. This requirement may be at odds with the Chief Magistrate's obligation not to disclose information under section 37 of the Judicial Officers Act 1986.

The member for Epping raised the Folbigg and Balding cases. It is correct that the rules have been amended to address the problem concerning the attachment of the indictment to the court file. Division 6 of the bill sets out the rules of the court and the practice notes, and clause 25 (4) states:

- (4) The Rule Committee, when exercising its functions in respect of matters relating to the jurisdiction referred to in section 9 (c), is to have two additional members, being a person appointed by the Chief Magistrate on the nomination of the Director of Public Prosecutions and a person appointed by the Chief Magistrate on the nomination of the Legal Aid Commission.

I think the concerns of the member for Epping in that regard have been put to rest. The member for Pittwater raised qualifications. The insistence of five years qualification denotes the Government's commitment to the appointment of high quality magistrates. If the member or his constituents have concerns about the performance of a particular magistrate, it is always open to them to raise it with the Judicial Commission. If they have concerns about a particular case, it is also always open in the normal course of events for the person concerned to appeal to the District Court, usually taking the advice of their legal counsel. The amendments standardise the qualifications required of magistrates with those required in local courts across Australia. This bill makes important and significant reforms to the Local Courts Act and courts administration. It will assist the court and registry services to operate more effectively and I commend it to the House.

Question—That these bills be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bills agreed to in principle.

Passing of the Bills

Bills declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bills.

CRIMES AMENDMENT (SEXUAL PROCUREMENT OR GROOMING OF CHILDREN) BILL 2007

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.38 a.m.], on behalf of Mr David Campbell: I move:

That this bill be now agreed to in principle.

The bill was introduced in the other place on Wednesday 7 November 2007, and the second reading speech appears at pages 5 to 7 in the *Hansard* galley for that day. The bill is in the same form as introduced in that House and I commend it to this House.

Mr GREG SMITH (Epping) [10.39 a.m.]: The Crimes Amendment (Sexual Procurement or Grooming of children) Bill 2007 amends the Crimes Act and makes consequential amendments to the Criminal Procedure Act 1986 and the Child Protection (Offenders Registration) Act 2000 to make it an offence for an adult to procure or groom a child for unlawful sexual activity. The Opposition does not oppose the bill. The following penalties will be introduced in relation to the offences: procuring a child under the age of 14, imprisonment for a maximum of 15 years; procuring a child under the age of 16 years, imprisonment for a maximum of 12 years; grooming a child under 14 years of age, imprisonment for a maximum of 12 years; and grooming a child under 16 years of age, imprisonment for a maximum of 10 years.

Earlier this year the Opposition obtained considerable media publicity over a proposal by the member for Manly, Mike Baird, and me that the Commonwealth legislation creating offences for predators who use the Internet with intent to have sexual intercourse with someone did not really cover all the possibilities of use of the Internet. We raised the issue that there was no prohibition at that stage against people on the predators list, or whatever it is called—it has various descriptions—who had been convicted of a child sexual assault offence from accessing chat rooms and other Internet links for the purpose of grooming or trying to arrange a meeting. The Commonwealth offences go further.

We stated that this particular group should have an offence attached to them for trying to access or for commencement actions that would not be sufficient to satisfy the Commonwealth offences Act. We said that in accordance with our proposal the Coalition would establish an advisory panel to investigate ways to ban convicted sex offenders from Internet chat rooms and social networking websites such as MySpace. I said:

Chat rooms and social networking websites like MySpace are a hugely popular forum for children and teenagers. Unfortunately they can also attract those who are seeking to do harm to our young people ... About 3 million Australians, the majority between the ages of 14 and 25 use MySpace, and we urgently need to send a strong message that we are prepared to do whatever we can to insulate our children using these services from convicted sex offenders ... If legislation is required to ensure children and young people logging-on to chat with friends will not be at risk, then all stakeholders need to create a system that will work.

I said that in a press release dated 27 May 2007. There was a subsequent press conference and media publicity was given to this issue. I went on to state:

Popular social networking website MySpace recently highlighted the potential scope of the risk to young people when it struck 7,000 sex offenders from its service in the United States.

We stated in our press release that several bills were before the United States Congress seeking to place a check on Internet activity of known sex offenders. Before the press release on 27 May, a 13-year-old girl in New South Wales had been allegedly raped by a man she first met over the Internet. My distinguished colleague Mike Baird said:

... an issue with such serious ramifications for child safety should not simply be cast into the too-hard basket.

When an issue is as important as keeping our kids safe, it is above politics ... It would be naive to think convicted sex offenders in Australia aren't using chat rooms and similar internet sites for devious purposes ... What this advisory group will do is investigate ways to protect our kids from any convicted sex offenders using the internet as a mean to re-offend.

As a parent of three young children I have expressed concerns over who my kids are communicating with over the internet.

People are not always who they say they are and our proposal would be an important step towards greater internet safety for NSW families.

The advisory panel will be seeking representatives from the Information Technology industry, NSW Police Force and child protection groups.

Every parent would expect the State Government to be doing everything in its power to prevent convicted sex offenders from using internet websites to lure our children into dangerous situations ...

When the committee met subsequently, there were representatives from MySpace and other Internet groups as well as the child protection group, Bravehearts, and a representative from the office of the Minister for Police, Mr Campbell. It is slightly different from what the Government is doing at the moment. Nevertheless, what the Government is doing is good, and the Opposition agrees with that. Any increase in protection for children from predators is paramount. We support that; assuming that the legislation is properly drafted and has in it proper protections for people who are falsely accused, and matters of that sort.

In September this year the New South Wales Parliamentary Library published a research report entitled "Protecting Children From Online Sexual Predators", written by Messrs Griffith and Roth. The report examined the recent climate of concern with respect to such issues and assessed recent proposals in addition to the state of the law in Australia presently. Briefly, the report states:

In recent weeks attention has focused on the deletion in the United States of the profiles of 29,000 convicted sex offenders from the social networking site MySpace. In Australia MySpace has proposed that the email addresses of convicted child sex offenders be compulsorily registered for the purpose of removing known sex offenders from the site. To date, the Commonwealth Government has not endorsed this proposal. On 10 August 2007 it was reported that the NSW Police Minister plans to refer to Cabinet a proposal to require sex offenders to register their email addresses. If Cabinet agrees, the requirement will be incorporated into the *Child Protection (Offenders Registration) Act 2000 (NSW)* ... On the same day, the Federal Government announced a \$189 million package of reforms to 'protect Australian families from online dangers in the increasingly complex internet environment'.

I sincerely hope that the Rudd Government adheres to that commitment. The report goes on to state:

Since the dangers of online usage were identified in the 1990s many jurisdictions, including Australia, have engaged in research projects to identify the scope and nature of the problems at issue. The research suggests that the world of online grooming is a complex place. A US study in 2007 found that 8% of children reported they'd actually met someone they knew online, while a 2006 study found that one in seven children aged 10-17 received unwanted online sexual solicitations. On the other hand, not all these come from strangers. It also seems that many 'groomers' do not lie at all about themselves and what their intentions are. This research suggests that most at risk from online grooming are teenage girls who become 'romantically' involved with those they meet on social networking systems. However, more research needs to be undertaken in this field, across jurisdictions, to gain a broader and truer picture of the risks involved to all minors ... When the online practices and perceptions of parents and children are compared there is a sense in which they are reporting on parallel realities. It has been suggested that 'Directing more safety awareness at children themselves may be the best way forward, since parents often don't know what their children are doing online'.

A great problem in society is that parents have not grown up with the Internet, and some are not required to use the Internet during the course of their employment. For whatever reason, parents are less able to naturally acquire Internet expertise than are children whose minds are nimbler, and children are more accustomed to using the Internet at school and to chatting in that way rather than on the telephone.

The report by Griffith and Roth, which I will briefly refer to further, said that laws specifically designed to counter the online sexual solicitation of minors have been passed in several Australian and other comparable jurisdictions but not in New South Wales. In 2001 the Australian Capital Territory created a new offence of using the Internet, et cetera, to deprave young people. Two years later Queensland created a new offence of using the Internet with the intent of procuring a child under the age of 16 to engage in a sexual act or providing indecent matter to a child under 16. The law allows police to catch cyber predators by providing that it is irrelevant to the offence that the child is a fictitious person represented by an adult. Therefore, express provision is made for police stings against online predators. Similar reforms followed in Tasmania, Western Australia and at the Commonwealth level. South Australia and Victoria have also made relevant amendments to their criminal laws.

In summary, the main Australian laws expressly targeting online sexual predators are directed towards some or all of the following acts: first, using the Internet or other form of communication with the intention of

procuring a child to engage in sexual activity is an offence under Commonwealth, Queensland, South Australian, Tasmanian and Western Australian legislation; second, grooming a child by sending indecent material to a child or otherwise engaging in prurient communication with a child with the intention of making it easier to procure a child to engage in sexual activity is an offence under Commonwealth and South Australian legislation; and, third, exposing a child to indecent or pornographic material is an offence under Queensland, Tasmanian, Western Australian, Australian Capital Territory and Northern Territory legislation.

The report of Griffith and Roth went on to say that to some extent the introduction of the Commonwealth Internet procuring and grooming offences has overtaken the need for parallel reforms in the States. In the absence of a specific New South Wales online grooming offence, New South Wales police can and do refer cases to the Commonwealth Director of Public Prosecutions. Again I wonder why this Government, which has been in office for 12 years, has taken so long to act. It will say the Opposition has not introduced any bills. It may or may not have, but the Government has been charged with this responsibility and the other States and Territories certainly do not have the population or probably the proliferation of problems that New South Wales has—I think New South Wales has more criminal matters than virtually the whole of Australia combined. I do not know why the Government has not moved previously, but it is good that it is moving now even though it is very late in the piece.

The bill is introduced in compliance with the 1989 Convention on the Rights of the Child, to which Australia is a signatory under article 34. The legislation is brought before Parliament because of the dramatic increase in predatory sexual behaviour towards children over the Internet. However, the offence is not limited to offences using electronic communication and, as such, is broader than the Commonwealth offence. In an article entitled "Ministry's web of deception needs a virtual reality check" in the *Sydney Morning Herald* of 14 September 2007, Michael Duffy reported that only one person has been charged and convicted of a child grooming offence by New South Wales police in the past two years. As I said, the Coalition announced on 27 May that we would move towards investigating ways to ban convicted sex offenders from Internet chat rooms and social networking websites. Our task force met on Thursday 9 August, and I think it was on 10 August that the Minister for Police announced he would do something about this.

On my reading of the legislation, it does not include a provision banning convicted predators from seeking access to young people's chat lines or other types of lines they use. Nevertheless, the legislation will bring New South Wales into line with the other States and Territories and the Commonwealth by enacting laws in relation to offences of this nature. Our maximum penalties are in excess of those imposed in other States. Some would say against this sort of legislation that there is a distinction between offences against those under 14 and those under 16, but that is similar to what happens with sexual assault offences in any event. The younger the child the heavier the punishment. The Opposition does not oppose this legislation and hopes that the Government soon brings in other legislation to discourage and punish predators who seek to access chat rooms and other media used by children.

Mrs DAWN FARDELL (Dubbo) [10.55 a.m.]: I support the Crimes Amendment (Sexual Procurement or Grooming of Children) Bill 2007. I am not legally trained like other members who have already spoken, but I have a few questions about whether a particular case I am aware of would be considered grooming. Does this legislation cover the example I am about to give? On Monday a mother came to my office in desperation. She had separated from the father of their then three-year-old daughter. It was an amicable separation and the mother was willing for the father to have access visits. In January this year the mother noticed inappropriate behaviour by her daughter, who was then four years old, towards her cousin of the same age. She found out that the girl knew more than she should and that her father's 13-year-old brother had interfered her with. This had been happening on access visits to the home where the father is now living with his mother and his 13-year-old brother.

The mother immediately stopped the visits and contacted the police. The police said it was not an issue for them and directed her to the Department of Community Services, which arranged for counselling of the four-year-old girl. She has had regular counselling at the clinic in Dubbo since February and is making significant improvement in dealing with what has occurred to her. The mother also sought legal advice, but things are at a stalemate. I was in contact with her solicitor yesterday. All parties have had a meeting. The father and his solicitor agreed that it was not appropriate for visits to occur while the 13-year-old was in the house, and that visits would occur only when he was at school. In the past two weeks the 13-year-old has left school early and was unsupervised during access visits while the father was in another part of the house. Once again, the mother has become aware of an incident occurring. The child has not had any medical checks, because, according to the solicitor, it would be far too damaging to a child of her age.

My question to the Government is this: As the father knew this activity had occurred before, would this circumstance be considered grooming by the father? Would his behaviour fall within the provisions of this bill? Why is the 13-year-old not receiving counselling from the Department of Community Services or other agencies to stop his behaviour? Why is he displaying this behaviour? The solicitor for the mother is not working fast enough. The mother has denied any further access as two incidents have occurred in the past two weeks. She fears her daughter is at further risk. I suppose I could be prosecuted too because I agreed with the mother that in the circumstances the child should not go to the house for access visits.

Could the father be prosecuted and also the grandmother, who has been in the house during the child's visits while the 13-year-old been unsupervised? The case I have referred to does not involve technology or the Internet, but these types of incidents are happening every day in New South Wales and other parts of Australia—young, vulnerable children are being abused by those a little bit older. Of course the 13-year-old risks not having a good life ahead of him if he does not receive counselling. Can we charge the parent with grooming? I support the bill.

Ms NOREEN HAY (Wollongong—Parliamentary Secretary) [10.59 a.m.]: I support the Crimes Amendment (Sexual Procurement or Grooming of Children) Bill. The sexual abuse of children is one of the worst evils affecting our society, and the Government has made it clear that it will take all necessary steps to eliminate it. As the mother of four and the grandmother of five I completely support the Iemma Government's position in that regard. In this bill we are creating new offences of child grooming and procuring. In recent years those investigating and prosecuting paedophilia around the world have begun to institute measures aimed at stopping child grooming. This is the practice whereby a paedophile befriends a victim and introduces him or her to explicit material or inappropriate sexual concepts. It is a common way for paedophiles to desensitise young people to sexual talk and behaviour and make them vulnerable to sexual abuse and is often a precursor to procuring a child for sex. By taking aim at this precursor activity we can begin to stop child sexual abuse before more serious crimes are committed.

The new offences carry a maximum penalty of 10 years for grooming and 12 years for procuring a child for a sexual purpose. The legislation also includes aggravated offences where the victim is under 14 years, which carry penalties of 12 years and 15 years respectively. They complement the Commonwealth's child procuring and grooming laws. However, these apply only to offences committed over the Internet or telephone lines. The New South Wales laws have been praised by representatives of victims groups such as Hetty Johnson from Bravehearts, who describes the reforms as "very, very welcome news". But the Opposition's position on child sexual abuse legislation is not nearly so clear. The Opposition has failed to offer any public comment in support of the Government's reforms yet has been unable to give the people of New South Wales any credible policies of its own. On 27 May this year the shadow Attorney General and the shadow Minister for Youth Affairs advanced a proposal involving banning sex offenders from using Internet chat rooms and dating sites. In doing so, however, they made it clear that they were not aware of the law in this area.

Mr Greg Smith: Rubbish! That's just a lie.

Ms NOREEN HAY: If I were the member for Epping I would be quiet on this issue.

Mr Greg Smith: Is that a threat?

Ms NOREEN HAY: No. It is embarrassing for you. The Government has already created a sex offender prohibition order scheme under which police can seek orders from a local court to prevent a person from engaging in activities that are a precursor to reoffending. This can include activity on the Internet, such as visiting the sites that the Opposition's proposals are aimed at. The Opposition needs to do its homework regarding the major reforms that the Government has implemented over the past two years. One important reform is the creation of several significant child protection tools, the first of which is the establishment of a register of all people convicted of child sexual assault offences in New South Wales. More than 2,200 offenders have to register where they live, where they work, and even what car they drive. The register makes sure that police can keep tabs on these people to help prevent them from reoffending against children. We have also expanded the details that offenders need to register, including membership of any clubs of which children may be members.

New South Wales has also led the development of a national approach to registering sexual offences against children and the establishment of the Australian National Child Offender Register, which is a national database that ensures notification and protection is extended across Australia. The Government's reforms

include the creation of a continuing detention and extended supervision scheme for serious sex offenders. These laws recently allowed the Government to ensure that the child sex offender Kenneth Tillman remained behind bars. An offence has been created to prohibit convicted child sex offenders from loitering near schools and other areas where children congregate. There is now a system for screening people who work with children to ensure that none have been convicted of child sex offences.

Sentences for child sex offences have been made more serious. First, two new standard non-parole period sentences have been introduced. These include a minimum of 15 years for sexual intercourse with a child under 10 years and five years for aggravated indecent assault. Secondly, the maximum penalty has been increased from 20 to 25 years for the offence of sexual intercourse with a child under the age of 10 years. Finally, the Government has more than doubled the penalty for possession of child pornography from a maximum of two to five years to ensure that the seriousness of these crimes is reflected in the penalties imposed for possession, as well as allowing for serious cases to be dealt with on indictment. The Government will continue to review and develop child protection laws in order to detect and prosecute paedophilia wherever it exists. I commend Premier Morris Iemma and the New South Wales Labor Government, and I wholly support the bill.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [11.05 a.m.], in reply: I thank members representing the electorates of Epping, Dubbo and Wollongong for their contributions to what is obviously a very important debate. The shadow Attorney General, the member for Epping, referred to a proposal advanced earlier in the year by the member for Manly. The Government has already addressed that issue and, while we appreciate the Opposition's concern for the protection of children, we make it clear that the proposal to exclude child sex offenders from the Internet, or from certain sites on the Internet, is already covered by the Government's child protection legislation, which allows police to make orders to restrict offenders from certain areas or stop them engaging in certain conduct, such as accessing the Internet. Those provisions can be found in the Child Protection (Offenders Prohibition Orders) Act 2004.

The Crimes Amendment (Sexual Procurement or Grooming of Children) Bill 2007 brings New South Wales into line with the 1989 Convention on the Rights of the Child, to which Australia is a signatory. Article 34 of the convention creates an obligation to protect children from "all forms of sexual exploitation and sexual abuse." The member for Epping rightly pointed to the problems created by new technologies and accessing the Internet, which have unfortunately resulted in an increase in predatory sexual behaviour towards children. Adult offenders exploit the anonymity of the Internet to win the trust of the child as a first step towards sexual abuse. Paedophiles do this through a process called grooming, which is undertaken with a view to procuring the child to meet with an adult and engage in unlawful sexual activity.

But it is important to recognise that the process is not confined solely to the Internet. That is why, unlike existing Commonwealth legislation, the bill does not limit grooming and procuring offences to those undertaken using electronic communications. Other practices used by paedophiles include befriending a potential child victim and introducing the child to explicit or inappropriate sexual concepts as part of a manipulation process to entice children into so-called "positive" sexual encounters with adults. Such activities make the child desensitised to sexual talk and behaviour, and therefore vulnerable to abuse. The New South Wales offence will therefore have a wider application than that of the Commonwealth.

As to the bill's protection powers, it is significant that item [1] (4) of schedule 1 states that it is not necessary to specify or to prove the unlawful sexual activity for which the child was to be procured. This means that a person can still be charged with a procuring or grooming offence even if no specific sexual activity had been suggested or planned with the child. Item [1] (5) clarifies that a child does not actually have to exist for an offence to have been committed under this section. References in the bill to a child include references to any person who pretends to be a child so long as the accused person believes the person was a child. This provision assists police in their investigations when law enforcement officers assume false identities to catch potential offenders.

The member for Epping also raised the issue of appropriate charges, and item [1] (8) provides for an alternative verdict in such cases where a person is charged with a procuring offence and the jury is not satisfied that the offence is proven but is satisfied that a grooming offence is proven. In such cases the jury will have the option of acquitting the person of the procuring offence but finding them guilty of a grooming offence. These legislative amendments bring New South Wales into line with penalties in other States and the Commonwealth and form part of the Government's strong and detailed plan for child protection in New South Wales.

The member for Epping said that the maximum penalties in this State exceed those of other States. In fact, the proposed penalty structure for offences in New South Wales is consistent with those of other jurisdictions such as South Australia, which has created an offence with a 10-year maximum penalty. In all cases it is consistent with existing New South Wales child sexual assault offences and indecent assault offences. Most importantly, the new offences must be kept in proportion with existing New South Wales offences, which carry maximum penalties ranging from 7 to 25 years.

I note with concern the issues raised by the member for Dubbo. I can only advise that it is important that these matters be raised with the police, the local area commander, the Department of Community Services and education authorities. It is not appropriate for me to stand here and give legal advice; it is for the police to investigate and prosecute charges that they have available to them. Of course they do that on the advice of police prosecutors and the Director of Public Prosecutions.

The Opposition asked why the Government has taken so long to introduce this legislation. The bill follows a referral from the Standing Committee of Attorneys-General Model Criminal Code Officers Committee. In 2004 it produced a report on child pornography. As a result New South Wales started the process of giving detailed consideration to the best way to implement the most effective child protection laws. The Government has responded to the concerns of legislators and investigators around the world in recent times about the practice by paedophiles of grooming potential victims, and that is why it is now introducing these offences. They form part of a wider array of antipaedophile legislation and police investigative resources the Government has been implementing in recent years.

This bill includes amendments that form an important and integral part of the Government's strong and detailed plan for child protection. As I have said, the offences do have wider application to the existing Commonwealth offences criminalising all forms of grooming and procuring activities, not just those involving electronic communications. The Government has made it clear that it sees sexual abuse of children as one of the worst evils affecting our society and that it will take all necessary steps to ensure that adequate laws are in place to protect young people and punish offenders in line with community expectations. I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

CRIMES (DOMESTIC AND PERSONAL VIOLENCE) BILL 2007

Agreement in Principle

Debate resumed from 16 November 2007.

Mr GREG SMITH (Epping) [11.13 a.m.]: The Opposition does not oppose the Crimes (Domestic and Personal Violence) Bill 2007. The object of this bill is to repeal and re-enact part 15A of the Crimes Act 1900, with modifications, as a principal Act. Making it a specific Act emphasises its importance and reflects the public opprobrium towards domestic and personal violence. The modifications made by the bill will enable the charge in respect of an offence of violence to indicate whether the offence is a domestic violence offence; will require a court in criminal proceedings where a person has been found guilty of a domestic violence offence to direct that a recording be made in the person's criminal record that the offence was a domestic violence offence and to direct that similar recordings be made in relation to domestic violence offences previously committed by the person; require a court when making an apprehended domestic violence order or interim apprehended domestic violence order for an adult to include as a protected person under the order any child with whom the adult has a domestic relationship unless there are good reasons for not doing so; require a court, when a person is charged with a serious personal violence offence, to make an interim apprehended violence order to protect the victim of the alleged offence; incorporate the offence of stalking or intimidation with the intention of causing someone to fear physical or mental harm; and set out the application procedures and provisions relating to apprehended

violence order proceedings rather than, as is currently the case, providing for part 6 of the Local Courts Act 1982 to apply.

In November 2006 Premier Iemma indicated that the Government would spend \$28 million on a domestic violence package, including providing \$2 million a year to non-government support organisations, \$3 million to early intervention and support and guidance programs for domestic violence victims assessing the legal system, and \$2.1 million to a domestic violence court program at Wagga Wagga and Campbelltown. I do not know whether that is in this budget or is to be spread over some years. The Opposition is also concerned about domestic violence and will ensure that strong initiatives are continued in this area. It is a very difficult area, involving people on the border of human behaviour. Their actions may be due to their being mentally ill, being unable to control their anger, having drug or alcohol addictions, or being unable to cope with the responsibilities of parenthood or being a breadwinner, a partner or a husband. They have difficulty coping and lose it. Generally they take it out on a woman or a child rather than someone their own size, age and sex at the local pub or club. They do not seek help for their problem so they bash their wife or their children. Women often are required to urgently leave their home to save their own life or their children's lives and take refuge in some other place.

I believe it is good to contain these provisions in separate legislation as it sends an educative message to the community. It seems that the law is more accessible and user friendly and consistent with that in other jurisdictions around Australia. It will make it easier for women and children to obtain apprehended violence orders. At present one has to go through a separate process other than a criminal process to obtain an apprehended violence order. This costs money and can be greatly delayed by long court lists, particularly in areas with a high incidence of domestic violence—and sometimes resistance to such applications. This means that the making of a permanent apprehended violence order can be delayed for years.

The changes will ensure that victims will automatically be protected by an apprehended violence order if the alleged attacker is charged with serious personal violence offences. Clause 40 provides that an interim apprehended violence order must be made on a person being charged with certain serious offences, which include attempted murder or a domestic violence offence other than murder or manslaughter. It means a personal violence offence committed by a person against another person with whom the offender has, or has had, a domestic relationship is an offence under various provisions of the Crimes Act that deal with maliciously inflicting grievous bodily harm, the various aggravated and non-aggravated sexual assaults, indecent assaults and similar offences in sections 61I and 66F of the Crimes Act, or an attempt to commit any of these offences.

It will cover offences under section 13 of the new Act, which covers stalking or intimidation with intent to cause fear of physical or mental harm. A person who stalks or intimidates another person with the intention of causing the other person to fear physical or mental harm is guilty of an offence. The maximum penalty provided is imprisonment for five years or 50 penalty units—that is, \$5,500—or both. For the purposes of section 13, causing a person to fear physical or mental harm includes causing the person to fear physical or mental harm to another person with whom he or she has a domestic relationship. It is also an offence if a person intends to cause fear of physical or mental harm if he or she knows that the conduct is likely to cause fear in the other person.

For the purposes of section 13 the prosecution is not required to prove that the person alleged to have been stalked or intimidated actually feared physical or mental harm. Interim apprehended violence orders must be made for various offences under the law of the Commonwealth or another State or Territory, or another country that has similar offences to the serious offences I have referred to. Children of domestic violence victims will be included under apprehended violence orders, and sections 38 and 41 of the proposed law cover those situations. To identify repeat offenders the domestic violence offence will be noted on a person's criminal record, and such previous offences could also be noted. The police will have more power to search for weapons on premises where a domestic violence offence has occurred, and they will be able to demand the name of a person suspected of being the subject of an apprehended violence order.

When my colleague the member for Goulburn was in charge of the Office of the Status of Women she commissioned an investigation into violence against pregnant women. The figures that came out of that survey indicated that hundreds of thousands of women, about 40 per cent of women who had experienced violence in a relationship, had been attacked by their partner while pregnant. The most vulnerable women seem to be more likely to be attacked by these miserable cowards who commit domestic violence offences. What will the Government do to encourage such violent people to undergo treatment, to undergo attempts at anger management, or to deal with their alcoholism or drug addiction? Recently cases have been coming out regularly of babies being killed or injured by shaking or other violence when the man—sometimes it is the woman—

cannot cope. What is being done to try to treat those people? It is great to have these laws and to tighten the laws, but the basis of the problem is anger and inability to cope. I do not think sufficient is done to deal with people who have these problems.

Apprehended violence orders do not necessarily stop men from enticing the woman back into their arms, as it were. Sadly, a common symptom of domestic relationships is that often the women, in a sense, grant immunity to the man to come back. That is part of forgiveness—and these wonderful women are very forgiving—but sometimes the reward for that is another bashing, and sometimes death. There needs to be more than simply the criminal record being noted or the rapid granting of an interim apprehended violence order. Work needs to be done on people with these problems because they do other things. For example, people who have anger problems and difficulties with coping often commit road rage.

I appeared in a case in the High Court where a man had been declared a habitual criminal. The use of the legislation was being challenged because it had not been used for 15 years. I think the name of the case was Young. The man had a problem: he had a fantasy for women. He would see somebody in the supermarket and he would fall in love with them immediately and follow them home. He would find out who they were, and he would start ringing them and visiting their house. In some cases he indecently assaulted or physically assaulted them. He would get out of jail and do it again and again. So, ultimately, the courts declared him to be an habitual criminal after an application was made. I am thankful that the High Court ultimately confirmed that decision, although that legislation is fairly ancient and ineffective generally. It was originally created to cover burglars and other such people who commit many, many offences. They are difficult to detect so they are locked up for while to protect people's property.

There are people in our society like this. Not much had been done to treat this man, and that was the problem. In the end, after about 25 years of regular jailing, he took on some treatment. The medical experts were suggesting—and this was used in his arguments in the Court of Criminal Appeal and the High Court—that he had started to rehabilitate and therefore it was an unwise decision to declare him a habitual criminal, which got him another five years jail on top of his sentences. I am reminded of this because I saw today in the press comments by the Attorney General about sexual offenders who do not or who refuse to undergo rehabilitation in prison. Like the case mentioned yesterday, it is a case in which a detention order was made.

Before these people go to jail society needs to work on them. For example, as part of an apprehended violence order there could be a condition that the violent person—it is not always a man, but in most cases it is—must attend some form of treatment. Sometimes when a person has driving problems they can be sent to a school to learn to be a better driver. In another area of our criminal justice system, in minor sexual assault matters—if any of them can be called "minor"—relatives can be involved to try family circle sentencing.

Mr Barry Collier: A diversion process.

Mr GREG SMITH: Yes. In this area we need more than just the offence. Why not make it a condition of an apprehended violence order that the alleged offender undergo some training or damage control? Ultimately, society may be improved, and consequently the level of violence may be lessened. Anything that lessens violence against women and children must be good. The Opposition does not oppose the bill.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [11.29 a.m.]: Domestic violence is a heinous and insidious crime for all its victims—young and old, female and male. It is a hidden crime that often festers for years below a seemingly friendly, loving and harmonious veneer that a family shows to relatives, friends and the general public. Domestic violence is not only a one-off event; it is often a series of events. Physical violence, threats, stalking, intimidation, and controlling and restrictive behaviour are all part and parcel of domestic violence, escalating and bubbling along beneath the surface often for many years. It remains hidden until one incident finally brings the criminal and destructive behaviour to the attention of police and brings the offender before the court. It may be that the victim, with the support of family and friends or perhaps the police or community organisations, finally comes forward after years of being subjected to domestic violence. It is important that victims do come forward, and are encouraged to do so, and that this hideous, heinous crime is stamped out.

The damage done by domestic violence to the victims—be they women, children or, indeed, men—goes far beyond the bruises and the broken bones; it lasts for many years. Controlling behaviour—continually telling his partner that she is useless, convincing her that she cannot make a decision without him, restricting her movements, making threats, preventing her from forming friendships, constantly telephoning her at work,

isolating her from the family—is part and parcel of the psychologically damaging arsenal of the domestic violence perpetrator, whose real design is to destroy the victim's confidence or self-esteem, and ultimately, in effect, to enslave his partner.

What about the effect of that kind of behaviour on the children who witness it? As a solicitor working for Legal Aid at Sutherland Local Court, I came across persons in the cells who had been charged with assaulting their partners. Perhaps dad had hit mum, he is down in the cells, mum and the kids are upstairs in the court foyer wanting dad to come home and wanting him to stop it. The people who were charged would tell me, "Well, I was a victim of domestic violence when I was young." They grew up with that behaviour: they witnessed the physical assaults, the threats and the intimidatory behaviour of their fathers towards their mothers. Somehow that behaviour became acceptable, appropriate and the norm for them. The victim becomes the perpetrator. However, that is no excuse; it can never be an excuse. We must do all we can to break the hidden, vicious cycle of domestic violence.

I welcome the Crimes (Domestic and Personal Violence) Bill 2007, which will create a separate Act to deal specifically with domestic violence and incorporate provisions designed to reduce the stress and trauma for victims of domestic violence while matters progress through the criminal justice system. The bill will create a new offence of domestic violence, and a conviction for such an offence will not only show up on the offender's criminal record as common assault or assault occasioning actual bodily harm, as it now does. The record will show the offence as a domestic violence offence, with all the shame that it does, and should, bring to the offender. Such a provision will help the courts identify repeat offenders. The court must take that matter into account when imposing sentence and will certainly take it into account when determining bail.

The bill also requires the court making an apprehended domestic violence order or an interim apprehended domestic violence order for an adult to include any child of the relationship unless there are good reasons for not doing so. That is a very important provision to protect children. All too often both the applicant and the respondent, whether the application has been made of the applicant's own volition or with police support, seek to use children as a negotiating tool. If the children's names are left off the order the perpetrator will often agree to the order, rather than drag the family through a court hearing, with all the shame that involves, and subject the family to cross-examination, which the wife and children find shameful; it certainly reduces their self-esteem.

Christmas is often a particularly stressful time for many families; incidents of domestic violence tend to increase over the Christmas period. All too often during this period issues arise over access to children when families have separated. Often that involves police, and Family Law proceedings may be on foot. One problem that arises over the Christmas-New Year period and places stress on those broken relationships is the inability of the separated partners to access the Family Court. In particular there seems to be a shortage of Federal Court magistrates who are available to make appropriate orders and give effect to existing orders. I appreciate the heavy workloads of Federal Court magistrates and Family Court judges, and I regard the problem primarily as a failure of the former Federal Government to adequately resource Federal Court magistrates and the Family Court. I hope that the Rudd Federal Labor Government, elected by Australia only last Saturday, and the new Federal Attorney-General will in time address the problem of court resources and access to the courts over the Christmas period. That will help reduce the incidence of domestic violence.

The creation of a comprehensive, standalone Act dealing with domestic violence is a great step forward, not only for lawyers but to help alleged victims and the general public access and understand the law. The bill clearly sets out the objectives and the matters to be considered by the court in deciding whether to make an apprehended domestic violence order or an apprehended personal violence order. The provisions relating to the recovery of a protected person's property after the making of an order or an interim order are also important. All too often a perpetrator, as part of a continuing regime of control over the victim and in an effort to get the victim to drop the application for an apprehended domestic violence order or withdraw the statement to police, retains the victim's personal property to achieve those ends.

In her agreement in principle speech the Parliamentary Secretary, the member for Parramatta, mentioned the sad statistics in relation to domestic violence. I will not repeat them. Suffice it to say that Sutherland Local Court is one of the busiest local courts in the State. Sadly, domestic violence has its own list day at that court and on any one of those days it is common to see men, as well as women and children, sitting in the domestic violence support room waiting for their cases to be called before the court. It is important that we realise that men are also victims of domestic violence and often named on domestic violence orders as protected persons. Often the father or grandfather of the woman and children who have been assaulted, threatened or intimidated is also in need of protection as part of the order.

Clearly domestic violence is not confined to individual victims; it extends to whole families. The orders, as well as the legislation, clearly recognise that. It is important for members of the House to acknowledge those who give assistance and support to the victims of domestic violence in every capacity, whether as family members or as a worker at a women's refuge such as Amelie House or Crossroads in the Sutherland shire or, indeed, at the court itself. Beverley Lazarou, a local social worker, has helped literally thousands of people going through Sutherland Local Court in relation to domestic violence. Recently Bev was nominated for one of the most prestigious legal awards, the Justice Medal. Bev did not win the medal, but I will inform members why Louise Blazejowska of the Legal Aid Commission nominated her. Bev has been the coordinator of the Southern Sydney Women's Domestic Violence Court Assistance Scheme since its inception in 1996. On 15 November 2007 in the *St George and Sutherland Shire Leader* Murray Trembath reported:

"In that time, she has overseen the provision of over 15,000 services to women and children experiencing domestic violence in the third busiest local Court in NSW", the nomination read.

She has established and consistently maintained best practice in the delivery of court assistance services to women and children experiencing domestic violence, identifying new ways to improve the scheme's services.

I take my hat off to Bev Lazarou. I pay tribute to the court staff at Sutherland Local Court, led by the clerk, Mr Colin McDermid, and the police domestic violence liaison officers from Sutherland and Miranda local area commands for the assistance they give victims. I am sure every member of this House appreciates the invaluable work they do. I also commend the Minister for Police for his recent initiative in introducing special new evidence kits for police attending the scene of domestic violence. The evidence kits contain digital, still and video cameras and a victims support pack; they are fitted into the general duties police vehicles.

When the police attend the scene of an alleged domestic violence incident they are able to photograph any visible injuries to the victim on the spot as well as any damage to property. That will help ensure that the full impact of the cowardly crime of domestic violence can be shown to the court. In fact the police have indicated that the kits have improved the quality of evidence gathering, reduced stress to the victim, encouraged victims to make statements, and saved a significant amount of police time. In Campbelltown and Wagga Wagga, where the kits have been trialled, the number of guilty pleas entered by offenders has risen from 20 per cent to 40 per cent, the reporting of offences has increased in at least one of those areas, and the number of charges has increased in the other. I commend the Minister for Police for introducing this initiative, which supports victims of domestic violence to bring their cases to court and assists them in presenting their cases more effectively.

Another extremely important provision of the bill is the reform of the apprehended personal violence order legislation. The reform will make the issuing of an apprehended personal violence order automatic when a criminal charge is pending. The automatic apprehended personal violence order will be confined to a person who stands charged with a serious personal violence offence. Previously, if the victim had a domestic relationship with the defendant, the victim would automatically be afforded the protection of an interim apprehended domestic violence order. That order was stood over to be heard concurrently with the criminal charge and determined in light of the result of the criminal charge. The granting of the interim order could not be contested.

However, if the victim and the defendant were not in what is defined under section 4 of the Crimes Act as a domestic relationship and the victim needed a protection order, the victim had to apply for an apprehended personal violence order. There was no mandatory requirement for an interim apprehended personal violence order to be made, despite the nature of the criminal charges. If the defendant wanted to contest the granting of an apprehended personal violence order, or the continuation of such an order, the victim was called and subjected to cross-examination. As a result, a greater number of defendants were contesting apprehended personal violence orders at interim hearings to get a preview of the evidence that the victim could give regarding the criminal charges.

The bill overcomes that problem. It makes provision for an automatic apprehended violence order when a criminal charge is pending. The apprehended violence order will cover both domestic violence and personal violence offences and be confined to persons who stand charged with serious offences defined in the bill as including attempted murder and domestic violence offences. The bill is a great step forward in helping to bring domestic violence matters before the court, encouraging victims to seek help from the police, and encouraging greater protection of victims and their families. I commend the bill to the House.

Ms PRU GOWARD (Goulburn) [11.43 a.m.]: As the Opposition spokesperson for women, I support the Crimes (Domestic and Personal Violence) Bill 2007. The bill contains a number of important initiatives that

will ensure that domestic violence is recognised as the serious criminal offence that it is. It makes provision for a specific charge of domestic violence, which is to be recorded on the offender's criminal record as a domestic violence offence. The bill also provides that similar recordings be made in relation to previous offences. That is a great step forward, as is the requirement for a court to include as part of the apprehended domestic violence order children who are the legal responsibility of the protected person.

The bill also requires a court to make an interim apprehended violence order when a person is charged with a serious personal violence offence. The inclusion of the offence of stalking or intimidation, which will not be easy in all cases for police to sort out, is also a significant step forward. As the member for Miranda has said, many domestic violence offences occur when couples separate. In those circumstances following, threatening and warning the victim are part of the intimidation. For that reason stalking and intimidation ought to be considered part of domestic violence.

It is important that the instructions make it clear to the court that the creation of a separate offence and the requirement to record it on the offender's criminal record ought not be a reason to find the offender guilty of a lesser offence. I understand that the available punishments and penalties are exactly the same as those for ordinary criminal assault. It would be distressing if the courts, over time, gradually reduced the penalties for domestic violence offenders compared with those for offenders who commit ordinary criminal assault. For that reason it would be worth monitoring court outcomes to ensure that the courts do not gradually start discounting penalties for domestic violence. Certainly that has been the tradition of courts and the police; there has been an inclination to view domestic violence as a lesser offence. Times and cultures have changed, but that has certainly been the inclination.

Anyone who has anything to do with the police—and I am sure this includes all members of this House—will attest to the difficulty police often have in dealing with domestic violence cases. It is her word against his word, people are often drunk, both parties are behaving badly, and the police throw up their hands in horror and are disinclined to take the matter as seriously as they perhaps would in other circumstances. I would urge the Government to closely monitor the outcomes of court hearings to ensure that, whilst there is a maximum penalty that is completely in step with other offences of criminal assault, in practice the range of penalties is fully respected by the courts.

It is important to realise that although the new offence will do no harm—it might certainly make it clear to the criminal justice system that the State certainly takes the matter very seriously—it will not stop domestic violence. To stop domestic violence we have to realise that it is in large part a reflection of the imbalance of power in a marital or other relationship. For example, women who are most likely to be victims of domestic violence are those who are unemployed and in a relationship where the partner is employed, the one exception being where they are both unemployed. If the woman is employed and her partner is unemployed, of all marital relationships she is the least likely to be the victim of domestic violence. That tells us a great deal about what domestic violence is really about: It is about what you can get away with. If a woman depends on a man for her children's maintenance and welfare, if he pays the rent and he pays for the food, she is much less likely to object, and much less likely to leave. She is much more likely to put up with it, and these cases then escalate.

The criminal justice system can only do so much to send a strong signal about improving our prevention record, but if we look at prevention we need to look also at domestic violence as the outcome of gender inequality and, in particular, economic inequality between men and women. I encourage the Government to look also at families with a history of domestic violence. We know that women are most likely to be victims of domestic violence if their mothers were victims of domestic violence. We also know that men are most likely to be perpetrators if their fathers were perpetrators. There is learned behaviour, but domestic violence also reflects other socioeconomic factors that operate in at-risk families. Early intervention with those families, particularly with girls, is very important.

Early targeting of families at risk is important. Young women must be encouraged to seek economic independence and skills. For a woman to leave school and get an unskilled job in the hope that Mr Right will come along is not an option, because Mr Right can often be an abuser who will take advantage of the fact that the woman has no way out. There have been other great improvements in the criminal justice system—for example, exclusion orders that are being trialled in some areas of New South Wales. However, there are obvious difficulties with exclusion orders. Interestingly, those difficulties did not seem to occur when apprehended violence orders required a woman to leave the house.

There appear to be greater difficulties with the operation of exclusion orders when a man pays the rent, but it should not be impossible for the courts, supportive government legislation and programs to overcome those difficulties. One of the reasons women do not escape or leave situations of domestic violence—they instead tolerate it and that leads to an escalation, if you like, of domestic violence—is that they have nowhere to go. Welfare housing is extremely difficult to obtain, even though victims of domestic violence are a priority. I encourage the Government to look also at the social factors involved in domestic violence and to address some of the factors behind why women do not leave. Perpetrators often slide through the process and their conduct, motivations and responsibilities are almost invisible.

Exclusion orders were a great step forward because they changed a perpetrator's life. He was the one who had to leave and find some somewhere else to live. He was the one who had to explain to his mates why he had to leave the family home. That did not happen when the woman and four kids had to leave, and live in a room in a little shelter waiting for welfare housing to turn up. When a woman left it was easy for the perpetrator of domestic violence to go through that whole system without anyone knowing what he had done. That is not possible with exclusion orders. I encourage the Government to develop them further. Ultimately, we will not address domestic violence until the victims have options, particularly economic options, and the perpetrators face penalties.

I agree with the member for Miranda that men are not the only perpetrators of domestic violence. There are female perpetrators, but the overwhelmingly majority are male. We must make it more economically viable for a woman in a domestic violence situation to leave—and to leave early. We have tried other options. We have heard what women have had to say in all the surveys to which members have referred. They were asked, "What do you want done about it?" The first thing they said was, "I want the violence to stop, but I do not want to leave the marriage", or, "I do not want to leave the relationship." There are usually two reasons for that. First, they often state that they love the perpetrator, that they are aware he might love their children and that they want the family unit to survive. The second reason involves economics.

We have moved on a little. After years of indulging in that faint hope we have now reached a stage—and this is what the digital cameras are about—where the evidence of a female victim of domestic violence is almost irrelevant because there is independent evidence of a beating. We have moved beyond the stage of saying, "If you want the violence to stop and the marriage to continue we are prepared to try to achieve that", because it does not work. We are now at a stage where the signal has to go out early. Women victims of domestic violence must recognise—and I think they are increasingly recognising it—that it is not only their lives that are in physical danger; it is also the lives of their children. Children who watch domestic violence are damaged by it, and they learn from it.

We all know what happens to children who are the innocent victims of domestic violence. They are more likely to have behavioural problems at school and they are more likely to suffer in their studies. In other words, they are more likely to reflect the fact that they have been passive victims of domestic violence. Women who are escaping domestic violence must appreciate that they not only further endanger themselves by staying but they also damage their children. Daughters are more likely to be victims themselves, and research suggests that sons are more likely to become perpetrators of domestic violence, which is a tragedy.

As I said earlier, these legislative changes are welcome. Our instructions to the courts must make it clear that this legislation is not an excuse to downgrade the punishments and the penalties, and the legislation must be monitored to ensure that that does not occur. It is also important to recognise that domestic violence is a complex social, economic and equity phenomenon. We must address its underlying causes, enable women to leave, encourage young women to believe that economic independence is an important goal, and intervene early in at-risk families.

Ms LYLEA McMAHON (Shellharbour) [11.55 a.m.]: I support the Crimes (Domestic and Personal Violence) Bill 2007. On 18 February 2007 the Premier announced that the Government would introduce a new specific offence of domestic violence and that that offence would be recorded in an offender's criminal history so that in future any sentencing court would be able to see that an offender had a history of domestic violence and it would thus enable courts to perform their job more effectively. Definitions of what constitutes a domestic violence offence can already be found in section 4 of the Bail Act and section 562A of the Crimes Act. Under the provisions of the new bill, that definition will be applied to all personal violence offences.

When a personal violence offence is committed in the context of a domestic relationship, the offender will be charged with a domestic violence offence. The offence and the fact that it occurred in the context of a

domestic relationship will be recorded in an offender's criminal record, thus enabling all participants to perform their jobs more effectively. At present, when an offence is created, the Judicial Commission allocates to it a code known as a law part code. The New South Wales Police Force and the courts then use that code to identify an offence on their computer systems. The law part code and a description of the offence are recorded on the police database and electronically transferred to the court's database.

The offence is also printed off onto charge sheets, court papers and the criminal history of an accused so that all participants dealing with the matter are better able to understand the history of the accused and more effectively perform their job of eradicating domestic violence. When police officers decide to charge a person they enter their computer system and search it alphabetically, by section number or by key word, to find the offence with which they want to charge an offender. Every time police officers want to charge a person with a domestic violence offence they will be able to enter their database and choose that offence from an available list. They will now be able to select a law part code that denotes a domestic violence offence.

The domestic violence offence will then be recorded in a person's criminal history as well as in the court's database and the police database, so it will be readily identifiable as an offence involving domestic violence. When a person has been found guilty of domestic violence the bill requires a court to direct that a recording be made in the person's criminal record to reflect that the offence that was committed was in the nature of a domestic violence offence. A prosecutor may also request a court to direct the recording in a person's criminal record of other specified offences previously committed by the person as domestic violence offences. The new Act will also contain a specific domestic violence offence of stalking and intimidation.

Section 545AB of the Crimes Act 1900 deals with offences relating to stalking and intimidation. Whilst the offence is not used exclusively in a domestic context, that is where it is most commonly employed. A section 540AB offence is frequently charged concurrently with the seeking of an apprehended violence order. As it is most commonly used in a domestic context and when apprehended violence orders are taken out, it is appropriate for it to be located in the new Act. Stalking now will be an offence in section 13 of the new Act with a maximum penalty of five years imprisonment. The definitions of "intimidation", "stalking" and a "domestic relationship" will be included in sections 5, 7 and 8 of the new Act. In the bill the definition of "stalking" states:

the following of a person about or the watching or frequenting of the vicinity of, or an approach to, a person's place of residence, business or work or any place that a person frequents for the purposes of any social or leisure activity.

I am proud to be a part of the Lemna Government, which is taking serious steps to eradicate the incidence of domestic violence in our community. Domestic violence is an issue of significant importance to men and women in my community. I have had many discussions with church groups, women's groups, and individual men and women who, like me, believe domestic violence is intolerable and must be eradicated. It is very important that people understand and appreciate that domestic violence is not acceptable in our communities and that this Government takes the offence of domestic and personal violence seriously.

The bill seeks to make it easier for police and courts to more effectively deal with domestic and personal violence offences. Domestic and personal violence is not limited to one particular postcode, one particular gender, or one particular profession. Whilst it is predominant in certain socioeconomic regions or groupings, marital arrangements or domestic relationships, it is not limited to those classes. It is important that a specific Act enables courts and police to more effectively do their job when dealing with domestic and personal violence. I give my full support to the bill and commend it to the House.

Mrs JUDY HOPWOOD (Hornsby) [12.02 p.m.]: The Crimes (Domestic and Personal Violence) Bill 2007 is a bill for an Act to protect persons from domestic and personal violence. The object of the bill is to repeal part 15A of the Crimes Act 1900 and to re-enact it with modifications. Part 15A deals with courts and authorised officers issuing apprehended domestic violence orders and apprehended personal violence orders, and the enforcement of those orders. The modifications made to the current provisions contained in part 15A state that the bill:

- (a) will enable the charge in respect of an offence to indicate whether the offence is a domestic violence offence (which is defined in the Bill), and
- (b) will require a court in criminal proceedings where a person has been found guilty of a domestic violence offence to direct that a recording be made in the person's criminal record that the offence was a domestic violence offence and to direct that similar recordings be made in relation to domestic violence offences previously committed by the person, and

- (c) will require a court when making an apprehended domestic violence order or interim apprehended domestic violence order for an adult to include as a protected person under the order any child with whom the adult has a domestic relationship unless there are good reasons for not doing so, and
- (d) will require a court, when a person is charged with a serious personal violence offence, to make an interim apprehended violence order to protect the victim of the alleged offence, and
- (e) will incorporate the offence of stalking or intimidation with the intention of causing someone to fear physical or mental harm—

which is currently section 545AB of the Crimes Act 1900—

- (f) will set out the application procedures and provisions relating to apprehended violence order proceedings rather than, as is currently the case, providing for Part 6 of the *Local Courts Act 1982* to apply.

The bill also amends the Law Enforcement (Powers and Responsibilities) Act 2002 as follows:

- (a) to enable a police officer to require a person to disclose his or her identity if the police officer reasonably suspects that an apprehended violence order has been made against the person, and
- (b) to expand the range of dangerous implements that a police officer may search for in a dwelling provided the police officer reasonably believes they may have been used or may be used to commit a domestic violence offence.

As has been stated previously by other members in this House, the move towards greater protection for men and women against the vicious attack that is domestic or personal violence is well appreciated and is a good step forward. I worked in hospital accident and emergency departments for a number of years. It is extremely distressing to see women with severe injuries occasioned at the hands of their partner or in a domestic relationship brought in by ambulance or come in on their own. In the early days some women did not press charges and went home to only heaven knows what in terms of their safety and the safety of their offspring. Any step in the right direction to reduce the incidence of, and deal with, domestic violence certainly is welcome.

This bill will send a strong message about the abhorrence of domestic assault and society's belief that domestic assault victims and their families should be afforded all the available protections. The provisions of the bill give effect to new domestic violence offences that will help track repeat offenders. Additional police powers to deal with domestic violence offences will help increase convictions and ensure greater safety for victims. By changing presumptions in relation to apprehended domestic violence orders, victims of crime will be afforded less trauma and stress in the process of seeking protection, and it should lead to more people coming forward with complaints. It is appropriate that we are debating the bill during the week in which International White Ribbon Day fell, which was 25 November. This extremely important legislation is linked with other steps forward to combat domestic and personal violence, including the recent introduction of domestic violence investigation kits.

Police respond to 120,000 domestic violence incidents each year. The subsequent trialling of the investigation kits has proved extremely successful. The kits include video and still cameras and other items that police officers may need in the course of their duties relating to domestic violence. I note the work of Betty Green and her team, the Domestic Violence Committee Coalition. I note also the Hornsby and Ku-ring-gai Domestic Violence Network, which is an extremely busy and effective network in my area. I attend its meetings as often as possible. Other strong groups are associated with this network, including Soroptimist, and link in with many government and non-government agencies that have a great interest in domestic violence issues. The submission of the Domestic Violence Committee Coalition and Violence Against Women Strategy states:

There are a number of key features that must underpin any NSW government response to violence against women. These include:

- A focus on violence against women;
- a commitment to true integration at policy/strategic levels, as well as at a service delivery level;
- adequate funding; and
- a consultative framework that acknowledges the critical work of non-government organisations working to prevent violence against women.

The submission of the New South Wales Domestic Violence Committee Coalition was put forward in October 2007. The coalition was founded in March 2006 in response to a high number of domestic violence deaths among women in the beginning of 2006 and the perceived lack of focus on the seriousness of domestic violence in New South Wales. The coalition has contributed a great deal of work to the study of domestic violence and its

impacts. Its work is aimed at generating appropriate service delivery responses, policy responses, and prevention initiatives for all women experiencing violence. The work of the coalition is underpinned by a feminist understanding of violence against women.

The membership of the coalition is from a wide range of groups and individuals, including local domestic violence committees, domestic violence services, sexual assault services, accommodation services, family support services, women's legal services, community legal centres, court assistance schemes, academics, and other concerned individuals working in the field as well as women who have experienced intimate partner violence. Currently the coalition distributes its newsletter to more than 130 individuals and organisations. Members come from across New South Wales, including from Sydney, the Northern Rivers, Orana in the Far West, Cooma and Eden in the south, the Illawarra, Shoalhaven and the Blue Mountains-Lithgow regions.

The aim of the coalition is to firmly place violence against women, particularly the wide range of violence women experience from their intimate partners, back on the public and policy agenda. This has been achieved through a strategic campaign drawing attention to the number of women who are killed by their intimate partners. This campaign has involved public flower-laying ceremonies, email and media campaigns, lobbying of politicians, and the development of community awareness campaigns. The most recent work of the coalition has been the Black and Blue Campaign. I refer Government members, and anybody who has any influence on improving matters associated with domestic violence, to the coalition's submission. A current issues paper entitled "Domestic Violence in Australia—an Overview of the Issues" has been prepared by the Federal Parliamentary Library and deals with a number of different aspects. The issues paper states:

Defining Domestic Violence

Domestic violence occurs when a family member, partner or ex-partner attempts to physically or psychologically dominate or harm the other ...

As most incidences of domestic violence often go unreported, it is difficult to measure the true extent of the problem. ...

At Risk Groups

Children and Young People

The 1996 ABS Women's Safety Survey and the Personal Safety Survey 2005 found that violence which occurs between partners may affect the children who also live in the home. The 1996 ABS Women's Safety Survey found that of the women who experienced violence by a current partner, 61 per cent ... reported that they had children in their care at some time during the relationship, and 38 per cent ... said that these children had witnessed the violence. Of the women who experienced violence by a previous partner, 46 per cent said that children in their care had witnessed the violence. The Personal Safety Survey 2005 found that 49 per cent of men and women who experienced violence by a current partner reported that they had children in their care and 27 per cent said that these children had witnessed the violence. Of the people who had experienced violence from a previous partner, 61 per cent reported that they had children in their care at some time during the relationship and 36 per cent said that these children had witnessed violence ...

Child abuse is more likely to occur in families experiencing domestic violence. Children of victims are also at risk of continuing the violence with their own children and partners and at heightened risk of alcohol and drug abuse and delinquency in later life. Impacts can also extend to people not directly experiencing victimisation. The effects can flow on to other children not from families experiencing domestic violence, for example, the effects of bullying or aggression by children of victims. Domestic violence, as with any other form of crime or violence, can also extend to the wider community, for example, by contributing to increased fear of crime.

The issues paper also addresses domestic violence in rural and regional communities, and states:

While the data is patchy, research suggests that domestic violence is a significant problem in remote and regional Australia. A report prepared in 2000 by the Commonwealth Department of Transport and Regional Services by the Women's Services Network, Domestic Violence in Regional Australia, provides a literature review of some of this research. A Bureau of Transport and Regional Economics ... publication, About Australia's Regions, 2006, reported that domestic violence rates were highest in very remote Australia, followed by remote and outer regional localities. By contrast, major cities had the lowest rates of domestic violence.

The document also addresses domestic violence in indigenous communities, and states:

Indigenous Australians are over-represented as both victims and perpetrators of all forms of violent crime in Australia. Statistics cited in the Australian component of the International Violence against Women Survey ... published in 2004, show that the rate of family violence victimisation for Indigenous women may be 40 times the rate for non-Indigenous women and that despite representing just over two per cent of the total Australian population, Indigenous women accounted for 15 per cent of homicide victims in Australia in 2002-03.

The issues paper also addresses domestic violence involving pregnant women, and states:

The 1996 ABS Women's Safety Survey and the 2005 Personal Safety Survey found that pregnancy is a time when women may be vulnerable to abuse. Of those women who experienced violence by a previous partner, 701 200 had been pregnant at some time during their relationship.

The issues paper also discusses the overall cost of domestic violence, and states:

Domestic violence directly affects the victims, their children, their families and friends, employers, co-workers, and has repercussions for the quality of life in a local community. There can be far-reaching financial, social, health and psychological consequences. The impact of violence can also have indirect costs, including the costs to the community of bringing perpetrators to justice or the costs of medical treatment for injured victims.

The issues paper provides a very important overview of the issues relating to domestic violence. Suffice it to say that domestic violence types of assault occur throughout all communities and are not specific to any socioeconomic group or other stratum of society. In the Hornsby-Ku-ring-gai area, precious little is available in the form of refuges or safe places in which to place abused women. This is a matter of grave concern to the Hornsby-Ku-ring-gai Domestic Violence Network. It is hoped that by virtue of the legislation before the House and other legislation passed recently, that issue may be addressed and more women will be able to remain in their homes while the perpetrators are forced to move elsewhere. In conclusion, I reiterate the Opposition will not oppose the legislation. We welcome more work being done in this very important area.

Mrs KARYN PALUZZANO (Penrith) [12.17 p.m.]: I support the Crimes (Domestic and Personal Violence) Bill 2007 because domestic violence, in its many forms, affects people, families, the community and in particular children. I am very proud to be a member of a government that has made domestic violence part of its requisite legislation, and a high priority in policies, programs and strategies. I was proud to be on the stage of the most recent Australian Labor Party State Conference when the Premier announced that he would make domestic violence and its impacts the highest priority of this Government.

One of a number of ways for issues to be given the highest priority is through action associated with public campaigning. I acknowledge the work of the Domestic Violence Committee Coalition and draw attention to the campaign the coalition organised to raise the awareness of local members. I remember a particular sitting day when the coalition invited members of Parliament to receive roses and witness the attachment of roses to the fence around Parliament House to symbolise the number of people who had died as a result of domestic violence. A few years ago I was privileged as part of that campaign to receive a number of roses commemorating the plight of a woman who lived in the Penrith-lower Blue Mountains area and present them to the Premier and the Minister for Police on behalf of the Government. I was also pleased to make a statement on domestic violence and outline changes that could occur. At that time I met a domestic violence court liaison officer, Cheryl Alexander.

Cheryl Alexander handed me the flowers because they were remembering a woman from the Penrith area. I had read about the incident in the local newspaper but I did not realise until then that I had grown up with the woman involved and attended the same school. While growing up in the lower Blue Mountains I planted trees, watched the kookaburras, went on picnics and enjoyed many other activities. I shared my childhood experiences with this woman. On that day the realisation hit me with a thud that in this place we can make policy and change legislation for the better. So I am very pleased to support the bill. I will not name the woman concerned because the matter is still before the courts. But I note the hard work of Cheryl Alexander and the local Domestic Violence Committee Coalition in raising awareness of domestic violence within the Penrith community.

We celebrated Reclaim the Night at a local pub on a Thursday night. Making a speech at a pub on a Thursday night standing beside a tall South Sydney footballer is a tough gig! Also in a pub, we distributed coasters to raise awareness of domestic violence. The message was aimed particularly at men and what they can do to stop violence against women. It was great to have David Peachey at my side, outlining his rejection and abhorrence of domestic violence. Barbecues were also held on a Thursday night outside a local shopping centre to raise awareness of domestic violence and provide relevant information. A few years ago I launched a website and helpline that was auspiced by the Attorney General's Department but facilitated by the Penrith Valley community safety committee. I commend Yvonne Perkins from Penrith City Council for her work on the website and helpline. We must raise awareness of domestic violence among non-government organisations, local politicians and communities, and having a website one mouse click away makes this task easier. I commend that initiative.

I note that the new evidence kits will soon be in general duties police cars in the Penrith and St Marys local area commands. I commend the Minister for Police on the rollout in those two local area commands. I have raised domestic violence issues at local police accountability community team meetings with the local area commanders at St Marys and Penrith, and I shall do so yet again at our meeting next week. Strategies for reducing the incidence of domestic violence can be many and broad. Risk factors for domestic violence are low

socioeconomic circumstances and an income imbalance. I was proud to be involved with the Girl\$avvy program, which was initiated by the Government to raise awareness among young women about the importance of economic responsibility and personal protection. The program has been run a number of times in the Penrith community, and I enjoyed the sessions I attended. I met year 10 girls from Kingswood High School, Cranebrook High School, Nepean High School and several other schools. The strategy is designed to make young women aware of the importance of future economic independence.

The new laws will send a clear message to would-be perpetrators of violence that any such conduct will result in strong criminal sanctions and that the Government takes domestic and personal violence extremely seriously. The New South Wales Law Reform Commission and the Bureau of Crime Statistics and Research have found that apprehended violence orders are effective and deter violent behaviour in the majority of cases. Under the reforms made earlier this year victims now have 24-hour access to an authorised justice so that they can get immediate protection. We discussed that issue at our local police accountability community team meeting. A restriction on access to firearms can now be included in a telephone interim order. An order can be made allowing people to return to their place of residence to collect personal items, and they may be accompanied by a police officer for greater protection. The default duration of final orders has been extended from six months to 12 months, and a court can still make an order even though the victim is too scared to admit that she is in fear of the defendant.

Domestic violence impacts on the entire community, but particularly children. It is recognised world wide that children are significantly affected, both directly and indirectly, by domestic violence. Amendments made earlier this year have expanded the legislation's objectives to recognise the particularly vulnerable position of children who are exposed to domestic violence as victims or witnesses and the impact that such exposure can have on their current and future physical, psychological and emotional wellbeing. These reforms require that courts must, when deciding whether to make an apprehended violence order, consider the safety and protection of the person in need of protection from, and any child directly or indirectly affected by, domestic or personal violence. In making a determination the court will now consider the effects on and consequences for the safety of the person for whose protection the order would be made and any children living, or ordinarily living, at the residence if an order restricting access by the defendant to the residence is not made.

Further reforms provide that a child who is either a witness or in need of protection is not required to give evidence in proceedings unless it is in the interests of justice to do so. Accordingly, when proceedings relate to apprehended violence orders either for the protection of a child or when the child is a witness, the court is to be closed to the public in all cases but an exceptional few. The bill introduces another safeguard for children by ensuring that magistrates must turn their minds to whether a child who has a domestic relationship with the person in need of protection should be included on the apprehended violence order. If it is determined that there are good reasons why a child should not be on the apprehended violence order the court will be required to give those reasons. This will guarantee the transparency of the process and afford children greater protection. I commend the bill to the House.

Mr JOHN WILLIAMS (Murray-Darling) [12.27 p.m.]: I support the Crimes (Domestic and Personal Violence) Bill. This debate gives me the opportunity to put on record the views of Aboriginal women in my electorate, particularly those in the Broken Hill community. I meet occasionally with a group of Aboriginal women to discuss the issues they face in their lives. Obviously domestic violence is a major problem for them, as it seems to be consistently throughout Aboriginal communities. This domestic violence is generally fuelled by alcohol. Most Aboriginal women tell me that their partners or husbands when not consuming alcohol are loving partners and are supportive of their children. But, unfortunately, alcohol brings out the worst in many Aboriginal men.

On my first meeting with this group of Aboriginal women I was amazed to hear that they wanted to try to change their partners' habits through counselling. The reality is it will be a hard fight. The women would like their partners and husbands to have to replay their actions while intoxicated. Most feel ashamed the next day, when the alcohol has worn off, but they should be reminded continually that their actions are very destructive for their partners, families, relationships and their culture. I do not know a lot about Aboriginal tribal behaviour but it seems that in traditional Aboriginal society women were treated as second-rate citizens. That view must change.

Fortunately, Aboriginal women now have a voice and recognise their rights and we should support that. Aboriginal women believe that they can change the habits of men who have perpetrated domestic violence and who, with the right counselling, can recognise their responsibilities to their culture. In Wilcannia a men's group

is being formed to talk about their problems, a major one of which is domestic violence, and to recognise the value of showing their wife and children the respect that they deserve. Speakers on the other side say the Federal Government has not supported domestic violence initiatives. In Broken Hill a domestic violence unit that employs five counsellors was opened for Aboriginal women. Aboriginal women say they know when they are under threat and they need support to change the behaviour of their men so that they recognise their bad behaviour.

In Broken Hill at night one can see kids wandering the streets, some of whom have been exposed to domestic violence and are escaping a hostile environment. They do not feel a part of their own family or the community, a major effect on them is to feel isolated, and they commit acts of vandalism. The culture of Aboriginal people can be benefited if women say that the behaviour of Aboriginal men can be changed. Aboriginal women need to change their circumstances and we need to change the violent behaviour of Aboriginal men to recognise their responsibilities. If the process works for the Aboriginal community we should recognise the same behaviour in our community. We may be able to find the right buttons to push for men involved in domestic violence to change their habits and make the lives of their partners and families much better.

Ms JODI McKAY (Newcastle) [12.32 a.m.]: I support the Crimes (Domestic and Personal Violence) Bill 2007. One of the most important reforms introduced in this bill is the creation of a new separate Act to deal with domestic violence offences. Currently the apprehended violence order [AVO] legislation forms part of the Crimes Act 1900, and is located in part 15A, sections 562A to 562ZZX. As announced by the Premier in March 2007, the Government is introducing a substantial number of reforms to apprehended violence order legislation to provide improved protection to victims. This has provided a good opportunity to revisit the issue of whether there should be a separate Act dealing with domestic violence issues.

Today my colleagues have spoken about the priority the Iemma Government places on domestic violence reform. It is important in any debate related to domestic violence issues to speak about the work of local police, government departments and non-government organisations in support of victims of domestic violence. In the past month I saw some of that work in my electorate of Newcastle when the support worker from Newcastle Family Support Services brought a young woman to my office who had fled a difficult relationship. She was an extraordinary woman actually. She told me her story, not because she wanted my assistance, but she wanted me to know about the situation that she was facing and which she believed was prevalent in our society.

This woman had fled a difficult relationship, leaving her three children behind. Her family was from a non-English-speaking background and she was supporting her disabled parents. She had been trying to find a home and support for herself. She had applied for 79 private rentals within the Newcastle area and had been knocked back on every one because she did not have a rental history. She had been sleeping in her car for six weeks. What made her story so extraordinary was that she also had a brain tumour, so her circumstances were unique in their extreme but her courage and desire to bring her story to the attention of people like me was incredibly courageous. As a result, last week she told her story to a real estate forum held in Newcastle. Her story was so moving and heartfelt that there were tears in the eyes of those from the property and real estate industry. As a result, we were able to talk to the people of Newcastle in that industry about the support of the Department of Housing to people such as this extraordinary young woman.

It is important whenever we talk about domestic violence and such issues that we acknowledge the real people, the people who are on the front line assisting people like this young lady. As we all know there have been many amendments and additions to apprehended violence legislation over many years and, as a result, the drafting of legislation has been somewhat piecemeal. As noted by the Law Reform Commission, the construction of part 15A is confusing and unwieldy and many of the provisions are difficult to navigate and are cumbersome. Additional difficulties arise for practitioners and police as to what procedural legislation applies. For example, the Criminal Procedure Act 1986 does not apply to apprehended violence orders, rather it is the Local Courts (Criminal and Applications Procedure) Rule 2003.

In order to make matters clearer and avoid error and cross-referencing, the new Act will act as a one-stop domestic violence legislation, and will include application processes for apprehended domestic violence orders and apprehended personal violence orders. It will include procedure for revocation and variation, an offence of contravene an apprehended violence order, service provisions and cost provisions. The creation of a stand-alone Act for apprehended violence orders means that the Act is easier to amend as future amendments would be less likely to have unintended consequences on the provisions in the Crimes Act 1900. Many other States and Territories have designated Acts for protection orders, restraining orders and breaches.

These laws have been regarded as easy-to-find and user-friendly for both police and practitioners. A stand-alone Act in New South Wales will have the benefit of a clearly stated and prominent objectives clause, and a readily accessible index. The new standalone Act contains the word "crimes" in the title, which emphasises the seriousness of domestic violence and gives prominence to the legislation. Combating domestic violence is one of this Government's highest priorities, and the creation of a new Act reflects the importance that the Government attaches to law reform in this area. I commend the bill to the House.

Mr ROB STOKES (Pittwater) [12.38 p.m.]: I support this important legislation, and acknowledge the contributions of members of this House, including the member for Murray-Darling. My community of Pittwater is located in a particularly beautiful area of our State, but in no way does this suggest it is immune from the devastation wrought by domestic violence. When I looked at the statistics from the Bureau of Crime Statistics and Research on domestic violence it was noted that the level of crime in Pittwater was stable, but that is not good enough. In my community the rate is almost 200 instances of domestic violence per 100,000 head of population. That is the rate at which the crime of domestic violence is perpetrated in my community of Pittwater. Any legislative change that will facilitate the effective prosecution of acts of domestic violence can only be a good thing.

I suspect that there is a great deal of silence in my electorate, as there is in other electorates throughout the State, about domestic violence. Certainly, things such as economic stress and uncertainty are contributing factors to this crime. Tragically, the period leading up to Christmas is a time of real problems in relation to this category of offence. Speaking to the bill specifically, I acknowledge the way it consolidates and streamlines the legislative provisions relating to domestic violence. It introduces a separate Act, which is important in reinforcing the seriousness of domestic violence and personal violence. It will also have an important educative function in explaining to the community that this is a particularly awful and heinous form of crime directed, as it so often is, against people who are often in a position of relative weakness, including children.

I note in particular the presumption that any child of the parties will be included in an apprehended violence order as a protected person. That appears to be a prudent step at putting the onus on the person to whom the apprehended violence order relates to explain why it is not necessary in the circumstances of the case. I note that the bill's provisions do not relate to resourcing—that is not the role of the Legislature directly—however, I note that my community of Pittwater is currently understrength in police numbers. Obviously, in addressing this area of crime, we need more police: the northern beaches local area command must operate at full strength.

Police have told me that they are stressed and are operating without the necessary resources. Resources, as well as this legislation, are important in addressing this problem. Finally, I acknowledge the courage and commitment of the staff at the Northern Beaches Women's Refuge, who work to provide a sanctuary for victims of this particularly awful crime. The crime of domestic violence is particularly cowardly and destructive, and evinces self-loathing on the part of the person convicted of the offence. It is important that the Legislature provide a strong censure. I am pleased to support the bill.

Ms ANGELA D'AMORE (Drummoyne) [12.42 p.m.]: I support the Crimes (Domestic and Personal Violence) Bill 2007. Domestic violence is one of the most damaging crimes, tearing apart families and leaving survivors physically and emotionally scarred. That is why eradicating domestic violence is one of the Government's highest priorities, and that is why we will be introducing laws that create a new offence of domestic violence and ensure that it is permanently recorded on the offender's criminal history so that judges will take it into account when sentencing. Just as we promised in the election campaign, the Government is introducing new laws to create a presumption that children will be included in an apprehended violence order so that victims will not have to worry that the perpetrator, while avoiding them, can still threaten their children.

The bill before the House will create a new domestic violence Act consolidating in a central location laws that protect victims. These are changes that domestic violence victims groups have been calling for, and which the Government is delivering. The laws will also make it easier for police to prevent domestic violence and arrest perpetrators. They will extend police powers to request information from people so that, provided they have a reasonable suspicion that a person is the subject of an apprehended violence order, police will have the authority to make them identify themselves. This is an important power in domestic violence matters, where often the victim is too traumatised to identify her attacker.

The reforms will also expand the ability of police to get apprehended violence orders 24 hours a day by telephone. That will also include email, radio and fax communication. Police powers to search for and

confiscate dangerous weapons in domestic violence situations will also be expanded. The Government has a history of working to put an end to domestic violence and a plan to address it in the future. These reforms today build on many years of Government commitment to giving domestic violence the utmost priority in the legal system. They build on the \$4.2 million the Government will spend this year on the Women's Domestic Violence Court Assistance Program and the additional \$2.55 million per annum it will spend in 2009-10 as part of the Government's commitment to the provision of integrated police, legal and social welfare assistance to women and children experiencing domestic violence.

Through the program the Government has established a statewide network of 33 Women's Domestic Violence Court Assistance schemes that provided more than 40,000 services at 59 court locations during 2006-07, with one-third of these services provided to women in rural and remote areas. Schemes in areas of high demographic need are funded to employ specialist workers to assist Aboriginal women, as well as women from culturally and linguistically diverse communities. The new reforms also build on the past two years of the Domestic Violence Court Intervention Program running at Wagga Wagga and Campbelltown, which have seen early guilty pleas rise from 17 per cent to 40 per cent during the trial period, and finalisation times in the Campbelltown court list for domestic violence victims reduced by more than half. The Government will continue to fight the scourge of domestic violence and deliver what it promised to the people in this year's election campaign.

Over the past couple of decades we have come a long way in terms of the way we treat domestic violence. Only two decades ago domestic violence was often seen as a situation to be resolved between a man and a woman in the home, and at the time police were often unwilling to intervene. Society now finds it unacceptable for people to communicate in a way that they physically harm their spouse, partner or individual in their home. It is important to recognise that domestic violence cuts across all levels of society, regardless of income level, whether there is a BMW in the driveway, whatever school one's children attend, whatever the religion or whatever the family structure. It is also important that we as a society are not embarrassed to talk about domestic violence. We need to bring it into the open to give victims the strength to get out of a difficult situation and to consider that people who perpetrate domestic violence need to stop their violent behaviour. As I said, it is often the case that people do not know how to communicate in any other way, and often alcohol and drugs are involved in domestic violence.

I extend my thanks to many women's groups that have campaigned tirelessly for these changes. I am sure they will be happy with the framework provided in the bill. More importantly, although most statistics relate to women who have domestic violence perpetrated on them, it is important to state that men play a pivotal role in our society in saying that domestic violence is not an acceptable form of communication to perpetrate on other individuals. It is important that men in our society play a leadership role in saying that it is unacceptable for men to behave in this way. As a female member of Parliament, I have heard some positive comments from male members of Parliament. I think they will take some good ideas and thoughts back to their communities and act as community leaders in saying to men that this behaviour is unacceptable. I commend the bill to the House.

Mr GREG APLIN (Albury) [12.48 p.m.]: I shall make a brief contribution to debate on the Crimes (Domestic and Personal Violence) Bill 2007. This bill needs to be applied to our indigenous population because the "Breaking the Silence: Creating the Future" report produced by the New South Wales Aboriginal Child Sexual Assault Taskforce members identified many areas that linked directly to the problems at the base of this bill. Until there is a broader application across the whole of New South Wales, and specifically addressing the great and disastrous situations identified in the "Breaking the Silence: Creating the Future" report, unfortunately we will not break the nexus that confronts many indigenous communities throughout the State, and which leads to that terrible cycle from child sexual abuse to domestic violence and their repetition through the lifetime of indigenous women and their children.

It is essential that it be conducted in a holistic manner across all agencies, because the interconnection is only too clear. It has been pointed out not only by the people who brought forward the "Breaking the Silence: Creating the Future" report but also by the Government's recognition of that report many months later. The problem is that it is one thing to recognise the interconnection with aspects of indigenous disadvantage such as substance abuse, social and economic disadvantage, poor mental and physical health and exposure to family violence. Those terms such as "exposure to family violence" are at the heart of the bill. It is absolutely critical that the Government look carefully at the "Breaking the Silence: Creating the Future" report in implementing the provisions of the bill because, clearly, it will be directed to the very needs so clearly identified by that report in 2006.

Given the very clear guidelines and recommendations of that report, I question why it has taken this long to implement the changes, which will go such a long way to assist people who have been crying out for so long. Only last night we learned that respected Aboriginal elder, Joyce Donovan, or Auntie Joyce as she is known in her home region on the State's South Coast, is this year's New South Wales Local Hero of the Year. Once again, we heard the reasons for that choice, and they go to the heart of the "Breaking the Silence: Creating the Future" report and the interagency response, but call more directly for action by the Government. It was Donovan's determination to fight child sexual abuse in Aboriginal communities that has seen her travel the State highlighting the issue and attempting to end the silence that surrounds it.

I urge the Government, in implementing the provisions of the Crimes (Domestic and Personal Violence) Bill 2007, to look more closely at the recommendations of the "Breaking the Silence: Creating the Future" report, which asked the Government for clear action to address first domestic violence. That in turn will assist in reducing child sexual abuse, which is so abhorrent to us all. I commend the bill to the House.

Ms VERITY FIRTH (Balmain—Minister for Women, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), Minister Assisting the Minister for Climate Change, Environment and Water (Environment)) [12.51 p.m.], in reply: I am pleased to support the Crimes (Domestic and Personal Violence) Bill 2007 and I thank members for their contributions to this important debate. I am particularly pleased that we have been debating this bill and giving our attention to issues of domestic and personal violence during the international 16 Days of Activism to Stop Violence Against Women, which members will be aware runs from 25 November, which is the International Day for the Elimination of Violence Against Women and White Ribbon Day, and ends on 10 December, which is World Human Rights Day.

The 16 Days of Activism was established in 1991 and aims to highlight the connection between women, violence and human rights and this year has the theme, Take Action To Stop Violence Against Women. Domestic and family violence are terrible crimes which impact largely on women and children and in the place where they should feel safest, their homes. It can have a devastating effect on the lives of individuals but also has a profound impact upon our economy. Access Economics has estimated the cost to Australia at \$2.8 billion per annum.

The member for Epping questioned why the bill does not make counselling or drug and alcohol programs mandatory for perpetrators. Whilst acknowledging that there is some correlation between alcohol and drug abuse and domestic violence, about 30 per cent, the Government does not feel it necessary to impose positive conditions as part of an apprehended violence order for an offender to undertake a compulsory program to deal with his or her problem. This is because apprehended violence orders are civil orders and participation in any treatment program would, therefore, have to be voluntary.

There is a concern that making compulsory drug and alcohol treatment a condition of an apprehended violence order could mean that non-attendance at a program might constitute a breach of an order. That is not appropriate as it would be unfair for such a breach to give rise to a criminal sanction, and it would be impossible to impose an appropriate punishment for such a breach. Further, there is a lack of evidence of the sustained success of such measures once the person has left the program. The member for Goulburn made a number of points that I will address. The Government will certainly monitor the sentencing outcomes of the new domestic violence offences. Significantly, case law recognises that any offence committed in a domestic violence context is aggravated and therefore, on sentencing, domestic violence is to be treated as aggravated.

It is very important to ensure that the aggravating nature of domestic violence is clearly recognised and will continue to be recognised by the entire community. The member for Goulburn also highlighted that legislation such as this will not stop domestic violence, because domestic violence is essentially about the inequalities of power within a relationship. She gave a very interesting speech about inequalities within the economic context of a relationship. Of course, she is right about that, and I look forward to the Opposition supporting the Government's broad initiatives to improve gender equality, particularly gender economic equality.

However, it is important to note that these changes are a critical element of sending a strong message to the community that domestic violence is not acceptable and will not be tolerated—and therefore will be responded to with the full force of the law. The member for Murray-Darling spoke about the importance of the bill to Aboriginal women in his electorate. I share his views that the Government's focus on domestic violence will be of great benefit to the far too many Aboriginal women who are victims of domestic violence. Police data suggests that indigenous Australians are far more likely to become victims of domestic assault or to be offenders in domestic assault than are non-indigenous Australians.

The apprehended violence order legislation recognises that domestic violence is a critical issue facing many indigenous people, especially women and children. As a result, the definition of what constitutes a domestic relationship was recently expanded to include a relationship when the person in need of protection is or has been part of the extended family or kin of the other person according to the indigenous kinship system of the person's culture. The definition was changed to include relationships that occur according to indigenous customs to ensure that the legislation provides protection for all Aboriginal people.

In my time as Minister for Women I have been fortunate to meet with a range of people who work with and advocate for survivors of domestic and family violence. I have met with representatives of the Domestic Violence Coalition Committee, the Rape Crisis Centre, staff from women's refuges and legal centres who are involved with the Women's Domestic Violence Court Assistance Schemes. I also had the privilege of launching the report "Fair's Fair", produced by the Same Sex Domestic Violence Working Group. In all of my meetings with these groups I have been truly inspired by the commitment, dedication and hard work these people bring to their roles. I know I speak on behalf of all in this place when I thank them for their tireless efforts on behalf of victims of violence.

Labor has already given police extended powers to apply for 24-hour telephone interim apprehended violence orders, which are being further expanded in this bill and police can apply for apprehended violence orders on behalf of a victim who is reluctant to proceed. The Iemma Government will also provide \$28 million over four years to improve support for victims by increasing counselling, accommodation and support, ensuring integrated case management and continuing the successful Domestic Violence Court Intervention Model.

The Premier has also announced further measures including providing more specialised training to frontline police officers, installing more video link equipment in New South Wales courts in order to reduce trauma for victims and witnesses when testifying, and establishing a central coordination function for policies, programs and services aimed at reducing violence against women. In the 2007-2008 budget the Treasurer further announced that \$16.8 million will be invested over four years to support victims of family and domestic violence. This includes support for integrated domestic violence case management projects, and increased funding for the Domestic Violence Court Intervention program at Wagga Wagga and Campbelltown, which is a comprehensive criminal justice and community welfare response to domestic violence, bringing together the New South Wales Police Force, the Department of Community Services, the Attorney General's Department, the Local Court and Corrective Services; and funding for the Women's Domestic Violence Court Assistance Scheme.

In addition we expanded to 18 sites the successful Staying Home, Leaving Violence Program, which the member for Goulburn mentioned. That program uses exclusion orders to remove the perpetrator from the home. That is considered to be particularly important in terms of meaning that women have a choice in a situation; they are not just forced by economic circumstances and the need to house their children to return to a perpetrator of violence.

In our most recent initiative in relation to domestic and family violence the bill delivers on the Premier's announcements of earlier this year and introduces a new specific offence of domestic violence, it makes it easier for women and children to obtain apprehended violence orders, it automatically protects victims via an apprehended violence order if their attacker is charged with certain personal violence offences, and it protects children by automatically including them on an apprehended violence order unless there are good reasons for a judge not to do so. It also delivers on the Premier's promise to give police greater home search powers by amending the Law Enforcement (Powers and Responsibilities) Act 2002.

Recognising the complexity of the issues of domestic violence and sexual assault and the diversity of programs and initiatives to address these offences, the Government has given a commitment to develop and implement a statewide strategy to deal with the causes and consequences of domestic violence. We are committed to tackling violence against women and providing appropriate sensitive and effective support for victims. As Minister for Women I will continue to be a strong advocate for initiatives to prevent violence against women. Domestic violence and sexual assault are among the most serious and violent of crimes. They have a devastating and often long-term effect on victims. New South Wales Labor has a fine record of working to provide greater assistance to victims of sexual assault and domestic and family violence and, as Minister for Women, I am really pleased that this policy area is a priority for our Government. We are committed to a continued program of reform in this area, and I am very pleased to be able to commend this bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

[Assistant-Speaker (Ms Alison Megarrity) left the chair at 1.03 p.m. The House resumed at 2.15 p.m.]

DISTINGUISHED VISITORS

The SPEAKER: I note that Marianne Saliba, the former member for Illawarra, is in the Chamber. I welcome her back to the New South Wales Parliament.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notice of Motion (General Notice), to be the subject of a motion to reorder, given.

QUESTION TIME

DEPARTMENT OF COMMUNITY SERVICES CHILD PROTECTION REFORM

Mr BARRY O'FARRELL: My question is directed to the Premier. How is it possible that, after allocating \$1.2 billion to the Department of Community Services for a so-called improvement program, the Auditor-General can report that the level of substantiated investigations into children at risk in New South Wales is around half the rate of those in Victoria and Queensland? Just how many reports will it take before the Premier establishes a royal commission to fix the Department of Community Services?

Mr MORRIS IEMMA: The Government implemented a \$1.2 billion reform program in the Department of Community Services, first, because of its commitment to protect children and, second, to rebuild the Department of Community Services system. The Leader of the Opposition asked me a question about the Department of Community Services after having gone to two elections promising to take caseworkers out of the Department of Community Services.

The SPEAKER: Order! The House will come to order.

Mr MORRIS IEMMA: As the Treasury spokesman at the time of the last election, the Leader of the Opposition might like to tell us where he thought his 20,000 cuts to public workers would have come from in the lead-up to the State election—health, education, the Department of Community Services and rail services. Having gone to an election on a platform of cutting 20,000 workers from the New South Wales public service, which agencies would they have been from? He was the Treasury spokesman. He was the one doing the costings, even though the photocopier broke down. He was the one standing shoulder to shoulder—sometimes with a knife in his back—with the leader. Which ones?

Mr Barry O'Farrell: Point of order. I appreciate the Premier's embarrassment, but after spending \$1.2 billion we have a worse outcome.

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

[Interruption]

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

[Interruption]

The SPEAKER: Order! I ask the Leader of the Opposition to resume his seat.

[Interruption]

The SPEAKER: Order! I ask the Leader of the Opposition to resume his seat.

[Interruption]

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

Mr MORRIS IEMMA: The Leader of the Opposition does not talk about the thousands of children that would have been helped as a result of the reform programs of the last year. He chooses those parts of the Auditor-General's report that support his case. What he does not do is give a complete run-down of the Auditor-General's report.

The SPEAKER: Order! The member for Burrinjuck will cease interjecting.

Mr MORRIS IEMMA: The report found that the number of Helpline calls answered went up.

The SPEAKER: Order! I call the member for Epping to order.

Mr MORRIS IEMMA: The average waiting time for Helpline callers dropped.

The SPEAKER: Order! The Leader of the Opposition will cease interjecting.

Mr MORRIS IEMMA: The number of reports referred for further investigation went up. The number of workers compensation claims went down. This item is relevant to the staff: the number of days lost as a result of stress went down. That is also what is contained in the Auditor-General's report. In relation to the system, that is precisely why the Minister a fortnight ago appointed Justice Wood: to review the system and provide the Government with recommendations.

The SPEAKER: Order! I call the member for Burrinjuck to order.

Mr MORRIS IEMMA: On the next five-year reform program, to identify systemic issues—

The SPEAKER: Order! I call the member for Burrinjuck to order for the second time.

Mr MORRIS IEMMA: —and provide the Government with advice on the next set of reforms.

The SPEAKER: Order! I call the member for Burrinjuck to order for the third time. I ask her to stop calling out.

Mr MORRIS IEMMA: It will continue to remain a priority of the Government to fund these kinds of services and recruit the kinds of Department of Community Services workers and case workers required, not present a platform that says savings can be made by sacking them. That is what the Leader of the Opposition did just eight months ago.

The SPEAKER: Order! The Leader of the Opposition will stop interjecting.

Mr MORRIS IEMMA: That was his prescription. Where does he think he would have got the 20,000? From the Department of Community Services. No wonder that was the case because there it is on the record. At the election prior to the last one there was a promise to get rid of 600 Department of Community Services workers. The Leader of the Opposition has plenty of form. Why? Because he was an adviser to a Government that got rid of a thousand workers and shut 15 offices. That is the record. At the last election his one big policy area in the Department of Community Services was to go for a royal commission. That was it; that was their policy. There was no increase in funding, no new programs, no new services, no extra recruitment of staff—have a royal commission: that will solve it all! Instead, the appointment of Justice Wood was an entirely appropriate appointment in the context of an extra \$1.2 billion in funding for the Department of Community Services, which has been responsible for saving—

Mr Barry O'Farrell: Wait until we get to Kevin next.

Mr MORRIS IEMMA: Wait until we get to Kevin next? How about when we get to Brad when he was the shadow Minister and his prescription for improving the Department of Community Services? That has been a priority, hence the five-year reform program. This year we are recruiting the extra 276 Department of Community Services workers that the budget will fund. I might add that there has been an 11 per cent increase in this year's Department of Community Services budget.

The SPEAKER: Order! I call the member for Coffs Harbour to order.

Mr MORRIS IEMMA: And the Leader of the Opposition asks a question about an area of government service delivery in which he went to the election just eight months ago as the man doing the costings and promised to cut 20,000 workers. How would he have protected the children? How would he have protected the vulnerable kids and families when he wanted to cut 20,000 workers? How would he have delivered better health services having ripped out 20,000 workers from public services? His one-policy prescription that he has taken now to three elections is to take funding out of the Department of Community Services. That is his solution.

The SPEAKER: Order! Before I call the member for Drummoyne I will say to the Leader of the Opposition that I always extend a little latitude to him. Today he has overstepped the mark. I allowed him to continue, but I will not allow that sort of behaviour in the future.

Mr Barry O'Farrell: Mr Speaker—

The SPEAKER: Are you taking a point of order?

Mr Barry O'Farrell: I just want to say in response to that, Mr Speaker—

The SPEAKER: Are you seeking leave to—

Mr Barry O'Farrell: What I am saying is I will respond like that when he plays—

The SPEAKER: Order! There is no provision—

Mr Barry O'Farrell: —politics with children dying in the State.

The SPEAKER: Order! There is no provision for you to make that contribution.

Mr Barry O'Farrell: I will not put up with that when he plays politics with children dying.

The SPEAKER: Order! I appreciate that certain matters generate robust debate, but we all—

[Interruption]

The SPEAKER: Order! We all have to ensure that we conduct ourselves in accordance with the standing orders. They are the standing orders of the House and I am responsible for ensuring they are complied with. I would appreciate it if members respected that. As the Leader of the Opposition, that should be—

[Interruption]

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

[Interruption]

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

[Interruption]

The SPEAKER: Order! The Leader of the Opposition will resume his seat. This is the last time I will tolerate that sort of behaviour from the Leader of the Opposition.

ASBESTOS DISEASES RESEARCH INSTITUTE

Ms ANGELA D'AMORE: My question is addressed to the Premier. Will he update the House on the Government's efforts to help the victims of asbestos-related diseases?

Mr MORRIS IEMMA: There are many things that can be said about Bernie Banton. Yesterday I reflected on some in this House, as did the Leader of the Opposition, and as did many other members of Parliament and other commentators. We will share many more stories about Bernie Banton in the course of the coming week, but today I wish to focus on one lesson from his passing: what we can do for the future for those suffering asbestosis and other diseases caused by asbestos.

I wish to add one additional point to the reflections I have already shared. When Bernie Banton and his fellow sufferers absorbed asbestos particles into their lungs, their fate was pretty much sealed. They were beyond saving. The same qualities that make asbestos so tough and heat proof also make it deadly. Currently mesothelioma, asbestosis and all the other related dust-borne diseases cannot be cured; they can hardly even be treated. But our task as public policy makers, the task of our scientists, our medical researchers, our clinicians and our academics is to find a cure and better treatment. Put simply, our task is to rebalance the odds in favour of hope.

We have rebalanced the odds with other forms of cancer and we have done it with heart disease. For too long, finding a cure, or finding better treatment for asbestosis, has been placed in the too-hard basket. After today, and with the example set by Bernie Banton and other great Australians such as Jack Ferguson and David Martin who suffered long and terrible deaths at the hands of this insidious disease, the time has come for a cure and better treatments to be placed into the can-do basket. That is why this morning I attended at the Concord Hospital—one of the State's great hospitals and academic institutions, as well as a great centre for research, teaching and for providing health care. Today, construction commenced on a \$12 million Asbestos Diseases Research Institute.

The institute will be double the size of the facility that was announced a year ago. It is all about providing hope to the sufferers of asbestosis, to the approximately 350 of our citizens who are diagnosed each year with asbestos diseases. Today marks the beginning of hope for them. It was with particular pride that Bernie Banton's family attended and that his grandson, Jack, turned the first sod. In a country as rich as ours and in a nation as prosperous as ours, we owe it to Bernie Banton, our fallen comrade who has been taken by mesothelioma and the other form of cancer from which he was suffering, peritoneal cancer, to find a cure. We owe it to those who suffered or lost their lives as a result of this dreadful, miserable disease, to find a cure.

Today marks the beginning of something good coming from all the misery inflicted on workers and their families over many decades as a result of asbestos particles finding their way into the lungs of so many good, decent and strong members of our community—those who suffered long, distressing and terrible deaths at the hands of diseases caused by asbestos.

YASS DISTRICT HOSPITAL RADIOLOGY SERVICES

Mr ANDREW STONER: My question is directed to the Minister for Health. Can she explain why 73-year-old Janet Holland was made to wait more than 14 hours at Yass hospital in severe pain from a broken hip because, against the advice of the treating doctor, the Greater Southern Area Health Service would not pay the radiologist overtime?

Ms REBA MEAGHER: I will seek further details on this case.

HYBRID HIRE CARS AND TAXIS

Ms CARMEL TEBBUTT: My question is addressed to the Minister to Transport. Will he update the House on environmental initiatives in public transport?

Mr JOHN WATKINS: It will be a pleasure. The Iemma Government is committed to improving the environmental performance of public transport. We recognise that the use by people of public transport in any form delivers a better environmental outcome than does the use of single passenger vehicles, and today I will make a couple of announcements about greener public transport options in taxis and hire cars.

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

Mr JOHN WATKINS: At the outset I thank Howard Harrison, the chief executive officer of the New South Wales Taxi Council, who has always been willing to consider environmental initiatives for taxis. As Howard said to my office staff yesterday, "The taxi industry was green before it was cool to be green!" Already nearly all of Sydney's taxis operate on AutoGas liquefied petroleum gas, which is approximately 80 per cent cleaner than is a petrol-powered taxi.

Today I announce that the environmentally friendly Toyota Prius will be able to operate both as a hire car and as a taxi in New South Wales. That decision comes as the trial of the Prius as a taxi continues and it follows a change in the specifications for hire cars in New South Wales. In January 2006, the Ministry of Transport approved a 12-month trial of a Toyota Prius as a taxicab. The purpose of the trial was to determine the operating costs and ascertain the financial impact for taxi operators who use hybrid vehicles. That is especially relevant as the start-up cost of the Prius is higher than is the cost of the usual vehicles that are used as taxicabs in New South Wales.

Following the collection of financial information and successful customer feedback, the trial will be extended in January next year for a further 12 months to enable longer-term operating and maintenance costs to continue to be identified. In developing environmentally friendly initiatives the Ministry of Transport has focused on the Toyota Prius, as it is the only hybrid vehicle with a five-star rating under the Commonwealth Government's *Green Vehicle Guide*. We are hopeful that other hybrid vehicles will be developed that also achieve the five-star rating. This means the Taxi Council has put the Prius through its rigorous tests and the vehicle passed. The Prius can now be used as a taxi in New South Wales.

Currently four Prius taxis are on the roads in Sydney. The report from patrons is that they love them. There is very positive feedback from customers who catch a taxi and that taxi happens to be a Prius. They are very happy with them. I expect there to be more Priuses, if that is the plural of Prius, on the roads of New South Wales.

Mr Matt Brown: No, Prii.

Mr JOHN WATKINS: Prii? I thank members. I confirm that an application to operate a Prius as a taxi also has been received from rural New South Wales. It is interesting that recently the Penrith City Council conducted research into the use of Prius vehicles in their fleet. The research revealed that during the first 12 months of their use, the Prius cost 4¢ a kilometre to operate compared to 9¢ a kilometre for the average conventional car in the fleet, so there is a substantial saving to be made.

The SPEAKER: Order! The member for Murray-Darling will cease calling out.

Mr JOHN WATKINS: That means that if an employee from Penrith, in the Federal seat of?

Mrs Karyn Paluzzano: Lindsay!

Ms Kristina Keneally: Lindsay!

Mr JOHN WATKINS: Lindsay, yes—were to make the 50-kilometre trek to Ryde, in the Federal seat of?

Mr Matt Brown: Bennelong!

Mr JOHN WATKINS: Bennelong, yes, there would be more than a 50 per cent improvement in operating costs for that journey—all the way from?

Ms Kristina Keneally: Lindsay!

Mr JOHN WATKINS: From Lindsay to?

Mr Philip Koperberg: Bennelong!

Mr JOHN WATKINS: Bennelong, yes.

Mr Greg Smith: This is a temporary arrangement.

Mr JOHN WATKINS: No. This is serious.

The SPEAKER: Order! The House will come to order. Members on the Government benches will not assist the Minister for Transport.

Mr JOHN WATKINS: They are putting me off, Mr Speaker. The manufacturers of the Prius say that the car can travel more than 1,000 kilometres on a tank of petrol. That is the equivalent of a return journey from Penrith to Eden on the State's South Coast, which is in the Federal seat of Eden-Monaro. That is an amazing result in a week of amazing results. In one little week the community is being saved from greenhouse gases and it has been saved from WorkChoices.

Mr Andrew Stoner: Point of order: I refer to Standing Order 129. The Minister for Transport is giving us a lesson in geography but The Nationals want to hear his views about the Casino to Murwillumbah rail line. Forget all the other areas.

The SPEAKER: Order! The Leader of The Nationals will resume his seat. The answer of the Deputy Premier is relevant to the question.

Mr JOHN WATKINS: I have just been handed a note, Mr Speaker. I am not sure whether there are any Prius vehicles in the Federal seat of Wentworth—they power things on hot air over there. I did not write that one. This is a serious issue.

The SPEAKER: Order! The member for Epping will cease interjecting.

Mr JOHN WATKINS: The Government has also changed the hire car vehicle specifications to give the public the option to use hybrid vehicles that receive a five-star rating through the Commonwealth's *Green Vehicle Guide*. Based on the popularity of the green taxi, I imagine that pretty soon we will see a take-up of hybrid vehicles in the hire car fleet. The Iemma Government's commitment to green public transport is extensive, with more than \$120 million in the current budget for new green buses and environmental upgrades to existing buses.

The SPEAKER: Order! I call the member for Willoughby to order.

Mr JOHN WATKINS: Just the green investment in buses will save at least 190 tonnes of greenhouse gases a year, 170 tonnes of nitrogen oxides and seven tonnes of particulate emissions. So we are making our buses even greener. Just last week I was pleased to launch a green ticket for central business district bus users.

The SPEAKER: Order! I call the member for Willoughby to order for the second time. She will stop having a conversation with the Minister for Small Business.

Mr JOHN WATKINS: That new green ticket will cost less than 10¢ a trip more—which is less than the price of a text message—but every ticket will have its carbon use offset by State Transit buying carbon credits. People who participate in the scheme will bring about real environmental benefits. I understand that green credentials are becoming increasingly popular with the Opposition. Just last week our old friend the member for Vacluse urged the former Prime Minister to get on board and sign the Kyoto agreement. I understand that the Federal Liberals have been flocking to his cause ever since. The member for Vacluse is a leader after his time. We thank him for that. I look forward to Australia continuing to improve its environmental credentials world wide as our new national Government takes positive steps in the greenhouse debate. That is most satisfying for us all in this place, and the Iemma Government will continue to play its part.

TRANSITIONAL ACCOMMODATION

Mrs JUDY HOPWOOD: My question is directed to the Minister for Health. Will the Government's failure to provide transitional accommodation force quadriplegic Chris Cameron to occupy a hospital bed for up to six months when hospital occupancy bed rates are at critical levels?

Ms REBA MEAGHER: I am advised that the New South Wales Department of Housing had leased a property for the tenant in question. When the owner decided to sell the property the Department of Housing

searched for an appropriate property in the local area so that the tenant could be close to the appropriate medical services. I am further advised that the Department of Housing recently located a suitable property for this tenant in the same area and that modifications are currently being carried out. I am advised that the property will be ready for the tenant to move into before his current lease expires in December.

Mrs JUDY HOPWOOD: I ask a supplementary question.

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

Mrs JUDY HOPWOOD: Is the Minister for Health aware that Chris Cameron is in possession of correspondence that states that medical accommodation will be arranged for him because the fit-out of his house will take up to six months and proceed in two stages?

Mr Gerard Martin: That's not a supplementary question.

The SPEAKER: Order! I will allow that as a supplementary question.

Ms REBA MEAGHER: I refer the member for Hornsby to the most recent advice I was given by the Department of Housing.

MOTOR VEHICLE THEFT

Mr TONY STEWART: My question is addressed to the Minister for Police.

The SPEAKER: Order! The House will come to order. The Premier will resume his seat. The member for Bankstown is trying to ask a question.

Mr TONY STEWART: Will the Minister inform the House of the progress in the fight against car thieves?

Mr DAVID CAMPBELL: I will have something to say about the local area of the member for Bankstown in my answer. The New South Wales State Plan has set crime reduction targets that reflect the Government's determination to reduce crime at all levels—from terrorism plots that threaten our security and way of life to serious organised crime, alcohol-fuelled violence, burglary and theft. It is a credit to the New South Wales Police Force that its officers have had such great success recently driving down crime across the board. This was evident in the latest Bureau of Crime Statistics and Research figures, which were released yesterday. They showed that nearly all of the 17 crime categories are either stable or falling across New South Wales. I was pleased to see that motor vehicle theft has fallen more than 6 per cent in the past two years. Our determination to cut crime at all levels is ongoing.

Today I joined the Commissioner of Police, Andrew Scipione, to announce on behalf of the National Motor Vehicle Theft Reduction Council some of the good achievements of the motor vehicle industry in developing cars with high-tech security features that deter thieves and assist police in cracking organised car theft rackets. Today was about recognising the most secure motor vehicles in Australia in their classes and encouraging the industry to continue investing in such technologies. The efforts of the industry are helping our hardworking police to reduce car theft and dismantle car rebirthing rackets, which are a major source of illegal funds for organised crime gangs. Nine vehicle models were recognised across eight car classes, including small, medium size and luxury. The vehicles were recognised for their high-tech security features, including engine immobilisers and reinforced, shatter-proof windows. Some vehicles are now also sprayed with microdots and stamped with other identifiers so that vehicle parts can be tracked. This is assisting New South Wales detectives who are targeting car rebirthing and car parts stripping rackets.

Many of these advances in car security are being pushed by the National Motor Vehicle Theft Reduction Council, which was established as part of a joint initiative of the State and Commonwealth governments and the insurance industry. Its aim is to develop and implement strategies to cut motor vehicle theft. Eight years on, we have seen a significant drop in the number of motor vehicles being stolen. Since 2000 there has been a 44 per cent cut overall in motor vehicle theft in New South Wales—and still more work is being done. I am confident that increased car security and a general decline in crime have contributed to this success, but most of all we have to thank the dedicated women and men of the New South Wales Police Force for all their efforts.

The New South Wales Property Crime Squad spearheads motor vehicle theft intelligence and investigations. A number of our local area commands are also developing innovative strategies and operations targeting car stealing. Police in the Bankstown Local Area Command for example—I know the member for Bankstown strongly supports that Local Area Command as does the member for East Hills—have been working with the Theft Reduction Council to track the trade in stolen and stripped car parts. The project involves police photographing vehicles found stripped, and analysing the data to determine the value of the parts stolen. This is helping police identify the extent of vehicle stripping.

Bankstown has also undertaken a concerted effort to collect fingerprint and DNA evidence from cars stolen in the area. In a massive operation earlier this year, 36 vehicles were pulled out of the Georges River. The majority of those cars were stolen and Bankstown Local Area Command, in conjunction with the State Crime Command, is continuing to determine their origins, and follow-up on car theft investigations. The Government has introduced legislation to target rebirthing. It has created specific car-rebirthing offences carrying a heavy penalty of 14 years gaol, and has introduced a standard minimum sentence of four years gaol. The Government remains committed to providing the New South Wales Police Force with resources, support and tough powers needed to continue to drive down crimes such as car theft. The Government has set targets under the State Plan to reduce property crime by 15 per cent by 2016 and, through the hard work of the New South Wales Police Force, co-operation of businesses and with the support of local communities, I expect it will achieve its targets.

The SPEAKER: Order! I call the member for Coffs Harbour to order for the second time. He will put away whatever he is reading.

Mr Andrew Fraser: It is today's paper.

The SPEAKER: Order! I call the member for Coffs Harbour to order for the third time.

MORTGAGE AND FINANCE BROKER REGULATION

Mr MATTHEW MORRIS: My question is addressed to the Minister for Fair Trading. Will the Minister update the House on what is being done to protect consumers from rogue finance and mortgage brokers?

Ms LINDA BURNEY: This morning I released a draft exposure bill to create a national system of regulation of mortgage and finance brokers. These brokers do the legwork for consumers, seeking advice and assistance in securing loans for anything from houses to boats, cars and holidays. The broker determines how much a consumer wants to borrow and how much they can afford to pay and then secures a loan from one of the many lenders in the marketplace. The industry has experienced rapid growth in recent years. Forty per cent of mortgages are now sourced through brokers, and about \$250 billion worth of loans are written each year. Most brokers act responsibly and provide a valuable service, however this industry has had its share of unethical operators who prey on vulnerable consumers.

I imagine every member in this House has had the experience of anxious constituents coming in to his or her electorate office in serious financial difficulty with their lives falling down around them, people with mortgages, car loans, credit card bills, a lending institution breathing down their neck, and no means of getting on top of their debts. By the time we see them they are in real trouble, and the bills are still arriving each month. Their children still need to be clothed and fed, and the terrible reality has dawned on them that the next step may well be losing their family home. For low income families, particularly those who are vulnerable whether through lack of education, family circumstances, poverty or ill-health, high levels of debt can lead to severe financial hardship and awful family disruption.

The growing consensus is that lending standards have been loosened over the past several years. Certainly some soul-searching is going on in the United States of America in the wake of the collapse of the sub-prime market. While we have not faced a similar crisis here, the United States experience is a powerful example of what can happen. Before going any further, let me make this point, consumers must and should be responsible for their decisions. Our Government has helped by investing in programs aimed at improving financial literacy, including programs in non-English speaking communities. Our goal is to give consumers the knowledge and skills they need to make good financial decisions. While education is one cornerstone of consumer policy, the others are responsible industry practice and effective government regulation.

I am proud that in 2004 New South Wales introduced substantive changes to laws regulating mortgage and finance brokers. These laws require brokers to disclose commissions and to enter into written contracts with

their clients. The Act provides a disciplinary regime for finance brokers and credit providers with an ultimate sanction of prohibiting them from trading. Our laws remain among the strongest laws in Australia. But with the rapid growth in the mortgage and finance broking industry, we know more and more consumers are vulnerable to rogue elements, and honourable members know what I mean by "rogue elements". All fair trading Ministers across the country have agreed on the need for a national regulatory system.

Under the auspices of the Ministerial Council on Consumer Affairs, New South Wales has drafted the Finance Broking Exposure Bill. These reforms will provide: a rigorous new licensing system for brokers; probity checks for brokers that will screen out applicants with a history of unfair practices; mandatory skills and ongoing professional development; importantly, mandatory membership of an Australian Securities and Investments Commission-approved external dispute resolution scheme for affordable access to redress; and a requirement that brokers make sufficient inquiries about the consumer's financial status to ensure they can afford the product recommended. We know that rogue elements of the broking industry provide loans to people who are on social security benefits, war pensions or disability pensions, whom we need to protect most. The reforms will also provide redress for losses when a consumer enters into an inappropriate credit product on the broker's recommendation. The bill has been released for national consultation today and responses must be provided to the department by 15 February 2008.

I am pleased to say that the reforms have already received a positive reception. It is not often that the industry, the regulator and consumer advocates line up with one voice. Phil Naylor, chief executive officer of the Mortgage and Finance Association of Australia welcomed the introduction of mandatory standards. Karen Cox, coordinator of the Consumer Credit Legal Centre said the legislation would make brokers accountable. This is an issue where the regulator, the industry and the consumer movement are in furious agreement. This important reform is part of the Government's ongoing commitment to educate consumers and develop sensible regulation in the interests of consumer protection.

MILTON ORKOPOULOS ELECTORATE OFFICER WORKERS COMPENSATION CLAIM

Mr ADRIAN PICCOLI: My question is directed to the Leader of the House. In recent weeks has the Leader of the House had conversations with the Clerk of the Legislative Assembly about electorate officer Gillian Sneddon's notification to Parliament in August last year that she was assisting police in their investigations into Milton Orkopoulos? What was the subject of those conversations?

The SPEAKER: Order! I have previously ruled that the Leader of the House is required to answer questions confined to his role as Leader of the House. I ask him to respond to the question.

Mr JOHN AQUILINA: My role as Leader of the House relates to my activities organising business on behalf of the Government. I have no relationship whatsoever to the organisation of the Parliament or what the Parliament chooses to do.

JUVENILE JUSTICE PROGRAMS

Dr ANDREW McDONALD: My question without notice is addressed to the Minister for Juvenile Justice. What programs are in place in our juvenile justice centres to teach young offenders about taking responsibility for their lives?

The SPEAKER: Order! I call the member for Bathurst to order for the second time. I call the member for Terrigal to order. I call the Leader of The Nationals to order for the second time.

Mrs BARBARA PERRY: Young offenders are in custody to serve their time and to undertake programs to stop them from reoffending. The Iemma Government is committed to reducing reoffending in New South Wales. Indeed, reducing reoffending is one of the key initiatives of the New South Wales State Plan. The Department of Juvenile Justice provides a range of offending behaviour programs to young offenders both in custody and in the community. Specific programs, including counselling, are provided for young offenders with alcohol and other drugs issues, sex offenders and violent offenders. A broad range of vocational and TAFE accredited programs are also conducted in detention centres.

In addition to these programs, the New South Wales Department of Education and Training delivers education and training programs at all detention centres. These programs provide detainees with vital life skills and the tools they need to reintegrate into the community in a positive way. But it is equally important that we

work with detainees in an effort to reduce their reoffending behaviour. By helping to integrate young offenders back into a normal daily routine and changing their behaviour and attitudes, hopefully we will reduce the potential for reoffending. It is only in this way that we can hope to steer them away from a life of crime.

The SPEAKER: Order! There is too much audible conversation in the Chamber. Members will listen to the Minister in silence.

Mrs BARBARA PERRY: The most powerful programs I have witnessed are the excellent workshops run by anti-violence campaigner Ken Marslew. Ken regularly visits Reiby Juvenile Justice Centre at Campbelltown with his series of confronting sessions in which he uses the tragic death of his son Michael in an armed robbery to turn around the lives of young offenders. He pulls no punches with his message that we all need to take responsibility for our own actions. Today I can inform the Parliament that Ken has now helped more than 150 detainees at Reiby to understand the outcomes of their offending behaviour and the misery they have caused. Ken set up his Enough is Enough campaign after Michael was tragically killed several years ago in an armed robbery at the Pizza Hut where he worked. He tells detainees about the powerful emotions he has gone through since then: the utter despair, the deep-seated anger and the thirst for revenge, followed at a much later stage by a sense of forgiveness and the need to work towards making our community a better and safer place in which to live.

For two years now Ken has been running this confronting program at Reiby, which houses some of the State's most troubled teenagers. This program is appropriately dubbed the R youth program, with R standing for responsibility, revaluation and relationships. It is all about raising awareness of inappropriate behaviour and giving young people an understanding of their actions and a strategy for positive change. Ken's honesty in discussing all aspects of his personal trauma is striking a chord with detainees. Even they are appalled at the senseless snuffing out of a bright young life in its prime in a bungled robbery that ended with the robbers leaving empty handed. Ken's powerful and, at times, extremely moving message has resulted in many detainees opening up to educators and psychologists for the first time. One young boy requested that Ken come back and speak to him one on one following the session that I attended.

It was moving to witness some of the boys, who have not had the best start in life, running over and giving Ken a hug at the end of his presentation. For some, this was the first time they had ever been exposed to a positive role model. One boy, who will be released just before Christmas, told me that this was the third of Ken's workshops he had attended and that he would definitely go to any others that are held before his release. Ken has worked with the hardest cases in our system. This is courageous of him, but he feels he can do the most good by trying to turn around the lives of the most difficult cases. The boys I sat with at one of Ken's workshops were aged 13 to 15 and were serving time for offences such as aggravated sexual assault, robbery and extortion, assault, breach of bail, property damage, motor vehicle theft, and break and enter. It was evident from watching the boys the real impact of hearing a first-hand account of the devastating effects that violent offending had on them.

One could have heard a pin drop in the room when Ken played a video recording of the 1997 *A Current Affair* coverage of his son's killing. In the footage Ken confronted two of the four gang members who robbed the Pizza Hut where Michael was working that fateful night. These men were the so-called brains behind the raid and the getaway driver. One of these criminals was seen breaking down in tears as he told Ken he could never fully understand the pain he had caused. This was because he had never been on the receiving end of such actions. It was extremely confronting for everyone in the room. Ken told the boys that this criminal had since offered to assist his Enough is Enough campaign when he gets out of jail. Whether that happens remains to be seen. But it made the point that Ken would not let his life be eaten away by hatred and a thirst for revenge. Ken's forgiveness and willingness to work with this man in his crusade against violence is touching in the extreme.

There is anecdotal evidence that Ken's program is having a positive effect on these detainees. From what I saw, it is certainly striking a chord with these young men. Through their responses to his son's death, some of them have even shown strong empathy towards victims. These workshops in the juvenile justice system are similar to the ones Ken runs for adults at Corrective Services. Indeed, the only difference is the age of the young offenders. There is no compromise and that is perfectly appropriate, given that crime does not respect any boundaries. Staff at Reiby, and even magistrates, have acknowledged that Ken's great work is encouraging detainees to take steps towards rehabilitation.

Over the past two years Ken has worked with more than 100 detainees at Reiby, and I sincerely thank him for his hard work. Unfortunately, Ken could not be here; he is out of town today. I wish he were here to

hear this tribute to him and his work. It is my sincere hope and that of this House that Ken's work may have diverted at least some of these young people from the slide into adult custody. Ken told me that young people themselves could become the solution to their problems. He said that the key is setting boundaries and providing them with positive adult role models. That is a message that no justice agency can afford to ignore.

Question time concluded.

PETITIONS

CountryLink Pensioner Booking Fee

Petitions requesting the removal of booking fees charged to pensioners on CountryLink services, received from **Mr Greg Aplin, Mrs Shelley Hancock and Mr John Williams.**

Ballina High School Bus Shelter

Petition requesting that a bus shelter be constructed on public land outside Ballina High School to protect students from the weather, received from **Mr Donald Page.**

South Coast Rail Services

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

Macquarie Boys Technology High School

Petition opposing the closure of Macquarie Boys Technology High School and requesting that the site remain as a comprehensive coeducation high school with trade links, received from **Mr Andrew Stoner.**

Lismore Base Hospital

Petitions requesting funding for stage 2 of the Lismore Base Hospital redevelopment, received from **Mr Thomas George and Mr Donald Page.**

Murwillumbah District Hospital Services

Petition requesting reinstatement of services at Murwillumbah District Hospital and the maintenance of future health care for the Tweed Valley area, received from **Mr Thomas George.**

Tumut Renal Dialysis Service

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

Mental Health Services

Petition requesting increased funding for mental health services, received from **Ms Clover Moore.**

Shoalhaven Mental Health Services

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

Licence Laws for Older Drivers

Petitions asking for an inquiry into licence laws for older drivers and the implementation of a suitable licensing system for senior citizens, received from **Mr Greg Aplin, Mrs Shelley Hancock and Mr John Turner.**

Termeil Bridge Realignment

Petition requesting that the Princes Highway and Termeil Bridge be realigned to the east of the existing road, received from **Mrs Shelley Hancock.**

Tomerong Traffic Arrangements

Petition requesting an upgrade of the Island Point Road and Princes Highway intersection, Tomerong, received from **Mrs Shelley Hancock**.

Rural School Bus Safety

Petition requesting the provision of seats and seatbelts for all students on rural school buses travelling in speed zones of 80 kilometres per hour or higher, received from **Mrs Shelley Hancock**.

Pet Shops

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

Shoalhaven River Water Extraction

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

Liquor Licensing Process

Petition asking that the liquor licensing process be amended to encourage and promote the development of small, local venues and a diversity of venues, received from **Ms Clover Moore**.

BUSINESS OF THE HOUSE

Reordering of General Business

Mr BRAD HAZZARD (Wakehurst) [3.10 p.m.]: I move:

That General Business General Notice of Motion (General Notice) given by me this day [The Rocks Market] have precedence on Thursday 29 November 2007.

The Rocks Market, an icon of Sydney, is under threat from this Labor Government. Sixteen years ago The Rocks Market was established and today we are looking at its death. The fingerprints of the Minister for Planning, Frank Sartor, are all over the dead body that is about to be The Rocks Market: he is the Minister who is trammelling The Rocks Market. Today at the front of Parliament House we saw democracy in action when 100 stallholders and their families and friends called on Minister Sartor to hear the message that their market should be retained for Sydney. They were not demonstrating for themselves only, but for all of us.

The iconic market at The Rocks deserves a future in New South Wales: it must live on in the very place where it currently operates. I have visited the market, the Leader of the Opposition has visited the market, and most members of this House would have visited that market; we all acknowledge its intrinsic value. More than 13 million tourists visit The Rocks each year. At a time when the Government is sending the economy of New South Wales right down the gurgler, the \$20 million generated from tourists is at risk. Today, finally, after the matter has been raised by the Opposition and exposed in the media, one Minister agreed to meet with a representative from The Rocks Market. However, the Minister who had his fingers around the throat of The Rocks Market—the Minister for Planning, Frank Sartor—did the duck and weave. He did the disappearing trick.

The Minister is not in the Chamber, although he knew this motion to reorder general business would be debated. He is not interested in this issue. The Sydney Harbour Foreshore Authority does exactly what Minister Sartor and the Premier tell it to do. Apparently the authority has been told to crush the iconic market. The Sydney Harbour Foreshore Authority, obviously in cahoots with the Labor Government, has come up with a ridiculous set of rules that would make it impossible for any business to operate. We all know that business needs certainty and that this State needs business. What will the Government give the stallholders, some of whom have given 16 years of their lives to operating at The Rocks? The Government will tell them that maybe they can come back one day next week, just once a week. The Government will give them no permanency at all.

The Government will tell the stallholders that they have to apply by email on a Monday and that they will not find out until the following Thursday at 12 o'clock, from Minister Sartor and his mates, whether they will be able to have a stall on the Saturday and Sunday. How can they run a business under those circumstances? In addition there are environmental issues. Stallholders have been told that they have to pack up their gear on the Saturday night. They will need to arrive by vehicle on the Saturday morning, which is not necessary under current arrangements because stallholders have storage, which involves 300 vehicle movements and adds to environmental pollution across Sydney. At the close of the markets on Saturday evenings they will have to bring

in their vehicles again—more pollution—pack up their gear, and bring their vehicles back on Sunday morning and unpack all the gear, again and then, on Sunday afternoon, pack up again.

I ask Minister Sartor and Premier Iemma: How can those stallholders run their businesses under those conditions? The storage facilities are being killed off and the iconic sail-like canopy that reflects our Opera House, and is in synergy with our Opera House, is going! How can the market that includes craftwork and food operate without a cover? The Government will destroy that iconic market. The Opposition is saying that this matter has to be debated tomorrow. The Rocks Market is only a couple of kilometres from where the Government is doing its evil act, where it is destroying an icon, the face of Sydney. The Minister is trampling on that icon. I ask the House to allow this matter to be properly debated tomorrow. I ask the Minister to give us his views and to expose why he has not responded to any of the letters from the stallholders. Why is he making pregnant women stand all day at the markets rather than allowing them to run their business through an employee? Why is the Minister proposing all those changes? Let us debate this matter tomorrow.

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

Mr JOHN AQUILINA (Riverstone—Leader of the House) [3.15 p.m.]: The Government admits to being overwhelmed by the unleashing of emotion by the member for Wakehurst in this matter. Unfortunately, it is backed by very little, if any, fact. That is the whole premise of what the Government contends: unlike what the member for Wakehurst has said, this is basically an operational matter. Fact number one, this is an operational matter, not a political matter. Fact number two, no decisions have been made, despite the claims made by the member for Wakehurst. The Sydney Harbour Foreshore Authority, following extensive consultations, which it is undertaking currently, will make the determination eventually. It is not the role of this House to intrude upon that consultation process and to usurp the appropriate authority, the Sydney Harbour Foreshore Authority, while it is undertaking those consultations. The Government does not support the motion.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 38

Mr Aplin	Mr Hazzard	Mr Richardson
Mr Baird	Ms Hodgkinson	Mr Roberts
Mr Baumann	Mrs Hopwood	Mrs Skinner
Ms Berejiklian	Mr Humphries	Mr Smith
Mr Cansdell	Mr Kerr	Mr Souris
Mr Constance	Mr Merton	Mr Stokes
Mr Debnam	Ms Moore	Mr Stoner
Mr Draper	Mr O'Dea	Mr J. H. Turner
Mrs Fardell	Mr O'Farrell	Mr R. W. Turner
Mr Fraser	Mr Page	Mr J. D. Williams
Ms Goward	Mr Piccoli	<i>Tellers,</i>
Mrs Hancock	Mr Piper	Mr George
Mr Hartcher	Mr Provest	Mr Maguire

Noes, 50

Mr Amery	Mr Greene	Mr Morris
Mr Aquilina	Mr Harris	Mrs Paluzzano
Ms Beamer	Ms Hay	Mr Pearce
Mr Borger	Mr Hickey	Mrs Perry
Mr Brown	Ms Hornery	Mr Rees
Ms Burney	Ms Judge	Mr Sartor
Ms Burton	Ms Keneally	Mr Shearan
Mr Campbell	Mr Khoshaba	Mr Stewart
Mr Collier	Mr Koperberg	Ms Tebbutt
Mr Coombs	Mr Lynch	Mr Terenzini
Mr Corrigan	Mr McBride	Mr Tripodi
Mr Costa	Dr McDonald	Mr Watkins
Mr Daley	Ms McKay	Mr West
Ms D'Amore	Mr McLeay	Mr Whan
Ms Firth	Ms McMahan	<i>Tellers,</i>
Ms Gadiel	Ms Meagher	Mr Ashton
Mr Gibson	Ms Megarrity	Mr Martin

Pair

Mr R. C. Williams

Ms Andrews

Question resolved in the negative.**Motion negatived.****CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY****Rural and Regional Taskforce**

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [3.24 p.m.]: Earlier this year the Premier, after an initiative put to him by you, Mr Speaker, formed the Premier's Rural and Regional Taskforce. That task force has recently completed its hearings in regional communities and will have one hearing in New South Wales with statewide bodies. The parliamentary session for this year is coming to an end and today is a good opportunity to inform the House of some of the issues and concerns that people have raised at the task force hearings. Task force hearings have been held in a number of communities around New South Wales, including Parkes, Cooma, Wagga Wagga, Armidale, Grafton and Broken Hill. At those hearings the community put forward a range of issues. The roll-up to the hearings has been very good and more than 93 submissions have been addressed to the task force together with submissions via the rural communities consultative committee.

The SPEAKER: Order! Members who want to conduct conversations should do so outside the Chamber or sit down.

Mr STEVE WHAN: Today is a good opportunity for this place to hear about some of the concerns that rural New South Wales has been raising in this process and for members on both sides of the House to discuss some of them. I acknowledge that other members of Parliament have attended a number of the hearings, including members of the Opposition at most of the hearings, as well as Government and Independent members. I would certainly appreciate the opportunity, if the House gives it to me, to outline in more detail some of the issues that have been raised by those who attended the hearings.

We all know that rural New South Wales has faced many challenges over a number of years—not least of which is the drought. Rural New South Wales faces a number of longer-term challenges that this Government wants to be able to deal with and ensure that our policy is determined to take the best advantage of opportunities that are available in rural New South Wales. The issues I am keen to raise today if my motion is accorded priority are things such as water and drought, and the ability of local government to maintain and replace its infrastructure. Local government has raised this issue many times with the task force, and I have previously commented on it in this place, but it deserves further comment, particularly local government's share of funding from the Federal Government and its concern about the constant need to apply for funds, and the amount of time and effort that takes. The issues that have been raised by members of the community, which should be raised in this place, include coordination and communication with government departments, health services, particularly staffing shortages—

Mr Thomas George: Make a phone call.

Mr STEVE WHAN: —skills shortage in rural New South Wales, which is a difficult area, and regional development programs, decentralisation and planning. Members opposite ask why I do not make a phone call. I look forward to speaking in this debate about the new era of cooperation that rural New South Wales is about to see from Country Labor in this place and also from the newly elected Country Labor members of the Federal Parliament representing rural New South Wales.

Mr Thomas George: Who are they? Name them.

Mr STEVE WHAN: Members opposite want me to name them. I have no doubt that I will get to that, should my motion be given priority, as I go through it. We have regional development programs. I want to talk about specific road issues, some of which were raised by the member for Lismore, who raised a very important issue at the hearing in Grafton. Broadband and communications infrastructure are also issues that should be

raised in this debate. We may not get the opportunity to discuss these issues in the House if we do not do so today. Next week will inevitably be very busy, and the task force will have presented its report to the Premier by the time the Parliament returns next year.

We need the opportunity to hear and note at least a few of the issues that have been raised to ensure that the people of New South Wales know they are being listened to. The task force process has been very positive and I certainly appreciate the efforts that the public service has made to support it. As I said earlier, the Speaker has been intimately involved in the process and Mr Col Gellatley has been the chair, except for a couple of hearings, as well as me. Some very important issues have been raised. I look forward to being able to raise those issues in the House should priority be given to this motion today.

Rural Health Services

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.29 p.m.]: I note that the motion of the member for Monaro mentions consultation with communities about issues of importance to country communities. No issue is more important to the many communities that make up country New South Wales than rural health services. Wherever I go around country communities in New South Wales, they tell me that the strength or heart of their community revolves around the local hospital and the services it provides.

Sadly, over the last 30 years service standards have declined under this Labor Government. Thirty-two of the 67 small maternity wards in country New South Wales have been closed, forcing mothers to have to travel long distances just to have their children, and tragedies have occurred as a result. Last year I spoke about the young mother from Cobar who gave birth to her baby on an air ambulance between Cobar and Dubbo. I have no doubt that the baby died as a result of the maternity ward at Cobar being closed. Recently we heard that the maternity ward at Coonabarabran hospital had also been closed, forcing mothers to have their babies in a reworked general ward, where there are no en suite facilities or other specialised facilities for mothers.

Why should mothers in country New South Wales have to put up with a second-class service? It is simply not good enough. I notice that the member for Dubbo is in the Chamber. Last week we also heard that the former Labor Mayor of Dubbo was so concerned about downgrades to Dubbo Base Hospital that he wrote to the Minister for Health. He was concerned about downgrades to the intensive care unit and to the surgical ward. Yesterday in this place I said that Port Macquarie hospital had not received any increase in funding over the past two years, despite the fact that an additional 9,000 people moved into its area of service, which resulted in the recent cancellation of elective surgery.

Port Macquarie has many aged residents, and many of them desperately need elective surgery. They are suffering pain as a result of this Government's cancellation of elective surgery. We also heard about the tragic case of Don Mackay, who was transferred from Port Macquarie Base Hospital to Royal North Shore Hospital because of breathing problems. His widow, Therese Mackay, told the Royal North Shore Hospital inquiry that Don was forced to have an unnecessary operation, that he caught an infection at Royal North Shore Hospital, and that, tragically, he passed away. Don's last request was that he be sent home to Port Macquarie.

I have referred in this place to the case of young Ned Dillon, a five-year-old boy from Bellingen who had food lodged in his throat and who was choking. He went to Bellingen District Hospital, which could not treat him. He went to Coffs Harbour Base Hospital but it did not have a paediatric endoscope. Ned was put on a plane to Sydney and he was sent to Westmead. This little boy, who could not sleep through the night because he was choking, salivating and in deep distress, was seen 21 hours later by a doctor at Westmead. The Minister for Health said in this Chamber that that was appropriate treatment. It is disgusting!

When another rural issue was raised in this place today the Minister for Health tried to blame the former Federal Government. Two weeks ago she blamed the former Federal Government for the cockroaches and putrid toilets at Bellingen Base Hospital. Today she blamed the former Federal Government for allowing a 73-year-old woman with a broken hip to wait 14 hours for surgery because the area health service would not pay the radiologist overtime. The Minister for Health is not even in the Chamber, which is typical of her pathetic attitude and the attitude of this Government to rural health in this State. Having been forced into an inquiry into the Royal North Shore Hospital, she believes that that is the be-all and end-all of this matter. It is not. Country people, who comprise one-third of the population of this State, deserve better health services from the Government. This is just the tip of the iceberg. We demand that this issue be given the priority that it deserves.

Question—That the motion of the member for Monaro be accorded priority—put and resolved in the affirmative.

RURAL AND REGIONAL TASKFORCE

Motion Accorded Priority

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [3.34 p.m.]: I move:

That this House:

- (1) acknowledges the work done by the Premier's Rural and Regional Taskforce to consult with communities on policies to assist rural and regional New South Wales; and
- (2) thanks the residents of rural and regional New South Wales for their contributions to the work of the committee.

Earlier this year the Premier established the Rural and Regional Taskforce, which comprises the Chair, Col Gellatly, the Speaker of the House and member for Northern Tablelands, Mr Torbay, and myself. Following the State Plan, the Rural and Regional Taskforce has an important job to ensure that issues of importance to rural New South Wales are conveyed to the Premier by February before next year's budget. The task force has a concise time frame within which to complete its hearings and to report to the Premier. The Government is committed to listening to people in rural and regional New South Wales and it recognises that there is no "one size fits all" solution for issues in rural areas. Each community has different issues, which is why this task force is important.

The Government has an ongoing commitment, through Country Labor and others, to listen to rural communities. The task force has already had six hearings, which completes its hearings in rural areas. Obviously, it would have liked to have more hearings, but it was constrained by the February reporting time frame. The task force commenced its forums in Parkes on 23 August and then went to Cooma, Wagga Wagga, Armidale, Grafton and, most recently, to Broken Hill, where there was very good attendance. The task force divided its forums into three sessions, the first of which involved local government. Councils in every area were consistent in the issues they raised. The second session involved community leaders and the third session involved community members from most areas other than Broken Hill, where 60 people attended only the one session.

Some really interesting issues emerged from those sessions. The task force visited those areas to establish issues of concern and to ask people whether they had any ideas about how the Government could deliver better services, focus government funding, or resolve some of the issues that had been raised. It is not always easy to find solutions to problems, but some positive and sensible issues were raised that should not cost a lot to implement. The rural communities consultative committee also had an input. That committee has the ongoing task of reporting to the Premier and to the Minister for Regional Development. The task force received over 90 submissions from groups and members of the public.

I wish to refer to some of the highlights of those forums. At the Cooma forum reference was made to road infrastructure—a consistent issue that was raised by councils right around New South Wales. A number of councillors and general managers from the Regional Organisation of Councils consistently said that over the years local government's share of Federal revenue had declined to 0.6 per cent. We would need about \$400 million a year to bring that revenue back to the level it was at when a Federal Labor government was in office.

[Interruption]

In response to the interjections of Opposition members, I have discussed this issue with Mike Kelly, the new member for Eden-Monaro, who was elected on Saturday. I am pleased to have a rural representative like Mike in Federal Parliament because he will promote some of the issues that were raised at those rural task force forums. I said earlier that councils were receiving a limited amount of funding for specific purposes and that their revenue was declining.

Mr Andrew Constance: Point of order: I did not hear what the member for Monaro just said, so I would like him to clarify whether he and the Federal member for Eden-Monaro will fix every problem that arises in local government.

The DEPUTY-SPEAKER: Order! There is no point of order.

Mr Andrew Constance: I just wanted to make sure that I heard that correctly.

The DEPUTY-SPEAKER: Order! There is no point of order.

Mr STEVE WHAN: That is a strange point of order taken by the member for Bega. If the Federal election results were transferred to the State he would lose his seat. He should be extremely worried by the Federal election results and the massive swings in Bega: the people clearly voted for solutions to problems and not just the whingeing we get from the member for Bega.

Mr Andrew Constance: Point of order. If he is going to slander me, that is fine, but I would point out that the 10.3 per cent swing on my primary at the State election—

The DEPUTY-SPEAKER: Order! I remind the member for Bega that the point of order must be based on the standing orders.

Mr Andrew Constance: —when you guys were on the nose—

The DEPUTY-SPEAKER: Order! If the member for Bega continues I will take action.

Mr STEVE WHAN: The member for Bega keeps raising these issues to which I feel compelled to respond. It is well known now that a once safe Liberal seat in Bega now has a narrower margin than Monaro. That is a real indictment of the performance of the member for Bega. If he examines the big voter swings in Bega he will see that the people voted for Country Labor representatives who try to solve problems and not just whinge about them. In Cooma we heard about the Next G mobile broadband network problems. Of course, the Federal Labor Government has made a commitment to improve that service. We heard about problems also with TAFE and training services.

We heard comments about one-size-fits-all policies in Cooma, and some important comments in Cooma related to the capacity to skill up not-for-profit organisations to ensure they can effectively deliver government services. Government contracts sometimes are delivered by organisations from outside a regional area even though existing local organisations can do the job. I acted promptly and immediately obtained funding for the Cooma Business Enterprise Centre to conduct a pilot program to address that issue. Councils raised similar issues when we visited Wagga Wagga. Some innovative solutions were offered by the Charles Sturt University to help staffing issues. We saw a presentation by the member for Wagga Wagga and heard a number of issues concerning the shortage of nurses and allied health professionals.

In Armidale the University of New England put forward a very interesting proposal addressing one issue many people raised: dealing with different regional boundaries in government departments, local government and other areas. The university presented an interesting solution to the problem, although it needs some refining. Consistently across these forums we heard comments about the local environmental planning processes. I am pleased that many planning problems appear to have been addressed in the new proposals released by the Minister for Planning. I am sure those who attended the forums would have been pleased to hear those proposals.

At Grafton we heard similar issues about planning, also comments about library and arts funding and, obviously, a number of issues about the Pacific Highway. The member for Lismore pointed out that we should not forget about the east-west road links in the Grafton area. We welcomed those issues being raised and comprehensive information is being compiled by the committee and its support crew—essentially the Premier's Department staff—who will put all of that information together as part of the report to the Premier. Obviously, we are looking for solutions in regard to areas such as skills development. In Broken Hill we listened to issues in relation to skills development for the mining industry and potential skills shortages as well as a number of specific roads issues. I am sure I will run out of time before I can deal with many, but they are important to local communities.

Local infrastructure also was a popular subject. Reference was made to the condition of the road to Tibooburra and the road that runs out to the World Heritage area at Willandra Lakes. I had the pleasure to experience travelling along that road. Important issues were raised in country New South Wales and this Government is keen to deal with them because we know that whingeing and whining will not help; constructive

solutions must be put in place. The people in country New South Wales demonstrated on the weekend that they appreciate that approach by electing Country Labor representatives from Eden-Monaro and Page. Country Labor members came very close to winning the seat of Cowper, and the voters turned Hume and Gilmore into marginal seats and Paterson back into a very marginal seat. The people want solutions and answers from those who will work for them; they do not want to hear just complaints. The big message for members opposite when they whinge and whine is that if the trends from the Federal election flow to this State many of their seats will be lost to Country Labor. [*Time expired.*]

Mr JOHN WILLIAMS (Murray-Darling) [3.44 p.m.]: I take this opportunity on behalf of the Coalition to respond to the motion. The Rural and Regional Task Force is a great initiative: it is always a great initiative when any group listens first hand to problems affecting country areas. Unfortunately, the people of country New South Wales lack representation by this Government's Ministers because they seem to be absent from most electorates. Quite the opposite happens in Victoria: Premier Brumby spent a couple of days in northwest Victoria examining issues with irrigators. It is nice to think that even if New South Wales Ministers do not visit regional areas some Government members are prepared to visit and listen to the issues.

This debate is about representation and Country Labor. In March this year I took over representation of the Murray-Darling electorate from its Country Labor member. The Rural and Regional Taskforce heard about these issues for the first time. So what was the former representative doing? Was he not listening to his constituents? I was well versed in all the issues raised at Broken Hill as that is part of my job. I will keep this committee honest and committed to finding solutions to these problems. I will be able to remind the Government of the issues that have been raised and what is not being done. A clear indication was shown the other day after the debate on the Rural Communities Impacts Bill when Mr Speaker voted in favour of that bill. Where was Country Labor?

Mr Gerard Martin: We were over here doing our job.

Mr JOHN WILLIAMS: Yes, sitting with the city-centric members. Country Labor members needed to be on this side of the House defending the rights of people in the country as we do. At the meetings I attended one big issue came out loud and clear from local government: planning, planning, planning. Despite the Minister for Planning strutting around here saying what a good job he is doing and what he thinks of Sydney, he was marked D for planning. He has now frustrated the hell out of every shire and council west of the sandstone curtain.

Mr Gerard Martin: Not in my area.

Mr JOHN WILLIAMS: Obviously the member for Bathurst was not listening and did not attend any of those meetings. Much dissatisfaction has been expressed about planning issues and the member for Bathurst does not recognise the severity of the existing problems. The solution is simple and easy. Enormous concerns were expressed also over cuts in library funding. A day of protest was held on Monday over two disgraceful 4 per cent cuts in rural library funding. With the present drought conditions being experienced across New South Wales, the local library provides a good resource for people. The member for Bathurst laughs because he thinks it is a big joke. It is not a joke at all; it is serious stuff. Obviously he is not concerned about the people in country New South Wales.

Drought problems and related issues with drought proofing of irrigation areas are coming through loud and clear: for the first time in 85 years some farmers have been caught without irrigation resources. Many of them have not previously received a zero water allocation for their farms. Planning is needed to address that issue. Without doubt the single biggest issue in country areas that was raised loudly and clearly by all groups was the provision of health services. We hear about the great things the Federal Government will do, but it is clear that health is mismanaged by the State Government. That cannot continue. I note the motion moved by the Leader of The Nationals seeking consensus in obtaining consideration for rural electorates in the State and responses to their need of rural health services, but the motion was rejected. The situation is that Government members are not committed to improving rural health services.

Another point that must be made relates to the Isolated Patients Travel and Accommodation Assistance Scheme. It is one of the biggest bugbears for the people who live in my electorate. Fresh out of the meeting last Monday in Broken Hill, I arrived in Finley and was pulled aside by Neville Webster, who said, "I have a major issue with IPTAAS", and he proceeded to tell me yet another horror story. Neville has been treated with chemotherapy in the Albury Base Hospital. He could have taken advantage of accommodation at the Albury

hospital at a cost of \$35, which matches the Isolated Patients Travel and Accommodation Assistance Scheme funding, but unfortunately Neville needed a special diet that could not be provided as part of that accommodation. Being a person who is inclined to protect the State Government from expenditure, he towed his caravan to Albury and set it up in the local caravan park.

During 11 weeks of chemotherapy he travelled to Albury each week for treatment and back to Finley, staying in his caravan. The operator of the Albury caravan park suggested that Neville would be better off leaving the caravan at the park at a cost of \$168 a week. That made sense to Neville. He is a sick man and he was not well enough to continually tow the caravan back and forth between Finley and Albury. He submitted a claim to the Isolated Patients Travel and Accommodation Assistance Scheme for 11 trips at \$46 a trip, but the claims were treated separately. After \$40 had been deducted for each claim for administration costs he was left with \$6 a trip.

Mr Thomas George: That is a disgrace!

Mr JOHN WILLIAMS: It is a disgrace. I acknowledge that the member for Monaro understands this. It is a disgrace. It is an example of the bureaucracy running wild. What is worse is that the bureaucracy noticed that he had stayed at a caravan park and thought, "Here's a win! It's \$168 a week, so we will divide that by seven, and give him \$27 a night for the nights he was there." By the time Neville submitted his claim under the Isolated Patients Travel and Accommodation Assistance Scheme he almost owed the Government money. This cannot go on. This is a version of the horror stories I hear continually. I know the member for Monaro has heard very similar stories. He has been given the message loud and clear. The problem has to be fixed. The House should reach consensus on this issue and fix the problem because it affects every member who represents a rural electorate. I also ask about the State Government's commitment to the provision of rural counsellors.

Mr Paul McLeay: There are too many of them.

Mr JOHN WILLIAMS: It is good of the member for Heathcote to say that—really good! That comment illustrates the Sydney-centredness of the Government.

The DEPUTY-SPEAKER: Order! I suggest the member for Murray-Darling direct his dialogue to the Chair, which will be much more effective for his constituents, rather than across the Chamber.

Mr JOHN WILLIAMS: I acknowledge that people in Sydney think differently from the way people in the country think. The majority of Government members are city based and they influence the few members of the Government who represent country electorates. That is a crying shame because people in country electorates do not receive true representation.

Mr Steve Whan: Yes they do.

Mr JOHN WILLIAMS: If we are going to be political, the member for Monaro would have to be aggrieved by the election result last Saturday night.

Mr Steve Whan: Rubbish!

Mr JOHN WILLIAMS: It is unfortunate that the member for Monaro has not thought hard enough about Federal election results. They show that if the people in Monaro think there will be a change of government they vote differently from the way they voted in the previous election. Has the member for Monaro not worked that out?

Mr Steve Whan: It sounds as though I am pretty safe.

Mr JOHN WILLIAMS: The former Federal member for Eden-Monaro was a Minister, he poured a heap of money into the campaign in his electorate, he had a comfortable majority and everyone loved him. But the electors said, "Sorry, mate, you will not be in government." Guess what will happen to the member for Monaro? He has three years left of his term. I advise him to enjoy it.

Mr Steve Whan: That is what they said to me last time.

Mr JOHN WILLIAMS: No. This time it is on!

Mr Steve Whan: They used to call me One Term Whan.

Mr JOHN WILLIAMS: He should start vaselining the slide because he is on it. There has been some recognition in Broken Hill by the mining industry that a shortage of skills is a major problem. Many people are attempting to address that issue in my electorate. We need support from the State Government to establish a facility and develop skills. With ongoing support we will be able to address some of the skills shortages in the Broken Hill area. In conclusion, I draw attention to the condition of roads in my electorate. The Silver City Highway must be upgraded. The Arumpo Road, the Menindee-Pooncarie Road and the Cobb Highway from Ivanhoe to White Cliffs also must be upgraded.

Mr GERARD MARTIN (Bathurst) [3.54 p.m.]: After listening to the member for Murray-Darling, I hardly know where to begin in rejecting his comments. Government members agree that there are problems with the Isolated Patients Travel and Accommodation Assistance Scheme; we all deal with similar problems. But over past years some major changes have been made, and if Government members are able to assist with day-to-day problems associated with the scheme we will certainly do so.

It is interesting that among the issues raised with the Rural and Regional Taskforce, Health was certainly one of them, although not to the extent indicated by the Leader of the Opposition who said it was the major and only issue. In my electorate there is widespread recognition that the Government has done a magnificent job. In my electorate almost every hospital has been redeveloped as a multipurpose service hospital. For example, the Bathurst Base Hospital underwent a \$100 million upgrade. Plans have been finalised for the \$200 million upgrade of the Bloomfield Hospital at Orange and redevelopment will commence soon. Yet Opposition members tell the Government it is not looking after regional hospitals and that services are being run down.

The trouble with Opposition members is that they have short memories. I happen to have a document in my possession entitled "Coalition's Shameful history while in Government" relating to Health. I will select country hospitals to set the scene. Bellingen hospital was downgraded to become a support hospital to the Coffs Harbour hospital. We all know the sinful masquerade associated with the Port Macquarie Base Hospital and the shocking business that led to the hospital having to be purchased twice. The Hawkesbury public hospital was closed. The Wallsend hospital was downgraded to an allied health facility. The Yeoval country hospital was downgraded, as were hospitals in Quandialla and Kiama.

Mr John Williams: Point of order: My point of order relates to relevance. The motion refers to the findings of the Rural and Regional Taskforce.

The DEPUTY-SPEAKER: Order! The remarks of the member for Bathurst are entirely in order.

Mr GERARD MARTIN: The Opposition raised health services as an issue in this debate. I merely point out to members of the Opposition, as Government members do every time the Department of Community Services is debated, their disgraceful record in government. That is why last Saturday people throughout the length and breadth of Australia, particularly in the regional areas, voted against The Nationals by a country mile. All the major swings were against The Nationals.

Mr Thomas George: Point of order: My point of order relates to relevance. While the member for Bathurst is naming hospitals, he should include what the Government has done to the hospital at Bonalbo.

The DEPUTY-SPEAKER: Order! There is no point of order, as the member for Lismore knows.

Mr GERARD MARTIN: Bonalbo is also on the list I have referred to. A Coalition government it downgraded too. The other prank The Nationals play on country people is telling them that the Coalition will solve all regional health problems by reinstating local country hospital boards.

Mr John Williams: That is what the people want. The people want that.

Mr GERARD MARTIN: I point out to the member for Murray-Darling that people did not vote for it. That policy was taken to the electorate and voted on at the Federal election. The people said, "No, no, no!"

Mr John Williams: When?

Mr GERARD MARTIN: Last Saturday. It was part of the Coalition's Federal health program from 24 March to 24 November. People have woken up to the fact that we cannot roll back hospital administration to the 1950s. The member for Murray-Darling tells Government members that they are not listening to communities, but we opposed the Coalition's hospital boards issue, pointing out that hospital boards will not solve any problems. The people have rejected out of hand the Coalition's policy on hospital boards.

When the work of the Rural and Regional Taskforce was dovetailed with the State Plan that was developed last year by the Premier that initiative was met with great enthusiasm. The Government has developed a whole range of plans across the board. People have responded to that. A monitoring process is underway. The Government has adopted a far-sighted view and wants to manage our State. The Government wants to show people that the issues they raise will be addressed and performance will be measured. The Rural and Regional Taskforce is being led by a microcosm of rural and services expertise comprising the member for Monaro, the member for Northern Tablelands and Col Gellatly, a former Director General of the Premier's Department who was appointed by a previous Coalition government. Dr Gellatly was head of John Fahey's Premier's Department. He is a great public servant.

Mr Thomas George: Give us a big tick!

Mr GERARD MARTIN: Even the Coalition, including the member for Lismore, cannot get everything wrong. Unfortunately, when the task force visited my electorate in the Central West I had to attend a Cabinet meeting in Lithgow. So much for Ministers not visiting the country: the entire Cabinet was in my electorate! They also travelled to the electorate of the member for Monaro. Ministers are wall-to-wall in rural and regional areas. I had to send an emissary to the task force meeting. I commend the motion to the House.

Mr GEOFF PROVEST (Tweed) [3.59 p.m.]: The Premier's rural and regional task force was formed to examine the profiles of, and demographic trends in, regional areas, to examine current and emerging factors, to identify potential actions, and to address current and emerging economic environments. The task force has received a number of public submissions. Although I do not condemn the process I believe the task force is a little Labor stunt. The Government has been in power for 12½ years. I have lived in regional Australia for much longer than that and I have witnessed a great deal of neglect by this Sydney-centric Labor Government.

We have some significant border issues in my electorate, particularly as we are located so close to the sixth largest city in Australia, the Gold Coast. I applaud the member for Ballina for introducing a private members' bill years ago to establish a cross-border commission. We were told then that a commission was not necessary because the Premier's department had a cross-border office that looked after all cross-border and regional issues. Guess what? Not one person in our town has been invited to make submissions to that office, nor do they know anyone who has. Lo and behold, at the last State election the Premier came to town and met the then Premier of Queensland, Peter Beattie, to discuss cross-border issues. The Premiers announced that they would sign a memorandum of understanding, which is the same memorandum of understanding that was signed in Albury and that fell over due to lack of interest. The Premiers had one meeting, and the Queensland Premier said in Parliament that they had agreed to meet again.

Many significant issues are not being addressed. Members of The Nationals have raised more than 106 questions in Parliament and made 20 different submissions. It is clear that the 18 members of The Nationals are a very effective force. We do not sit in our ivory towers in Sydney; we travel the State, talking to and consulting with local communities. More importantly, we come up with action plans. The Minister for Disability Services allowed \$1 million to be spent on a group home in my electorate—a very worthwhile initiative—that sat empty for just on 12 months. The member for Burrinjuck is also deeply concerned about that issue. She and the member for Wagga Wagga have made a number of submissions about similar matters and they have yet to receive any response. The Government is great at spin and at producing reports but it is very thin on the ground because it is not connecting with local people.

I have presented petitions bearing more than 5,000 signatures supporting option C, the Sextons Hill upgrade, and opposing option B proposed by the Roads and Traffic Authority. But, once again, this Sydney-centric Government does not care what local people think; it will do what it wants even if it does not solve the existing problems. Because of stamp duty and other government taxes and charges it costs \$27,000 more to build a house in Tweed Heads than on the Gold Coast. Policing is very important in our area and my electorate has many different needs. But the rural and regional task force did not receive any submissions from local police because they thought it would be a waste of time. Officers lobbied the Government continually in the past to no avail. I question the effectiveness of the task force in delivering positive outcomes for rural and

regional areas. Many political statements had been made in the House this week and in the lead-up to the Federal election. But people in rural and regional areas want action, not more broad-brush statements and spin. They are well represented by The Nationals, which is the grassroots party of regional New South Wales.

Mr FRANK TERENZINI (Maitland) [4.04 p.m.]: During my short time in the House I have heard Opposition members make some extraordinary statements but this afternoon the member for Murray-Darling began his speech by declaring the Premier's rural and regional task force to be an excellent initiative, while the member for Tweed called it a stunt. The walls are closing in on The Nationals and the entire Coalition. They are on their own, facing political oblivion.

The DEPUTY-SPEAKER: Order! The member for Tweed spoke for five minutes without interruption. I ask members to extend the same courtesy to the member for Maitland.

Mr FRANK TERENZINI: That is their tactic now. Opposition members label Government initiatives stunts that have no practical benefits. But what could be more grassroots than having a rural and regional task force travelling New South Wales, talking to local governments and other stakeholders and making sure that things are happening on the ground?

Mr Thomas George: Did you go to it?

Mr FRANK TERENZINI: The member for Lismore has plenty to say but he is very unhappy behind the scenes. During the election campaign the Coalition said it was wall-to-wall Labor—

Mr Thomas George: Point of order: I refer to Standing Order 129, which is about relevance. At least I attended the rural task force meeting.

The DEPUTY-SPEAKER: Order! There is no point of order.

Mr FRANK TERENZINI: What did the people of Australia do? They picked wall-to-wall Labor. Why did they do that? Let us consider the facts. Labor has policies on broadband, biofuels, water, climate change, infrastructure, health and roads. The people know that this is a golden opportunity to get something done in rural and regional Australia. The election of a Federal Labor Government fits in nicely with the work of the rural and regional task force, which talks to local councils and stakeholders.

Mr Thomas George: Did you go?

Mr FRANK TERENZINI: The member for Lismore keeps asking me whether I went to the meeting. The task force is a Government initiative. The Government is taking action and the member for Lismore does not like it.

The DEPUTY-SPEAKER: Order! The member for Maitland should not worry about interjections by the member for Lismore. He is becoming as bad as the member for Murray-Darling at interjecting.

Mr FRANK TERENZINI: I do not know about that; I would not go that far. Opposition members know that the rural and regional task force is a fantastic initiative. The Federal and State Labor governments will get things done, and the task force will work with it, hand in glove. Before the Federal election my constituents continually asked me when broadband would be available to all parts of my electorate of Maitland. I had to say that it was a Federal responsibility and that they would have to direct their inquiries to the Federal Government. But the new Rudd Labor Government has some great broadband initiatives. The Federal seat of Paterson is now a very marginal Liberal seat thanks to the great work of Jim Arneman, a fantastic candidate who doorknocked tens of thousands of homes during the election campaign. He was a great candidate for 11 months.

Mr John Williams: Tens of thousands of homes?

Mr FRANK TERENZINI: He doorknocked thousands and thousands of homes.

Mr John Williams: Better.

Mr FRANK TERENZINI: I am talking about the last 11 months. The people spoke in March and they spoke again last Saturday. We now have a great opportunity to get things done. We can now restore the

biofuels industry in Australia. We will now be able to secure a fair deal for New South Wales with regard to infrastructure and roads funding. The rural and regional task force will help to accomplish those objectives. Members opposite know very well that this is a great initiative.

Mr John Williams: Point of order: The member for Maitland is misleading the House. We have had a debate about biofuels. The Government mandated the use of biofuels. What more can we do?

The DEPUTY-SPEAKER: Order! There is no point of order.

Mr FRANK TERENCE: I thank the member for Murray-Darling for pointing out that Country Labor was at the forefront of that policy.

Mr John Williams: Mr Deputy-Speaker—

The DEPUTY-SPEAKER: Order! For Christmas I am going to give the member for Murray-Darling a copy of the standing orders to read. I have already ruled that there is no point of order.

Mr FRANK TERENCE: He is misleading the House. I am very proud to be a member of a Government that has put forward such a great initiative, talks to stakeholders and makes things happen to improve the lot of the people in my electorate of Maitland and all other regional areas of New South Wales. I commend the Government for putting forward this great initiative.

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [4.09 p.m.], in reply: I thank members for their generally positive contributions to this debate. I particularly thank the member for Bathurst and the member for Maitland, two important Country Labor members who provide input every Wednesday morning at the meeting of Country Labor. The member for Murray-Darling raised a number of relevant issues. I congratulate him on coming to two sessions of the task force as he represents a very big electorate. He referred to the key matter of planning, which I acknowledged in my opening comments. I am pleased that a discussion paper has been issued. That discussion paper will be available for comment so that we can ascertain whether its contents deal with the matters that were raised with the rural task force.

The member for Murray-Darling said he has heard great things about what the new Federal Government will do in health. I hope they come to fruition. I acknowledge his concern about the Isolated Patients Transport and Accommodation Service and Neville Webster. I am happy to take up that matter with the Minister if he has not already done so. There are hardship provisions that can be applied, but at times the member for Bathurst and I have also had difficulties with the way the scheme operates. The contribution of the member for Tweed was perhaps not as constructive in what was a fairly positive debate. I do not agree with his assessment that the task force is a stunt. He also said that members of The Nationals had action plans. There is not one single policy on The Nationals website, so I wonder where they are. The member for Tweed has not raised those plans in this place.

The task force will have a positive outcome. This motion was bipartisan, but the member for Tweed has goaded me to say something political. The positive approach of Labor governments of listening and putting things into place contrasts with the negative whingeing approach of the Coalition, which was evident in the Federal election. The Coalition had been in government for 11 years but it could only be negative. The people of New South Wales rejected a government that sold Telstra, imposed draconian industrial relations laws on them, consistently said there was nothing it could do to stop the decline in health funding and rejected a proper broadband solution. All those issues were raised at meetings of the rural task force and they all have been mentioned in this debate.

Mr Thomas George: What about planning? Do you want to add planning?

Mr STEVE WHAN: I just spoke about planning a minute ago; the member for Lismore needs to listen. All those important matters go to the heart of the reason for the headline in a recent *Sydney Morning Herald* article: "Nationals' fortunes at lowest ebb". The article suggested that since 1975 The Nationals' membership in the Federal Parliament has gone from 23 to just 10 after Saturday's election because of their negative approach to government—not only when they are in government but also when they are in Opposition. The Nationals do not offer positives, and we see that day after day in this place. We hope that we will see a fresh approach.

The member for Tweed would be very nervous about what happened last Saturday because Justine Elliot, who represents a similar but bigger area to the electorate of Tweed had an 8.5 per cent swing in her favour and now has a margin of 59.5 per cent. In Page the swing was 7.8 per cent; in Cowper it was 5.7 per cent. Like most members I take an interest in election figures. On my few quick calculations if the Federal figures carry across to the State, the member for Bega, the member for Coffs Harbour and the member for Clarence are in trouble. On Federal figures the Labor vote in Clarence is now 52.3 per cent. That is on booth figures alone; obviously the postal votes have not been counted.

One can see why the member for Tweed is taking desperate action and claiming that The Nationals have positive policies. Unfortunately for the people of New South Wales they do not. The people of New South Wales are seeing only positive action from the Government. At times we have some positive input from members who attend the meetings, including the member for Burrinjuck, the member for Murray-Darling and the member for Lismore, who are in the Chamber. However, their policies are negative.

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

Motion agreed to.

DEPARTMENT OF COMMUNITY SERVICES CHILD PROTECTION REFORM

Matter of Public Importance

Ms KATRINA HODGKINSON (Burrinjuck) [4.15 p.m.]: I bring to the attention of the House as a matter of public importance the state of community services in New South Wales. Today is the second time in the past five months that I have raised as a matter of public importance the important issue of community services in New South Wales. The last time I spoke about the disgraceful level of support provided by the Iemma Labor Government for preschool education in New South Wales. Preschools in New South Wales remain the worst funded and least attended in Australia. Today I will address what is arguably the most important function of the Department of Community Services. That is the protection of children at risk of harm.

I have no doubt that the situation in the broader community of New South Wales is so bad that it needs to be addressed by a royal commission. In the past month or so several cases have received significant media attention. These cases have raised awareness of the problem of child abuse. But that is nothing new; it is a continuing problem in our society. While parents can rightly warn their children about the risks of stranger danger, the sad fact is that most child abuse occurs in family situations. When child abuse does occur, it is the responsibility of the community and the Government to act to protect these vulnerable children. During 2006-07 286,000 child protection reports were made to the Department of Community Services. These reports referred to about 120,000 children. About one in 15 children in New South Wales is reported to the Department of Community Services each year. This is a big problem, and it needs to be dealt with by a government that is willing to act decisively.

Why does New South Wales need a royal commission into child protection? New South Wales needs a royal commission because both the Carr and Iemma Labor governments have failed to act decisively on child protection. A mandatory review of the deaths of certain children in New South Wales by the Ombudsman—those deaths have been highlighted previously in this place—was introduced on 1 December 2002. In the 13 months up to 31 December 2003 605 children died across the board from all causes. Of those, 161 were considered to be reviewable by the Ombudsman. Of those 161 children, 103 died following a risk of harm report to the Department of Community Services relating to the child or a sibling three years before the death.

In his first report of reviewable deaths of children, for the period December 2002 to December 2003, the Ombudsman found that in relation to 24 of the 103 children who did not get past the initial assessment stage, report closure was the last Department of Community Services action prior to the child's death, and for 12 of the children who were classified priority one, report closure was the last action the Department of Community Services took prior to the death of the child. In his report the Ombudsman criticised the Department of Community Services for its assessment procedures and for the lack of interagency cooperation on child protection issues. A royal commission into child protection in New South Wales is needed because on 26 October this year the Ombudsman released his annual report to Parliament in which he again criticised the Department of Community Services for exactly the same issues. The Ombudsman said:

Our investigation findings highlight the need for all agencies to provide adequate training for staff and have appropriate systems in place to facilitate effective interagency responses to child protection concerns.

Last year we reported our concerns about DoCS not conducting comprehensive risk assessments for some children who live in circumstances where there is a high risk of harm. Some of our investigations this year indicate that this continues to be a concern.

In a media statement prior to the report's release the Ombudsman said:

We continue to see examples of multiple reports to DoCS where there is, in our view, an inadequate or no assessment made of risk to children. DoCS closes many cases on the basis of competing priorities or on the basis of resource issues. We still have concerns that cases were closed that should not have been closed.

Between those two reports lie four years, almost \$1.2 billion of taxpayer money and at least 420 dead children who were known to the Department of Community Services before their deaths, or whose families were known to the department on a child protection matter. As I have already highlighted in this place, every year for the past four years the Ombudsman has felt it necessary to publicly criticise the handling of child protection matters by the Department of Community Services by way of his formal report. In his report on reviewable child deaths during 2005 the Ombudsman revealed that the Department of Community Services knew 109 of the 117 reviewable deaths. The Ombudsman said:

Our reviews of deaths that occurred in 2005 showed that the level of risk was not always adequately recognised or reported by agencies in contact with the family, that when reported, concerns were not always fully assessed or responded to, and that measures taken by agencies—alone or jointly—to protect children at risk were not consistently effective.

The Minister for Community Services talks continually in this place about all the money that has been put into reforming the Department of Community Services. Every time another child known to the Department of Community Services dies the Minister talks about the importance of a proper investigation into the death. Since these deaths have been reviewed more than 422 children known to the Department of Community Services have died. In a significant number of these deaths the Ombudsman has found sufficient cause to raise the same criticisms of the department's handling of the case. We need a royal commission into child protection in New South Wales because the Government says that it is acting on these recommendations but continually more children are dying in the same circumstances. It is a question of basic accountability.

Not once since the member for Oatley has been the Minister for Community Services has he stood up in this place and provided the results of one of the investigations that he spends so much time talking about. In fact, since he has been the Minister for Community Services he has only spoken in this place a handful of times. The majority of those times have been spent avoiding answering questions. We expect more. During 2006 628 children aged 17 and under died across the board in New South Wales from all causes. This is a rate of death of 39.4 per 100,000 head of population. Of these deaths 123 were reviewable by the Ombudsman and 114 were children or children known to the Department of Community Services in the past three years.

In 2005-06, the latest year for which the annual statistical report is available, the Department of Community Services received child protection reports on 109,568 children. In Victoria the overall child death rate per 100,000 head of population is 43, which is slightly higher than in New South Wales but broadly comparable. In 2006 Victorian child protection authorities received notifications about 36,475 active clients. Of those, 18 who were known to the Victorian child protection system died following these reports. It is an alarming comparison. Children known to the New South Wales Department of Community Services are dying at twice the rate as that in Victoria.

One child dies for every 1,052 children reported to the Department of Community Services. One child dies for every 2,026 children reported in Victoria. In this place on 23 October the Minister for Community Services said that no child protection system in the world is perfect. I accept that. What the Minister has not explained is why children known to the Department of Community Services are dying at double the rate in Victoria. This is why we need a royal commission into child protection in New South Wales. The Iemma Labor Government refuses to be accountable for a child protection system that is failing at-risk children in New South Wales.

I draw the attention of members to the Auditor-General's report to Parliament 2007, volume 5, concerning the Department of Community Services and other departments on a broader level, which was released today. For the second consecutive year the Auditor-General has felt compelled to comment on the low substantiation rate of child protection reports in New South Wales. If an investigation is substantiated, intervention by the department may be needed to protect the child. The Auditor-General noted that the substantiation rate of 33.9 per cent of child protection notifications was low when compared to 69.8 per cent in Victoria. These figures bear out the ongoing criticisms by the Ombudsman of child protection reports and the department's lack of investigation because of competing priorities or resource issues. That report reinforces the need once again for a royal commission into child protection in New South Wales. [*Time expired.*]

Mr KEVIN GREENE (Oatley—Minister for Community Services) [4.25 p.m.]: Sadly, some of the statements made by the shadow Minister are not totally correct. First, over the past four years the Ombudsman has reviewed the deaths of 472 children. We gave him that power, but the Opposition struggles to understand it. In New South Wales the Ombudsman reviews a child's death if the department, in the three years before they died and regardless of how they died, knew the child or their brother or sister. I emphasise the words "regardless of how they died". That means that he reviews the deaths of children who have died in car accidents, from natural causes, from illnesses such as cancer, from chronic conditions such as asthma or as a result of premature birth. Using that definition, the Ombudsman has reviewed the deaths of 472 children over the past four years.

Many of these children died from causes unrelated to their child protection history. However, it is a disturbing fact that about 30 per cent of them died in suspicious circumstances. We do not walk away from that. We take the Ombudsman's advice and work closely with him to implement his recommendations. By comparison, in Victoria—the shadow Minister referred to this—a child's death is reviewable if the child was reported to child welfare authorities within three months of the child's death. Three years in New South Wales versus three months in Victoria. Obviously, our review process is far reaching. We welcome it. We established it. These figures are of concern. We are talking about children's deaths. If we are to have a public discussion about these difficult and sensitive issues, it is essential that we get the facts straight.

No-one has ever claimed that the child protection system in New South Wales is perfect or that it can be perfect. The undeniable truths about our child protection system are that we have more front-line caseworkers than ever before, and that means that we get to more reports than ever before. The reason these two things are true is that the Government has invested more money than ever before—an additional \$1.2 billion over five years. These improvements have been brought about in the face of an exploding number of reports to the Helpline—286,000 in the last financial year—and a skyrocketing number of children in out-of-home care, or 12,600. However, we still have some way to go in bringing about improvements in our system.

That is why I have tasked one of the State's most eminent former judges with vast experience in system overhaul, who has a genuine interest in making serious recommendations on the improvement of the child protection system in New South Wales, to report on our system. In order to ensure that the system continues to improve in the face of escalating demand, I have commissioned James Wood to undertake a special commission of inquiry. I understand that the commissioner is in the process of setting up his office and his team, and is getting ready to receive submissions. I am sure that once these administrative processes are in place the commissioner will make everyone aware of his contact details. In the meantime I am happy for people to send submissions to my office, and they will be passed on to the commissioner in due course. In the meantime our hardworking front-line staff are getting on with the job of protecting our most vulnerable children.

Department of Community Service caseworkers have one of the toughest jobs known. We, as a community, task them with the job of working with society's most dysfunctional families and most vulnerable children. The decisions they make are difficult; the job they do is often thankless. They are often criticised for hesitating to take action to make children safe and equally condemned when they do take action. I have met the department's caseworkers in 58 community service centres across the State, and I make it a point to thank them for the work they do and to let them know that the Government is behind them and is committed to getting the extra support they need through the recruitment of more caseworkers.

I draw to the attention of the House the situation of the Department of Community Services in 2002, before the Government introduced its \$1.2 billion reform package. Only 55 per cent of the most urgent reports, 26 per cent of the mid-level reports and 12 per cent of lower-risk reports were allocated to a caseworker. At the offices that have received more caseworkers under the reform, 97 per cent of the most urgent reports, 83 per cent of mid-level reports, and 50 per cent of lower-risk reports are allocated to a caseworker. Clearly, we must improve further but we are rebuilding the child protection system virtually from scratch. Change of this magnitude takes time. Extra caseworker positions will come online throughout this financial year. When the current reform package is completed, we will have the work of Commissioner Wood to guide us in the next stage of strengthening the system.

Before our reform of community services in June 2003, we employed about 1,200 caseworkers and now there are close to 2,000, with more to come. At that time we received 159,643 child protection reports a year and we now receive more than 286,000. The number of children involved in those reports was 84,965 and that has risen to more than 109,500. The number of reports that were referred for further assessment was just over 103,000, and that has now risen to more than 160,800. The number of children involved in those reports has increased from 63,488 to more than 87,100. The number of children in out-of-home care—that is, living in

foster care or with other relatives—was just over 9,200, and that has risen to more than 12,600 this year and in about two-thirds of those cases the court has ruled that the children could not live safely at home.

At that time we did not have Aboriginal intensive based family services that now help more than 100 children and their families through comprehensive support programs. We did not have the Brighter Futures Early Intervention Program that now helps about 1,000 families with support and services before they reach a crisis point, and we did not have new, upgraded and refurbished offices for staff to work in and clients to visit. I share with the House a story from one of the caseworkers—Mary—whom I met at Blacktown community service centre, one of the very first to receive additional resources under the reform. Mary joined the department a couple of years ago. Mary had spent her whole working life in community services but had always worked for non-government organisations. She had sworn she would never work for the Department of Community Services, but when positions started to roll out under the reform she decided to apply. Now she says she would never leave. She has never had a better job.

More recently I had the privilege of meeting staff who had worked in the Department of Community Services for more than 20 years and they told me that now is the best time to work in that department. There is a real enthusiasm in the department's offices now and a real feeling that the work being done is making a difference. The Government's \$1.2 billion reform package is about more than new staff; it is also about innovative and improved services. The Brighter Futures Early Intervention Program is one of those. With \$150 million for new services over five years the Brighter Futures program is about trying to stop abuse and neglect before it starts. Targeting families with problems like domestic violence, mental illness, and drug and alcohol abuse, Brighter Futures caseworkers work with parents and carers to identify the help and support they need.

Families with young children are a special priority because the first three years of life are the most important. Unless children meet early developmental milestones they will struggle for the rest of their lives. They will not be school ready, they will have difficulty learning, they will have difficulty interacting with their peers and as they get older those problems will tend to become worse. Therefore, the Brighter Futures program offers a range of services to help both parents and children. Quality child care gives young children the opportunity to develop not only physical and cognitive skills but also to interact positively with other children.

Parenting programs help give mum and dad more confidence and help them understand and meet their children's needs. And for an extra bit of ongoing help and support, sustained home visiting will help families find workable solutions to day-to-day problems. The Brighter Futures program represents a major change in the way the Department of Community Services works with families and is representative of this Government's new approach to helping the people of New South Wales. That approach is clearly spelt out in the State Plan. Our goal is to use early intervention to tackle disadvantage and to do this we are working hard to embed the principle of prevention and early intervention into all government services.

For the Department of Community Services that means Brighter Futures and the development of better services in out-of-home care that will help children who cannot safely live at home to enjoy the same developmental opportunities as their peers. The Government works with the department's front-line caseworkers and continues to support them in their difficult job. Most importantly, the Government will continue to provide them with the resources they need.

Mr BRAD HAZZARD (Wakehurst) [4.35 p.m.]: This matter of public importance is not about the hardworking staff of the Department of Community Services. This discussion is about systemic failure, not of the Department of Community Services but of the dorks who run the Labor Party in this State and who have come up with a system that has turned the Department of Community Services into utter chaos in the past few years. The Labor Government has created havoc and has perpetuated the incidence of children's deaths, which has been a continuing disaster since about 1998. I remind the House, especially the new members who have recently arrived, that the Labor Government came to power in 1995 and three years later it had stuffed the system, which has been highlighted in a never-ending stream of critical reports, firstly from the Community Services Commission.

Most members opposite would not even remember that the Community Services Commission ever existed. Robert Fitzgerald, who ran the Community Services Commission, produced one report after another saying that the Department of Community Services was in a state of chaos, a state of crisis, and that babies were at risk of harm or death because the Labor Government was not doing what it had to do. What did the Government do? Faye Lo Po', the predecessor of the member for Penrith, who is in the Chamber, absolutely

shafted the Community Services Commission. In fact, the upper House voted unanimously to retain the commission and, as the Minister said piously today, "Well, the Ombudsman has those powers". Yes, he has those powers because the Government shafted the Community Services Commission.

The Government took away the advocacy roles, and the role of the commission to stand up and fight for kids who were quite vulnerable and put them into the Ombudsman's office. I am not saying that the Ombudsman has not done a good job; he has done a reasonable job. But, by God, the Government made sure that the people who really knew about the problems in the Department of Community Services were out of the way. The role of government is to provide a policy framework to ensure that vulnerable children get the services they need.

As shadow Minister for Community Services five to seven years ago I lived this, daily. I saw children who were at risk of harm missing out on services. I well know that the Opposition, quite properly, called for a royal commission in 2000 and 2002. In fact, I issued a press release on 1 May 2002 calling for a royal commission. But what did the Government do? It set up a parliamentary inquiry with a tame Chair, Jan Burnswoods, who was one of the most hopeless members of Parliament when it came to getting down to the substance of a matter. The Government ran that inquiry, and it cut off people so that they could not give evidence.

I remember that Carol Petola, the head of Family Services at the Department of Community Services, was shafted when she appeared to give evidence in the Waratah Room, just a few feet away from the Chamber. She was stopped from giving answers to questions and the questioning was then stopped. It was a monster of an inquiry. People on the Government side, including Maurie O'Sullivan, the head of the Public Service Association, gave evidence. I used to meet regularly with Maurie; he was a good man. He represented the department's workers and he wanted to see a change because he knew the situation was disastrous. Maurie O'Sullivan told the inquiry that throwing money at it was not the only solution. The Minister said, piously, "Oh, we put \$1.2 billion in." That is rubbish.

Today the Premier, for whom I have a degree of respect, lied about the fact that the Coalition had planned to get rid of 600 workers. That is absolute rubbish. What we said was that we would put 200 workers on the front line immediately and have a royal commission to find out exactly how the system should be changed. We knew it needed to be changed. The Government went on with a lot of rubbish about getting rid of 1,000 workers from the Department of Community Services, or getting rid of 600 workers—it depends on what day of the week it is supposedly said. That is all rubbish.

At the end of the day what we know is that domestic violence certainly plays a part, drugs play a part and family breakdown plays a part in putting children at risk of harm. What we know is that back in 1995 there were 33,000 children at risk of harm reports, by 1999-2000 the number was 77,000 and by 2001-2002 the number was 163,000—all before the Minister's time, apparently. We acknowledge that now there are more than 200,000 such reports. Surely to God that means that some action should be taken, particularly when fewer than one in 10 level one reports of child abuse is investigated. The Minister plays with words and plays games with Department of Community Services officers. Only three weeks ago a senior Department of Community Services officer told me that what looking at a file actually means has been redefined and redefined and redefined. These blokes opposite are about obfuscation and lies. I do not doubt the Minister's sincerity and decency, but he is not up to the job. What is more, nobody on his side and none of his predecessors has been up to the job.

Mr Kerry Hickey: And you are? You cut staff!

Mr BRAD HAZZARD: The member for Cessnock is on the Z team. He should keep quiet. In the last few years, when he was a Minister in the Government, 420 children have died. He was a hopeless Minister. He should shut up. When children are dying, we must have systemic change. Less is being spent per child now on reports of children at risk of harm than was spent years ago. The Labor Government put in a total package worth more money, but, as the Auditor-General said today and confirmed what I have been saying for years: it is spending less per child. It is time to stop the talk and take action.

Ms KATRINA HODGKINSON (Burrinjuck) [4.40 p.m.], in reply: I thank the Minister for Community Services and the member for Wakehurst for their contributions to this very important discussion. I note that the Minister tried to spin his way out of the Government taking responsibility for the horrendous number of deaths of children the subject of protection reports. If the Minister is to take any responsibility at all for his department he should face the figures and the facts, which show that the Department of Community Services is at crisis point. He should do whatever he can to get a royal commission underway.

The Minister—all Ministers—should face the truth and stop lying to the House. As the member for Wakehurst quite rightly said, the Minister makes up on the day whatever might sound good to the people on his

side. He makes up lies about the Opposition. He must stop it. He must face the facts and acknowledge the statistics. Reports and recommendations continue to come to this place, but the Minister continues to ignore them. He referred to Justice Wood's inquiry, which will be another report and more recommendations for the Government to ignore. The past four Ombudsman's reports have been ignored. For the second year in a row the Auditor-General has felt compelled to comment on the low substantiation rate of child protection reports in New South Wales.

The Minister is a disgrace. He continues to fail to implement recommendations made by very senior people who are supposed to advise him on how to properly conduct his department. He is failing. Let us for a moment touch on the human face of these ongoing tragedies. I refer briefly to Mr Peter Kuehne's four-year-old daughter Tyra, who died following a dog attack in July 2006, despite his daughter being reported to the Department of Community Services months prior to her death. When the Minister and the Director General were asked questions about this in estimates—

Mrs Karyn Paluzzano: Point of order—

Ms KATRINA HODGKINSON: This is a matter of public importance relating to community services in New South Wales. I certainly hope that this is relevant because there is no point of order.

Mrs Karyn Paluzzano: This is a right of reply speech. No new information should be introduced.

Ms KATRINA HODGKINSON: It is about community services in New South Wales.

Mrs Karyn Paluzzano: It is new information. It should have been put in the substantive speech.

Ms KATRINA HODGKINSON: Mr Kuehne is still waiting for answers from the Minister for Community Services as to why his daughter died and what went wrong. If the member for Penrith has any doubt that she is one of the many children to whom we have referred in previous statistics then perhaps she should get her head around the full content of this discussion.

I wrote to the Minister earlier this year asking when the investigation into Tyra's death would be completed and when Peter Kuehne would get the answers he wants. I received the Minister's reply yesterday, in which he said that the Department of Community Services investigation into Tyra's death has not been completed—six months after her death. Of even greater concern, he said that the department, as mentioned in the broad context of an earlier contribution, is conducting a confidential internal review of Mr Kuehne's daughter's case. Copies of the review will be made available to the New South Wales Ombudsman and the Coroner as part of their review and investigation processes.

In other words, the Minister is refusing to tell a grieving father why his daughter had to die. That is why we need a royal commission into child protection in New South Wales. After four years and almost \$1.2 billion in spending, the death of more than 420 children, critical reports by the Ombudsman, continuing critical reports by the Auditor-General, no accountability by this Government, the Minister for Community Services refusing to stand up and say why these children are dying, refusing to be responsible, refusing to be accountable we need a royal commission into child protection in New South Wales.

The Minister continues to blindly hide behind the spin that has been put forward by his director general, who, as we know, is retiring in a couple of months. He continues to come into this place and read verbatim from documents that have been prepared by his director general or other bureaucrats within his department. He continues with the Labor spin, which has become part and parcel of his diatribe in this place. He continually comes into this place and creates answers that are not consistent with the questions being asked. It is time for a new Minister and it is time for a royal commission in this State. [*Time expired.*]

Discussion concluded.

BUSINESS OF THE HOUSE

Suspension of Standing Orders: Divisions and Quorums

Mr JOHN AQUILINA (Riverstone—Leader of the House) [4.46 p.m.]: I move:

That standing orders be suspended at this sitting to provide that from 7.30 p.m. until the rising of the House no divisions or quorums be called.

Mr THOMAS GEORGE (Lismore) [4.46 p.m.]: Again the Government comes into this House and wants to change the rules when it has no work to do.

Mr Gerard Martin: It is within the rules.

Mr THOMAS GEORGE: The Government wants to change the rules without any notice and without any consultation whatsoever. I am disappointed that the Leader of the House does not even consult with me, the Opposition Whip. He just walks in and moves a motion seeking the suspension of standing orders. We are certainly not going to grant it without a division. Again this lazy Government comes into this place and wants to change the rules. Members on the other side want to howl me down because I am sticking up for the Opposition and saying that the Government is lazy. We are continually confronted with this. Tomorrow will be private members' day. Members of the Government will walk in and they will want to take that away from us as well. This afternoon we sought the reordering of general business to permit the moving of a motion and subsequent debate tomorrow, but we were turned down. The Government is so arrogant that it is trying to take away the consultation process without any warning whatsoever! It has no work to do.

Ms Linda Burney: I am about to do some work.

Mr THOMAS GEORGE: The suspension of standing orders is part of a ploy to bring on private members' statements early. Those opposite have no work to do this afternoon and now we are faced with a suspension of standing orders. The Minister for Fair Trading says she has work to do. That work is an agreement in principle speech. Once that is finished they will want to bring on private members' statements early. Notices of motions cannot be called on before 5.15 p.m. and by the time we are finished it will be 5.15 p.m. There will be no problem filling in the time. I can assure the House and the Government that the Opposition will not put up with such arrogance from a lazy Government that wants to change the rules to suit itself.

What is on the Government's agenda tonight? Why does it want to suspend standing orders? Do Government members want to attend a fundraising dinner? Do they want to celebrate with Kevin 07? The member for Cessnock, who is a retired milkman, just offered me a glass of milk. The Opposition will not tolerate such arrogance from this Government! The Leader of the Opposition is in the Chamber to give me support while I am trying to convince Government members that they should work tonight. The Government wants to suspend standing orders this afternoon to introduce only one bill. It will then have to suspend standing orders again to deal with notices of motions, which is what we expect from this lazy, lazy, lazy Government.

As I said earlier, perhaps Government members need to celebrate tonight, so Opposition members will ensure that there are divisions and quorums. However, Opposition members will not tolerate such arrogance from this Government. It did not consult us before moving a motion to suspend standing orders to ensure that there were no divisions or quorums tonight. I am disappointed in the Leader of the House, who did not even consult me about this matter. [*Time expired.*]

Mr JOHN AQUILINA (Riverstone—Leader of the House) [4.51 p.m.]: The last thing I want to do is upset the member for Lismore. He is one of those genuine people who works hard to ensure that this place runs smoothly. We will not have any quorums or divisions this evening because the House has been running smoothly and we have dealt with an enormous amount of legislation. This evening the Government wants to introduce more legislation. As debate on legislation that has been introduced has been completed there is no point in having quorums, divisions and additional expense and delays.

Recently there has been much talk about family friendly hours. The suspension of standing orders will give members of Parliament an opportunity to observe family friendly hours. We had a good night last night and members had an opportunity to contribute to debate on a number of bills, so today the Government is able to give hardworking members of Parliament, staff and colleagues an opportunity to do other things. Many members will remain in the Chamber while Ministers introduce a number of bills, but no quorums or divisions will be called. I moved the motion to suspend standing orders to ensure that members are not forced to remain in the Chamber while those issues are dealt with.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 49

Mr Amery	Mr Greene	Mrs Paluzzano
Mr Aquilina	Mr Harris	Mr Pearce
Ms Beamer	Ms Hay	Mrs Perry
Mr Borger	Mr Hickey	Mr Rees
Mr Brown	Ms Hornery	Mr Sartor
Ms Burney	Ms Judge	Mr Shearan
Ms Burton	Ms Keneally	Mr Stewart
Mr Campbell	Mr Khoshaba	Ms Tebbutt
Mr Collier	Mr Koperberg	Mr Terenzini
Mr Coombs	Mr Lynch	Mr Tripodi
Mr Corrigan	Dr McDonald	Mr Watkins
Mr Costa	Ms McKay	Mr West
Mr Daley	Mr McLeay	Mr Whan
Ms D'Amore	Ms McMahon	
Ms Firth	Ms Meagher	<i>Tellers,</i>
Ms Gadiel	Ms Megarrity	Mr Ashton
Mr Gibson	Mr Morris	Mr Martin

Noes, 38

Mr Aplin	Mr Hazzard	Mr Richardson
Mr Baird	Ms Hodgkinson	Mr Roberts
Mr Baumann	Mrs Hopwood	Mrs Skinner
Ms Berejiklian	Mr Humphries	Mr Smith
Mr Cansdell	Mr Kerr	Mr Souris
Mr Constance	Mr Merton	Mr Stokes
Mr Debnam	Ms Moore	Mr Stoner
Mr Draper	Mr Oakeshott	Mr J. H. Turner
Mrs Fardell	Mr O'Dea	Mr R. W. Turner
Mr Fraser	Mr O'Farrell	Mr J. D. Williams
Ms Goward	Mr Page	<i>Tellers,</i>
Mrs Hancock	Mr Piccoli	Mr George
Mr Hartcher	Mr Provest	Mr Maguire

Pair

Ms Andrews

Mr R. C. Williams

Question resolved in the affirmative.**Motion agreed to.****COMMISSION FOR CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2007****Bill introduced on motion by Ms Linda Burney.****Agreement in Principle**

Ms LINDA BURNEY (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [5.02 p.m.]: I move:

That this bill be now agreed to in principle.

The Commission for Children and Young People Amendment Bill 2007 will make several minor amendments to the Commission for Children and Young People Act 1998 and one to the Parliamentary Electorates and Elections Act 1912. The amendments are not substantive in nature but rather help to clarify existing provisions and streamline the Act's provisions. Consequently, they will allow the commission to do its work more effectively. I will now outline the amendments to the Commission for Children and Young People Act 1998. I turn firstly to amendments that will strengthen and streamline the working with children check.

The bill will mean that the working with children background check will apply regardless of whether people are employed to work only with children who are related to them. Last January the amalgamation of the commission's Act and the Child Protection (Prohibited Employment) Act 1998 took effect. The amalgamation resulted in a single set of definitions applying to both the prohibited employment and background check components of the working with children check. This had the unintended consequence that an employee was no longer required to have a background check if all the children with whom they work are related to them.

The result is that a small number of people are not currently subject to the working with children background check: commercial babysitters who babysit only for relatives, for example, or foster carers who are authorised to care only for relatives. Such people should be background checked irrespective of whether they are caring for relatives or not. This bill will resolve this problem by requiring that all people in primary child-related employment be subject to the background check. The question of whether they are related to the children will not arise. This bill corrects an anomaly that arose from the amalgamation of the two Acts and reinstates the original intention of the Parliament when passing the legislation.

The bill contains also two amendments that will help employers meet their requirements to report certain matters about employee behaviour to the commission. Under the Act employers are required to report to the commission if an employee has committed an act of violence against a child or has engaged in certain types of conduct. If an employer has investigated the employee's behaviour and has found that the employee has, or may have, behaved in a prescribed way or used violence against a child they report it to the commission, which takes it into account in background checking. This is referred to in the Act as a "relevant employment proceeding". However, some employers have been confused about when they are required to report the proceeding to the commission.

The bill includes a precise definition that will give employers clarity about when to report. The bill means that an employer will be required to report a relevant employment proceeding when the employer has determined that the conduct has or may have occurred, and what disciplinary action, if any, the employer should take. As well as providing clarity for employers, this amendment means that the employer may think more carefully about the effect and consequences of the conduct, and it may encourage them to revise their risk-management procedures. The bill makes an additional clarification about the nature of the proceedings.

The Act currently uses the term "disciplinary proceedings". However, in some employment settings this term or similar words are used with a narrower meaning. The Education Act is one example. This has led to some confusion for employers in these sectors: they are unsure when to report matters to the commission because they have two definitions to consider. For this reason the bill uses the inclusive term "proceedings (including disciplinary proceedings)" to remove any doubt by employers in these sectors. This bill makes one further change to strengthen the relevant employment proceedings provisions.

Currently the Act requires employers to notify the commission of the name and other identifying particulars of any employee against whom relevant employment proceedings have been completed. They are not required to provide any further information. Clearly, it is of limited value in assessing risk to children if the commission knows that a person has engaged in some prescribed behaviour towards a child, but it does not know what the person has done, how the child was harmed or the circumstances of the conduct. This bill will require employers who report relevant employment proceedings to provide sufficient details about the incident or incidents so they can usefully be considered in the background checking process.

The bill protects employers from liability if they fulfil this obligation in good faith. The changes to the Act, which came into effect last January, allow for a scheme to assist self-employed people in child-related employment. Under this scheme, to be established by regulation in 2008, self-employed people will be able to display a certificate verifying that they are not a prohibited person. When undertaking the independent review of the commission's legislation Ms Helen L'Orange, who recommended this scheme, proposed that people applying for such certificates should be charged a fee to cover costs. This is consistent with the practice in most government and professional certification schemes.

The commission's Act currently authorises charging a fee for any services or materials it supplies. However, legal advice has suggested that issuing the self-employed certificate is a regulatory function and should not be characterised as supplying services or materials. So the commission needs a new power to charge fees for certificates, which this bill will provide. Finally, in relation to the working with children check, the bill will update the commission's Act to reflect terminology changes in the Crimes Act. The working with children background check reviews relevant apprehended violence orders, which are defined to include interstate

restraint orders. However, the Crimes Act has been amended, substituting the words "external protection orders" for "interstate restraint orders".

These provisions have also been moved to the Crimes (Domestic Violence) Act 2007. References to interstate restraint orders and the Crimes Act are therefore now out of date. This bill will update this terminology to mirror the Crimes (Domestic Violence) Act 2007. I turn now to the provisions that concern the Child Death Review Team. Honourable members will be aware of the significant achievements of the New South Wales Child Death Review Team. The commission's Act establishes the Child Death Review Team for the purpose of preventing and reducing the deaths of children in New South Wales. The team is required to report on all deaths of people under the age of 18 years in New South Wales.

Currently the team is unable to report on deaths of children that occur outside New South Wales. Children who live in border areas of New South Wales may die interstate. Think, for example, of children living in places such as Queanbeyan, the Tweed, Albury and Broken Hill. As a result of illness or injury, children in these areas may die in an ambulance or in the nearest hospital, which could be interstate. They could be the victim of a road accident or drowning just across the border. Information about these deaths may well be useful in preventing future deaths of New South Wales' children, but at present the team does not have the power to study them. There are now Child Death Review Teams in most Australian jurisdictions.

This bill will amend the Act to allow reciprocal arrangements between New South Wales and other Australian jurisdictions so that the team will be able to access information about the deaths of New South Wales' children who die elsewhere in Australia. It will also allow the team to provide information for research undertaken by other teams aimed at preventing or reducing child deaths in their jurisdictions. However, the bill requires that any interstate teams using information from New South Wales will have to maintain the same stringent confidentiality standards as the New South Wales team.

The bill also contains a further amendment to the legal status of the Child Death Review Team to simplify administrative requirements and save resources that could be better spent elsewhere. The Child Death Review Team is currently constituted as a corporation. This means that the team is required to maintain financial records and to prepare and have audited financial statements. However, the team has no funds and employs no staff. Its research, administration, publication, dissemination and support functions are undertaken and paid for by the commission.

All Child Death Review Team related finances have been included in the commission's audited financial statements since the commission's creation in 1999. Producing and auditing financial statements that contain no finances is a poor use of resources. It is unnecessary to require the team to maintain financial records. This bill will constitute the team as a committee of the commission rather than as a corporation, alleviating it of the necessity for separate financial reporting. The team's functions, powers, constitution and independence will remain unchanged.

In relation to parliamentary child-related conduct declarations, members may recall that the March 2007 general election was the first time candidates for this Parliament were required to make public declarations about whether they had committed certain forms of conduct with the potential to harm children. The Parliamentary Electorates and Elections Act 1912 confers on the commission the function of auditing child-related conduct declarations made by candidates elected to the New South Wales Parliament at a general election or by-election. However, the Act does not confer on the commission all the powers it may need to undertake the audits. For example, candidates are required to declare whether they have ever been the subjects of an apprehended violence order taken out to protect a child.

The commission may have to seek information from the police or a court to determine whether a particular order was taken out to protect a child. An order taken out to protect an adult is not relevant to the declaration. At present the commission does not have the power to require the police or a court to provide the necessary information, so it is possible that the commission would be unable to verify whether a candidate's declaration was complete. I hasten to reassure the House that such a power was not needed in the audit for the 2007 general election. However, it may well be needed in future elections. It would be prudent for us to give the commission the power to obtain such information should it be needed.

The bill amends the Parliamentary Electorates and Elections Act 1912 by empowering the commission to request the police and courts to provide copies of documents the commission needs to complete an audit and to require agencies to comply. Should it be necessary for other agencies to provide documents, provision is

made for these powers to be extended to them by regulation. Finally, the bill contains two minor amendments of an administrative nature. In 2006 the commission's status changed from a government department to a statutory body. Consequently, the commission should be subject to the Annual Reports (Statutory Bodies) Act 1984 rather than the Annual Reports (Departments) Act 1985. The commission's Act still refers to the Annual Reports (Departments) Act. The bill updates this provision so that the commission is governed, appropriately, by the provisions of the Annual Reports (Statutory Bodies) Act 1984.

The commission's Act provides the commissioner, commission staff, members of the Child Death Review Team, and other commission committees with protection from personal liability for certain acts and omissions. However, this section of the Act refers at times to "acts and omissions" and at other times only to "acts". The intention was clearly to provide protection consistently and this awkward wording is an oversight. The bill corrects this oversight by providing that protection from personal liability is available for anything done or omitted in good faith in the execution of that Act or any other Act.

This bill contains a good package of amendments that will assist employers by clarifying their working with children check responsibilities. It will enable the Child Death Review Team to extend its excellent research even further, and help to streamline the commission's administrative functions. I commend the bill to the House.

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

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

DEPARTMENT OF COMMUNITY SERVICES CHILD PROTECTION

Mr GEOFF PROVEST (Tweed) [5.18 p.m.]: Recently the House heard many examples of the failure of the Department of Community Services to provide adequate protection for children. We also heard of many instances of neglect that the present and past Labor governments have shown towards the Department of Community Services and its clients. During the previous sitting week my colleague the member for Oxley and Leader of The Nationals, Andrew Stoner, questioned the Minister for Community Services Minister, Kevin Greene, about a recent Department of Community Services case in the Tweed.

For those members who do not recall the question, the specific details of the case revolve around a Tweed Heads woman who reported to the local Department of Community Services office that a child in her care might have been sexually abused. Unfortunately, the local office did not follow up her reports adequately, which led the woman in question to allege that some Department of Community Services staff might be deliberately avoiding her. When questioned about the matter, the Minister beat about the bush and failed to provide any clear answers regarding the case.

I can report to the House that this family has been failed for a second time by the Iemma Labor Government, and ultimately by the Government's soft stance on child protection. I have been informed that the woman in question cares for four children under the age of five. Two of them are wards of the State and have been placed in State-funded child care at a local facility. One of the wards was the subject of the question by the Leader of The Nationals to the Minister for Community Services. The young woman lives a short distance from a childcare centre to which, in a reasonable world, she should be able to send the two children in her care.

However, in another example of the Iemma Government's ineptness at managing the Department of Community Services effectively, the woman is forced to travel some distance on a number of different bus services with four children in tow to place the two wards of the State in a childcare facility. Preparing the four children and travelling to the childcare facility is a one-hour exercise each way. I am sure members are well aware of the troubles associated with getting one child ready for extended travel—preparing four children must be an absolute nightmare for this woman. The same distance could be traversed in a car in approximately five minutes.

Members may be wondering why this woman is forced to travel an hour each way with four children in tow in order to access childcare services when it would take her only 10 minutes to walk down the road to another childcare centre. This childcare centre belongs to the same franchise as the centre in town so one would expect that a reasonably smooth transition would be possible. Unfortunately—and, dare I say, unsurprisingly—this is not the case. According to the director of the original centre, the Department of Community Services owes the facility \$16,000 in unpaid fees for the two wards of the State. As a result the woman caring for the children was told that she would not be able to send them to the childcare facility down the road. I am advised that the Department of Community Services has made a payment of \$6,000 on this debt, which leaves \$10,000 outstanding.

That is just another example of the numerous failures of the Iemma Government and the Department of Community Services. Any reasonable human being will appreciate that this poor young woman has gone through enough, given her expressions of concern regarding the alleged sexual abuse of children in her care. The neglect that the Iemma Government continues to show her astounds me. It is completely unacceptable that she is forced to travel for hours every day to take the children in her care to a childcare centre because, it appears, the State cannot pay its bills on time. I urge the Government, particularly the Minister for Community Services, to act on this matter immediately. Our children are our future. Last year there was a 100 per cent increase in the number of recorded births in the fine electorate of Tweed. This young lady, who is bringing up her own two children and, out of the goodness of her heart, caring for two wards of the State, is forced to travel long distances every day.

CESSNOCK GREYHOUND RACING TRACK

Mr KERRY HICKEY (Cessnock) [5.23 p.m.]: As members of Parliament we must take all reasonable steps to declare any conflict of interest between our private financial interests and the decisions in which we participate when executing the duties of our office. This is done by declaring our interests on the disclosure register of the relevant House, by declaring our interest when speaking on the matter in the House or in a committee, or by declaring our interest in any other public, appropriate manner. A conflict of interest does not exist when a member of Parliament is affected only as a member of the public or as a member of a broad class. This code of conduct, which applies to all members of Parliament, delivers transparency.

There needs to be transparency also when boards are dealing with public assets, such as greyhound tracks, across New South Wales. This issue affects the entire industry and the broader community. I brought to the attention of the House on 7 November and on 14 November the issue of financial management by councils and the attitude of Greyhound Racing New South Wales to independent tracks across New South Wales. My case in point is the Cessnock greyhound track and its treatment by Greyhound Racing New South Wales. If one trawls the website of Percival Allan one discovers that Percy Allan and Associates was established in 1996. The website goes on to say that Percival Allan undertakes most assignments on his own but uses the services of specialist associates and Mediate Today where necessary. When one considers the work that Mr Percival Allan has done on council financial management one can see that Review Today has a big impact on that work.

If people visit www.reviewtoday.com.au they will notice that Mr Percival Allan is the chairman and research director who examined the sustainability of New South Wales local government and Mr Bob Gaussen is the managing director and a leading provider of alternative dispute resolution services. The website states that Review Today Pty Ltd provides multidisciplinary services to the local government sector, looks at local government infrastructure finances and identifies its funding needs. The company brings together managers that form a unique consortium of leading consultants. They give economic and financial advice, with Mr Allan coordinating and preparing the findings in respect of each council. It is apparent that these two men have a very close relationship working at Review Today, and are confident about fixing the financial crisis in local government by investing in the financial sector.

So why am I raising this issue again today? It has been brought to my attention that Mediate Today was involved in mediating between Cessnock greyhound track and Greyhound Racing New South Wales. Who is the featured mediator at Mediate Today? It is Mr Bob Gaussen—the same person who works with Mr Percival Allan, the Chairman of Greyhound Racing New South Wales, on Review Today. On 7 November I stated that Professor Allan—who claims that councils are on the brink of financial ruin—was the same Professor Allan who was reported in the *Daily Telegraph* last month as having directed councils to make risky investments associated with the sub-prime mortgage market. Councils and ratepayers have good reason to question Review Today's relationship with the local government sector and Grange Securities, a central player in the sub-prime mortgage meltdown. It is estimated that councils could lose tens of millions of dollars as a result of risky

investments in the financial products provided by Grange Securities, which is a company used by Professor Allan's Review Today.

I wonder whether the House finds it strange that Review Today is the same company that Mr Percival Allan uses when undertaking work for the local government sector. He has used Mediate Today while chairman of Greyhound Racing New South Wales and has strong business ties with the featured mediator, Mr Bob Gausson. It is not unusual for boards to go to companies for financial and mediation advice. But seeking advice from business associates, and thereby possibly gaining financially, may be perceived as a conflict of interest. But the situation gets worse: it is reported that the National Coursing Association, which benefited from the closure of Cessnock greyhound track, is now in financial crisis. This crisis exists because the board subsidised the gardens to the tune of many millions of dollars. It is reasoned that the Cessnock track had to be closed to all but non-TAB race meetings in order to prop up the Gardens and complex. We must ask where the board is getting its advice and who is providing that advice. We must ensure that the process is transparent. All parties should declare their interests, as occurs in this place.

GOULBURN ELECTORATE LIBRARIES

Ms PRU GOWARD (Goulburn) [5.28 p.m.]: On the eve of the statewide day of action organised by Public Libraries New South Wales to protest against the New South Wales Government's cuts to public library funding I wish to tell the House about the local libraries in the Goulburn electorate. I am sure that members on both sides of the House have similar stories, and I urge Labor members to lobby their Cabinet colleagues to act swiftly to increase funding for this vital resource. The Government must not ignore the important role that public libraries play in meeting the educational, economic and social needs of the community. There are four libraries in my electorate. They vary in size, but they work hard to keep local users supplied with new release books, computers, newspapers, magazines and even DVDs and CDs, which are very good for people who go on long car trips and need to rent talking books. Local libraries are no longer places where people speak in hushed tones, or where the mere presence of children is frowned upon in case they talk or even laugh.

Libraries are dynamic places where people can access up-to-date information, borrow books, read the newspapers, learn how to navigate the Internet, send emails and photocopy material. Far from being considered a nuisance, children are encouraged to actively—and, indeed, sometimes loudly—participate in the story of the day. The manager of the Bowral library, Sandra Croker, has recently organised a red book display—a play on the words "red", the colour, and "read", the past participle of "to read", which should delight all lovers of the English language, its complexities, mysteries and contradictions in pronunciation. The display involved gathering together the library's red-coloured books to make the point. But tomorrow, librarians in the Goulburn branch of the Southern Tablelands Regional Library will be wearing black arm bands, and their colleagues in the Moss Vale branch of Wingecarribee libraries will be dressed in black to mourn the lack of funding. Libraries across the electorate will be giving borrowers a taste of a future in which resources will be culled to reflect the devastating impact of reduced and inadequate funding.

More than 1,500 signatures have been collected on petitions circulating in Goulburn electorate libraries. These are to be presented to me to table in this place in due course. They reflect the concern of borrowers who value their libraries as a vital local resource. Janet Smith, the Regional Manager of the Southern Tablelands Libraries is understandably proud of the adult literacy program run by the Goulburn library. This program was developed because a need was identified which has now become a valued part of the services offered by the Goulburn library. Boxes of books are sent to preschools in rural areas because children and staff cannot easily access a library. This is also a valuable service and one that may feel the impact of the State Government's failure to adequately fund public libraries.

Information services librarian in the Wingecarribee shire, Roxanne Seaward, said staff will take half of the new books off the display stand for the day. They will also limit the number of public access computers available in an effort to demonstrate how government cuts will affect the ability of libraries to continue to offer the services people have now come to expect. Even the much sought after daily newspapers will not be available. That will just be a glimpse of things to come. In its 2007-08 budget the New South Wales Government cut more than a million dollars from funding for libraries. That cannot happen without some sort of negative impact. As a community we will all suffer as programs are cut and resources slashed.

Children, who are now welcomed into local libraries for Book Week, story time or dress-up fun during the school holidays may find that activities cease. Students who access the Internet for study material may have to look elsewhere as more and more people queue for limited computers, and elderly people may have to go

without reading the daily national news when only local papers are provided. Public libraries are a part of our community. I hope my colleagues are aware of the plight of local libraries and will take up the challenge to fight for them to retain their vital role in our lives.

MENAI ELECTORATE SMALL BUSINESSWOMEN

Ms ALISON MEGARRITY (Menai) [5.33 p.m.]: Labour force statistics in the last census revealed that the Menai electorate ranked number one for employed persons aged 15 years and over, with 69.59 per cent or 35,585 persons. I have said previously that I attribute this pleasing situation to the high number of small businesses in the electorate. It is generally accepted that small businesses collectively employ more people than any other employer group. It is, therefore, reasonable to consider them as the engine room or beating heart of employment opportunities, and they are thought to be responsible for generating more than 3.6 million jobs. It is certainly a fact that New South Wales has 645,000 registered small businesses. I find it fascinating that almost one-third of those businesses are owned by women. I will highlight a few women in the Menai electorate who are achieving great things in our local small businesses.

Ann-Marie Rayner is the co-owner of Memories That Last, a small scrapbook-paper craft business. Together with her husband, Stuart, and children running around, the Rayners started their small business from home. Today the company has a design team of five people, some of whom travel to the United States of America for business supplies. The business was recognised at the recent *Liverpool Leader* local business awards. They won not only the best gift shop specialist store division but also picked up the most sought after award of the night as the Local Business of the Year. At nearby Wattle Grove, Lynne Stewart rebuilt her salon, LS Hair Elementz, from the ashes of a fire that destroyed a whole shopping complex into an even bigger and better operation. Lynne has been involved in hairdressing since her apprenticeship at 16 years of age. Today she has a staff of professional stylists and is extremely popular personally and professionally with the people of our area. Her business won the *Liverpool City Champion* Local Business Award at the ceremony held in July this year.

A small but very caring business called ABC Schoolwear Specialists has only been operating at Bangor since April 2005. It is a simply remarkable achievement that Pamela Burling, ably assisted by her daughter Tracey Burton, won the Menai District Business Award in the fashion division in 2005 and 2006 and was runner-up for the same award this year. I should acknowledge that Pamela's husband, Gary, co-owns the business, so the contribution of men to the success of women in small businesses in my electorate should not be overlooked. Next door to my electorate office a new business has blossomed—if members will pardon the pun—before my eyes. Betty Plessas used to work at the local Independent Grocers of Australia supermarket. She has a real passion and flair for design and has opened up a business called Euphoria Florist. It is quite impressive for a woman to give up secure employment, to take a real risk and set up a business. That business is becoming very well thought of in our community. I would not be surprised if Betty takes an award next year.

Speaking of impressive women, it is appropriate that I acknowledge the research assistance provided to me in the preparation of this statement by Avani Dias. Avani is a year 10 student from Bankstown Grammar School who is undertaking a week's work experience in my office. Far too often we hear people despair about the attitude and behaviour of our younger generation, both male and female. I can confidently predict that Avani's maturity and commitment to her studies and wider community matters will see her make her mark in adult life. Of course, she may pursue a career in small business, like the women I have profiled today, but I believe there is a very good chance that she may pursue her interest in public life. If she does, I take this opportunity to wish her the most essential ingredient—very good luck—because it can be a difficult road to hoe. People have found that plenty of life experience is always a good precursor to entering this place.

Who knows, Avani may one day stand in this House or in the Federal Parliament. I wish her all the best and I thank her very much for her valuable assistance in both the exciting and the less exciting tasks of office life this week. She is a credit to her school community of Bankstown Grammar School, her family and, indeed, the wider community. She is also a credit to herself because it is her determination that has seen her pursue this opportunity for work experience and to grab every opportunity that has been offered to her this week. I look forward to giving her many more exciting tasks and perhaps some less exciting tasks for the rest of this week.

ORANGE ELECTORATE MIDNIGHT BASKETBALL

Mr RUSSELL TURNER (Orange) [5.38 p.m.]: An issue that arises in every electorate is how to deal with youth who run off the tracks and get into trouble. We hope is it only temporary, but how do we redirect them into a more meaningful way of life so they do not get into trouble with the police and other authorities? On

Saturday 20 October a group of community organisations in Orange established what is called midnight basketball, although it starts at 7.30 p.m. It is designed to take at-risk youth off the street on Saturday nights. The great news is that after only two weeks the tournament has a full enrolment; a waiting list of participants has already developed. The first night of midnight basketball attracted some 40 teenagers of both sexes; by the second week it had grown to the maximum of 60 participants. The target range is young people aged between 12 and 18 and, as I said, it is targeted at youth who are considered by the community to be at risk.

The scheme aims to balance recreational activity with educational workshops about general life skills. Young people are picked up from their home by volunteers and taken to the Anzac Park Sports Stadium by 7.30 p.m. When they arrive at the complex they are given a meal, after which they are split into groups. While two groups play basketball the others learn basic finance skills and how to manage a mobile telephone so that they do not get into trouble with their accounts, look for a job and create a resume. Those who do not want to go on to year 12 are shown opportunities that are available through TAFE to achieve an apprenticeship and other good things. The groups swap over during the night. As a sweetener the youths must participate in activities such as learning finance skills before they are allowed to play basketball. So there is one rule for the night.

Midnight basketball has been made possible through private and public sector sponsorship. As I said, it relies on volunteers to stage the nights. Midnight basketball has been developed by the Department of Housing, and I congratulate and thank Ian Middleton from the department for his assistance with the scheme. The Police and Community Youth Club and the Orange police also support it. The good news is that the Wellington Police and Community Youth Club has started up again, and recently I met the two police officers in Wellington who have taken the club under their wing after it was closed for some months. The Department of Community Services is also supportive of the scheme, as is Orange City Council and the Department of Sport and Recreation.

As I said, midnight basketball is held at the Anzac Park Sports Stadium, of which the Orange community is proud. Hopefully, the complex will be included in the proposed upgrade of that area by Orange City Council. I understand that the scheme has been staged in Sydney and I assume it is either underway, or is about to get underway, in other areas of New South Wales. As I said, the prime reason for starting the scheme was the concern expressed by organisations about the antisocial behaviour. As soon as one mentions antisocial behaviour the kids say they have nothing to do. Part of the reason is that they lack confidence in themselves, and they have little to do because some of them get little guidance from their parents. This scheme gives them an opportunity to meet people outside their regular group of friends and it gives them confidence to handle their own finances. While the initial response has been a maximum of 60 participants, with a waiting list, I hope to report to the House in 12 months time on the continuing success of midnight basketball in Orange.

MONARO HIGH SCHOOL PRINCIPAL RAY DOWNEY

KARABAR HIGH SCHOOL

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [5.43 p.m.]: The member for Orange spoke about midnight basketball. Recently I had the opportunity to meet the coordinator of midnight basketball at a rural task force hearing. It is a terrific program. Tonight I will talk about a couple of education matters. It is getting towards the end of the school year, and presentation days will be held in the next couple of weeks. At that time we also see some staff moving and other staff departing. Tonight I pay tribute to one principal in the Monaro electorate who is retiring at the end of this school year: the principal of Monaro High School, Ray Downey. Although Ray is the brother-in-law of the member for Bathurst, that is not the reason I am paying tribute to him.

Ray has been the principal of Monaro High School for some time. He has had a 35-year career in education. During his time at Monaro High School he has been a key to the success of this wonderful public school, which continues to hold an important position in our community. Monaro High School has consistently achieved good academic grades, but it also does many things for the community. The school has a great record in arts and sport, and it is probably best known in our region for its wonderful success in rock eisteddfods over many years. It has made numerous appearances in the premier division of the rock eisteddfod final in Sydney, and has achieved great success under the leadership of a number of talented staff.

As we all know, leadership is the key to the success of any school. Monaro High School is part of a wonderful public education system in the Monaro region. That has a little to do with the fact that Ray's wife, Margaret, is the principal of Cooma Public School; it has a lot more to do with the fact that Ray is committed to

public education and to working with the schools in the region. Last year all the public schools in the area—Cooma North Public School, Cooma Public School and Monaro High School—combined to put on displays at each school to show off the best that they offer. Once again that highlights the great quality of public education. A few years ago Monaro High School celebrated its fiftieth anniversary. The school opened in 1954 as part of the Snowy Mountains scheme, and since then it has continued to play an important role in public education in our region.

Monaro High School is one school that will benefit from the Rudd Government's commitment to new computers for every senior student and to trade skills in high schools. The school is also benefiting from the State Labor Government's commitment to upgrading facilities there, and it will benefit from an upgrade of its science laboratories during the next term of this Government. Monaro High School has had terrific leadership, which is, as I said, critical for high schools. I commend Ray Downey and thank him for his many years of service to public education. The people of Cooma and the students, staff and school community of Monaro High School will miss him. We are grateful for the contribution he has made.

Recently the Karabar High School under-15 boys basketball team finished fourth in the New South Wales Combined High Schools Sports Association basketball knockout competition. This country school competed against schools like Westfield Sports High School, which has a selective program for young people throughout Western Sydney, Sydney Boys High School, and other strong country high schools such as Lithgow High School. Karabar performed well in getting to fourth position; it is the best ever result for the school. The reason I am being a little self-indulgent is that one team member is my son, Lachlan. I declare that interest. The other team members—Sam Parsons, Royce Burton, Joel Hargrove, Dylan Ebner, Pat Adams, Chisala Mulenga, Daniel Parsons, Rhys Ebert, Will Gibbs—were absolutely terrific in the knockout competition. They won the Illawarra region section against many Illawarra schools that are seen as bigger and stronger in sport.

They beat a couple of Sydney schools on their way to the top eight competition, and then beat two Sydney schools on their way to the top four competition. They played well; they performed as a team, which we all like to see in team sports. They were eventually defeated by Lithgow High School in the play-off for third and fourth positions. However, with the assistance of their coaches, senior students Shaun Ebert and Tom Gibbs and teachers Linda Meacham and John Sherborne, they did wonderfully well and I congratulate them.

BAULKHAM HILLS TRANSPORT SERVICES

Mr WAYNE MERTON (Baulkham Hills) [5.48 p.m.]: I have been inundated with complaints from residents of the Baulkham Hills electorate who are forced to travel on the city express bus service to their employment in the city. As members would be well aware, not one sleeper has been laid for the proposed north-west rail link which this Government promised would be completed by 2010. Comments made by the Treasurer have led my constituents to query whether the Government has any serious or real intention of honouring its promise to build this much-needed rail link. Therefore, the only method of public transport for my constituents to travel to their employment in the city is by way of the city express bus. Many residents who have travelled on that bus route over a number of years have expressed concern that there are insufficient buses to meet their needs with many people waiting up to 30 minutes after the scheduled time for a bus, as all buses passing the stops at the Baulkham Hills junction, Barclay Road and Oakes road stops are already at full capacity.

When those passengers finally manage to get on a bus, many are forced to stand all the way to the city, travelling on the M2 where buses reach speeds of 100 kilometres per hour. I receive constant complaints from standing passengers who are jolted about and who fear for their safety. I have made many representations to the Minister for Transport on the need for improvements to that bus service. A response signed off by the Minister for Transport's Parliamentary Secretary stated that 29 new capacity buses have been placed into service over the past two years. However, commuters tell me that there are still simply not enough buses on that route to meet the needs of the population explosion in that part of Sydney. That area serves also the north-west sector, which, when fully developed, will house a population the same size as Canberra—250,000 people.

Another issue that is constantly raised with me is the cost of weekly bus travel to the city. The current bus fare structure for the city express bus does not provide for a choice for commuters to purchase a TravelTen option, which, incidentally, provides a 20 per cent concession, and is available for all who travel on Sydney's government buses. I am informed that a traveller from Avalon to the city, which is a distance equivalent to the distance from Baulkham Hills to the city, can save about \$11.20 per week or \$590 per year with the purchase of the TravelTen option. An Australian Associated Motor Insurers Limited report confirmed that Sydney

commuters are choosing to drive to work because of the Labor Government's failure to deliver reliable public transport options, which, of course, causes the local roads to become congested. Many already have reached gridlock in peak times. That is certainly becoming the case for commuters in north-western Sydney as well.

How can anyone blame commuters for using their cars when the bus service does not run on time? On many occasions commuters have to wait in bus queues of up to 100 people. Often when the bus arrives, many commuters are left in the queue as the bus departs. Those who do board the bus struggle to find a position to stand, let alone have any prospect of getting a seat. They do not have access to the Metro 10 tickets and there are fears of increased ticket prices. One such constituent is Sarah Teh, a university student, who informed me that recently she had waited at her bus stop for some 25 minutes past the due arrival time. The bus finally arrived, but 15 passengers, including Sarah, were left stranded, as the bus was full. Sarah then had to drive to Westmead station to catch a train. Because of that bus delay, Sarah missed a very important accounting tutorial.

I know that Sarah has forwarded an email to the Minister for Transport in which she indicated that her travel times have doubled; she once took two hours to travel to the city. Sarah makes the point that taxpayers' money has been wasted with the Tcard debacle. She also holds grave concerns in relation to the inadequate usage by commuters of the T-way. She has alleged that the opening of the T-way has led to fewer buses being available for city commuters. I am told that the bus company regularly responds to commuters' complaints about the lack of buses by indicating that it is the State Government's fault as it has not provided enough buses for the company to meet commuters' needs. At a meeting of the Baulkham Hills Traffic Committee, a bus company representative stated that, should the Government provide additional buses, commuters would fill those buses instantly. I call upon the Minister for Transport to immediately ensure that more buses are provided on the city express service for commuters from the Hills district. My long-suffering constituents are entitled to be provided with a reliable means of public transport. I thank the House for its indulgence.

KARYN PALUZZANO CHRISTMAS CARD COMPETITION 2007

Mrs KARYN PALUZZANO (Penrith) [5.53 p.m.]: I intended to spend part of my allocated time supporting the member for Baulkham Hills, but as he went over time I will have to get to the point of my contribution. Today I acknowledge and announce the winners of the Karyn Paluzzano Christmas Card Competition for 2007. Once again, students, teachers, principals and parents, and friends of the local Penrith electorate primary schools met at the Penrith International Regatta Centre, an excellent venue, at sunset where they watched rowers train with mountains in the background while they waited for the finalists and winners to be announced. I extend my thanks to Vince Capulato, the new owner of the Regatta Kitchen and Bar Restaurant, which provided one of his famous and wonderfully presented afternoon teas. I wish Vince and his new staff much success in that fine restaurant.

Many schools were represented in this year's competition and I thank the teachers, students and school communities of the following schools: Emu Heights Public School, Leonay Public School, Mary MacKillop Catholic School at South Penrith, Lapstone Public School—a fine school which I attended as a primary school student—Corpus Christi at Cranebrook, Braddock Public School at Cranebrook, Penrith Christian School at Orchard Hills, Emu Plains Public School, St Finbars at Glenbrook, Kingswood Park, Our Lady of the Way at Emu Plains, Kingswood South and Blaxland East. Each school had a finalist, and three schools had winners.

I extend my congratulations to the following students. In stage one, from kindergarten to year 2, whose theme was Christmas in Penrith, the winner was Pauline Inzon from Penrith Christian School. Her entry was a typical Penrith Christmas as she sees it: a tree with presents underneath in lovely yellow. I acknowledge also the finalists: Charlotte Billinghurst from Emu Heights Public School, Grace Major from Leonay Public School, Michael Collins from Mary MacKillop Catholic School, Hannah Grazotis from Lapstone Public School, Hayley Borg from Corpus Christi, Braidyn Jessop from Braddock Public School, Jonathon Head from Penrith Christian School, and Brooke Lane from Emu Plains Public School.

In stage two the winner was Jessica Earl from Emu Heights. The theme was My Favourite Christmas Carol or Story, and Jessica's favourite story was about Santa and his reindeers and the many red and green baubles that appear on a Christmas tree. I commend the stage two finalists: Marlee Catterson from Emu Heights, Paris Selby from St Finbars, Caitlyn Treble also from St Finbars, Brooklyn Dicker from Mary MacKillop, Brooke Micallef from Kingswood Park, Freyja Campbell from Lapstone Public, Tiegán Austin from Braddock, Sarah Mason from Emu Plains, Lauren Cottilli from Our Lady of the Way at Emu Plains and Brinkley Homan from Kingswood South.

The theme for stage three was Christmas in Australia. The winner, Maddison Smith, from Corpus Christi School in Cranebrook, illustrated her card with Ayres Rock in ochre and a blue sky, with Mary, Joseph and Jesus and under the Southern Cross. On top of Joseph's crook is a sulphur-crested cockatoo. A bearded dragon, an echidna, an emu and a kangaroo are featured as the wise animals of Australia. It was a very creative entry. That is the card that I will send to all my parliamentary colleagues.

Mr Chris Hartcher: I look forward to getting it.

Mrs KARYN PALUZZANO: The member for Terrigal looks forward to seeing that card. I commend Maddison Smith from Corpus Christi for her very fine Christmas card. The three winning entries will be distributed as my Christmas cards to those on my extensive list. I thank Aaron Tyers from @print, a local printer, who has printed my cards over many years. He is very creative in his layout and production. I wish all in this House and in the other place a Merry Christmas. I extend the best of the festive season to those working in emergency services at this time of the year. As the Penrith electorate has a World Heritage listed national park, the emergency services can be very busy during the Christmas period. I extend my very best wishes to the Rural Fire Service at the Cox Avenue Command Centre, the State Emergency Service, the fireies at Penrith and Glenbrook, the Penrith Ambulance Service and the Penrith Volunteer Rescue Association.

CITY OF CANADA BAY COUNCIL

Mr CHRIS HARTCHER (Terrigal) [5.58 p.m.]: I am saddened to have to draw to the attention of the House concerns regarding the administration of the City of Canada Bay Council that have been brought to my attention by the residents of Park Avenue, Concord, and which I have previously raised in this House. Residents of Park Avenue, Concord, have been in conflict with Canada Bay council for more than 12 months over development application number 485/2006, which relates to a property at 12 Park Avenue, Concord. During this period residents have witnessed events and behaviour that have led them to question the integrity of staff and some councillors. The conclusion that they make is that either the council is somewhat incompetent or it deliberately undertakes a process to ensure a predetermined outcome that is consistent with council's desired outcomes, regardless of any other external input or information. On two occasions the Land and Environment Court has found against Canada Bay council in making determinations that were essentially of a predetermined nature.

On the surface, council's actions could appear to be reasonable. However, in the opinion of residents, matters and circumstances have been manipulated. Residents have been gagged at council meetings. It is only with a full and detailed public inquiry that all facts have a chance of being seen in context. Residents have raised the point that in 1998 Concord Council established Park Avenue, Concord, as a heritage conservation area. It contains a total of 11 homes and includes three heritage-listed items. The statement of significance for the street states that the conservation area is identified as being a notable group of old homes on large allotments enjoying an outlook over public parkland. This includes a number of outstanding Victorian villas with large front gardens, which is rare for Concord. The large lots and deep setbacks are unique in the Canada Bay council area.

In September 2006 development application 485/2006—12 Park Avenue, Concord—was submitted to council. The property at 12 Park Avenue, Concord, is an excellent example of an inter-war Californian bungalow with considerable aesthetic and historical significance. During the 14 months that this development application has been with council a significant number of objections—approximately 60—have been received by council from residents and a petition with 235 residents' signatures has been tabled with Canada Bay council.

The residents of Park Avenue engaged two leading heritage experts after being told by council that they were not qualified and therefore their opinion did not stand up against council's heritage advisor or the opinions of the applicant's heritage advisors. Residents also sought the opinion of the National Trust of New South Wales and the Heritage Office of New South Wales, both well-regarded independent bodies acknowledged as the authorities on heritage within New South Wales. Both organisations clearly stated that 12 Park Avenue, Concord, was a contributory item to the Park Avenue heritage conservation area and must not be demolished. Council's heritage advisor, however, did not agree with this advice.

Council has now determined the matter. The determination was made last week. Council determined to approve the development and allow a modern structure in what is a heritage area. Residents demand answers. Why did council prior to purchase tell the applicant that the dwelling could be demolished when it was in a heritage conservation area? Why did residents have to guide council to the fact that this development required advertising? Why did council suppress a summary of mediation written by Patrick Robinson on 1 May 2007? Those present have challenged the accuracy of this document, yet it still appears on council minutes of meeting.

Why did council refuse to accept the advice from the National Trust and the heritage office? Why did council advertise and confirm 12 Park Avenue's contributory status during the public exhibition of the draft local environmental plan and development control plan? Why did council's heritage advisor, after the display period, suggest that a mistake had in fact been made and 12 Park Avenue was not contributory to the heritage conservation area? Why is the only house in error the particular item subject to the pending development application? Why has council manoeuvred so as not to allow residents' experts to address council? Why does council give the applicant advance notification of council's process, but only gives residents one working day's notice? When asked if this was the case why did the mayor refuse to answer?

Why in open council did the mayor advise the applicant not to answer questions relating to the building costs of the project? Are the section 94 contributions accurate? It would appear that an additional \$15,000 windfall would go to council due to the inclusion of the initial purchase cost of the property in the development costs. There is genuine concern about the council's administration process and its responsibilities in relation to heritage. I ask the Minister if he would be prepared to support the views of the Heritage Office and investigate this matter.

BANKSTOWN LOCAL AREA COMMAND

Mr ALAN ASHTON (East Hills) [6.03 p.m.]: As honourable members know, one of the great initiatives of the Labor Government has been the police accountability community team, which meets regularly to keep community representatives informed by local area commanders of crime trends and initiatives in local area commands. I take this opportunity to congratulate Superintendent Dave Darcy and his police force at the Bankstown Local Area Command on their dedicated effort in driving down crime in the Bankstown Local Area Command. Members will recall that during question time today the Minister for Police, David Campbell, spoke of the many initiatives being undertaken by the New South Wales Police Force across the State in fighting and driving down crime, and he made particular reference to the success of the Bankstown Local Area Command.

The control charts that were presented at the meeting on Monday of the Bankstown Local Area Command show that from 2002 to 2006 the trend of a decrease in crime was occurring in key crime categories of break, enter and steal, motor vehicle theft, and robbery. These are the categories I will highlight tonight. In car theft, a major problem in Australia generally, the figures show that the chart average of 154 per month in 2004-05 is now 102. This figure has been maintained for the last seven months and is a decrease in the local area command of 34 per cent. Break and enter was at 148 per month from 2004 to July 2006 and is currently 118, a drop of 21 per cent. Robbery was at 31 per month from 2004 to 2006, but for the past six months has been reduced to 18 per month, a drop of 42 per cent. We would all like to think that crime rates will be nil, but we live in the real world. There will always be crime and there will always be crime statistics. We must be aware of when the figures spike so that we can address the matter and send those figures south.

The Bankstown Local Area Command has a dedicated strike force called Halstead, which provides specialist investigation of all robberies. This task force concentrates on a full investigation of robberies, not merely reporting the statistics but also gaining the evidence needed to jail the crooks that commit the robberies. One of the interesting things that arose in discussion with the superintendent at Bankstown is that, rather than follow the line of reporting these things through the Police Assistance Line, the Bankstown command is very proactive and seeks to go out and follow up reported robberies as much as it can and get as much evidence as possible to put real crooks away, because the theory of the superintendent—and I agree with him—is that robbery figures only really go down when you jail the robbers.

In relation to break, enter and steal, Operation LAP has been set up as a dedicated break and enter car crew. Police officers attend all break and enter offences, canvass and speak with victims, and actively seek intelligence and patterns of crime. DNA and fingerprint evidence greatly assists in the hunt for outstanding offenders. I was impressed with this because one of the complaints we often hear of the police is that they do not get back to people. The information is logged, it is recorded, insurance companies become involved and sometimes the process gets out of the control of the police force. But I know that in my electorate people feel happy, not that a robbery has taken place, but that the police come out to the scene, take an interest in it and try to follow it up rather than merely take statistics over the telephone and pass them on.

Car theft has always been a problem in New South Wales and in Bankstown Local Area Command, which is the biggest local area command in New South Wales. Operation Calbina is having great success in disrupting the theft of cars, stripping cars and distributing illegal parts. The Bankstown Local Area Command has been concentrating particularly on metal dealers, wreckers and tow truck operators, who, unfortunately,

often deliberately play a role in facilitating the success of car theft. I understand, for example, that car wreckers can take a car without records—not even a check of compliance plates sometimes—and for \$300 cash the car is junked. The wreckers get the metal and someone who has stolen a cheap, ordinary car could pick up \$300 easily. The Bankstown Local Area Command was formed nearly 14 years ago and, sadly, for almost all of that time Bankstown has held the unenviable position of being the number one hot spot for car theft. But more recently it has lost that ranking. I congratulate the police men and women under Superintendent Dave Darcy's leadership at the Bankstown Local Area Command on the falling crime rate. I note that the 2007 Bureau of Crime Statistics and Research figures for the Bankstown Local Area Command continue a downward trend.

DEPARTMENT OF COMMUNITY SERVICES RESPITE CARE

Mrs DAWN FARDELL (Dubbo) [6.08 p.m.]: Last Monday a grandmother who is a constituent of mine came to see me—she also visited me a year ago—and said that she was disillusioned with the Department of Community Services system and needed further respite care. When she originally confided in me she told me that she had the care of her two young grandchildren, not legally through the courts but in her foster care. Her daughter, whom I have known since she was a young girl, suffers from severe drug and alcohol addiction. When this grandmother came to see me 12 months ago she told me that her daughter had had seven pregnancies, but that only two children from those pregnancies had survived.

The family was living in filthy conditions. Many members would be aware of the living conditions of people in their electorates who suffer from the effects of drugs. The police approached this grandmother and asked her to take her two grandchildren into her care. When she came to see me she had no idea what services were available to her, but I was able to direct her to agencies that would offer her appropriate assistance. At the time neither the police nor the Department of Community Services agencies offered her any assistance. Her daughter, who has had only one partner, is a victim of domestic violence but she is also a perpetrator of domestic violence and has attacked her own mother. The grandmother took out an apprehended violence order to keep her daughter away from her because at one stage she was the victim of a violent attack by her daughter.

To date the daughter has refused all interrelated services designed to act as a go-between. She wants to retain care of her children so that she can continue to have contact with them. As I said earlier, I was able to assist this grandmother by directing her to the appropriate services. On Monday when she came to see me again she told me that her daughter had had a third child—a boy born to substance abuse parents—who is now 10 months old and who has a number of medical issues. The daughter is still being subjected to domestic violence. Four weeks ago the daughter attacked her partner, against whom she has taken out many apprehended violence orders. She was arrested for her behaviour and is presently locked away. At 3.00 a.m. on a Saturday the police contacted the grandmother and asked her to take the baby.

The grandmother, who now knows the system, refused to accept the baby unless officials from the Department of Community Services were present. In that way she knew she would get the services she needed rather than having to fight for funds afterwards. Department of Community Services officials arrived with the police and the father of the child, who has been known to throw the baby against the wall. Police knocked on the grandmother's door, and all she was given was two nappies and the baby. The other two children are now aged four and eight and the grandmother applied for an interim order seeking full custody of those two children. In a two-year period she has attended the Family Law Court 47 times to obtain custody of her grandchildren, which is wicked. The daughter is currently applying to be released from gaol.

The grandmother is frightened of her daughter and fears for her wellbeing. She established from other carer grandparents that aid is available in the form of a grandparent's grant, free vacation care, carers' payments and family assistance. She is grateful for the money but she gets only one day of respite every so often, which she uses to visit the Department of Community Services and Centrelink to keep things going. My constituent claims that it is important for the Government to attempt to rehabilitate substance abusers and to place them in programs. However, she is adamant that her daughter has had numerous opportunities but that she is playing the system. Her daughter has received counselling from mental health, probation and parole, women's emergency housing for domestic violence and corrective services.

Last week the daughter dropped all the charges against her partner. On one occasion the police knocked on the grandmother's door and asked her to buy underwear for her incarcerated daughter, but she refused to do so. The daughter, who has now been diagnosed with bipolar disorder, claims that the mental health unit in which she has been placed is akin to taking a holiday. She receives all this assistance but does not pay for anything; she does not even pay for her own medication. She received a baby bonus even though the child's birth was not

registered. Minister Mal Brough said that parents would not receive a baby bonus unless a baby's birth was registered, but somehow this one slipped through the system. The grandmother has now paid to register the baby's birth.

Six weeks ago, before the mother was incarcerated, the child required an operation and the mother was driven all the way to Westmead hospital, at taxpayers' expense, where a bed was provided for her. I have no problem with that. However, her partner—against whom she had taken out an apprehended violence order, which was lifted on this occasion—travelled with her to Westmead and received \$70 and one week's free accommodation. This is the same person who had thrown his child against the wall. He pocketed the money and the grandmother received a bill for \$70, which she had to pay. The baby requires further operations and the grandmother, who is now the carer, has been advised that she will have to pay to transport the baby to Westmead.

I will provide information about this case to the relevant Ministers who I hope will ensure that various departments put together a one-stop advice pack for carers of children at risk. When carers ring a department it is not uncommon for them to be told that another department is responsible for the provision of services. The Family Court, a Federal Government court, is yet another level of obstruction. We require an immediate inquiry into this matrix by all levels of government, as it is not protecting our innocent children.

PORT MACQUARIE AND HASTINGS REGION FORESHORE DEVELOPMENT

Mr ROBERT OAKESHOTT (Port Macquarie) [6.13 p.m.]: Port Macquarie foreshore, a lovely foreshore in the Port Macquarie and Hastings region which stretches from Settlement Point to the lighthouse, offers a rare opportunity for a strategic vision for that land. I am concerned about plans that the local authority might approve next Monday night for the Town Green—an iconic and key meeting place for the community that is maintained by the Department of Lands in Port Macquarie. Two weeks ago I met with Minister Tony Kelly to discuss the overall vision for the Port Macquarie foreshore.

Concern has been expressed about the lack of information being presented to the community and the lack of engagement with the community relating to proposals for a number of sites on the Port Macquarie foreshore. Issues such as the marina precinct, which is located next to Westport Park, are being dealt with by the Department of Lands. At the same time the town centre subcommittee of council, which has extraordinary delegated powers—it is one of only two subcommittees of council to have those extraordinary powers—prepared with its own money and outside its terms of reference a plan to enable the Department of Lands to use development money for the Town Green.

When members of the community realise what is going on they will express great concern about the private development of public land. Over the past six months, in an attempt to nip some of these issues in the bud, a foreshore working party was put together and an overall strategic vision for Settlement Point through to the lighthouse is being proposed. It would not be hard to put together such a vision because so much planning has been done in recent times, in particular for locations along that foreshore. However, it is extremely concerning that council is trying to ram through a proposal for the Town Green before an overall strategic vision is developed and it is not allowing the community vision of an integrated foreshore to take shape.

I strongly urge council to defer the recommendation that will be put before it at its next meeting for the Town Green development plan to be adopted as recommended by the town centre master plan subcommittee in its report to council in July 2007. I strongly urge council not to do that. The regional manager for the Department of Lands is visiting on 11 December to discuss the overall strategic vision for the foreshore. He is doing that with the consent and the authority of the Minister for Lands. It is extremely concerning that council is trying to beat the Department of Lands to develop what is essentially public land owned by the Department of Lands.

Why is council doing this? There are a number of answers to that question that I will not go into tonight, but, unfortunately, the community is losing its battle. Some of these foreshore issues are being picked off individually without council investing in an overall strategic vision. From my point of view, that is what is so desperately needed. I am trying to drag the Department of Lands and the local authority to the table to discuss the development of a foreshore working party, which, much to everyone's extreme disappointment, seems to have run off the rails. I would love to get it back together and head it in the right direction to develop a strategic vision and to engage the local community. However, commercial interests seem to be winning the battles of the

day at the direct expense of the Port Macquarie community. I strongly urge council to recognise that fact, to support the community, and to defer the motion that will be put before it. [*Time expired.*]

Private members' statements noted.

[*Assistant-Speaker (Ms Alison Megarrity) left the chair at 6.18 p.m. The House resumed at 7.30 p.m.*]

ASSISTED REPRODUCTIVE TECHNOLOGY BILL 2007

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

WORLD YOUTH DAY AMENDMENT BILL 2007

Bill introduced on motion by Mr John Watkins.

Agreement in Principle

Mr JOHN WATKINS (Ryde—Deputy Premier, Minister for Transport, and Minister for Finance) [7.31 p.m.]: I move:

That this bill be now agreed to in principle.

New South Wales has a well-deserved reputation for successfully hosting large-scale international events. The 2003 Rugby World Cup, and the Sydney 2000 Olympic Games and Paralympic Games were recognised as great successes and enhanced the reputation of New South Wales and Sydney. In July 2008 Sydney will again be the centre of international attention when it hosts World Youth Day 2008. His Holiness Pope Benedict XVI named Sydney as the host city for World Youth Day 2008 in 2005. The Catholic Archdiocese of Sydney, with the support of the New South Wales and Commonwealth governments and the city of Sydney, led the delegation that secured this event.

World Youth Day is a series of international and Australian events aimed at young people aged between 16 and 35 years from around the world, culminating with a vigil and mass to be celebrated by the Pope at Randwick racecourse on 20 July 2008. It is estimated that up to 500,000 people will attend the papal mass, many of them from overseas. This is a unique event. It is larger in scale than the Olympics, with higher international numbers participating in the event. The event is unticketed so planning is based on crowd modelling and analysis of previous World Youth Day events as well as known registrations of pilgrims.

Analysis of previous World Youth Days indicates that the staging of such events is logistically challenging. The crowd will be fluid and spontaneous. The event will comprise various activities across the Sydney central business district and metropolitan area over the course of a week. There will also be large movements of people into and out of Sydney before and after the event. Previous World Youth Days in other cities have highlighted how challenging it is to manage an event of this nature. The New South Wales Government wants to demonstrate that an event such as World Youth Day can be well managed. I believe that New South Wales has the necessary skills and experience to do this.

The New South Wales Government is committed to ensuring the success of the event and managing its overall impact on Sydney, the community and the taxpayer. The bill will ensure that the New South Wales Government is able to meet this commitment and that the necessary support and services will be available to assist in the management and planning of the event. As the House is aware, Randwick racecourse will be the venue for the overnight vigil and final mass of World Youth Day. Previous papal masses in 1995, 1986 and 1970 have also been held at Randwick racecourse. The excellent public transport options and the ability to accommodate the expected crowds of people make Randwick racecourse the best and really only option for hosting the event again in 2008.

Approximately 350,000 people will be accommodated at Randwick racecourse with the balance at nearby Centennial Park. The more moderate overnight weather conditions during winter at Randwick, when compared to western Sydney, also make the site more suitable for the evening vigil on the Saturday night before the final mass. The New South Wales Government established the World Youth Day Coordination Authority in 2006 to plan, coordinate and provide government services for World Youth Day 2008. The authority is working together with other government agencies and the Local Organising Committee of the Catholic Church to ensure

public safety and security, and the provision of sufficient public transport and accommodation for participants so that the staging of World Youth Day 2008 is also a success with minimal disruption to the everyday functioning of Sydney and minimal disruption to the operation of Randwick racecourse.

The authority has developed strong working relationships with the Church's event organiser, World Youth Day 2008, as well as partner agencies and key stakeholders. Planning for the delivery of government services for the event is well underway, including the securing of the key venues and logistical support. The Australian Jockey Club is the lessee of Randwick racecourse. Negotiations have been ongoing with the Australian Jockey Club for sometime for access to the site, and a heads of agreement between the New South Wales Government and the Australian Jockey Club for the use of the site was reached on 14 November 2007.

This heads of agreement covers a range of compensation for the use of Randwick racecourse to a value of approximately \$40 million, with the Commonwealth Government contributing half. It will bring lasting benefits to the Australian Jockey Club and the New South Wales racing industry, with a significant amount of money going towards upgrading facilities at Rosehill and Warwick Farm racecourses. The agreement will assist in ensuring a highly successful World Youth Day event at Randwick racecourse and a successful 2008 Spring Racing Carnival.

I acknowledge the critical bipartisan assistance of the Federal Government in securing this agreement. The bill will facilitate the use of Randwick racecourse for World Youth Day events. The bill makes it clear that the Australian Jockey Club, its chairman and committee are authorised to use or permit the use of Randwick racecourse for World Youth Day, and to enter into agreements with the State of New South Wales for the use of Randwick racecourse. The bill will allow the Minister to give the authority, and other persons authorised by the authority, a right to enter Randwick racecourse and to carry out works there for the purposes of World Youth Day.

Regulations will be able to be made to set up a Randwick Racecourse Project Steering Committee to assist the authority in its planning and management role for the use of Randwick racecourse. The committee may include representatives of various stakeholders. Directions will be able to be issued to persons or bodies prescribed by regulation in aid of the agreement or to enable the site to be used for the purposes of World Youth Day. This will also assist in the return of the site to the racing industry to host the 2008 Spring Racing Carnival. The Government will only use this power on a discretionary basis. It has been included in the bill in case of significant disruptions or interference with the preparations or staging of the event or restoration of the site for the 2008 Spring Racing Carnival.

Importantly, a regulation will first need to be made to prescribe persons or bodies who may be issued a direction, and that regulation will be subject to disallowance by Parliament. It will not be a criminal offence to contravene the directions, but they may be enforced through civil proceedings brought by the authority in the Supreme Court. The authority will be able to apply for urgent injunctions, should that be necessary, to ensure the event will not be disrupted. It is hoped that no such action will be necessary. The conditions attached to authorisations issued by the authority for access to Randwick racecourse are also enforceable in the same manner.

It will be an offence to delay or obstruct a person lawfully entering Randwick racecourse or carrying out works there for World Youth Day. It will also be an offence to damage the works without lawful excuse. Other proposed amendments in the bill will assist in the general management and coordination of World Youth Day. The bill will also restrict the use of air space, aerial advertising and advertising on buildings and structures in and around specified World Youth Day venues and facilities. These restrictions are in line with the restrictions imposed during the Sydney 2000 Olympic Games. It is necessary to restrict the air space over key World Youth Day venues and facilities to ensure the security and amenity of the Pope and the participants. Aircraft will be prohibited from entering the restricted airspace without permission from Air Services Australia, excluding aircraft being used for emergencies, police or military reasons.

The restrictions on advertising will protect important commercial relationships between the event organiser and its business partners. Advertising generally will be prohibited on buildings or structures at the specified sites, unless the authority has approved it. Prohibited advertising is to be removed by owners or occupiers of the specified sites. These provisions form key aspects to provide clean venues and prevent ambush marketing, and they are consistent with the provisions for the Sydney Olympic Games.

Under the World Youth Day Act 2006 the World Youth Day period is currently 1 to 31 July 2008. During this period certain powers can be exercised and various activities are prohibited, including the use of

illegal car parks, the sale of prescribed articles, the use of community land, the removal of unattended vehicles, the closure of roads and the use of restricted traffic lanes. This time period will be enough for most operational purposes, but to ensure that there is an ability to extend the period, should it become necessary, the bill enables the period to be extended by regulation.

Contracted bus operators for regular passenger services will be required to provide sufficient services for World Youth Day events in accordance with the provisions of existing contractual arrangements. The Director General of the Ministry of Transport may direct the operator to provide such services as the director general determines are necessary for World Youth Day events, and may determine a price or prices for such services. This will be required only when a negotiated outcome between the director general and the contract holder cannot be reached. It is a discretionary power that the director general may use if required. Again, we do not expect that those powers will be needed.

In addition the bill extends the period during which planning approval will not be required for temporary structures installed for the purposes of World Youth Day events and facilities. Currently, if the structures are removed by 1 August 2008, no planning approval will be required as long as the authority has provided permission for the structure. The bill extends this period to 1 September 2008 as the current deadline may not provide enough time to remove all the temporary structures from World Youth Day venues and facilities.

The bill will also allow members of the New South Wales Rural Fire Service and the State Emergency Service to assist the authority, other government agencies and the New South Wales Police Force in the delivery of services for World Youth Day events. They may assist with services such as crowd management and traffic or pedestrian control, as long as the Commissioner of the Rural Fire Service or Director General of the State Emergency Service has agreed to that assistance. The authority can currently issue directions to government agencies in relation to transport functions. However, the authority's coordination functions extend beyond the transport area to other areas where it is involved in the planning, development and management of the Government's commitment to World Youth Day. The bill extends the authority's ability to coordinate government functions by enabling the Minister to direct prescribed government agencies to comply with a direction or request from the authority.

The measures in the bill will facilitate the use of Randwick racecourse for World Youth Day. They will ensure tight timeframes can be met in preparing Randwick racecourse for the event and in the clean-up and restoration of the site afterwards. The bill will also further improve the Government's ability to plan, manage and coordinate government services to support World Youth Day. I commend the bill to the House.

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

LIQUOR BILL 2007

CASINO, LIQUOR AND GAMING CONTROL AUTHORITY BILL 2007

MISCELLANEOUS ACTS (CASINO, LIQUOR AND GAMING) AMENDMENT BILL 2007

Bills introduced on motion by Mr Graham West.

Agreement in Principle

Mr GRAHAM WEST (Campbelltown—Minister for Gaming and Racing, and Minister for Sport and Recreation) [7.45 p.m.]: I move:

That these bills be now agreed to in principle.

The current Liquor Act has been in place for almost 25 years. There have been many changes in our society in that time and we must ensure our laws properly reflect those changes. The liquor laws must meet the expectations, needs and aspirations of today's community for a variety of hospitality, dining and entertainment choices. The law should not create unreasonable barriers to innovation and competition. Red tape and costs for industry, government and the community must all be minimised so that access to the liquor licensing system is available. Laws that promote a responsible liquor industry through a flexible and practical system of regulation with minimal formality and technicality best serve the public interest. The liquor laws should also contribute to

the responsible development of related industries, such as the live music, entertainment, tourism and hospitality sectors.

Importantly, the liquor laws must continue to send a clear message to industry and the community about the need for responsible service and consumption of alcohol. Those who have responsibilities under the law, including regulators, licensees, and persons selling and supplying liquor, must consider the need to minimise alcohol-related harm. The law must encourage responsible attitudes and practices, and it must support the need for alcohol consumers to be responsible in their decisions and behaviour. It is time for a new Liquor Act that reflects modern regulatory practices and meets the needs of today's community.

The Liquor Bill 2007, the Casino, Liquor and Gaming Control Authority Bill 2007 and the Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Bill 2007 make up a reform package that will benefit the community for many years to come. The bills represent a complete rewriting of the New South Wales liquor licensing laws. They include comprehensive changes to the liquor regulatory framework that reduce complexity and cost. These changes simplify and modernise the law to aid understanding and enforcement. I seek leave to table some draft examples of the regulations and the proposed community impact statement process.

Leave granted.

Documents tabled.

Reforms in the Liquor Bill 2007 support the Government's program to reduce harm associated with alcohol abuse, and promote a culture of responsible service and consumption of alcohol. They help to promote industry sustainability and enhance access to the liquor licensing system for all stakeholders. These bills have been developed from exposure drafts that were released for public consultation in November 2005. The Government received more than 900 submissions in response to those drafts from the community, local councils, business and government agencies. Their views are strongly represented in this reform package. These new liquor laws strike a balance between community and industry needs, now and into the future.

I will now outline some of the principles of the bills and the new regulatory framework they establish. The objects of the Liquor Bill 2007 in particular have been enhanced compared to the current liquor laws. The new objects reflect the needs I have identified. In securing these objectives persons who have functions under the new laws will be required to have due regard to the need to minimise alcohol-related harm and encourage responsible attitudes and practices. The objects recognise the importance of a properly regulated liquor industry that is able to develop in a way that is consistent with the public interest. The objects also recognise that the manufacture, sale and supply of alcohol and the operation of licensed premises contribute to the economy and to society. These newly expanded objects will provide better guidance to regulators, licensees and the community on the purpose of the liquor laws.

These bills include plain English liquor laws that will benefit the whole community. The Liquor Bill 2007 represents a single Act for the regulation of liquor sales, including sales in registered clubs. All liquor industry sectors and liquor licensees will be subject to similar licensing standards. The Registered Clubs Act will now focus on club management, accountability and governance issues. Before I refer to the detail of the new licensing regime I will outline the arrangements for the new regulatory authority. The centrepiece of these reforms is to take liquor licensing out of the courts and introduce an administrative-based system to reduce complexity and cost for industry, the community and government.

The new liquor licensing system will be simple and flexible. Liquor licence applications and disciplinary matters will be now considered by a new Casino, Liquor and Gaming Control Authority. Under this administrative process licensees and interested persons—including police, residents and local councils—can make submissions directly to the authority. The authority will be able to conduct interviews, conferences and meetings to assist stakeholders to put forward their views. The administrative nature of the process will better allow differences to be resolved between parties without the need for expensive court hearings.

The Casino, Liquor and Gaming Control Authority Bill 2007 will establish the new authority. The practical outcome of the bill is that the role and responsibilities of the existing Casino Control Authority are expanded to cover the liquor and gaming sectors in addition to the casino sector. The Casino, Liquor and Gaming Control Authority Bill 2007 brings together in one place a range of provisions dealing with administration and other matters. Many of these provisions are currently replicated in the Liquor, Registered

Clubs, Gaming Machines, and Casino Control Acts. Having all of these provisions in one Act will help to ensure consistency. It is important to note that these changes will not result in any diminution of the existing powers and responsibilities of the Casino Control Authority in relation to casino matters. These reforms essentially entail a minor change of name for the authority, and regulatory control over the casino will be unchanged.

There will also be no diminution of the powers of the regulatory authority in relation to the liquor and gaming industries in New South Wales. The powers and responsibilities of the authority will be equivalent to those of the existing Licensing Court and Liquor Administration Board. Any differences that arise are minor and result from the move from the current court-based system to an administrative-based system. Existing liquor licensing offences are carried forward, with maximum penalty levels either maintained or, in some circumstances, increased. Local courts, with appeals available to the District Court, will hear these offences. In fact, these bills will enhance regulatory control over licensed venues. I will provide details of these enhanced controls later.

The Governor, on the recommendation of the Minister, will appoint members of the Casino, Liquor and Gaming Control Authority. The bill specifically provides that the authority will not be subject to the direction or control of the Minister except to the extent already provided for in the Casino Control and Gaming Machines Acts. The bills require that an authority member with substantial legal qualifications must be present when disciplinary decisions are made. Applications for a review of a non-casino disciplinary decision of the authority can be made to the Administrative Decisions Tribunal. I also point out that the Supreme Court has jurisdiction to review administrative decisions, such as those that will be made by the authority. The authority will appoint inspectors who assist police with the enforcement of the liquor and gaming laws. These inspectors have a strategic role, focusing on hot spots and assisting licensees and venue operators to ensure good management practice. They also provide valuable assistance to liquor accords.

The Casino, Liquor and Gaming Control Authority Bill 2007 carries across powers of entry, inspection and investigation for police and inspectors from existing Acts. Inspectors will continue to have the same role and responsibilities in relation to the casino and licensed venues as they do under the current law. To support this reform package the Government will provide an additional \$10.8 million to the Department of the Arts, Sport and Recreation over three years, commencing in 2008-2009. A review will be conducted at the end of that period. This new funding will allow inspectors to assist with the implementation and enforcement of these new liquor laws. They will provide a focus on increased support for liquor accords, working with police and other agencies to reduce alcohol-related crime. The funding will also be used to develop an education program for industry, local government and the community in relation to these new laws.

I would now like to turn to the detail of the new liquor licensing regime. The Liquor Bill 2007 sets out six liquor licence categories. The first licence category is a hotel licence. Hotel licences will apply to premises where the primary purpose is the sale and supply of alcohol. Hotels will continue to be able to sell liquor for consumption on and off the licensed premises. Bars that do not operate gaming machines or sell takeaway alcohol will be able to obtain a special type of hotel licence, to be known as a "general bar" hotel licence. A general bar hotel licence will help to stimulate diversity, resulting in a greater variety of licensed venues, including small bars. However, there is a potential for bars of all sizes that focus on selling alcohol to have an impact on the local community through noise, antisocial behaviour and problems associated with intoxication and irresponsible service of alcohol. Therefore, all applications for a hotel licence—including the new general bar licence—will be subject to the new community impact statement process, which I will refer to later.

The fee on grant for a general bar hotel licence will be less than the fee for a hotel licence that permits gaming machines and takeaway alcohol sales. It will not be possible for the prohibition on gaming machines and takeaway sales to be varied or removed for a general bar hotel licence. Standard trading hours for hotels, including the new general bar licence, will be unchanged from the current liquor laws. Standard trading will be from 5.00 a.m. to midnight Monday to Saturday, and 10.00 a.m. to 10.00 p.m. on Sunday. Existing hotel trading restrictions between midnight Sunday and 5.00 a.m. Monday and on Good Friday and Christmas Day are also maintained. Hotels will be able to apply for extra trading hours via an extended trading authorisation, as they can under the current liquor laws. Certain existing requirements applying to hotels are modernised and carried across to the new bill.

The second category is a club licence. Club licences will apply to registered clubs. In order to obtain this type of liquor licence a club must meet the requirements of the new liquor laws as well as the Registered Clubs Act. Clubs will continue to be referred to as "registered clubs" in the liquor and club management laws. Existing clubs will continue to have access to unrestricted trading hours, as they do under the present law. Other

registered club privileges and requirements will also be maintained for existing clubs. Newly licensed registered clubs will be subject to the standard trading period of 5.00 a.m. to midnight Monday to Saturday, and 10.00 a.m. to 10.00 p.m. on Sunday. These new clubs will be able to apply for extra trading hours via an extended trading authorisation.

The third licence category is an on-premises licence. This new category of licence will replace existing on-licences under the current liquor laws for restaurants, motels, theatres, universities, public halls, vessels, airports and section 74A licences. It will also replace the existing nightclub, caterers, Governor's and community liquor licences. On-premises licences will be very flexible. Sale of liquor will be permitted for consumption primarily on the premises. Individual licence conditions imposed by the authority will determine the type of business for an on-premises licence, along with alcohol sale, supply and consumption arrangements. The type of business for an on-premises licence will be specified when the licence is granted. An on-premises licence will not be issued where the sale, supply or consumption of alcohol is the primary business or activity carried out on the premises. However, there will be exceptions for some businesses and activities, such as airports and universities. Other exceptions can be prescribed.

The bill also specifies the kinds of businesses and premises for which an on-premises licence cannot be granted. Most on-premises licences will be subject to the standard trading period of 5.00 a.m. to midnight Monday to Saturday, and 10.00 a.m. to 10.00 p.m. on Sunday. Applications for extended trading hours will be permitted. The sale of liquor under an on-premises licence will be with, or ancillary to, another product or service. These new provisions will replace the costly and restrictive dine-or-drink authority for licensed restaurants under the current liquor laws. The application process for this authorisation will be simple. There will be no fee payable other than a minor processing fee. Limits on the number of drinkers and other aspects of the approval will be determined on a case-by-case basis by the authority. However, the "primary purpose" requirement for restaurants and other on-premises licences will ensure the sale or supply of liquor cannot become the primary purpose of the licensed premises.

The bill requires that a specific approval be obtained to sell liquor without meals rather than its being an automatic right. A specific approval allows regulators to consider the particular circumstances of a restaurant, and can assist with enforcement. The approval can also be more readily withdrawn if problems occur. Under the Liquor Bill 2007 an on-premises licence will be available to operate live music and public entertainment venues where alcohol is provided to patrons with entertainment. This will replace the current nightclub and theatre licences, and will ensure that an appropriate licence is available for intimate venues providing live entertainment. These venues will be subject to local council requirements relating to the provision of public entertainment. Unnecessary and outdated restrictions on businesses such as accommodation venues, universities, and entertainment venues will be removed. The bill allows the authority to approve an authorisation for takeaway sales for an on-premises licence to ensure the flexibility provided by the existing Governor's licence is maintained. However, takeaway sales are intended for special types of facilities only, and in special circumstances.

The bill provides for regulations to limit the circumstances in which an authorisation can be approved. The Government will be monitoring this aspect closely to determine what future controls are necessary. On-premises licences will be required to have food available on the premises as a harm-minimisation measure. For caterers operating under an on-premises licence the existing "principal business" requirement has been removed. Caterers will no longer have to operate a separate catering company, thereby reducing costs. The requirement that alcohol may be served only with food has been also removed for caterers. However, food will still need to be available. Accommodation venues will benefit from simplified, flexible and modern licensing provisions that, among other things, do away with the need to have approval to operate a guest's bar. Accommodation venues will also be able to provide liquor with a takeaway meal or in a picnic basket meal to their accommodation guests so long as the volume on any one day does not exceed two litres.

The fourth licence category is a packaged liquor licence. Packaged liquor licences will apply to liquor stores selling takeaway liquor. Standard liquor store trading hours will be unchanged from the current liquor laws. Liquor stores will be able to apply for extra trading hours via an extended trading authorisation. The existing law preventing takeaway sales on Good Friday and Christmas Day will be maintained. Holders of packaged liquor licences will not be able to trade between midnight and 5.00 a.m. on any day. The fifth category of licence is a producer/wholesaler licence. Producer/wholesaler licences will apply to wine producers, brewers, distillers, and wholesalers. The licence allows wholesale sales to other liquor licensees. The licensing arrangements for wine producers will be modernised. This is a key feature that will directly assist regional tourism and regional economies.

Wine producers will be able to charge for tastings if desired, make cellar door sales, and operate multiple premises in a wine region under the one licence. Wine regions will be determined in consultation with the wine industry, and prescribed in the regulations. An important reform for wine producers is that they will be able to conduct tastings and sell their wine directly to the public at wine shows and farmers' or producers' markets. A producers' market is a market at which farmers or primary producers display and sell their products directly to the public. It must be conducted in accordance with prescribed requirements, including a minimum number of stalls. Requirements will be determined in consultation with the industry.

Tastings and sales at a wine show can only occur where a recognised wine, vineyard or industry association holds the wine show. Wine producers will also be able to obtain an authorisation to allow liquor consumption on the premises, such as in a restaurant or motel, or at an event such as Opera in the Vineyards. Wine producers will be able to sell blended wines so long as their wine contains a minimum percentage of product manufactured by the licensee. Wine producers will also be able to sell products that they make from types of fruit other than grapes that are grown on their premises. The existing 45-litre limit on cellar door sales will be abolished. A producer/wholesaler licence will also allow small-scale regional brewers and distillers to conduct tastings and sell directly to the public at their licensed premises. As this reform is also intended as a boost to regional tourism and economies, it will not apply to brewers and distillers in metropolitan areas.

The final category of licence is a limited licence. Limited licences will apply to sporting club and community functions, as well as significant regional and State events. They will replace function and special event licences under the current liquor laws. For non-special event functions, a limited licence will only allow liquor sales that are ancillary to the purpose of the function. Functions will be required to be approved, and the authority will determine trading hours. The maximum number of functions under a limited licence will be 52 per year, or such other number as the authority considers appropriate. Existing special arrangements for surf club social functions and for race club functions under the current law will be maintained in the bill. Liquor sales under a limited licence will be for on-premises consumption only, except in the case of a trade fair or a special event. Special provisions will apply to a limited licence for a special event in recognition of the significant social and economic benefits of these events.

The Liquor Bill 2007 includes important reforms that assist regional tourism, small business, and live music. I will refer to some of those reforms now. The bill allows small bed and breakfast and farm-stay accommodation venues to supply alcohol without the need for a liquor licence. Controls will apply to bed and breakfasts so that alcohol is not supplied to minors, and responsible service of alcohol training is required. Sales can only be ancillary to the provision of accommodation or a meal. The cut-off at which larger bed and breakfast venues need to apply for an on-premises liquor licence has been set at eight adult guests. This number reflects the size of most bed and breakfast businesses in New South Wales.

The new on-premises licence will also assist regional tourism and small business by allowing some regional tourism operators to obtain a suitable liquor licence for the first time. This licence will also greatly simplify arrangements for accommodation venues such as motels, which are a vital part of regional tourism. The wine producer reforms, along with the reforms for small-scale brewers and distillers, will also benefit regional tourism and small business. For the live music sector, the Liquor Bill 2007 recognises order of occupancy in disturbance complaints, something the sector is very strongly in favour of, and which has been adopted in Queensland and South Australia. The live music, entertainment, tourism and hospitality industries are also specifically recognised in the objects of the Act. One of the most significant reforms for live music is the on-premises licence that can cater for live music venues. These industry reforms represent a tangible benefit for a range of businesses and communities throughout New South Wales. They will allow greater flexibility and choice for industry and consumers.

One area of the current liquor laws that is in need of reform is social impact assessments. These assessments have been criticised for being costly, time consuming, subjective, incomplete, and bewildering to residents and other stakeholders. A more efficient, less costly, and better targeted process is needed. The Liquor Bill 2007 therefore introduces a new community impact statement. The object is to facilitate consideration by the authority of the impact that the granting of certain applications will have on the local community. It does this by providing a process in which the authority is made aware of the views of the local community, and the results of any discussions between the applicant and the local community about issues and concerns. Community impact statements will gauge potential impacts, especially of new hotels, general bar hotel licences, clubs, bottle shops and other potentially high-impact licensed venues on local communities. Licensed venues, including restaurants and entertainment venues, seeking extended trading hours past midnight will also be subject to the new process.

Community impact statements apply in different formats to low-impact licence applications. However, the authority will require that a statement be prepared with any application detail that it considers necessary. Community impact statements will be required to be prepared before liquor licence applications are made. Statements will summarise the results of consultation by applicants with local councils, police, health, Aboriginal representatives, community organisations and the public. The consultation process will be set out in regulation. The detail will be developed in consultation with industry and other stakeholders. One aim of the new process will be to minimise time and costs. The Government will examine how Community impact statements can be linked into the planning process to reduce duplication as much as possible. No fee will be payable to the licensing authority for a statement.

Stakeholders will have an opportunity to provide comment directly to the Casino, Liquor and Gaming Control Authority in response to a community impact statement lodged by an applicant. This will ensure statements accurately reflect the issues that were raised by those stakeholders. Applications will also need to be advertised so that anyone can make a submission directly to the Authority. Advertising requirements will be developed with stakeholders so they are practical and provide reasonable notice. Applications will need to be advertised, and also the local council will need to be advised. To complement the community impact statement process an assessment will be prepared for the authority by the Director of Liquor and Gaming taking account of health, population, crime and other relevant data.

This assessment will be applied to all community impact statements. Applications where a community impact statement requires further detail will also be required at the authority's request. The new community impact statement process will relieve applicants from having to obtain large amounts of data and prepare complex and costly assessments, so they can focus on consultation with the local community. Bringing the assessment process in-house will facilitate a more objective process that can better meet the needs of the authority. The Government believes that this type of process is essential for high-impact liquor licence applications.

The bill requires that liquor regulators must be guided by harm minimisation principles. An informed decision requires input from local stakeholders. I have already mentioned that the Liquor Bill 2007 adopts a standard liquor trading period of 5.00 a.m. to midnight Monday to Saturday, and 10.00 a.m. to 10.00 p.m. on Sundays. The bill provides for an extended trading authorisation, allowing trading outside of the standard period only upon application and subject to harm minimisation and neighbourhood disturbance controls. This also reflects the current liquor laws. Applications for trading past midnight will be subject to a community impact statement and can only be made for on-premises liquor consumption. The bill also allows the Minister to approve extended trading for hotels and clubs for an event of regional, State, or national significance. This type of provision was subject to debate in a recent bill dealing with hotel trading during the 2007 Rugby World Cup.

The Government removed a similar provision from that bill during the debate. The provision has been included in this bill so that action can be taken quickly to provide trading for significant events as they arise. If necessary, trading hours can be reduced by regulation for specified classes of premises. Trading hours for a specific licensed venue can also be reduced by the Director of Liquor and Gaming as a result of noise and disturbance complaints, or by the authority as a result of disciplinary action. Existing restrictions that apply to hotel and takeaway trading on Good Friday and Christmas Day are maintained. No takeaway alcohol sales will be permitted on these days. The Liquor Bill 2007 also brings trading for some low-impact venues such as restaurants into line with trading of hotels.

I will now turn to the enhanced regulatory controls over licensed premises which are a feature of these bills. If necessary, trading hours for specified classes of premises can be reduced by regulation. Trading hours for a specific licensed venue can also be reduced by the Director of Liquor and Gaming as a result of noise and disturbance complaints, or by the authority as a result of disciplinary action. Existing restrictions that apply to hotel and takeaway trading on Good Friday and Christmas Day are maintained. No takeaway sales will be permitted on these days. The Liquor Bill 2007 also brings trading for some lower impact venues such as restaurants into line with hotels.

I now turn to the enhanced regulatory controls over licensed premises that are a feature of these bills. Regulatory and disciplinary processes will be simplified and streamlined by moving to an administrative-based approach. A more immediate response to problems will be possible without the need for expensive and time-consuming legal processes in every case, while ensuring that due process is maintained. The circumstances in which action can be taken against licensees and others who do the wrong thing are being widened. Providing new powers to the Director of Liquor and Gaming will also enhance regulatory control over licensed venues.

The director will be able to impose conditions on licences, so long as the licensee has been given an opportunity to make submissions. The Liquor Bill 2007 provides for a process of review of the director's decision in these circumstances. The authority, at the request of a licensee, will determine such a review. These new powers will be additional to the powers of the new Casino, Liquor and Gaming Control Authority.

Residents and councils will continue to be able to make disturbance complaints against licensed venues, as they can do now. The existing noise and disturbance complaint process is largely carried across into the Liquor Bill 2007. As already mentioned, a new feature is that order of occupancy between a venue and residents is recognised as an issue that can be considered. This provision has received strong support from the live music sector as a way of protecting long-established cultural venues from closure due to complaints by newly arrived residents. The provision is based on similar laws applying in other States. However, this new provision does not mean that complaints are not allowed or that licensed venues will be subject to lower standards.

All licensed venues are required to operate in a responsible manner, and action can still be taken under the noise complaints process if that is not the case. No matter who was first in an area, residents and businesses need to be reasonable and respect each other's needs. Under the Liquor Bill 2007, the Director of Liquor and Gaming will determine disturbance complaints. This is appropriate given the enforcement nature of these matters, which are about compliance with the requirements of the law for the responsible operation of licensed premises. Complainants and licensees will be able to request that the Casino, Liquor and Gaming Control Authority review a disturbance complaint decision of the director.

The Liquor Bill 2007 introduces two new offences that reinforce the need for consumers to behave responsibly, and will assist licensees to deal with troublesome patrons. The new offences prohibit intoxicated, violent or troublesome patrons who are refused entry or ejected from licensed venues from attempting to re-enter the venue for a 24-hour period. Such persons must also not remain in or re-enter the vicinity of the venue for six hours unless they have a reasonable excuse. A reasonable excuse will include where a person has reasonable fears for their safety, needs to obtain transport or resides in the vicinity of the premises. The maximum court-imposed penalty for these two new offences is \$5,500. These new provisions send a clear message to irresponsible drinkers about the standards of behaviour that are expected.

The provisions help to address problems where intoxicated persons who are ejected or refused entry remain outside a venue causing trouble. These people often attempt to re-enter the venue surreptitiously, and are an ongoing problem for licensees. To help tackle intoxication and under-age drinking, repeat offenders for certain key offences will be subject to higher penalties. The Liquor Bill 2007 includes a definition of "intoxicated" to assist licensees, staff and police in complying with and enforcing the law prohibiting entry into licensed venues by intoxicated persons, or the sale or supply of liquor to intoxicated persons. The definition has been taken from a draft developed by the Government in 2005, and which has subsequently been adopted in Victoria.

Under the Liquor Bill 2007 the Director of Liquor and Gaming will be able to issue written directions to a licensee, employee or agent concerning any matter relating to the licensed premises, including any conduct on the premises. This will enable the director to take swift action to deal with local neighbourhood problems associated with the sale and supply of liquor by a licensed venue. To ensure due process, the Casino, Liquor and Gaming Control Authority can review these directions. There are circumstances where persons with alcohol-dependency problems may wish, and should be capable of requesting, that they be excluded from specific licensed venues. Examples include persons released from custody who, as part of their rehabilitation program, are required to abstain from alcohol use.

The Liquor Bill 2007, therefore, contains provisions specifically allowing licensed venues to enter into a self-exclusion agreement and thereby refuse entry or eject persons who have voluntarily requested to be refused entry and service of alcohol. These provisions build on longstanding provisions allowing licensed venues to refuse entry to intoxicated or violent persons. The bill also allows self-exclusion agreements to apply to licensed venues that are members of a liquor accord. This will enable a single request to be made by a person that will apply to multiple premises in an area. I emphasise that self-exclusion agreements must be requested by the person to whom the agreement will apply. An agreement cannot be forced upon a person.

The Liquor Bill 2007 will allow the new authority to issue an order banning a person from entering or remaining on licensed premises. Such an order can be made in circumstances where the person has been repeatedly intoxicated, violent, quarrelsome or disorderly on or in the immediate vicinity of licensed premises.

The director, the police, or a licensee who is part of a liquor accord can seek such orders. The authority will be subject to the requirements of the Anti-Discrimination Act in making such an order. The Liquor Bill 2007 carries across existing laws allowing for closure orders to be made where there are significant concerns about threats to public safety.

Finetuning of these provisions will see such orders, which can be requested by the Director of Liquor and Gaming or the police, able to be made by the new authority, as well as by an authorised officer. Lockouts, curfews or restricted entry policies have been voluntarily implemented in certain locations to address late night problems associated with the movement of persons between licensed venues and patrons congregating outside licensed venues. These lockouts prevent patrons from entering licensed premises after a certain hour, although patrons already inside the premises can remain until normal closing time. However, securing agreement from all late trading licensed venues in an area to voluntarily participate can be difficult and takes time. There are circumstances where it would be preferable to allow the Director of Liquor and Gaming to order licensed venues to participate in a lockout.

The Victorian Liquor Control Act specifically allows the Director of Liquor Licensing to make a late hour entry declaration for an area or locality. The Liquor Bill 2007 includes similar provisions. This will allow the Director of Liquor and Gaming to make a late hour entry declaration for an area, subject to due process, including consultation with licensees and the local council. The new authority can review decisions. The existing Liquor Act includes provisions allowing undesirable liquor products and promotions to be banned, but only where those products and promotions are attractive to minors. Undesirable products must be banned by regulation, whereas the Director of Liquor and Gaming can take action against undesirable promotions. These existing provisions are being carried forward in the Liquor Bill 2007.

However, they are also being expanded in the bill to allow action to be taken against products in circumstances such as where the name, design or packaging is indecent, offensive, or encourages irresponsible consumption. A new feature of the bill is that the director will now also be able to take action against products. However, the director will be limited to issuing orders only to individual licensees, and only where the premises are situated in an area or locality where there are significant concerns regarding intoxication or under-age or irresponsible drinking. Examples of products where the director, under these new provisions, could take action include high alcohol cocktails created on licensed premises that encourage irresponsible, rapid or excessive consumption.

The director must provide the licensee with a reasonable opportunity to make submissions in relation to the proposed restriction or prohibition, and must take those submissions into consideration. The bill also allows action to be taken against undesirable liquor promotions. The circumstances where action can be taken against undesirable promotions are being expanded to include promotions that can result in rapid alcohol consumption and intoxication. Some aspects of these expanded provisions have been taken from a code of practice developed by the liquor industry in New South Wales; others have been taken from the Queensland and Victorian liquor laws. They will allow action to be taken not only against products and promotions targeted at minors but also against irresponsible products and promotions that cause harm to adults, including products containing excessive levels of alcohol.

The existing Liquor Act contains regulation-making powers to restrict or prohibit the conduct of promotions or other activities, including discounting or supply of liquor free of charge, that could result in misuse or abuse of liquor, such as binge drinking or excessive consumption. There are concerns that substantial liquor discounts could be a factor in encouraging binge drinking or excessive consumption. The Liquor Bill 2007, therefore, includes a regulation-making power which can prescribe circumstances in which the Director of Liquor and Gaming can require responsible consumption of alcohol messages to accompany promotions that involve liquor discounts. The form of such messages will be a matter for the director. The liquor laws in some other States and Territories contain provisions allowing communities to apply for restricted or dry areas to help ease alcohol-related problems.

Controls that apply can range from restrictions over the sale and availability of certain types of alcohol through to complete bans on alcohol in a specific community. These provisions have generally been introduced to assist communities with large indigenous populations, although they have been used in other communities. In other jurisdictions the size of a restricted area can vary from a part or whole of a town through to extended areas in the case of remote indigenous community locations. The management of alcohol-related problems in indigenous communities needs to be driven by those communities, so they can determine and implement measures they feel will best meet their needs. There must also be interagency cooperation, coordination and consultation at the local level.

The Liquor Bill 2007 will assist in this process by providing for restricted alcohol areas to be declared by regulation in particular circumstances. Restrictions imposed in such areas could include restrictions on the trading hours for licensed premises, the kinds of liquor that may be sold or supplied, and the way in which liquor is sold or supplied. Importantly, this new measure can restrict the sale, supply, possession or consumption of liquor on any premises, whether or not those premises are licensed premises. A restricted alcohol area can only be declared by regulation where the responsible Minister is satisfied that it is in the public interest, and has the support of the majority of the community that is likely to be affected. Consultation will be required with the Commissioner of Police, local councils, prescribed persons, and any other persons the Minister considers appropriate, including representatives of the community that is likely to be affected.

Offences in the bill relating to the sale of liquor without a licence, and sale contrary to a licence, will apply in restricted alcohol areas. Other offences can be prescribed in the regulations. Much of the process for establishing a restricted alcohol area will be prescribed. This will facilitate extensive consultation with all stakeholders before that process is finalised. The Government's view is that the process must be inclusive and transparent if it is to work properly. There will be wide-ranging consultation with all stakeholders on the development of the regulations.

One of the most important issues the Government seeks to address through the liquor laws is under-age drinking. The law needs to send a strong message to the community about the importance of protecting our young people from the potential harms of alcohol. Significant penalties should apply to those who deliberately put the wellbeing of children at risk. The law should also be very clear for parents and those responsible for the care of children. Concerns have been raised about the complexity of the existing under-age drinking laws. Those laws are very difficult for parents and minors to understand. Therefore, one of the most important outcomes of the Liquor Bill 2007 will be to greatly simplify the liquor laws, and the Government has focused particularly on the under-age drinking laws. However, the Liquor Bill 2007 does not alter what is currently legal and what is currently illegal in relation to under-age drinking.

Selling liquor to a minor remains an offence for any person, as does supplying liquor to a minor on licensed premises. The Liquor Bill 2007 reflects the outcome of the current law, which effectively allows parents, guardians, and persons authorised by a parent or guardian, to supply liquor to a minor outside of licensed premises. It will remain an offence for all other persons to supply liquor to a minor outside of licensed premises. In fact, the under-age drinking laws are being strengthened in the Liquor Bill 2007 through increased penalties for repeat offenders, and for adults who send a minor to licensed premises to obtain liquor. The Liquor Bill 2007 also provides that where an adult seeks to rely upon the fact that he or she is a parent or guardian or was authorised by a parent or guardian to supply liquor to a minor, the burden of proof will fall on the parent or guardian or person so authorised.

This will result in authorised persons needing to be sure they could prove that they have authorisation from a parent or guardian to supply liquor to an under-age person before doing so. It will make the job of enforcing the under-age drinking laws easier for police and inspectors. The Liquor Bill 2007 provides enhanced support for liquor accords. Liquor accords are a cornerstone of the Government's liquor harm minimisation framework. They are also an effective means of addressing local issues in an environment of respect and responsibility. Changes associated with the new regulatory framework allow accords to approach the new authority to have action taken where recalcitrant venues undermine the success of liquor accords. Provisions that can require compliance with accords arising from a disturbance complaint support this.

Who can be a party to an accord is more clearly outlined in the law. The Liquor Bill 2007 also makes it clear that accords can include certain terms to eliminate doubts as to what accords can do. The Liquor Bill 2007 will enable the Director of Liquor and Gaming to order that a licensee contribute to costs of implementing a liquor accord. This power will be used where accords first collectively agree to impose membership fees or seek some other financial contribution from accord members to promote or give effect to the accord. It is fair that, where a licensee—irrespective of whether he or she is a member of the accord—gains some benefit from local accord activities, that licensee should make a contribution to the cost of those activities where other accord members are doing so. Decisions of the director under this provision will be reviewable by the Casino, Liquor and Gaming Control Authority.

The Liquor Bill 2007 and the Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Bill 2007 include a new disciplinary process for liquor licences, registered clubs, and gaming-related licences. This new process will facilitate disciplinary action in much the same circumstances as the current liquor, registered clubs, and gaming machines laws. The changes that have been made are necessary given the move from the courts to

an administrative-based disciplinary process. The new process will reduce time and costs for all parties. It will facilitate more efficient action against licensees who do not comply with the law, or operate their business in a manner that is against the public interest. The disciplinary provisions in the bills are a key element of these reforms. They will help to ensure the increased liquor licensing opportunities and the flexibility provided by these reforms are not abused by allowing timely action to address problems.

However, it is vital that due process is maintained. The bills provide for licensees to be given a fair opportunity to respond to concerns raised by the Director of Liquor and Gaming or the police before action is taken which could result in substantial penalties or, ultimately, suspension or cancellation of a liquor licence. The bills provide that non-casino disciplinary decisions made by the authority will be reviewable by the Administrative Decisions Tribunal. The Liquor Bill 2007 contains savings and transitional provisions that will largely preserve conditions and trading entitlements for existing liquor licensees and clubs. Transitional and savings provisions have been developed to ensure there is the least impact on existing licensed venues as possible. Current trading hours for licensees are not reduced.

Matters that are before the Licensing Court or the Liquor Administration Board when the new laws commence will continue to be dealt with by the court or the board. The transitional provisions provide for a period of time to enable the Liquor Administration Board to deal with existing matters. The period will be prescribed in the liquor regulation. The Liquor Bill 2007 exempts liquor sales to residents of a retirement village and their guests at gatherings held in the village that are not organised or conducted by the village operator. The Retirement Village Residents Association has requested this amendment. Elderly retirement village residents will not need to apply for a licence to have a few drinks at their regular social functions. The Liquor Bill 2007 also exempts auctioneers and commuter aircraft operators from having to obtain a liquor licence.

International cruise ships will benefit from an exemption given the difficulties of applying the liquor laws to those vessels, which are usually located within New South Wales waters for a very short time. This exemption will not permit sales to minors, and other requirements can be prescribed. Existing surf club licensing privileges are retained in the Liquor Bill 2007. Surf clubs that wish to hire out their club premises for private functions will be able to apply for an on-premises licence. This will assist surf clubs to make full use of their premises for fundraising purposes. These extra privileges will not override planning and other laws governing the use of surf club premises. They do not allow the operation of public bars.

In addition to the amendments I have already highlighted, the Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Bill 2007 contains a range of consequential amendments to the Casino Control Act, the Registered Clubs Act, the Gaming Machines Act, and certain other relevant Acts. The Government appreciates that the regulations will be important to the operation of the new liquor licensing regime. While draft regulations have been tabled today, the formal regulations will not be finalised until the Liquor Reform Bill 2007 and cognate bills are considered by this Parliament. It is a general practice of law making that regulations are developed as part of the implementation of a new Act. The new liquor regulation will deal with similar matters to the existing regulation. Although they are important matters, they are generally procedural and administrative in nature. As the new regulation will be a principle statutory rule, the Subordinate Legislation Act requires that it be developed in consultation with stakeholders, and be subject to the full regulatory impact statement process. There will also need to be consultation with relevant government agencies before it is finalised. I commend the bills to the House.

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

JOINT SELECT COMMITTEE ON THE ROYAL NORTH SHORE HOSPITAL

ACTING-SPEAKER (Mr Thomas George): I report the receipt of the following message from the Legislative Council:

The Legislative Council desires to inform the Legislative Assembly that it has this day agreed to the following resolution:

1. That the reporting date for the Joint Select Committee on the Royal North Shore Hospital be extended to Thursday 20 December 2007.
2. That this House requests the Legislative Assembly to agree to a similar resolution.

Legislative Council
28 November 2007

PETER PRIMROSE
President

Motion by Mr John Aquilina agreed to:

- (1) That this House agrees with the Legislative Council's resolution extending the reporting date for the Joint Select Committee on the Royal North Shore Hospital to Thursday 20 December 2007.
- (2) That a message be sent informing the Legislative Council of the resolution.

The House adjourned at 8.31 p.m. until Thursday 29 November 2007 at 10.00 a.m.
