

LEGISLATIVE ASSEMBLY

Friday 19 March 2010

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

The Speaker read the Prayer and acknowledgement of country.

WASTE RECYCLING AND PROCESSING CORPORATION (AUTHORISED TRANSACTION) BILL 2010 (NO 2)

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

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PETITIONS

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

Hornsby Ku-ring-Gai Hospital

Petition requesting the rebuilding of the Hornsby Ku-ring-Gai Hospital, received from **Mrs Judy Hopwood**.

Wagga Wagga Base Hospital

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

Tumut Renal Dialysis Service

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

Tumut Hospital and Batlow Multiple Purpose Service

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

Wagga Wagga Respite Services

Petition requesting funding for a second respite house and the provision of accessible access to the existing respite premises in the Wagga Wagga electorate, received from **Mr Daryl Maguire**.

Hawkesbury River Railway Station Access

Petition requesting improved access to Hawkesbury River railway station, received from **Mrs Judy Hopwood**.

Bus Service 311

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

TAFE Employee Negotiations

Petition requesting fair negotiations with TAFE teachers, received from **Mrs Judy Hopwood**.

Tuckurimba Quarry Expansion

Petition opposing the proposed expansion of sandstone quarry operations at Champions Quarry in Tuckurimba Northern New South Wales, received from **Mr Thomas George**.

Game and Feral Animal Control Amendment Bill 2009

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

National Parks Tourism Developments

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

Pet Shops

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

Single Pensioner Benefits

Petition requesting that single pensioners in public housing receive the full benefit of recently increased pensions, received from **Ms Clover Moore**.

Cowan Sewerage

Petition requesting that Cowan households be connected to a mains sewer service, received from **Mrs Judy Hopwood**.

Lower Lachlan Valley Water Distribution

Petition opposing the current decision of the Office of Water regarding the distribution of the water held in the Wyangala Dam to the lower Lachlan Valley, received from **Mr Adrian Piccoli**.

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

Former HMAS *Adelaide*

Petition opposing the sinking of the former HMAS *Adelaide* off Avoca Beach, received from **Mr Chris Hartcher**.

PUBLIC BODIES REVIEW COMMITTEE**Chair**

The SPEAKER: I inform the House that on 18 March 2010 Mr Nick Lalich was elected Chair of the Public Bodies Review Committee.

COMPANION ANIMALS AMENDMENT (DOGS IN OUTSIDE EATING AREAS) BILL 2010

Bill introduced on motion by Mr Chris Hartcher.

Agreement in Principle

Mr CHRIS HARTCHER (Terrigal) [10.04 a.m.]: I move:

That this bill be now agreed to in principle.

As a member of a dog-loving family, I am proud to introduce the Companion Animals Amendment (Dogs in Outside Eating Areas) Bill 2010 on behalf of the Liberals and The Nationals. I acknowledge also the co-sponsorship of the Deputy Leader of the Opposition and member for North Shore, who has been an outstanding advocate on this matter. The purpose of the bill is to amend the Companion Animals Act 1998 to allow dogs in outside eating areas, such as among café tables on footpaths. This proposed legislation will impact many residents of New South Wales. Statistics reveal that in 2007 this State had 1.209 million dogs, which represented in the order of 70 per cent family dog ownership.

In New South Wales people are at liberty to go out and enjoy their lifestyle in a commonsense way. Unfortunately, under current legislation people who depend on their dogs for companionship cannot take them to outdoor eating areas to have a chat and a cup of coffee with a friend or have any food served to them. They either have to leave their dog at home or grab a takeaway coffee and/or food, rather than catch up with friends. This problem has created some concern in local communities. Although in Europe dogs are allowed into dining areas, this bill provides that dogs cannot go into totally covered areas. A well-behaved dog on a lead, sitting down, does not represent a health hazard. Currently, section 14 of the Companion Animals Act provides:

- (1) Dogs are prohibited in the following places (whether or not they are leashed or otherwise controlled):
 - ...
 - (b) Food preparation/consumption areas (meaning any public place, or part of a public place, that is within 10 metres of any apparatus provided in that public place or part for the preparation of food for human consumption or for the consumption of food for humans).
- (4) A dog is not prohibited under the section in a place that is a food preparation/consumption area if the place is a public thoroughfare (such as a road, footpath or pathway).

Although these sections appear to be contradictory, the Department of Local Government has indicated that section 14 (4) relates to dogs being walked through areas of footpath where outdoor dining has been approved, not allowing them to stay in such areas. Section 21 (1) of the Food Act 2003 states:

- (1) A person must comply with any requirement imposed on the person by a provision of the Food Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale.

Clause 24 (1) "Animals and Pests" in chapter 3 of the 2001 Australian New Zealand Food Standards Code provides:

- (1) A food business must:
 - (a) subject to paragraph (b), not permit live animals in areas in which food is handled, other than seafood or other fish or shellfish

The guide to food safety standards indicates that this requirement prohibits all animals from areas in which food is handled unless the live animal is seafood or other shellfish. Areas in which food is handled include those in which food is made, manufactured, produced, collected, extracted, processed, stored, transported, delivered, prepared, treated, preserved, packed, cooked, thawed, served or displayed. Food businesses may keep security animals outside provided the area is not used for outdoor dining or drinking. Clause 24 (1) (b) of the food standards code states:

- (b) permit an assistance animal only in dining and drinking areas and other areas used by customers;

Clause 24 (2) states:

- (2) In subclause (1), 'assistance animal' means an animal referred to in section 9 of the Disability Discrimination Act 1992 of the Commonwealth. It should be noted that this section refers to a guide, a dog trained to assist a person in activities where hearing is required and any other animal trained to assist a person to alleviate the effect of a disability.

Under the Roads Act 1993 an outdoor dining approval may be granted on such condition as council may determine. The prohibition on dogs in food service areas only came to light last year when Mosman Municipal Council received complaints from two residents regarding dogs in Balmoral cafes. The problem, however, is not restricted to Mosman. Cafe proprietors in Cronulla Plaza have indicated that they are losing 8 to 10 customers each day because they were unable to serve people with dogs in outdoor eating areas. According to Cheryl Brown, who has collected more than 500 signatures from Cronulla dog owners on a petition protesting against the enforcement of the provisions of the Food Act, older people are particularly distressed that they could no longer sit with their dogs at an outdoor eating area.

This bill provides that a dog is not prohibited from being in an outside eating area despite existing provisions in the Companion Animals Act 1998, the Food Act 2003 and the Food Standards Code under that Act that prohibit dogs from being in food preparation and consumption areas. These provisions will not prohibit a dog from being in an outside eating area as long as the dog is under the effective control of a competent person, is kept on the ground and is restrained by a chain, cord or leash that is not more than one metre in length. An outside eating area is defined as an area in which food is consumed by humans that is not enclosed and that can be entered by the public without passing through an enclosed area in which dogs are prohibited by the Companion Animals Act 1998. Such access by dogs will, at all times, remain at the discretion of the operator of the food business.

It is not necessary to state in the bill that the owner of the cafe retains a right to refuse entry or deny service to a person with a dog as the provision only overrides the specific legislative restrictions on having dogs in outside eating areas and does not interfere with private property rights. This legislation is supported by Mosman Municipal Council, the directors of the Royal New South Wales Canine Council trading as Dogs New South Wales, and the Local Government Association of New South Wales. The Executive of the Local Government Association of New South Wales supported a late conference motion received from Mosman Municipal Council, at the behest of the deputy mayor, Councillor Simon Menzies. In South Australia the regulations to the Food Act were amended in 2003 to allow the presence of dogs in outside eating areas which are not enclosed. Dr Duncan McFetridge, MP, shadow Minister for Health and shadow Minister for Mental Health, a veterinary surgeon and proponent of the South Australian private member's bill, which led to the amendment of the regulations, stated:

The regulatory change was a victory for common sense and good living. There are no issues about dogs biting people or urinating on furniture.

This bill is probably quite a small matter in the total scheme of things, but it is an important issue relating to the lifestyle of tens of thousands of people in New South Wales. I acknowledge also the assistance of Councillor Simon Menzies from the Mosman Municipal Council and thank the Deputy Leader of the Opposition, Jillian Skinner. I urge the New South Wales Government to support the bill as it represents an improvement, albeit a minor one, in the lifestyle of tens of thousands of New South Wales residents. I urge members to support the bill. I commend the bill to the House.

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

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT (PARENTAL RESPONSIBILITY) BILL 2010

Bill introduced on motion by Ms Pru Goward.

Agreement in Principle

Ms PRU GOWARD (Goulburn) [10.15 a.m.]: I move:

That this bill be now agreed to in principle.

The Children and Young Persons (Care and Protection) Amendment (Parental Responsibility) Bill 2010 is about transparency; it is about accountability; it is about a better way for both families and the Department of Community Services when children are at risk of harm or abuse. The cases of Ebony and of Dean Shillingsworth, children both known to the Department of Community Services and both tragically and fatally abused in their homes by people who were supposed to love and care for them, flagged a desperate need for reform. Their lives were picked over by the media and many reports were written to explain the horror they endured until they finally died.

We stand here in the security of this place producing bills and legislation intended to protect children like Ebony and Dean from lives that, through no fault of their own, spiral out of control and become lost in an agony of cruelty, starvation and, in the case of Dean Shillingsworth, beatings. The final days and hours of the lives of Ebony and Dean have been comprehensively and clinically documented, mostly by scientific speculation, but what really led to their eventual deaths is well understood by members on all sides of this House to be part of a family life that started months and years before.

The Wood special commission of inquiry was commissioned as a result of the deaths of Ebony and Dean and, although it came too late for them, it certainly placed the Department of Community Services, its protocols and procedures, government services and community responses more generally under the microscope. After months of inquiry a report was released and flaws were found. Although the judge was always too polite to sheet home blame, it was clear that the entire child protection system was to blame in many ways and desperately needed to be changed. It must be stressed that the parents were, and parents are, ultimately responsible for their children's wellbeing.

The judge stopped short in his report from making a bold *cri de coeur* for revolution and some would say more is the pity. However, in all, 111 recommendations were made and the Government has pledged to their implementation. The Opposition has supported the implementation of those reforms. It is prepared to consider and continue the evaluation and monitoring of those reforms. That does not mean that the Wood inquiry was the last word in reform. After a year of consultation and soul-searching the Liberal-Nationals can still see holes in the system through which the fragile lives of children can slip away.

The Children and Young Persons (Care and Protection) Amendment (Parental Responsibility) Bill will make it mandatory for Community Services and parents to develop either care plans or parental responsibility contracts when a child or young person is determined to be in need of care and protection. Section 34 in schedule 1 to the Act presently uses the term "may" to identify actions the director general could take once a child has been assessed as being at risk of harm. The existing section states:

34 Taking of action by Director-General

- (1) If the Director-General forms the opinion, on reasonable grounds, that a child or young person is in need of care and protection, the Director-General is to take whatever action is necessary to safeguard or promote the safety, welfare and well-being of the child or young person.
- (2) Without limiting subsection (1), the action that the Director-General might take in response to a report includes the following:
 - (a) providing, or arranging for the provision of, support services for the child or young person and his or her family,
 - (b1) development, in consultation with the parents (jointly or separately), of a care plan to meet the needs of the child or young person and his or her family that:
 - (i) does not involve taking the matter before the Children's Court, or
 - (ii) may be registered with the Children's Court, or
 - (iii) is the basis for consent orders made by the Children's Court,
 - (b) development, in consultation with one or more primary care-givers for a child or young person, of a parent responsibility contract instead of taking a matter concerning the child's or young person's need for care and protection before the Children's Court (except in the event of a breach of the contract),
 - (c) ensuring the protection of the child or young person by exercising the Director-General's emergency protection powers as referred to in Part 1 of Chapter 5,
 - (d) seeking appropriate orders from the Children's Court.

The purpose of this amendment bill is to amend sections 34 (2), (3) and (4) to essentially make care plans and parental responsibility contracts standard and understood components of the response required from families and from the State. In the *Southern Highland News* of 15 March 2010 the Minister demonstrated her lack of understanding of this bill by an attempt to trivialise its importance. She said, "If Ms Goward believes that families who feed their children Coco Pops for breakfast should somehow require Community Services involvement " then I am apparently out of touch with the serious cases of abuse dealt with by caseworkers. That is true: It is not abuse, it is neglect. If the Minister thinks—and I ask other members to consider this—the bill is about Coco Pops and believes we are limiting ourselves merely to breakfast cereal and people's choice of it, then it is about time the Minister found another job.

The failure of families to feed children, including feeding them breakfast, is well recognised as a sign of parental neglect. So is leaving children, including toddlers, to forage in the house for breakfast cereals such as Coco Pops—but more often cheaper varieties of cereal—packets of dried noodles, or, even worse, raw sausage meat, as I was advised recently by a woman who retired as a community services worker because she could no longer bear going to homes where toddlers squeezed raw sausage meat from sausages going off in the fridge

because there was no adult prepared to feed them. That is why, despite the Minister's ignorance, we need to talk about households where children live on Coco Pops, Weet-Bix, dried noodles, and whatever else they can find. Families allowing this to happen amounts to neglect, and under this bill it is grounds for removal of the children.

In drafting this bill I consulted with public servants and retired public servants, and with non-government organisations and foster carers—people who are at the deep end of child protection. I have talked at length about Ebony and Dean and what could have been done to save them from the horror they endured. The Minister and the Government should welcome an additional safety mechanism in the legislation to protect children at risk. Sadly, however, entirely in keeping with her Government's position on a variety of matters, the Minister believes she knows best. Although predictable, such a state of affairs is nevertheless still disappointing: one would have hoped children were more important than that.

As the Children and Young Persons (Care and Protection) Act 1998 currently stands, Community Services may require parents to sign up to parental responsibility contracts. I emphasise the word "may". It is not mandatory and often the department does not pursue parents to sign up. But in failing to do so the department is not demanding that parents who have come within the department's ambit because of their treatment of their children contribute to making their children's lives better. The department is essentially saying, "We have no expectations of you and basically we don't believe you can become better parents anyway."

A mandatory requirement that parents sign up to parental responsibility contracts changes that emphasis and approach. It is also true that parents need to be given a final chance, and that a "maybe" is not enough. The Minister is extremely self-congratulatory when it comes to the number of children in out-of-home care. It is certainly true that removing children at risk of harm or abuse may save lives. However, more than 16,000 children are currently in care in this State. It is a tragedy that the Government would prefer to remove those children rather than work with their families.

The bill retains the important protections and has not altered the department's mandate to remove immediately a child who is at risk of serious harm. What the bill does, however, from the very first occasion on which a family comes into view of Community Services and the first assessment is made, is remove the guesswork about the department's next move and show a little bit of faith in the family by expecting that they will want to sign a care agreement and do whatever it takes to keep their children. It also means that no family can say before the court that they were not given a last chance. This ensures transparency and everyone knows that they will be given a last chance. It does not mean that parents who refuse to sign a care agreement go to prison, but it does mean that attendance at the first session is mandatory and failure to attend will lead to the department immediately referring the matter to the Children's Court.

It is true that we cannot make parents care for their children. But we can, within an alternative dispute resolution framework, devise plans that parents understand, are part of developing, and comprehend the reasons for. It is important to ensure that parents understand why the questions are being asked and why change is required of them. None of that is guaranteed to happen under the present arrangements because not all families get this opportunity. In my experience, families often believe things are being imposed upon them without sufficient support and advice. It is very difficult for parents to change their ways, and many will not succeed in doing so, but they need to be given adequate support. This is not, as has been suggested, a punishment for parents. It is a last chance, a precious opportunity to acknowledge some of the difficulties in families' lives and, with the support of the department, relevant community organisations and extended family, and whatever other government services are available, to get a plan together—a plan in which the parents will be supported.

Nobody should underestimate the difficulty a drug-addicted mother faces in breaking her habit and giving more to her children at the same time. It is a big ask for these people. It is unfortunate that so many times drug treatment becomes a significant part of a parent's life only when they are about to lose their children, whereas intervention should have occurred years earlier when the danger to the child would not have been so extensive. We do not underestimate the difficulty of engaging these families in care plans, as we do not underestimate the difficulty of doing so under the current regime. However, this bill makes a start on change.

These reforms would have helped Ebony and Dean. There is no way that Ebony could have been hidden from the Department of Community Services because the family would have been called up for their failure to attend the first mandatory meeting to develop a care plan. I remind members that Ebony and her family were assessed by the department. Had Ebony failed to be in attendance at meetings with her family, the family would have been in breach of the mandatory care contract and the department would have been entitled to pursue the child's immediate removal.

The Minister appears to believe that a public servant is able to act without the checks and balances of a Children's Court magistrate. As I have already pointed out, the ability to provide a parental responsibility contract is already part of existing legislation. The discrepancy between the existing legislation and this bill is that a parental responsibility contract is no longer a choice; it is mandatory. What the Minister clearly has a problem with is requiring that the contract be negotiated. I wonder why that is the case. I am told by many people from within the child protection sector that the department is struggling with many of these reforms. The Keep Them Safe initiative is confusing—police are overwhelmed, non-government organisations and community organisations are pulling their hair out, and nearly everyone is asking why they are now being given the responsibility of diagnosing harm as opposed to significant harm. What if they misdiagnose? Are they responsible? A child could die, and they could be blamed. That is why—so the Minister would have us believe—Community Services caseworkers are specialists in the field.

I understand that there is already sufficient pressure on the department at the moment. But I do not believe that changing from a "maybe" to a "must do" will add to that pressure and confusion—indeed, I believe it will clarify the strategies and procedures to be followed by all parties. The Minister should not be proud of having 16,000 children in out-of-home care; rather, she should feel neglectful for having presided over a department that has missed 16,000 opportunities to work with families to keep them together. There is no doubt there are some families where children should be removed; their family circumstances are so dangerous and dreadful that nothing is to be gained by risking those children. There is no doubt there are other families where, with some early intervention and support, children can stay and families can prosper. There is a huge group in the middle that could go either way—and this is the group we are most concerned with in the child protection system and where I believe this bill can be of assistance.

This is an important time to remind the House about the consequences of removing children. Once children have one placement they are more likely to have up to five placements. They are more likely to end up in the juvenile justice system, to be homeless or unemployed, and to themselves have children too young. The removal of children is a huge part of the intergenerational transfer of disadvantage. It is also true that children who stay in some of these homes also remain in the cycle of disadvantage. But that is where better investment by the State in social development can make a real difference. For many, foster care simply cannot.

The New South Wales Coalition understands that asking parents to sign a piece of paper will not automatically make them better parents, but it will put them on notice that their parenting behaviour has flagged concern. We are not saying that parents who abuse their children will change because they have signed a contract. The Minister upholds the idea of harm and significant harm, and clearly children in danger of significant harm are more likely to be removed from their parents as soon as possible if that is what it takes. But the Minister's simplistic opposition to this bill is naïve at best. It is refusing to allow parents to be party to the improvement of their parenting skills.

Requiring parents to sign a mandatory care order acts in three ways: first, it gives them the opportunity to take responsibility; secondly, it enables child protection services entrée into the family to offer help; and, thirdly, it ensures that the family understands what is going on and why they have been reported in the first place. Parental responsibility contracts and care plans outline to parents the necessary steps, actions, goals and outcomes that will be required of them to maintain primary care of their children. Under this proposed amendment parents must attend at least the first negotiation session. The bill will introduce much-needed transparency into the system so that parents know what is expected of them, as will the department and government agencies.

These reforms will ensure that parents have no excuse when it comes to what is expected of them in taking care of their child and that Community Services, the Government and the State generally will have no excuse when a child is not removed from an unsuitable or unworkable situation. The tragic cases of Ebony and Dean, both of whom died after being known to Community Services, demonstrate the urgent need for this reform. The Minister's cheap shots in my local paper do little for her credibility as the Minister for Community Services. She would be aware that I have organised roundtable discussions and seminars that have been well attended by people in child protection.

I am more than happy to present this bill as one that I have discussed across the sector with people who have had much more to do with child protection than the Minister or I ever have. Indeed, credibility for the Government is fairly thin on the ground. The only reason the Government will oppose this bill is that it has come from the Opposition benches. This bill is the Government's opportunity to show that it has taken notice of the Wood report's recommendations and criticisms of the way child protection services have been run by this

Government. I thank those who have advised me in the development of this bill, in particular the Association of Children's Welfare Agencies, the child welfare agencies' peak body, whose advice was invaluable. I commend the bill to the House.

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

The DEPUTY-SPEAKER: Order! It being just after 10.30 a.m., the House will now proceed to Government business.

COURT INFORMATION BILL 2010

Bill introduced on motion by Mr Barry Collier, on behalf of Ms Carmel Tebbutt.

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.33 a.m.]: I move:

That this bill be now agreed to in principle.

The Keneally Government is committed to the principles of open justice and to improving the ability of the public to understand what takes place in New South Wales courtrooms. The Court Information Bill 2010 is a testament to that commitment. The bill is designed to promote the principle of open justice and to overhaul the existing complex system governing the release of court information. It does this by creating a statutory framework to govern access to documents and other court information held by New South Wales courts in connection with criminal and civil proceedings. Access to information held in court records is an essential feature of an open justice system. It allows the public to be informed about what takes place in the courtroom and to understand the basis on which judicial officers make their decisions.

Procedural reforms designed to improve the efficiency of courts have meant that information that used to be provided to the court orally is now often tendered to the court in the form of documentary evidence. Therefore, the ability of the media to accurately report, and of the public in general to understand, what takes place in the courtroom increasingly depends on access to court records. However, the means by which this information is available to the public has, until now, been complex and unclear. There are various statutory provisions and rules of court that govern access to court information in the different courts of New South Wales, most of which give judicial officers and registrars significant discretion when considering whether to grant a non-party to the proceedings access to relevant court records.

The Court Information Bill 2010 has its origins in the New South Wales Law Reform Commission's 2003 review of the "Law of Contempt by Publication", and is the result of an extensive and comprehensive consultation process. In its report the Law Reform Commission recognised that the law of contempt by publication is intrinsically linked to the right to access court information. The report suggested that rights to access court information should be clarified and made several recommendations in that regard. In 2004 the New South Wales Supreme Court conducted community consultation on the issue of access to court records. This consultation raised issues about the existing framework for accessing court information, including, first, debate about the extent to which privacy principles are relevant when dealing with court records; secondly, differing approaches by individual New South Wales courts; thirdly, divergent views on the extent to which exhibits should be available to the public and to media representatives; and, fourthly, processes to review decisions about access for third parties.

Following this early consultation process the New South Wales Supreme Court referred the issue to the then Attorney General's Department for development of an appropriate policy on access to court information. In June 2006 the department released a discussion paper entitled "Review of the Policy on Access to Court Information" for public consultation. A range of individuals and agencies made submissions to the department's review. These submissions informed the department's consideration of a new framework for managing access to court information. The resulting report by the Attorney General's Department entitled "Report on Access to Court Information" was publicly released in July 2008. On 9 October 2009 the Attorney General released a consultation draft of the Court Information Bill, based on the recommendations contained in the report, to targeted stakeholders, including the media, the courts and the legal profession.

This additional consultation was undertaken in recognition of the complexities inherent in establishing a uniform process for accessing court information in civil and criminal proceedings across all New South Wales

courts. Each of the targeted stakeholders provided comments on the consultation draft of the proposed statutory framework. These comments have been carefully considered and have informed the Court Information Bill 2010, which is before the House today. Access to court information is a complex area of law requiring a balance between the competing considerations of open justice and individual privacy. Consequently, it has not always been possible to accommodate the concerns and views of every stakeholder in every instance, particularly where stakeholders have conflicting interests. However, the Government is confident that it has got the balance right in this bill.

The Government takes this opportunity to thank all those who contributed to the development of the Court Information Bill 2010 by participating in the various consultations. In particular, we thank the Chief Justice of New South Wales, the Chief Judge of the New South Wales District Court, the Chief Magistrate, the Law Society of New South Wales, the New South Wales Bar Association and media organisations such as Australia's Right to Know Coalition and the Australian Press Council. Their comments have all been particularly helpful and have been taken into account in this bill. The Court Information Bill 2010 is the first stage in a two-stage process that will see all statutory provisions relating to access to court information eventually contained in a single statute.

In this first stage the bill simplifies access to court information by creating just two categories of information: "open access" or "restricted access". It then sets out the framework by which these two categories of court information can be accessed by the public, including victims of crime and others who are directly affected by criminal and civil proceedings, as well as the media. In the second stage additional provisions will be added that will clarify and consolidate into the one statute the law relating to the making of non-publication and suppression orders by the courts.

This aspect of access to court information will be informed by work currently being undertaken by the Standing Committee of Attorneys-General, which is considering the development of harmonised suppression and non-publication orders across all Australian jurisdictions. The second stage of the access to the court information process will also consolidate into the one statute all statutory non-publication or suppression provisions that are currently spread amongst a large number of other statutes. It must be remembered that until the second stage of the access to court information process is completed the framework set out in the bill for access to court information is not an exhaustive one.

Although the Court Information Bill 2010 sets out the statutory framework for obtaining access to most court information, the courts will retain their power to make suppression and non-publication orders in particular cases. Nor does the bill enable a person to access or to publish court information if another law prevents access to or publication of that information. For example, the identities of children involved in care and protection proceedings or criminal matters, of parties to adoption proceedings, of victims of sexual assault, and of persons involved in mental health or public health inquiries will continue to be protected by the relevant statutes. The objectives of this legislation are enshrined in clause 3 of the bill as follows:

- (a) to promote consistency in the provision of access to court information across New South Wales courts;
- (b) to provide for open access to the public to certain court information to promote transparency and a greater understanding of the justice system;
- (c) to provide for additional access to the media to certain court information to facilitate fair and accurate reporting of proceedings; and
- (d) to ensure that access to court information does not compromise the fair conduct of court proceedings, the administration of justice, or the privacy and safety of participants in court proceedings, by restricting access to certain court information.

I turn now to the details of the statutory framework for access to court information established by the provisions of the bill. As recommended in the Report on Access to Court Information, the Court Information Bill 2010 defines all information held in court records in connection with civil or criminal proceedings as either "open access information" or "restricted access information". "Courts" are defined in clause 4 of the bill in such a way as to include all courts in New South Wales. This definition encompasses any sub-jurisdiction within New South Wales courts such as the Drug Court, which is a part of the District Court, the Coroners Court, which sits within the Local Court, and the Youth Drug and Alcohol Court, which is a part of the Children's Court.

Civil and criminal proceedings are also defined in such a way as to encompass all the kinds of proceedings that may be heard by a court. "Criminal proceedings" is defined in clause 4 of the bill to include committal proceedings, proceedings related to bail, proceedings related to sentence, and proceedings on appeal

against conviction or sentence. "Civil proceedings" are broadly defined in clause 4 as any proceedings other than criminal proceedings. Clause 5 of the bill gives any member of the public, including victims of crime and the media, an entitlement to access all court information that is classified as open access information. Courts will no longer be able to refuse access to open access information on the grounds that the person seeking access does not have a sufficient or proper interest in the case.

Clause 5 of the bill sets out the information and/or court records that are classified as open access information. This clause will give the public an entitlement, subject only to the payment of any relevant fees, to access the following information in both civil and criminal proceedings: firstly, documentation which commences proceedings; secondly, written submissions made by a party to proceedings; thirdly, statements and affidavits admitted into evidence, including experts reports; fourthly, judgements, directions and orders given or made in the proceedings, including a record of conviction in criminal proceedings; and, fifthly, the date on which a matter has been or is to be heard by the court and the name of the judge, magistrate, registrar or other court officer who heard or is officially listed to hear the proceedings.

Further, for criminal proceedings open access information will also include the indictment, court attendance notice or other document commencing proceedings. The police fact sheet, statement of facts or similar summary of the prosecution's case will also be open access information for criminal proceedings. However, in jury trials that information will only be open access information before the proceedings are set down for trial by a jury and after the conclusion of the proceedings. This will protect against trials having to be aborted due to jurors being adversely influenced by publication of unsworn and untested allegations. These changes will mean, for example, that a person who is a victim of a crime will now have an entitlement to access transcripts of the criminal court proceedings against the offender, as well as the court attendance notice or indictment, any police fact sheets and other statements and affidavits that are admitted into evidence in the proceedings and the orders made by the judge or magistrate.

In civil cases the originating process and pleadings in a civil case will also be open access information, although only after the stage in proceedings where the court has an opportunity to consider the originating process or pleadings, including any cross-claim, or the conclusion of the proceedings, whichever comes first. This will ensure that defendants to civil proceedings are not prejudiced by having documents about them made public before they are served with the pleadings, or before they have had a chance to object to proceedings that may be vexatious, scandalous or otherwise an abuse of the court's process, or before they have had an opportunity to consider making a cross-claim.

It should be noted that it will be possible to add to the list of information that is classified as "open access information" by regulations made under the bill. The ability to add additional categories of open access information in regulations made under the bill gives the statutory framework an essential flexibility to quickly react to evolving technology and court procedures. Placing this flexibility into the regulations rather than into the rules of court also ensures that when consideration is being given to including new categories of open access information there is ongoing consultation with affected stakeholders and the process is subject to parliamentary control. It also ensures that the categories of open access information created under the bill will remain consistent across all courts in New South Wales.

Under clause 6 of the bill any court information that is not defined either in the bill or in the regulations as open access information is classified as restricted access information. The bill also recognises that there is some court information that would normally fall into the category of open access information but that, due to the nature of the information contained in the record, should be restricted access information. This includes information of a personal, highly sensitive or confidential nature, such that its release could adversely impact the privacy or safety of any participants in court proceedings, such as by causing identity theft or further traumatising victims of crime, or compromise the fair conduct of the court proceedings or the administration of justice.

Clause 6 of the bill therefore classifies the following type of information as restricted access information: firstly, personal identification information, such as tax file numbers, social security numbers, Medicare numbers, financial account numbers, passport numbers, personal telephone numbers, dates of birth and home addresses; secondly, information contained in an affidavit, pleading or statement that has been rejected, struck out or otherwise not admitted into evidence; and, thirdly, information contained in a person's criminal record, or in a statement that comprises a medical, psychiatric, psychological or pre-sentence report, or in a victim impact statement, unless that information is summarised in a judgement given or orders made in proceedings. This does not mean that the public will not be able to have access to this court information.

A member of the public who is not a party to criminal or civil proceedings can still make an application to the court for access to restricted access information contained in the court records of the proceedings. The court may still grant an application for access to this information taking into account specific factors set out in clause 9 of the bill, which I will outline in detail shortly.

Whilst the framework established by the bill presumes automatic access by the public to open access information, the bill also recognises that there may be particular cases where this court information ought not be accessed. Therefore in clause 8 the bill provides for the court to order that non-parties should not have or should have limited access to open access information that is contained in that proceeding's court records. In relation to both open access and restricted access information, clauses 8 and 9 of the bill provide that, in a particular case, the court can also place conditions on the way that access is to be provided or that restrict the disclosure or use of the information. Coupled with clause 21, which provides for an offence to breach any condition of access granted to court information, these provisions will ensure information is used for the purpose for which access was granted, and not for an improper commercial or other unlawful purpose.

At this point, I must reiterate that the objects of the bill require the court to start from the presumption that open access should be granted to court information, rather than the current situation where the onus is on non-parties to convince a court to allow them access to the information sought. Clause 9 of the bill also sets out the specific issues that the court may consider when such an application is made. The test that will be applied by courts when considering applications for access to restricted access information will now require a balancing of the various interests involved in granting access to that information, including the public interest, any adverse effect on the principle of open justice, the extent of any compromise to an individual's privacy or safety, any adverse impact on the administration of justice, the extent of the applicant's interest or involvement in the proceedings or other matter to which the information relates and the reasons for which access is sought.

In addition, clause 9 of the bill provides that access to restricted access information can also be provided by the regulations. This will give the framework a degree of flexibility to provide access to certain kinds of restricted access information to members of the public, or specific categories of the public, without the need for an application to the court. For example, the bill does not give government departments or agencies any special right to access restricted court information, yet regular access by some agencies to certain kinds of court information may be necessary to assist in the administration of justice. For example, research organisations, such as the Bureau of Crime Statistics and Research require access to restricted information to be able to collate statistical information about the justice system.

The regulations will be able to provide that certain government agencies that support the justice system or specific research organisations, such as the Bureau of Crime Statistics and Research, can have access to specific kinds of restricted access information for specific purposes. The regulations will, of course, be subject to parliamentary oversight. This is in addition to clause 12 of the bill, which provides that the bill is not intended to prevent or otherwise interfere with the giving of access to court information as is required or permitted under any other Act or law. The bill recognises the special role of the media in informing the public about civil and criminal proceedings. When the media is able to give a fair and accurate account of what has happened in a particular case, and to report the information on which any decisions were based, this not only expands the community's knowledge of matters of which it should be aware, but enhances the public's understanding of the justice system as a whole.

In clause 10 of the bill, news media organisations are granted additional access to information contained in court records even though the information is otherwise classified as restricted access information. For example, media representatives will now be able to automatically access information contained in a transcript of proceedings held in closed court, information contained in a court record that is only classified as restricted access information because it contains personal identification information, information contained in the brief of evidence admitted in criminal proceedings and information contained in a record admitted into evidence that is a document in written form, or that can readily be reproduced as a document in written form, such as sound or video recordings.

As clause 13 of the bill provides, additional access granted to the media remains subject to any order of a court that prohibits or restricts the publication or disclosure of that information, or any provision made by or under any other Act or law prohibiting or restricting the publication or disclosure of that information. For example, the non-publication restrictions that are already in place in a raft of other pieces of legislation, such as the prohibition on the naming of children involved in criminal proceedings, will continue to apply. In addition to

these existing protections, and in recognition of the additional access granted to media organisations to otherwise restricted access information, the bill puts in place additional safeguards to protect the privacy of the parties, witnesses and others involved in court proceedings.

As I mentioned earlier, the court may impose conditions on access to court information in any particular case, but only conditions that relate to the way in which access is to be provided or that restricts the disclosure or use of the information to which access is provided. Similar to the bill's provisions in respect of the court's ability to make such orders regarding other open access information, the objects of the bill require the court to start from the presumption that access should be granted to the media to the additional information contained in clause 10. Media access to certain restricted access information is also subject, in clause 10 (3), to a prohibition on the publication of any personal identification information, except with the permission of the court or of the person to whom the personal identification information relates. A penalty applies for any breach of this clause.

I will now canvass the issue of personal identification information in more detail. As I mentioned briefly earlier, were such information readily available to the public, there is a significant risk that involvement in court proceedings, even if only as a witness, could lead to the theft of a person's identity or to being targeted for commercial purposes. One barrier to the classification of court records as open access information is that this personal identification information is contained in a significant proportion of court records. The bill addresses this problem in clause 17 by requiring each court to publish on its website, or by other appropriate means, general information that promotes awareness of these dangers, and the court's practices and procedures for limiting access to personal information.

Further, clause 18 of the bill requires a court to ensure, to the maximum extent reasonably practicable, that court records that contain open access information do not contain personal identification information. To that end, clause 18 enables the courts to develop rules to ensure that it is prepared and filed by a party to proceedings and/or that access is only granted to those court records from which personal identification information is redacted from any court record that is prepared and filed by a party to proceedings and/or that access is only granted to those court records from which personal information has been redacted. Where a court record does contain personal identification information, courts may refuse the general public, but not the media, access to this court record even if the court record would otherwise be open access information.

At the same time, clause 19 of the bill requires a court to take such security safeguards as are reasonable in the circumstances to ensure that the court information contained in court records is protected against misuse and unauthorised access, use or disclosure. Further, clause 20 of the bill makes it an offence, punishable by 100 penalty units or imprisonment for two years, or both, for a court officer to disclose or use court information in contravention of the access provisions of the bill or associated regulations, or without the consent of the person from whom the information was obtained, or unless otherwise authorised or required by law. In relation to how access to court information is to be provided, clause 14 of the bill sets out the methods of providing access, including the conditions that may be imposed on access, and the grounds on which access may be refused in a particular case.

As can be seen from the above description of the statutory framework of the Court Information Bill, additional work will be required before this bill can commence. In particular, the Government will consult on and develop transitional provisions, such as provisions to assist in dealing with court records in civil and criminal proceedings commenced prior to the commencement of the Act; regulations, such as the kinds of other court records that might be classified as open access information and access to restricted access information by way of regulation rather than court application; court rules, such as specific rules to govern how the personal identification information of participants in court proceedings will be protected by courts, how applications for access to court information should be made, and how the access will be provided pursuant to this bill, and regulations prescribing fees.

To assist in developing regulations, the Department of Justice and Attorney General is establishing an advisory group, consisting of representatives of the courts, the media and the legal profession. This advisory group will be able to provide guidance and advice on the regulations that will be required under this bill. At the same time, the courts will be able to use existing processes for the development of any court rules required pursuant to this bill. In particular, New South Wales courts have a Uniform Rules Committee established under the Civil Procedure Act 2005, in which uniform civil rules are developed to apply across all New South Wales courts.

The Attorney General has encouraged the courts to establish the members of that committee as a separate advisory committee to assist in the development of uniform rules for the purpose of this bill. The Government wants to get these reforms right the first time. Consequently, it has undertaken intensive consultation and engaged stakeholders at every stage of the process. The Court Information Bill is another example of the Government leading the way in simplifying court processes and making information more accessible. I commend the bill to the House.

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

ROAD TRANSPORT LEGISLATION AMENDMENT (UNAUTHORISED VEHICLE USE) BILL 2010

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

Agreement in Principle

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [11.01 a.m.]: I move:

That this bill be now agreed to in principle.

The purpose of the Road Transport Legislation Amendment (Unauthorised Vehicle Use) Bill 2010 is to support previous reforms to the vehicle registration system that have simplified registration requirements, reduced red tape and saved New South Wales motorists both time and money. The previous reforms to simplify registration requirements need to be balanced by more effective enforcement systems to ensure that motorists continue to meet their obligation to renew the registration of their vehicles on time and do not drive vehicles that are unregistered and uninsured. This bill will provide the legislative basis for better detection of unregistered and uninsured vehicles by allowing images from enforcement cameras, including red light, speed, bus lane, transit way and tollway cameras, to be used to detect these offences. The bill will also make it clear that only a single registered operator is allowed for each vehicle and will remove any ambiguity in the legislation and strengthen the regulatory framework.

In May 2008 the New South Wales Government introduced broad reforms to the registration system to: extend the exemption for vehicle safety inspections from three to five years; make it easier for people to renew registration over the internet or phone by requiring pink slips to be transmitted electronically to the Roads and Traffic Authority; allow only a single registered operator for a vehicle; allow motorists to register their vehicles for shorter periods of six months if they renew the registration of their vehicle online; and provide fleet operators with the option of registering their vehicles for two or three years. The amendments in this bill complement these reforms and demonstrate the Government's commitment to simplifying the registration system and reducing red tape.

Substantial consultation on the reforms introduced in May 2008 was undertaken with the Motor Traders Association, the Motor Accidents Authority and compulsory third party [CTP] insurers. Extensive consultations on the current reform have taken place with the New South Wales Police Force, the Attorney General's Department and the State Debt Recovery Office, and these agencies support the reform. One of the major amendments in the bill, which allows the use of enforcement cameras to detect unauthorised driving, stems from a recommendation by the New South Wales Audit Office report "Dealing with Unlicensed and Unregistered Driving". The Audit Office recommended that red light and speed cameras be used to detect unregistered vehicles. This bill will ensure that recommendation is implemented. Images from red light, speed, bus lane, transit way and tollway cameras will be used to detect unregistered and uninsured vehicles.

The Roads and Traffic Authority estimates that about 1.2 per cent of vehicles are unregistered—that is, 65,000 unregistered vehicles are being driven on New South Wales roads at any one time. Accidents involving unregistered vehicles impose substantial costs on all motorists through increased insurance premiums and personal injury claims caused by uninsured vehicles. In 2007 approximately 8,400 penalty notices were issued for using an unregistered vehicle and 6,500 penalty notices for using an uninsured vehicle were issued through roadside enforcement. However, this enforcement activity represented less than 13 per cent of all unregistered vehicles. In the year to June 2008, 658,701 vehicles were detected as committing a camera-related offence. Of those vehicles 1 per cent were unregistered at the time of the offence—that is, 6,898 vehicles.

Traditionally the police have relied on a visual examination of the number plate and registration label to detect unregistered vehicles. This approach has been limited in its effectiveness as vehicles continue to

display a number plate and registration label even when registration has expired or has been suspended or cancelled. In December 2005 the New South Wales Police Force introduced the use of automatic number plate recognition [ANPR] technology to detect unregistered vehicles. Police use of ANPR cameras has identified improvements in the detection of unregistered vehicles and unlicensed driving during roadside operations. Vehicle registration status may change through the year. Detection systems need to be able to check the Roads and Traffic Authority database to determine if a vehicle is registered at a particular point in time.

Comparing information captured by cameras with the Roads and Traffic Authority's registration database is a cost-effective means of detecting large volumes of unregistered and uninsured vehicles. New South Wales and the Australian Capital Territory are the only Australian jurisdictions not using camera technology to detect and prosecute the use of unregistered vehicles. This bill will provide for penalty notices to be issued for other offences identified as a result of an initial camera-detected offence. For example, where the registered operator receives a penalty notice for a camera-recorded speeding offence and a check of the Roads and Traffic Authority database indicates the vehicle is unregistered the registered operator will also receive a penalty notice for the offence of "use unregistered motor vehicle". These measures will provide a strong incentive for motorists to ensure that the registration of their vehicle is renewed prior to the registration expiry date.

It has never been easier for large numbers of motorists to renew registration online. Motorists now have the choice to register their vehicles for six months online if they cannot afford to renew for a year at a time. The Roads and Traffic Authority, however, will continue to send registration renewal notices by mail. I further wish to assure the House that the key objective of this bill is to ensure that all vehicles are registered and insured. This benefits the entire community. It protects registration revenue, which funds infrastructure construction and maintenance, and reduces the costs of CTP insurance premiums. Before camera detection of unauthorised driving is introduced the Roads and Traffic Authority will implement a communication campaign to remind customers of the importance of renewing their registration on time.

Another feature of this bill is to make it clear that only one registered operator, either a person or a corporation, is allowed for each vehicle. The registration Act currently allows for the regulation to provide for one or more registered operators. However, in May 2008 the Road Transport (Vehicle Registration) Regulation 2007 was amended to allow only one person to be recorded as the registered operator of a vehicle. This amendment will simply remove any ambiguity and ensure consistency between the regulation and the Act. Since May 2008 any unregistered vehicle presented for registration or transferred to a new operator has been registered in a single name only. This change has not been compulsorily imposed on any vehicle currently registered in more than one name.

Many people are unaware that, under the registration Act, registration is not evidence of vehicle ownership or property rights to a vehicle. Registration records the name of the person responsible for ensuring a vehicle is registered, roadworthy and used responsibly on the road network. Recording only a single operator will assist law enforcement agencies in identifying the person or corporation responsible for the vehicle and simplify the registration process. In conclusion, the amendments in this bill will support reforms to the vehicle registration system that simplify registration requirements, reduce red tape and save New South Wales motorists time and money. In addition, these reforms will provide a legislative basis for a more effective enforcement system to ensure that motorists continue to meet their obligation to renew the registration of their vehicles on time and ensure that vehicles are roadworthy and insured. I commend the bill to the House.

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

PARLIAMENTARY ELECTORATES AND ELECTIONS AMENDMENT BILL 2010

Bill introduced on motion by Mr Matthew Morris, on behalf of Ms Kristina Keneally.

Agreement in Principle

Mr MATTHEW MORRIS (Charlestown—Parliamentary Secretary) [11.14 a.m.]: I move:

That this bill be now agreed to in principle.

The ability to cast a secret ballot is a central feature of democratic elections. At present many vision-impaired and other disabled persons do not have the opportunity to vote secretly, an opportunity that many of us take for granted. Under existing electoral processes a person who is unable to vote without assistance has no choice but

to enlist the help of another to cast their vote. This Government wants to make sure that as many people as possible participate equally in our democratic process, especially in the lead-up to next year's State election. This Government has already pioneered changes to improve access to the franchise for electors with a disability. Amendments to the Parliamentary Electorates and Elections Act introduced by the Government last year extended the right to apply for a postal vote and pre-poll vote to persons with a disability. Persons with a disability are also eligible to become registered as general postal voters as a result of the Government's electoral reforms. Still more can be done to increase the opportunities available to vision-impaired and disabled electors for electoral participation.

The Joint Standing Committee on Electoral Matters recommended in its report on the 2007 State election that the New South Wales Electoral Commission examine ways to allow vision-impaired electors to cast a secret ballot. Advances in technology mean that there is now a range of options that can be explored to enable disabled persons to vote privately. Braille ballot papers, electronic voting kiosks and Internet voting are the most common examples. In 2008 the local government regulations were amended to permit the use of Braille ballot papers for the visually impaired at local government elections. Over 5,000 vision-impaired persons were offered the option of registering for Braille ballot papers at the last local elections. Of those, however, only 52 electors registered.

Despite the fact that a number of vision-impaired voters used Braille ballot papers successfully at the 2008 elections, the New South Wales Electoral Commissioner has advised that they are not an ideal option going forward, particularly for State elections, for a number of reasons. First, only around one in nine vision-impaired people can actually read Braille. This means that Braille ballot papers do not assist most blind and vision-impaired electors. Nor are they cost effective. For example, the cost of providing Braille ballot papers to the 52 electors who requested them for the 2008 local government elections was \$24,862, or \$478 per vote. In addition, the sheer size of the Braille ballot paper required for a Legislative Council election means that it would be extremely difficult for vision-impaired electors to cast a valid vote without assistance. For example, recent ballot papers for the New South Wales Legislative Council ran up to 67 pages in length.

An alternative approach is electronic voting, or e-voting, which involves the use of purpose-built electronic voting kiosks at polling places. Electronic voting was trialled by the Commonwealth at the 2007 Federal election at a cost of over \$2,500 per vote. However, the Commonwealth Joint Standing Committee on Electoral Matters subsequently recommended that e-voting trials be discontinued due to high costs and low rates of participation. The Electoral Commissioner has advised that the high infrastructure costs associated with e-voting kiosks mean that they could only be located in a small number of polling booths.

Preliminary work done by the NSW Electoral Commission indicates that a more promising option would be Internet voting, or I-voting. Internet voting would involve voters using a personal computer with assistive features in their home or other place to cast their vote over a secure Internet connection. The New South Wales Electoral Commission's research indicates that I-voting would be significantly cheaper to establish than e-voting. Internet voting also has the potential, in the future, to be used for the benefit of other groups, such as disabled people, people in rural and remote electorates, illiterate people and people with poor English language skills, at a minimal additional cost. Eventually I-voting may also provide a means by which overseas voters can participate in State elections. Internet voting has been used successfully at public elections in several countries, including the Netherlands, France, the United Kingdom, Denmark, Finland and Spain. The Government is keen to make I-voting available for New South Wales elections.

I am pleased, therefore, to introduce the Parliamentary Electorates and Elections Amendment Bill 2010, which provides for the Electoral Commissioner to conduct an investigation into the feasibility of providing Internet voting for vision-impaired and other disabled persons and, if such Internet voting is feasible, propose a detailed model for adoption by Parliament. Because the Electoral Commission is an independent agency, it is appropriate that this be done by legislation rather than executive order. In undertaking that investigation, the Electoral Commissioner will be expected to consult with stakeholders in the disability sector and take appropriate technical advice. Subject to the Electoral Commissioner's report, the Government plans to introduce Internet voting in time for the next election. The Electoral Commissioner will therefore report to the Premier within three months, and that report will be tabled in Parliament.

In addition to providing for the development of I-voting, the bill will also make a number of amendments to clarify certain administrative processes under the Act, many of which were requested by the Electoral Commissioner. Schedule 2 of the bill clarifies that T-shirts and other small items that might bear political slogans do not need to bear the name and address of the person on whose instructions the matter was

printed or the name and address of the printer. The proposed amendment is consistent with section 328 of the Commonwealth Electoral Act. Schedule 2 also amends the Act to make clear that electoral material must clearly identify the actual person, political party, organisation or group on whose behalf the material is to be distributed, not just the author of that material.

The amendments in Schedule 3 of the bill clarify the rules governing the registration of parties. At present parties that wish to nominate candidates for election must be registered with the New South Wales Electoral Commission. Under the Act the Electoral Commissioner can refuse to register a party name on various grounds—for example, if the name is obscene or offensive, or if it is identical to the name of another registered party, or so nearly resembles the name of another registered party that it is likely to be mistaken for that name. The Commonwealth Electoral Act gives the Commonwealth Electoral Commissioner similar grounds to refuse to register the name of a party applying for Federal registration.

Even though the Commonwealth and New South Wales provisions regarding party names are consistent, it is possible that a party that has been registered under the Commonwealth Act may be refused registration under the very same name in New South Wales. This would be a strange result and could lead to voter confusion. To ensure consistency at the Commonwealth and State levels, the bill therefore provides that the New South Wales Electoral Commissioner cannot refuse to register a party on the relevant grounds if the party, or an associated party, is already registered under that name under the Commonwealth Electoral Act. The only exception is where the proposed name of an aspiring party too closely resembles the name of an existing party that is only registered in New South Wales and not at the Commonwealth level.

Schedule 3 to the bill also seeks to provide greater certainty for the Electoral Commission with respect to amendments to the register of parties. In particular, it clarifies that amendments to registration details can be made at any time other than in the period between the issue of the writ for an election and polling day. It also confirms that the Electoral Commissioner is not obliged to take any action with respect to amendment applications in the period between the issue of the writ and polling day. Finally, Schedule 4 to the Act amends a not-commenced provision of the Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009 to clarify that political parties and members of Parliament may request access to data regarding pre-polling places as well as ordinary polling places. This amendment corrects a minor drafting oversight in the 2009 amendments. These changes are about streamlining our electoral process, removing red tape and enabling more people to participate in a fairer and more accessible system. I commend the bill to the House.

Debate adjourned on motion by Mrs Judy Hopwood and set down as an order of the day for a future day.

ASSENT TO BILLS

Assent to the following bills reported:

Crimes (Administration of Sentences) Amendment Bill 2010
Crimes Amendment (Police Pursuits) Bill 2010
Housing Amendment (Community Housing Providers) Bill 2009
Sydney Olympic Park Authority Amendment Bill 2009

ACTING-SPEAKER (Mr Frank Terenzini): Government business having concluded, the House will now proceed to committee reports.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Report: Kids 9-14 Years

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

Mr ROBERT COOMBS (Swansea) [11.22 a.m.]: I am pleased to speak to this report of the Joint Parliamentary Committee on Children and Young People, entitled "Kids 9-14 Years". As at June 2007 New South Wales residents under 15 years of age accounted for 19.4 per cent of the State's population, that is, some 1.33 million children and young people. Young People in that age cohort, the middle years—between the ages of 9 and 14—are at a time of significant physical, social, emotional and psychological change. As such, those years provide a key opportunity for positive intervention to help children and young people reach their full

potential into adulthood. Identifying and responding to early warning signs can help prevent children in this age group from becoming more vulnerable, and may make a significant difference to their current and future lives.

My predecessor as chair of the committee, the Hon. Carmel Tebbutt, MP, was concerned that despite all the excellent research being done on young children and adolescents—the nought to eight years and the late teens—children in these middle years tended to be overlooked; hence, the title of the report: "The Missing Middle". She felt that at the core of any response to the needs of this age group would be ascertaining those activities and services that best allow 9 to 14-year-olds to develop the resilience to take them successfully through adolescence and into adulthood. Thus, in February 2008 the committee adopted broad terms of reference for an inquiry into the needs of children and young people aged 9 to 14 in New South Wales, enabling the committee to examine all aspects of the needs of those in that age group. These included education, health issues, alcohol and drug abuse, technology, employment and homelessness.

From the outset, committee members felt it was vital for children and young people to voice their opinions regarding the inquiry's terms of reference. Seven public hearings and one roundtable were held, and evidence was taken from a total of 133 witnesses. In addition to hearings at Parliament House, the committee travelled to Ballina, Lismore and Casino in northern New South Wales, and Fairfield in western Sydney. Committee members were impressed with the quality of the 110 public submissions received, which they felt confirmed their view that the inquiry was one of real relevance to children and young people, parents, carers and teachers, and the community as a whole. The committee's two-volume 353-page report, containing some 59 recommendations, was tabled in both Houses on 3 September 2009.

Bearing in mind the importance of the meaningful engagement of children and young people to this inquiry process, it was realised that a weighty—both literally and metaphorically—committee report would have little appeal to the very 9 to 14 age cohort to whom its recommendations were ultimately directed. Accordingly, the committee felt that it was important to follow through its commitment to involve children and young people in the inquiry process by producing a much more accessible version of the report. The end result of this was the kids' version of the report, and I am pleased to be able to inform members that this is the first publication of its kind produced by a committee of the New South Wales Parliament.

The aim of the kids' version was to more effectively engage and inform children and young people about the committee's findings. The kids' version was to be short—as children and young people in this age group may not want to engage with anything they cannot follow on Twitter—and have enough pictures and graphics to make it visually appealing to the 9 to 14 age group. The kids' version builds on the consultations with children and young people that the committee had already undertaken as part of the inquiry process, and its text draws heavily on the issues that children and young people raised with the committee. As a result, there are many quotes from children and young people about their needs and the sorts of things they would like to happen to help children and young people in this age group.

The committee utilised the graphic design experience of Butron Art and Design—known as BA&D—which is a freelance graphic design company that concentrates its efforts on the public and health sectors to assist those sectors to develop communications with a high degree of visual design excellence so that their messages can compete more effectively with the wide range of messages being put out in our media-oriented culture. I take this opportunity to place on the record that the work produced by Butron Art and Design for the committee certainly did have the desired degree of visual design excellence, as members can see for themselves.

Children and young people were directly involved in the development of the kids' version of the report. The Network of Community Activities, the peak body for out-of-school-hours services in New South Wales, kindly assisted the committee by organising children and young people in this age group to be part of two discussion groups, one which discussed the text of the kids' version of the report and the other which looked at the graphics and design. Whereas most of the children and young people had a preference for one version, a smaller group at the younger end of the age range preferred the other. The committee decided to table both versions, so as to appeal to the broadest range of children and young people possible. Copies of the two versions are now available on the committee's website, and the committee is in the process of making them available from a number of other appropriate websites, including that of the Commission for Children and Young People.

The development of the kids' version of the committee's report was greatly enhanced by the involvement of children and young people in this age group. Participants in the discussion groups provided very

useful feedback that substantially improved the quality of the final product. In addition, the issues raised by children and young people during the inquiry provided the foundation for the wording of the kids' version. I thank committee members for their support for the groundbreaking consultation processes that have characterised this inquiry, and commend these innovative reports to all members.

It is fair to say that a lot of the work that we as community and local members involve ourselves in in this place can be described as hard work. This inquiry was not only hard work, it was very pleasurable work. There is little doubt that the information we were able to extract from the roundtable meetings, investigations and research and the findings and recommendations are probably a world first. I can further report that the commission has already advised there is international interest in the findings of the report. That interest has permeated and it is certainly the experience in New South Wales where many bodies, including local councils, have got in contact with various members of Parliament or employees of the commission seeking the report about "The Missing Middle".

Three things basically came through in the context of the report: the importance of family, community and education. It came back to those three fundamentals. The evidence demonstrated that when there is a breakdown in any one of those very important functions, problems start to arise with the children who are part of this important age group. I extend my thanks to committee members and members of the secretariat, who had the onerous task of putting the reports together and ensuring that they truly reflected the findings of the hearings. I am sure that the overall report will prove to be a very valuable document to all people who work with children in this age group.

Mrs JUDY HOPWOOD (Hornsby) [11.32 a.m.]: I will comment briefly on the report of the Committee on Children and Young People entitled "Kids 9-14 Years", report No 6/54, dated December 2009. I thoroughly enjoyed my time serving on the committee. It is a most interesting committee and an extremely important one. I also commend the committee for the creation of the kids' version of the report. It is important to recognise young people and their opinions and I know all members take very seriously all matters raised by children in their electorates. I always say when I go to schools and other places where young people gather that if they have any issues they should not hesitate to send them to me. Just because they are young does not mean they do not have a valuable statement to make, and their opinions are extremely important and just as valuable as those of anyone else.

Ms MARIE ANDREWS (Gosford) [11.33 a.m.]: I will make a brief contribution to this debate and endorse the remarks by the chair of the committee and the member for Hornsby. It was indeed a great pleasure for me to be a member of the Committee on Children and Young People during this inquiry into children and young people aged 9 to 14 years in New South Wales. It is a subject that has created a lot of interest not only in this State but also nationally and internationally. Indeed, the years from 9 to 14 have been regarded as the missing years pretty much across the globe.

I pay tribute to my fellow committee members, especially the chair, and members of the secretariat, who did a wonderful job in arranging the interviews at various locations and organising the school students to come in. There were student representatives from the following schools who made contributions to the two volumes of the report and the kids' version: Ashbury Public School, Beverly Hills Girls High School, Hebersham Public School, Castle Hill High School, St Luke's Grammar School, St Francis De Sales Primary School, Freeman Catholic College, and Young People, Big Voice, Young Person's Consultative Committee from the Centre for Children and Young People at Southern Cross University.

I also acknowledge the many community organisations and individuals who contributed to the regional hearings held in Casino, Lismore and Fairfield, and the Commissioner for Children and Young People and her staff, who made a wonderful contribution to this report. The great thing is that the two volumes of the report and the kids' version are on the website and can be accessed by schools across the State, both the public school system and the independent and Catholic schools systems. I am sure that students in years to come and people making policy will draw on these volumes of reports in forming policy that will benefit children and young people in New South Wales. I commend the report to the House.

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

Report noted.

LEGISLATION REVIEW COMMITTEE**Report: Legislation Review Digest No. 3 of 2010****Question—That the House take note of the report—proposed.**

Mr ALLAN SHEARAN (Londonderry) [11.36 a.m.]: I am pleased to speak on "Legislation Review Digest No. 3 of 2010", dated 16 March 2010, which was tabled in session. Legislation Review Digest No. 3 examined three bills in total: the Carers Recognition Bill 2010, the Crimes Amendment (Child Pornography and Abuse Material) Bill 2010, and the Waste Recycling and Processing Corporation (Authorised Transaction) Bill 2010. With regard to the Crimes Amendment (Child Pornography and Abuse Material) Bill 2010, the committee is concerned where legislation impacts on artistic pursuits and freedom of expression generally. However, after discussions with the National Association for the Visual Arts and the Arts Law Centre of Australia, the committee is of the understanding that stakeholders appear satisfied that the bill will not adversely impact on the work of artists. Therefore, in this instance, the retention of the classified material defence and the incorporation of "artistic merit" as a factor that must be taken into account when determining if material constitutes "child abuse material" appear to ensure that appropriate safeguards have been put in place so that artists and their work are not unintentionally caught by the offence provisions of the bill.

This digest also examined the Energy and Utilities Administration Amendment (Fees) Regulation 2010. The object of this regulation is to amend the Energy and Utilities Administration Regulation 2006 by increasing from \$150 to \$205 the fee that is required to accompany an application for the registration of electrical equipment in the register of electrical equipment kept by the Energy Corporation of New South Wales. From 1999 until 2008 registration fees in New South Wales, Victoria and Queensland were set at \$150. However, the committee noted that Victoria and Queensland have increased their registration fees. The committee also noted the reasons with regard to the increase in the registration fee to \$205 as reasonable, as it reflected the level of inflation between 1999 and 2009. I conclude by referring Legislation Review Digest No. 3 to members to assist them in any contributions to the debates on the bills presented, and to inform them of any issues of concern about trespasses on individual rights and liberties.

Mrs JUDY HOPWOOD (Hornsby) [11.40 a.m.]: I will make a brief contribution to the debate on the report of the Legislation Review Committee entitled "Legislation Review Digest No. 3 of 2010", dated 16 March 2010. Although the committee had only three bills on which to deliberate at the last meeting, those bills are extremely important: the Carers Recognition Bill 2010, the Crimes Amendment (Child Pornography and Abuse Material) Bill 2010 and the Waste Recycling and Processing (Authorised Transaction) Bill 2010. It is with some disappointment that I feel compelled to make a comment about the Carers Recognition Bill 2010. It is an indictment on this place that debate on that legislation could not be commenced yesterday. All members have hundreds, if not thousands, of carers in their electorates. It is a travesty of justice that we could not debate that bill at a time dedicated to private members' business. Indeed, it has now been waylaid for at least a month. New South Wales carers can only question why that happened given that they carry a huge burden and save the Government and taxpayers a great deal of money.

Objects of the bill are to recognise the valuable contribution of carers to our society and to the people they care for; to recognise the benefit, including the social and economic benefit, provided by carers to the community; to ensure the provision of services necessary to enable carers to achieve their maximum potential as members of the community; to provide through carer's assessments for the interests, needs and choices of carers to be considered in decisions about the provision of services that impact on their role; to identify and address the specific needs of families with children and young people who are carers; and to deliver culturally appropriate services for Aboriginal and Torres Strait Islander carers and carers from culturally and linguistically diverse backgrounds. The committee did not identify any difficulties with the legislation, so it is a mystery why it could not be debated yesterday given that carers make such a valuable contribution to our community.

ACTING-SPEAKER (Mr Frank Terenzini): Order! I take this opportunity to welcome to the public gallery students from government schools in the North Coast and Riverina regions attending the Secondary Schools Leadership Program for School Captains conducted by the parliamentary education section. Welcome to the New South Wales Parliament. The Legislative Assembly is debating committee reports prepared by committees that operate within the Parliament.

Mr ANDREW CONSTANCE (Bega) [11.43 a.m.]: I thank the Legislation Review Committee for this important report. I note that the committee has not identified any difficulties with the Carers Recognition Bill 2010 in respect of section 8A of the Legislation Review Act 1987, which provides:

- (1) The functions of the Committee with respect to Bills are:
 - (a) to consider any Bill introduced into Parliament, and
 - (b) to report to both Houses of Parliament as to whether any such Bill, by express words or otherwise:
 - (i) trespasses unduly on personal rights and liberties, or
 - (ii) makes rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers, or
 - (iii) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions, or
 - (iv) inappropriately delegates legislative powers, or
 - (v) insufficiently subjects the exercise of legislative power to parliamentary scrutiny.

It is pleasing that the committee has seen fit to hand down that finding, particularly in light of the fact that we have a State Labor Government that is not prepared to indicate its position on this legislation. It was disappointing that the debate did not proceed yesterday. It appears that the Government is not willing to support Coalition legislation to recognise the valuable contribution that carers—

Mr Gerard Martin: That is not right. You are playing tawdry politics.

Mr ANDREW CONSTANCE: The Minister responsible could have publicly indicated the Government's position at any time in the past three months since I gave notice of the introduction of this legislation. That has not happened. I note that on Wednesday the Rudd Government introduced into the Federal Parliament carers recognition legislation that mirrors, and in some places is exactly the same as, the legislation that the Coalition has introduced into the New South Wales Parliament.

Mr Gerard Martin: So you have been plagiarising.

Mr ANDREW CONSTANCE: How can you say I have been plagiarising, you dill? The member for Bathurst is plain stupid.

ACTING-SPEAKER (Mr Frank Terenzini): Order! Government members will remain silent.

Mr ANDREW CONSTANCE: We introduced our legislation on Friday last week and Rudd's legislation was introduced on Wednesday.

Mr Gerard Martin: It didn't just happen. It was with Cabinet for consideration.

Mr ANDREW CONSTANCE: The bill was tabled, you moron. The bottom line is that the State Labor Government is refusing to support carers and the Rudd Labor Government is willing to support them. Members opposite are not willing to debate legislation recognising carers. They had the opportunity to do that yesterday and I am letting the people of Bathurst know that their member voted against bringing on the debate on the Carers Recognition Bill 2010. The Government has delayed this legislation—

Mr Matthew Morris: Point of order: My point of order relates to relevance. I appreciate that the member for Bega is excited today. However, he should confine his remarks to the report of the Legislation Review Committee. He should not be debating what has happened in this place at other times or what is happening at the Federal level.

ACTING-SPEAKER (Mr Frank Terenzini): Order! The House is debating the committee report. I will hear further from the member for Bega.

Mr ANDREW CONSTANCE: That is a good ruling. The committee has stated that the Carers Recognition Bill 2010 does not in any way affect the rights of carers. That is unlike this Government, which yesterday voted against bringing on the debate. It has delayed that debate for another five weeks, until 20 April. Members opposite are denying the Coalition the opportunity to debate its important legislation that recognises

the valuable contribution made by carers in this State. Carers are being denied opportunities by this State Labor Government. It amazes me that the member for Bathurst is not willing to support carers and that his Federal counterparts have introduced a bill that plagiarises the State Coalition's legislation.

Mr Gerard Martin: Point of order: Mr Acting-Speaker, loath as I am to take a point of order while we are debating committee reports, I must draw your attention to the fact that the member for Bega is straying far from the topic of the debate. He is also relaying incorrect information to the Parliament. The Government deferred debate on his legislation; the Government has no intention of avoiding debate on the legislation.

ACTING-SPEAKER (Mr Frank Terenzini): Order! I uphold the point of order. The debate is about the committee report.

[Time expired.]

Mr DARYL MAGUIRE (Wagga Wagga) [11.48 a.m.]: I again thank the chairman of the Legislation Review Committee for producing this report. As I have said previously, these digests are very valuable to members when debating legislation. The fact that Legislation Review Digest No. 3 deals with only three bills is an indictment on this Government. It is a very flimsy document. Two of the bills are Government bills and the other is the Coalition's Carers Recognition Bill 2010. That tells us that the Government has very little to do. In fact, it has had very little to do for the past few weeks and the Parliament has risen early. If this very light workload continues, the Premier and others should seriously consider the remuneration provided to the chairman and others. The taxpayers are not getting value for their money.

Mr Matthew Morris: Point of order: Unfortunately, the member for Wagga Wagga's comments are in no way relevant to the debate. He has made no reference to the content of the Legislation Review Digest and I ask you bring him back to that rather than straying onto other issues.

ACTING-SPEAKER (Mr Frank Terenzini): Order! The member for Wagga Wagga is well aware of the standing orders. I remind the member that the House is debating a committee report. I will hear further from the member for Wagga Wagga.

Mr DARYL MAGUIRE: In my opening remarks I mentioned that the report of the Legislation Review Committee reviews three bills. I join the member for Bega in expressing disappointment that debate on the Carers Recognition Bill 2010 has been delayed.

Mr Kerry Hickey: Point of order: Mr Acting-Speaker, earlier you ruled on relevance and said that members should not stray from the business before the House.

ACTING-SPEAKER (Mr Frank Terenzini): Order! I have not heard enough from the member for Wagga Wagga to rule on that point of order at this stage. I will hear further from the member for Wagga Wagga.

Mr DARYL MAGUIRE: That is a good ruling, Mr Acting-Speaker. If the member for Cessnock cares to look he will find that the Carers Recognition Bill 2010 is the first bill that is referred to in the Legislation Review Digest. As I said earlier, I am disappointed that we could not debate the bill in this House as the Legislation Review Committee put a lot of time and effort into determining what effect the bill would have. Recommendation 8 states:

The Committee has not identified any issues under s 8A (1 (b) of the Legislation Review Act 1987.

The Committee makes no further comment on the bill.

The committee determined that the bill is entirely appropriate—an observation with which I agree. As I said, I am disappointed that members were prevented from continuing the dialogue. The Government should have enabled Opposition members to speak in debate on the bill. If the Government did not have a response to the legislation introduced by the member for Bega—I understand that the Government has been briefed on this matter—it should have enabled Opposition members to make a contribution to debate on the bill. The Government's failure to do so resulted in a newspaper headline that the Government did not need—an issue that could have been avoided.

Mr Kerry Hickey: Point of order: My point of order relates to relevance. The member for Wagga Wagga should be brought back to the leave of the question.

ACTING-SPEAKER (Mr Frank Terenzini): Order! The question is: That the House take note of the report. This debate does not provide members with an opportunity to discuss the process and procedures related to bills.

Mr DARYL MAGUIRE: The objects of the Carers Recognition Bill 2010 are as follows:

- (a) to recognise the valuable contribution of carers to our society and to the people they care for.
- (b) to recognise the benefit, including the social and economic benefit, provided by carers to the community.
- (c) to ensure the provision of services necessary to enable carers to achieve their maximum potential as members of the community.
- (d) to provide, through carers' assessments, for the interests, needs and choices of carers to be considered in decisions about the provision of services that impact on their role.
- (e) to identify and address specific needs of families with children and young people who are carers.
- (f) to deliver culturally appropriate services for Aboriginal and Torres Strait Islander carers and carers from culturally linguistically diverse backgrounds.

As a result of what I just read out, I will be encouraging Government members to vote for this good bill when it comes before us for debate.

Mr THOMAS GEORGE (Lismore) [11.53 a.m.]: Mr Acting-Speaker, I know that you have already welcomed the school captains who are present in the public gallery today. However, when you made that statement captains from the Lismore, Clarence and Murray-Darling electorates were not in the House; they were still having their photographs taken. I welcome them to the Parliament; it is great to have them here. I congratulate the chairman and the Legislation Review Committee on producing this week's Legislation Review Digest, which makes reference to only three bills. This week the Parliament was busy as one of those bills was amended and it had to be debated on a second occasion. If that bill had not been debated a second time the Parliament would have risen on Wednesday as opposed to Friday.

Like other members, I was disappointed that we were not given an opportunity to debate the Carers Recognition Bill 2010. The member for Bega and the Legislation Review Committee put a lot of effort into compiling and reviewing this bill—a worthwhile bill that provides for and recognises carers in this State; something for which every member should be advocating. I have not yet met a carer who is not experiencing problems. I am disappointed—and I am sure that all the carers in the Lismore electorate are disappointed—that the Government did not believe the legislation was urgent enough to warrant being debated in this Chamber.

Mr JONATHAN O'DEA (Davidson) [11.55 a.m.]: As the member for Wagga Wagga and other members have pointed out, only three bills were reviewed by the Legislation Review Committee and included in "Legislation Review Digest No. 3 of 2010", which reflects the fact that not a lot of business is before the House at the moment and the Government's agenda is running very thin—as thin as this report. It is also worth noting that the Government introduced two of the three bills that are covered in this report, and the Opposition introduced one bill. The Opposition did not oppose the bills that were introduced by the Government. I am sure that the students who are present in the public gallery today would be interested to know that the Opposition did not oppose those two bills. Sometimes the Government tries to paint the Opposition as being interested only in opposing. But that is not the case.

We expressed concern about some aspects of those bills. In the case of the Waste Recycling and Processing Corporation (Authorised Transaction) Bill 2010 (No 2), or the WSN Environmental Solutions bill, we worked constructively with the Government. There was a cooperative approach and some meaningful engagement, resulting in better legislation and a better approach, which was a good thing. The handling of the Carers Recognition Bill 2010 disturbs me, as it disturbs my colleagues. The bill is dealt with in the report of the Legislation Review Committee, and is clearly fine. The report raises no problems relating to that bill. The fact that an Opposition member—the hardworking and diligent member for Bega, and shadow Minister—introduced the bill appears to have been an obstacle for this Government. Rather than adopting the constructive, engaged and positive approach that is shown by Opposition members, the Government chose not to engage and discuss but to reject what on any reasonable and objective basis is an eminently sensible and positive initiative from the Opposition. I again note that this report—

Mr Kerry Hickey: Point of order: Three Opposition members have canvassed your ruling and have been disrespectful of it. The member should be brought back to the leave of the motion.

ACTING-SPEAKER (Mr Frank Terenzini): Order! I remind the member for Davidson that the House is debating the committee report. This debate does not provide members with an opportunity to discuss a bill that has been introduced.

Mr JONATHAN O'DEA: Clearly, this report refers to the objects of the bill, which I reiterate as being admirable and positive objects supporting carers in our community. The objects of the bill are as follows:

- (a) to recognise the valuable contribution of carers to our society and to the people they care for,
- (b) to recognise the benefit, including the social and economic benefit, provided by carers to the community,
- (c) to ensure the provision of services necessary to enable carers to achieve their maximum potential as members of the community,
- (d) to provide, through carers' assessments, for the interests, needs and choices of carers to be considered in decisions about the provision of services that impact on their role,
- (e) to identify and address specific needs of families with children and young people who are carers.
- (f) to deliver culturally appropriate services for Aboriginal and Torres Strait Islander carers and carers from culturally linguistically diverse backgrounds.

I quoted directly from the report of the Legislation Review Committee, which sets out all those objectives. As has already been pointed out, in light of the fact that the committee could not identify any issues of concern, it is disappointing that the Government has chosen not to debate this bill—a positive Opposition initiative. I place on the record, as have my colleagues, my disappointment that I was not able to speak in debate on the bill, as I spoke in debate on the other two bills that are covered in this week's report.

Mr PAUL PEARCE (Coogee) [11.59 a.m.]: I was not going to speak on the report. The committee works extremely well and takes into account the functions of the committee. It is quite clear the member for Davidson is unaware—or purposely unaware—of the functions of the Legislation Review Committee. It is not to pass judgement on any piece of legislation, its merits or demerits, whether it should be dealt with immediately or whether it should be dealt with in the future. The functions of the committee are clearly laid out in the Legislation Review Act of 1987. Part 8A of that Act states:

- (1) The functions of the Committee with respect to Bills are:
 - (a) to consider any Bill introduced into Parliament, and
 - (b) to report to both Houses of Parliament as to whether any such Bill, by express words or otherwise:
 - (i) trespasses unduly on personal rights and liberties, or
 - (ii) makes rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers, or
 - (iii) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions, or
 - (iv) inappropriately delegates legislative powers, or
 - (v) insufficiently subjects the exercise of legislative power to parliamentary scrutiny.

Several provisions follow from that—section 8A (2) and section 9—in relation to regulations. The bill, which was introduced on 12 March, was considered by the committee on Tuesday 16 March 2010—very promptly—and reported on to the Parliament. This is significant legislation. I do not think anyone is debating its underlying merits, but it is necessary for Parliament to properly consider it. Essentially the member for Davidson's argument seems to be that legislation introduced on 12 March and considered by the committee last Tuesday should have been shovelled through by now. It is simply inappropriate to do that. We will end up with half-baked legislation that has to be untangled in the future.

Mr Thomas George: Point of order: I do not know where the member for Coogee has been, but many a time plenty of bills are introduced into this House and proceeded with through all stages in the one debate.

ACTING-SPEAKER (Mr Frank Terenzini): Order! That is not a point of order. The member for Coogee has the call.

Mr PAUL PEARCE: That point of order has as much credibility as my speaking on the bill in the same manner as the member for Davidson did. I was merely following the lead of the member for Davidson. The committee did consider the bill and considered it within the terms of reference. Quite correctly, within the terms of reference, the committee resolved that it has not identified any issues under section 8A (1) (b) of the Legislation Review Act. That is our role. Although there is no reference to it in the report, I make reference to a draft—

Mr Thomas George: Remember that you are speaking to the report.

Mr PAUL PEARCE: It was on the agenda the other day. I do not need the assistance of the member for Lismore in this matter. Some very good work is being done by the parliamentary assistants to the committee in developing issues papers and I am sure members will be very interested when the said paper in relation to public interest arrives. It is very broadly considered, and I encourage members to read it. It is good to see members reading these reports, because the committee works hard and the officers assisting work extremely hard. They are challenging reports. I am a government member and quite often I am dealing with reports that contain recommendations that are highly critical of the Government's approach to legislation under section 8A.

That is as it should be because the committee has an obligation to bring these matters to the attention of the Parliament. The committee having done so, it is then up to the Parliament as to what weight is given to those recommendations. Certainly the analysis of the Crimes Amendment (Child Pornography and Abuse Material) Bill demonstrates this very well. I refer members to clause 17 of the report, which talks about artistic freedom, artistic pursuits and freedom of expression generally. That is what the committee is about, bringing those matters to the attention of the Parliament. It should not be used as an excuse or exercise, as the member for Davidson did, to simply bash the Government about the head on something he feels aggrieved about.

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

Report noted.

COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND THE POLICE INTEGRITY COMMISSION

Report: Report on the Twelfth General Meeting with the Police Integrity Commission

Report: Report on the Tenth General Meeting with the Inspector of the Police Integrity Commission

Motion by Mr Kerry Hickey agreed to:

That, in accordance with Standing Order 306 (7), the reports of the Committee on the Office of the Ombudsman and the Police Integrity Commission, being Orders of the Day (Committee Reports) Nos 3 and 4, be considered together.

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

Mr KERRY HICKEY (Cessnock) [12.05 p.m.]: On 30 November 2009 the committee met with the Commissioner of the Police Integrity Commission and his executive officers for the twelfth general meeting. This was the third time the committee had met with the commissioner during the fifty-fourth Parliament. Much of the discussion during the general meeting focussed on the work of the commission in preventing serious police misconduct, through providing the New South Wales Police Force with informed advice on its systems and practices. The committee discussed two such projects with the commission.

The first of these projects was the commission's Project Manta, which examined the misconduct risks facing the New South Wales Police Force and how its commands identify, communicate and manage those risks. There will be two reports on Project Manta. The first was published in November last year. It examined the identification and communication of misconduct risks. The Police Integrity Commission expects to publish a second report on Project Manta later this year that will look at how New South Wales Police Force commands manage those risks. The second project discussed was Project Odin, which was undertaken by the commission to develop a better understanding of how the New South Wales Police Force commands identify and manage those officers who, because of their histories, pose a risk of engaging in misconduct. The Police Integrity Commission's findings support the need for the New South Wales Police Force to develop its policies on high-risk officers, and the report makes a number of recommendations aimed at assisting the New South Wales Police Force to do so.

Finally, the committee took the opportunity to question the commission about the progress made by the New South Wales Police Force on implementing an early intervention system to address problematic behaviours among police officers before those behaviours worsen. It was a committee recommendation in 2009 that an early intervention system be introduced to the New South Wales Police Force as soon as practicable. The committee endorses the work of the commission in seeking to ensure that progress continues on this important issue. I thank Mr John Pritchard, the Commissioner of the Police Integrity Commission, and the staff of his executive team for the detailed information they have provided to the committee in regard to the general meeting. I also thank the members of the committee for their participation in the general meeting and their contribution to the reporting process. I commend the report on the twelfth general meeting with the Police Integrity Commission to the House.

I now refer to the report on the tenth general meeting with the Police Integrity Commission inspector. The report focuses on two important issues: firstly, the relationship between the inspector and the Police Integrity Commission; and, secondly, the inspector's powers to publish certain complaint reports. With regard to the first matter, where differences of opinion arose between the inspector and the Police Integrity Commission over procedural fairness issues, the committee was pleased to hear that the inspector regarded the relationship between the two offices as being a good one. Furthermore, the inspector did not consider it likely that similar disputes over procedural fairness would occur into the future. The inspector's power to publish certain complaint reports is a matter on which the committee has already reported to the House. The inspector believes that, as the legislation now stands, he is not able to publish his complaint. The previous Police Integrity Commission inspector, the Hon. James Wood, was of the same opinion. The advice of the Crown Solicitor also supports the view of Inspector Moss.

The committee agrees that the inspector's reports that uphold substantial complaints against the Police Integrity Commission should be available in the public domain so that the commission is seen to be publicly accountable. It is equally important that the inspector should be able to publish a report when he has found in favour of the Police Integrity Commission regarding a serious complaint. In its report on the ninth general meeting with the inspector the committee recommended that the Police Integrity Commission Act 1996 be amended to clarify that the inspector can report to any party, including Parliament, at his discretion about any of his statutory functions. To date no amendment has been made to this effect.

The inspector informed the committee that this lack of clarity in the legislation remains a pressing matter for his office. Accordingly, the committee urges the Minister for Police to conclude his consideration of the proposed amendment as expeditiously as possible. The committee then will seek the Minister's advice on this matter. The committee considers that the inspector's work is vital to ensure the proper functioning of the Police Integrity Commission and plays an important contributory role to that of the committee. The committee's general meetings with the inspector provide an opportunity to discuss matters of mutual concern on a regular basis and greatly assist the committee in its oversight of the commission. I thank the committee members for their participation in the general meetings and for their contribution to the report. I commend the reports to the House.

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

Reports noted.

STANDING COMMITTEE ON BROADBAND IN RURAL AND REGIONAL COMMUNITIES

Report: Progress Report on the Committee's Activities: Meeting Rural and Regional Communication Needs

Mr GEOFF PROVEST (Tweed) [12.13 p.m.]: I take this opportunity to speak to the report as an active member of the Standing Committee on Broadband in Rural and Regional Communities. The committee has gone to great lengths to investigate the supply of broadband telecommunication across the great State of New South Wales. The committee attended a number of rural areas such as Griffith, Orange and Lismore, and plans further visits to rural regions. The committee acknowledges that proper telecommunications and Internet access for the New South Wales community is extremely important for social and business purposes. Most regional and rural businesses do not have Internet access mainly because major broadband companies do not consider it is financially viable to supply the network.

The committee made several trips to Canberra to initiate discussions with our Federal colleagues about their massive broadband rollout across the nation. I compliment the staff involved in helping to put this report

together and my fellow committee members who worked tirelessly and diligently to produce this report. A number of great initiatives have emerged. One of these is the local community, together with the Department of Commerce, raising a significant amount of the costs for the installation of community-based telephone towers. This has enabled many isolated areas to gain access to the Internet. The committee's website has posted a large number of submissions from major companies and smaller providers. The providers of smaller clientele groups are part of the backbone of our submissions. They are trying to maintain a high level of broadband service. Unfortunately, it is becoming more obvious that major businesses and competitive factors are coming into play.

I look forward to finalising the report about broadband access, as I believe some of the recommendations may insist that new greenfields sites include fibre-optic cables as a necessary component. This is particularly relevant in the Tweed, which has 15,000 home sites ready for approval. Groups of regional councils—such as the Northern Rivers Regional Organisation of Council and Central NSW Councils—are determining whether joining and becoming self-providers will help local economies. The committee also examined the possibility of the general public being able to gain access to communication systems within government buildings, such as schools, police stations et cetera, when those systems are not being used. This would be an enormous benefit, particularly to many isolated areas across the great State of New South Wales. I commend the report to the House.

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

Report noted.

ACTING-SPEAKER (Mr Frank Terenzini): Order! Debate on committee reports having concluded, the House will now consider private members' statements.

PRIVATE MEMBERS' STATEMENTS

LISMORE ELECTORATE POLICING

Mr THOMAS GEORGE (Lismore) [12.16 p.m.]: I bring to the attention of the House my concern about police availability in the Richmond local area command. I was pleased this week to read the headline "Deputy Commissioner praises our police force" of an article written by Dominic Feain in the *Northern Star* of 17 March. Each of us in this place, especially on this side of the House, always supports our Police Force. Despite what the Minister for Police said recently in this House—

Ms Angela D'Amore: Get over it.

Mr THOMAS GEORGE: The member for Drummoyne can say, "Get over it", but I took exception to the Minister's comments. However, this is not the time to talk about that. The Deputy Commissioner paid tribute to the men and women of the Richmond local area command, which was reported in the *Northern Star*:

Recent favourable crime statistics in the Richmond Local Area Command showing a significant drop in robberies and assaults are the result of 'above authorised' staffing levels.

I am amazed that local area commands can be considered to be at "above authorised" staffing levels. We all say things at times that have different meanings. In this case the Richmond local area command may have above authorised staffing levels, but the deputy commissioner did not point out in the interview—if he did, it was not recorded—that only 79 per cent or 80 per cent of our police force is available for the day-to-day running of the local area command. This is an ongoing problem that I have raised since I was first elected to this House in 1999, apart from a few other issues regarding the local Police Service, as it was known in those days. It should have remained known as the Police Force. The Richmond local area command has an ongoing problem with the number of staff on sick leave and stress leave.

Sadly, the Police Force does not have a relief staff system. If police officers cannot attend to their duties, the remaining 80 per cent must cover the work of the command's full complement. Officers who perform their duties are also entitled to their days off. The *Northern Star* reported the next day that a family had to wait two hours after making a 000 call when a culprit had stoned their car. The newspaper reported that Local Area Commander Bruce Lyons apologised to the family for the unfortunate two-hour delay, but of the two available cars:

One was involved in a rescue and one was involved in a serious domestic.

The job at Oliver Avenue did come over as non-urgent.

Everyone understands that this places more pressure on the remaining 80 per cent of police officers on duty. I congratulate those officers on their efforts in reducing assaults and other crime in the area. However, unless officers are supported by being allocated the appropriate police numbers the likelihood is that more officers will be absent from work on stress and sick leave. The Government may say that it is increasing police numbers throughout the State, but my local area command should have its authorised staffing level. I believe my local area command has not been allocated sufficient numbers. I understand that in May another class will be sworn in and I ask the commissioner to allocate more police to the Lismore Local Area Command.

TRIBUTE TO FORMER POLICE ASSISTANT COMMISSIONER ROBERT SHEPHERD

Ms ANGELA D'AMORE (Drummoyne—Parliamentary Secretary) [12.21 p.m.]: It is with great pleasure that I acknowledge the distinguished career with the New South Wales Police Force of one of the residents of my electorate, Robert Shepherd. On 22 February 2010 I attended the South West Metropolitan Regional Zone medal and awards presentation ceremony at Burwood RSL in my capacity as local member and Parliamentary Secretary Assisting the Minister for Police to assist with presentation of New South Wales police medals and clasps to the New South Wales police medal.

The New South Wales police medal is awarded to sworn in members of the New South Wales Police Force who have completed 10 years of diligent and ethical service. The medal is awarded only after a detailed review of a nominee's service history. A clasp is awarded for each subsequent five-year increment of service provided the appropriate award criteria are satisfied. I was delighted to present the medal to my constituent Robert Shepherd, a former Assistant Commissioner with 40 years distinguished service with the New South Wales Police Force.

Robert Shepherd has had an interesting career: He commenced his career as a police cadet between 1945 and 1948. He served at police headquarters, running around delivering mail, nearly knocking down all the senior public service staff, and was an assistant to the station sergeant with a variety of duties. He was then transferred to the depot stables, having never ridden a horse. He then learned to ride and assist in training the horses for the Police Musical Ride. He performed at various shows and tried to establish a new routine of standing on the backs of two horses, not always a successful act as he could not get the two horses to move off together, and police officers often fell between the legs of horses.

Robert then assisted traffic sergeants with their office duties at Central, Regent Street and Phillip Street police stations. As a senior cadet he transferred to the superintendent's office at Petersham, where he performed duties as a shorthand writer and typist. In those days no mistakes were allowed and there were no erasures; pages simply had to be retyped. Robert moved up the ranks to serve as officer in charge of the Scientific Investigation Section at Newcastle, investigating murders, rapes, serious accidents and crimes from 1959 to 1974. In 1971 he was the second police officer in New South Wales to receive a bachelor of arts from the University of Newcastle and was the first New South Wales police officer to receive a Churchill Fellowship. The fellowship grant was to attend the Federal Bureau of Investigation [FBI] National Academy, and he was the first New South Wales police officer to attend the Federal Bureau of Investigation National Academy at Quantico, Virginia. This was followed by his attendance in 1972 at the FBI National Academy, graduating with distinctions.

On completing this course, and with the total support and financial backing of his family, he then toured police establishments at Baltimore, Philadelphia, Boston, London, Glasgow, Munich and Tokyo. New South Wales police service took him to both the country and the city, in both plainclothes and uniform. It is with great fondness that Robert recalls when he established a scientific investigation section at Wagga Wagga and the five wonderful years he spent there with his wife. Whilst based at Wagga Wagga he covered the vast Riverina area and also undertook the duties of lock-up keeper. These duties entailed the care and feeding of prisoners. He said that his wife fed the prisoners exactly the same food that they ate.

The next 15 years were spent in Newcastle as the officer in charge of the scientific investigation section. It was during this period that Robert sat for and qualified to be a detective. He was a detective sergeant in charge of No. 29 divisional detectives, which covered the area extending from Mona Vale to Palm Beach. Upon returning to the Sydney office of the scientific investigation section he played a prominent role in reorganising the managerial aspects of the section and later became an investigating officer with the newly established Police Internal Affairs Branch. He rose to second in charge of the Bureau of Criminal Intelligence and was charged with extracting and disseminating criminal intelligence. He also established an operational unit within the Bureau of Criminal Intelligence.

On 4 May 1984 Robert was promoted to Assistant Commissioner in charge of the Internal Affairs Branch. He retired on 4 May 1988 after 40 years service with the New South Wales Police Force. The Australian Police Medal was presented to him in 1986 at Government House. Some would say that Robert Shepherd was a controversial police officer. He was part of some groundbreaking police techniques, which are now seen as part of everyday police operations. At the time, in order to catch major criminals in the drug trade, his team watched a marijuana crop grow and when it was moved across the border into Victoria they alerted Victoria Police, who made the arrest. This arrest led to the conviction of the murderer of a Griffith whistleblower.

As a result of this police operation Robert Shepherd was heavily mentioned in the Age tapes. This involved the illegal tapping of telephone conversations and, as a consequence, he appeared in a number of royal commissions. At the time the press presented the activities as placing everyone at risk of invasion of privacy but when eventually he gave evidence he was able to show that only well-known criminals were taped and that it was not an invasion of citizens' privacy. For the first 10 years after his retirement Robert continued to serve the community and extend his years of knowledge in the New South Wales Police Force by giving evidence at local courts, superior courts, royal commissions and even at a commission held in Canberra. Robert Shepherd rose to the rank of Assistant Commissioner and gave 40 years distinguished service. It is with great pleasure that I honour him today in Parliament.

SURF SAFETY

Mr MIKE BAIRD (Manly) [12.26 p.m.]: Today I speak about the sad fact that drownings on New South Wales beaches are on the rise. We have all despaired at the stories this summer of families who have lost a loved one in the ocean, and my heart goes out to all those families who have had to suffer such terrible grief. I pay tribute to the many surf clubs in my electorate that work tirelessly to keep people safe in the surf. Indeed, across New South Wales surf clubs protected more than seven million beachgoers last season. They perform a critical community service and we thank them wholeheartedly. However, lifesavers cannot always be around.

Every Australian, young and old, should have fundamental service safety skills and today I make a plea to government to do something about this. Drowning prevention programs relevant to the school syllabus do exist but funds are not being provided in a coordinated way across the State to deliver them. Recently I met with Craig Riddington, affectionately known as Riddo, former Iron Man champion and Manly resident, who is now an instructor and educator at his company Surf Educate Australia, which operates from Manly Surf Club. Surf Educate Australia delivers surf education programs to schools across the eastern seaboard, teaching hands-on practical skills at the beach. Children are taught how to identify a rip, how to get out of a rip and essential tips to prevent drowning—fundamental information that would be helped in saving the many lives lost this year.

Craig is passionate about reducing deaths in the ocean and knows that more can be done. Recently schools along the North Coast have had to pull out of surf safety programs because of a lack of funds. The comparison is stark between New South Wales and Queensland, where all surf safety providers—Surf Lifesaving Queensland, council and private providers—have shown that a combined effort can prevent people from drowning. Last year Queensland had seven coastal drowning deaths, a decrease on the previous year, whereas New South Wales had 46 coastal drowning deaths, an increase of 13 on the previous year. This area is well beyond politics but it shows that something needs to be done in this State to stop what are preventable deaths.

Funds to teach kids to serve safety skills must be found. It is a priority for all children in New South Wales whether they live near a beach or merely visit on holidays. At some stage children in the State of New South Wales will come into contact with the ocean. Every single child should receive a surf education school lesson to teach them what to do if they get into trouble in the surf. It is basic knowledge. Kate and Peter Adkins of Castle Hill shared their gratitude for surf education after their daughter Holly applied the skills she had learned from a course. They wrote:

Last week my 11 year-old daughter nearly drowned in a rip whilst on holiday on the North Coast of NSW, however she managed to survive after applying the basic skills and knowledge from your school programs. We wish to thank you very, very much for the life of our daughter, Holly.

A small amount of expenditure now will undoubtedly prevent deaths in the future. Craig Riddington's program is an example. I call on the Government to develop a coordinated approach between the private sector and surf life saving and to develop a model, as has been done in Queensland, where everyone works together to educate every child in the State. I do not think that is too much to ask. Craig Riddington and other surf lifesavers are

working on a project known as Beach to Bush to deliver surf safety to children from rural areas. A number of clubs on the northern beaches take part in the program. Craig and the other surf lifesavers are working on a pilot program this year in term two, with no assistance from the Government. That sort of program up and down the coast should be supported.

We need to get surf skills into our schools for the benefit of every kid in the State. I acknowledge Craig Riddington's efforts in working to create a peak body for surf educators. I am hopeful that the New South Wales Government recognises the value of these programs and gives them the attention they need to succeed. Unless we do it in a coordinated way, just as they have done in Queensland, we will not be in a position to do anything about the rising drowning toll. I will share with the House the story of a young man whose life was saved at Manly Beach last year. Twenty-three-year-old Lukas from Poland recently wrote to Manly club member Gary Auer, who was first on the scene:

Today is one year from the time you saved my life. I cannot express in words my gratitude. I have not written because it was really hard for me to survive ... I hope that one day we can meet again. My entire family greets you warmly.

This is a man who obviously benefited from the efforts of one of the many surf lifesavers across the State. I pay tribute to the surf club members throughout the State. I sincerely urge the Government to support surf safety programs and to develop a coordinated approach between the private sector, councils and surf life saving to ensure that every kid in this State is educated on surf skills.

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [12.31 p.m.]: As the Parliamentary Secretary Assisting the Minister for Sport and Recreation, I thank the member for Manly for raising this important issue in the House and acknowledge the significance of the focus we should place on surf safety. I urge the member for Manly to raise his concerns with the Minister's office. I am sure Minister Greene would be extremely focused on supporting initiatives that provide for safety awareness on our beaches. I applaud, as the member for Manly did, the commendable work that is done by our lifesavers. They are unsung heroes, and the Government recognises that. I would certainly be keen to support safety initiatives that provide for safety on our beaches, for the benefit of young people and others alike.

HAWKESBURY DEVELOPMENT

Mr ALLAN SHEARAN (Londonderry) [12.32 p.m.]: Today I raise concerns expressed during a recent community forum organised by the North Richmond and Districts Community Action Association Inc. relating to Hawkesbury sustainability, which was held on Friday 26 February 2010 at the North Richmond Panthers Club. Essentially, the meeting was prompted by concerns about a residential development at what is known locally as the Peels Dairy at North Richmond and a request for placement on the Metropolitan Development Program of a future potential development of about 2,000 residential sites. Invitees to the forum were requested to comment on, first, sustainable development in the Hawkesbury local government area, with consideration given to the rural and agricultural aspects of our area and whether the historical and heritage significance should be preserved; secondly, what infrastructure would be needed in the local government area over the next five years; and, thirdly, whether they support plans for rural-agricultural development within the Hawkesbury local government area.

The event was chaired and opened by local identity Mr Alan Eagle, who, despite varying views and passions, was able to progress the meeting in a very capable and independent manner. Mr Eagle introduced the President of the North Richmond and Districts Community Action Association, Mr David Perry, who gave a brief outline of the association and the goals of the meeting. Speakers in attendance included a community representative from the Australiana Pioneer Village, Ms Danielle Wheeler, who explained to the forum the success of people power in bringing about favourable decisions for the community; Mr Ray Williams, member for Hawkesbury, representing the Leader of the Opposition; me, representing the Premier; Professor Stuart Hill, a social ecologist who presented an expert point of view about sustainability; and the Mayor of Hawkesbury, Councillor Bart Bassett, along with his fellow councillors, Paul Rasmussen, Leigh Williams, Barry Calvert and Christine Paine. Urbis, the current owner and developer of Peels Dairy, was invited to attend but declined.

As members can imagine, wide-ranging points of view were expressed about the many different issues that impact upon a region when there is conflict between urban development and the protection of agricultural and heritage values. Hawkesbury residents are fortunate to live in a most unique and historic location. It is a region of both rich farming and rich historical value—factors that make the area a fantastic place to live and bring up a family. Unfortunately, a number of pressures could lead to overdevelopment—pressures that could

change the nature of this semi-rural environment forever. One of my greatest fears is that if we are not careful we may lose the current nature of the Hawkesbury and end up with an area that looks like another Kellyville. It is for this reason that I am committed to work hard to preserve the true character of the Hawkesbury.

The catalyst of the forum was an application by Urbis to have Peels Dairy placed on the Metropolitan Development Program. The program enables the Government to properly plan the future growth of Sydney over the next 25 to 30 years. As members would appreciate, planning for growth is important and ensuring that growth is sustainable is essential. Accordingly, there is a basic framework, the criteria of which the Government uses to assess all urban release proposals. Briefly, these criteria include infrastructure provision, access, housing diversity, jobs and economy, avoidance of risk, natural resources, environmental protection, and quality and equity in services.

The Government works through these criteria thoroughly before making a decision that would have a lasting impact on an area as precious as the Hawkesbury. The Government has a choice: it can do nothing and let urban sprawl look after itself, or it can do what we are doing and plan for Sydney's growth in a sustainable manner. That is why the Government has identified the growth centres in the north-west and south-west that will accommodate 180,000 home sites over the next 25 to 30 years. Additionally, under the Metropolitan Strategy it is anticipated that between 2004 and 2031 the Hawkesbury will be able to provide a further 5,000 dwellings. In other words, over this 27-year period the Hawkesbury is anticipated to provide a mere 186 dwellings per year.

Unfortunately, some people are of the opinion that increased residential development will be the panacea for all the difficulties that face the Hawkesbury. Rather than focusing on the eight criteria to assess all urban proposals as previously mentioned, both the member for Hawkesbury, Ray Williams, and the Mayor of Hawkesbury, Councillor Bart Bassett, have simply focused on one criteria: infrastructure. They believe that more people and more development is not the problem; rather, the problem is the need to upgrade local infrastructure to accommodate the needs of more people.

I have made my view known to the Minister for Planning that the current application by Urbis to have Peels Dairy included in the Metropolitan Development Program should not be approved. Unlike Ray Williams and Bart Bassett, I do not take this stand conditionally upon improvements to infrastructure. I gave an undertaking to the public forum that I would speak against the Metropolitan Development Program application in this House, and I do that unconditionally. That is the stark contrast between my position and that of Mr Williams and Councillor Bassett. There is little time available on this occasion to have a full debate on this extremely important issue; that is for another time. However, I want to place on record my congratulations to Dave Perry and his committee on organising the public forum and to the community members who attended and made their views known.

NEUROFIBROMATOSIS TREATMENT

Mr CHRIS HARTCHER (Terrigal) [12.37 p.m.]: Miles Henderson is a 23-year-old University of Newcastle student studying building construction in pursuit of his lifelong dream to be an architect. Miles completed his Higher School Certificate at Terrigal High School through the Pathways program. It took two years. Following his Higher School Certificate, Miles went on to complete a Diploma of Architectural Technology through Newcastle TAFE, giving him the qualifications to enrol in his current course at university. Last year Miles organised to travel to the United States on a working holiday for three months. Miles' commitment and motivation is exemplary, his accomplishments even more noteworthy given his circumstances.

Miles is not an ordinary young man. He suffers from neurofibromatosis, a genetic disorder of the nervous system that effects the development and growth of nerve cell tissues. Neurofibromatosis type 1 [NF1] occurs in approximately one in 4,000 people and, while most sufferers will, over time, develop mild to moderate symptoms, they have a normal life expectancy. Miles has neurofibromatosis type 2 [NF2], which occurs in approximately one in 50,000 people. It is a congenital condition marked by the development of multiple tumours on the central nervous system. The prognosis for NF2 is facial disfigurement and paralysis; bladder and bowel dysfunction, even incontinence; affected balance; hearing loss; visual impairment; psychological and social difficulties; male sexual dysfunction; disfiguring skin lesions; memory loss; fatigue; and a shortened life expectancy. For both NF1 and NF2 the main treatment is surgery to control the symptoms; however, the surgery does not fix the tumours as they continue to grow.

Since the age of 16, Miles has had 11 brain and spine operations. Despite the operations, however, Miles' condition continues to deteriorate. Because of his condition, he is now deaf in both ears, his face is

partially paralysed, his eyesight is deteriorating, his balance is affected, and he periodically suffers incontinence. I met Ms Jennifer Lee, Miles' mother, only a short time ago when she visited my office to ask for my assistance in raising public awareness for her son. Ms Lee is a courageous woman who has devoted herself to caring for her son. She cannot speak highly enough of Miles and is proud of his tenacity in the face of great adversity. Like any mother, she longs to see her son live a happy and healthy life and achieve his dream of becoming an architect. Miles, accompanied by his mother, has had a lengthy consultation with Dr Mark Wong, a senior oncologist at Westmead Hospital. Dr Wong believes there may be hope for Miles if he can undertake drug trials. Dr Wong advised me in a letter dated 23 February 2010:

Surgeries may be useful in a small number of patients, and by majority no definitive treatments could be offered. There have been very encouraging reports of new medical therapies in cancer treatments recently, and some of these treatments may be useful in neurofibromatosis patients. Westmead Hospital is collaborating with Westmead Children's Hospital in a number of clinical trials specifically designed for these patients. We are in urgent need of funding for these trials, estimating at around \$700,000 (\$500,000 for drug costs and \$200,000 for running costs).

With Miles' condition deteriorating, his hopes for a long life are also deteriorating, yet his determination to pursue his dreams and lead a normal life despite these enormous obstacles is inspiring. The drug trials can give Miles a chance, but the cost of these trials could prove to be the biggest obstacle Miles has ever faced. While Dr Wong attempts to gain financial assistance from various sources, Miles continues to attend classes at university and lead a normal life as much as possible. While the New South Wales Government continues to neglect our health system, it is patients like Miles who miss out. The New South Wales Government needs to provide adequate funding to trials like those of Dr Wong that will ultimately not only improve the quality of lives but save them as well. I will be calling on both State and Federal Ministers to review funding for drug trials to assist courageous sufferers like Miles. I send Miles my best wishes for the years ahead.

BATHURST INFORMATION AND NEIGHBOURHOOD CENTRE

Mr GERARD MARTIN (Bathurst) [12.41 p.m.]: Today I want to talk about information and neighbourhood centres. All members would be aware of these organisations, which exist in most communities throughout New South Wales, in regional and metropolitan areas. I refer specifically to Bathurst Information and Neighbourhood Centre [BINC] and the extensive range of functions it carries out. I preface my remarks by saying that recently a group of Country Labor members and I have been lobbying the Minister for Community Services and the Treasurer's office, as have some of our colleagues from metropolitan electorates such as Bankstown, to ensure that the Community Grants Scheme that funds many of these projects is given a sizeable boost in the upcoming budget, because information and neighbourhood centres do a magnificent job of providing a wide range of services in our community.

The services provided by information and neighbourhood centres are directed at those who are at the low end of the economic scale and need extra assistance. The Bathurst Information and Neighbourhood Centre has been running for many years, and is capably managed by Jean Fell. The centre runs the neighbourhood centre project, the Bathurst home modification and maintenance program, the garden project, the migrant support program, the Bathurst migrant mentoring program, the Orange migrant and refugee mentoring project, and Encore. Encore is an important group that provides assistance and support for women who have gone through the trauma of breast cancer. It operates a number of programs, including exercise programs at the Bathurst hydrotherapy pool at Bathurst Base Hospital. Encore develops a range of social organisations so that women who are recovering from breast cancer have a network and can share with one another.

Another group operating out of BINC, as we call it, liaises with community organisations to determine their need for volunteers, and interviews and refers volunteers. They actively recruit volunteers and then refer them to the 40, 50 or probably 60 organisations and programs that operate out of the information centre. As I said, some programs are recreational and some are practical, such as the home modification plan, which helps many aged people, particularly those living on their own, who need the facilities in their homes modified as they advance in years. In recent years the neighbourhood centre has become very involved in the migrant support service. That regional program provides help and support to migrants moving into the area, particularly those who have arrived recently from non-English speaking countries.

Predominantly migrant support is considered a metropolitan phenomenon but it is not. Many migrants are moving into regional areas and it is important for them to have a friendly face and a welcoming committee to help them assimilate into our communities. The services provided by BINC make it easier for those who move to Bathurst and indeed the central west to assimilate. I have made the important point to the Premier, the

Minister for Community Services and the Treasurer that the programs run by these organisations are extremely cost effective. People living in country communities often go to their local information and neighbourhood centre when there is a major problem.

Recently a major industry in Young, an abattoir, closed. It was a major employer in the town, employing something like 500 people. The Hon. Michael Veitch, MLC, who looks after that area, pointed out that the first port of call for these people is the neighbourhood centre, and that is where they get support initially. People in country areas go to their local centre and are then redirected to a number of government programs. Such is the credibility of the information and neighbourhood centre in my community that people know to go there. They know they will be given good advice and be directed where to go. It is important that we recognise the role that these centres play. It is incumbent on all of us to ensure that they get adequate funding.

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [12.46 p.m.]: The comments made by the member for Bathurst are yet another focus of the member in this House. He is always fighting for what is fair and reasonable for his constituents and for his community. I commend him for that. Information and neighbourhood centres are a key focus of local communities and they provide a valuable service. The member said that he will take up this issue with the Treasurer and the Minister for Community Services. That is an important initiative. The member for Bathurst, with his dedication and tenacity—he does not give up for his community—will see this matter through.

COFFS HARBOUR ELECTORATE POLICING

Mr ANDREW FRASER (Coffs Harbour) [12.47 p.m.]: Today I raise an issue of policing in the Coffs Harbour electorate and the Coffs-Clarence patrol. Last week Assistant Commissioner Dave Owen was on the North Coast assuring people publicly that the Coffs-Clarence patrol was over strength. Yet this morning the headline in the local paper and the information received by me yesterday from unnamed police officers—I know who they are but I will not name them—is that Sawtell station will be unmanned. The Sawtell-Toormina area is growing, with many people living in Department of Housing areas. It has a low socioeconomic base, especially around Toormina-Boambee, and there are policing problems there regularly. This morning we have been told that due to a better use of resources—that is, we do not have enough police officers—Sawtell station will need to be closed temporarily.

This is the thin edge of the wedge. I put this question on the public record: Why did the deputy commissioner not tell the truth when he was on the North Coast? Because he was obeying the commands of his political leaders who told him to go to the North Coast and say that it is above authorised strength. In terms of police strength, there has always been an authorised strength, which is the maximum number allowable on paper. Then we have actual strength, which is the maximum actual strength. Then there is available strength, which is where things are deleted—people are deleted because of long-term sick, short-term sick, long service leave, leave without pay, maternity leave, stress leave, et cetera. A police roster can only include people who are available and fit for service. The Coffs-Clarence patrol has fewer numbers than the authorised strength. We may have an authorised strength on paper that, according to the formula from Sydney, is better than what we need.

My colleague the member for Tweed informed the House earlier this week that in our area the ratio of police officers to citizens is 1:700, compared with a ratio of 1:500 in metropolitan areas. Our levels of crime are as high as any in this State, if not higher. In the Coffs Harbour Local Area Command, Sawtell sector has the third highest workload, but proactive patrolling has reduced crime levels there so that the Sawtell sector is placed fourth behind the Woolgoolga sector, where crime is increasing. The workload of the command is in this order: Coffs Harbour sector, Grafton sector, Woolgoolga sector, Sawtell sector, Lower Clarence River sector, followed by the Bellingen Valley sector.

The reality is that on Friday and Saturday night officers from the Woolgoolga sector will be required to attend to issues in Lowanna and Ulong. That might not seem far on a map but it is a 40-minute drive from Coramba to Lowanna or Ulong, up a windy and dangerous road, often in wet weather such as we are having at present, and then at least another 20 minutes from Woolgoolga to Coramba. If there is a domestic violence problem in Coramba the police from Woolgoolga will attend because the Coramba police station is basically closed and the officer from Coramba is rostered to Coffs Harbour.

The pushbike patrol officers in Coffs Harbour do a fantastic job in keeping the crime rates down. They are keeping the riffraff out of the mall and lowering crime in the Park Beach area. But those officers are only given enough patrols to keep them authorised. Those officers are a valuable resource that is being used in a

minimalist way, because they also have to perform general duties. In the last 24 hours there have been two more serious motor vehicle accidents in our area. I appreciate that on long weekends the leave of all police officers is cancelled and many officers who want to spend time with their families are back on the roads—for a good purpose.

Quite often, however, the police on duty during those times tend to police areas within the 50-kilometre and 60-kilometre per hour zones within the city limits rather than on the highways where people are being killed and maimed. Over the Easter weekend we will see police everywhere on the roads, but the fact remains that an under strength police has to deal with civil disobedience and violence in our metropolitan and regional cities and towns. I call on the Government to make the resources available for equity in policing and for the police station at Sawtell-Toormina to remain open.

JAMBEROO RURAL FIRE SERVICE

Mr MATT BROWN (Kiama) [12.52 p.m.]: Last Saturday the Jamberoo Rural Fire Service celebrated its seventieth anniversary, which I had the pleasure of attending as the local member and on behalf of Mr Steve Whan, the Minister for Emergency Services. Current and former members of the rural fire service, together with local dignitaries and other representatives, joined in the celebration. The Federal member for Gilmore and Councillor Brian Petschler, representing Kiama Municipal Council, were in attendance. Bronwyn Jones, representing Commissioner Shane Fitzsimmons, passed on the commissioner's best wishes to the brigade. Inspector Michael Gray, representing Superintendent Richard Cotterill, passed on the superintendent's best wishes. Captain Bruce Grant accompanied his lovely wife Jo to that wonderful event, which was put on by the executive. The entertaining master of ceremonies for the evening was John Downes, and Cameron McInerney assisted with the slideshow.

The Jamberoo fire brigade was formed on 14 February 1940—Valentine's Day. The firefighting equipment used at that time was very different to the equipment used today. It consisted of a standpipe and a couple of lengths of canvas hose, housed in a box at the post office. This equipment was later relocated to the then Jamberoo council chambers—the current butcher shop. The first tanker consisted of a box trailer to which brigade members fitted a small water tank and pump and was towed by the captain's Land Rover. The first real tanker, which arrived in the early 1960s, was an ex-Army Ford Blitz truck. I should mention that Hannah McInerney put together the slide presentation on the history of the brigade.

The brigade has a stable membership of 40 members. It was great to see the difference in the ages of the members. In fact, a couple of the young members of the brigade are also members of the surf club of which I am a member. It demonstrates the volunteering spirit of the Jamberoo community. They are people who are willing to give up their time to help others. Not only is the brigade active in assisting in firefighting, its members are also proactive in assisting in community education—for example, at the Kiama Show, emergency services days, the Farm Firewise program, the Kids Firewise program, street meetings, State open day, Illawarra Emergency Services Expo, and at Kiama High School.

The Jamberoo Rural Fire Service is well supported by its sponsors: ATA Haulage Pty Ltd, Colin Harris Hay Contracting, Elders Real Estate Jamberoo, and Grant Brothers farm. Raffle prizes on the night were donated by Jamberoo Action Park, Illawarra Fly Tree Top Walk, Fredericks IGA, Jamberoo Butchery, Oggi's Café, Jamberoo Newsagency, Kiama Fair Newsagency, and Jamberoo Native Nursery. I thank all those businesses for their support. We also saw a plaque of life members and the captains of the brigade since 1940. The life members are John Alexander, Roy Anderson, Bill Fredericks, Bruce Oke, Barry Rutledge, John Downes and John Fry. I commend everyone who was involved in this evening. Our community is much safer because of this group of men and women who dedicate their lives to save ours.

PITTWATER HEALTH INFRASTRUCTURE

Mr ROB STOKES (Pittwater) [12.57 p.m.]: Today I speak about the decaying health infrastructure in my community of Pittwater. I regret that I have to come into this place all too regularly to talk about the way that infrastructure is deteriorating through lack of investment, and to talk about how the expectations and pressures put on health staff in Pittwater are growing all the time. As a result there is a real feeling of despair among the staff I talk to. I wish I did not have to talk about these sorts of matters. I also wish the health system in Pittwater did not operate in such a way that makes it necessary for me to raise this deteriorating infrastructure. Nevertheless, that is the situation and I will keep fighting for my community until we get some real action to improve it, and I particularly refer to Mona Vale Hospital.

A number of very serious issues have been explained to me by the staff, residents, patients and visitors to Mona Vale Hospital that need to be raised in this place. The first relates to the surgical theatres in Mona Vale. The hospital has four theatres but they are all too small for modern-day purposes. Surgery undertaken in the theatres is first-class. Indeed, some of the best surgeons and best surgical staff in all of Australia operate out of Mona Vale Hospital. Nevertheless, the facilities in which they are forced to operate are unacceptable and it is amazing that, despite such poor infrastructure, they are able to achieve such incredible results for patients.

Having said that the theatres at Mona Vale Hospital are too small, it is also true that only half the theatre space is being used. Of the four theatres, two are being used as theatres and the others are being used as storerooms and for administration purposes. The patient recovery area is also being used as a storeroom. I am informed that equipment is being lost because of inappropriate storage. There are simply not enough places to store often expensive medical equipment safely. It is crazy that hospitals in this State have waiting lists and at the same time only half the theatre space available at Mona Vale Hospital is being used. I am sure the more than 100 people waiting for surgery would not be impressed to learn that two theatres are not being used because they are needed as storerooms.

When patients get out of theatre they recover in wards with inadequate ventilation and climate control. We must remember that Mona Vale Hospital is right next door to the South Pacific Ocean, one of the most temperate locations in all of Australia. Yet because the hospital design does not capitalise on its fabulous position, patient comfort is compromised and patients are left to recover in wards that are simply not appropriately climate controlled. We need to investigate how to improve the design of Mona Vale Hospital to make the hospital solar passive and to improve airflow. I point to a recent project at Pittwater High School, which has done an amazing job auditing its site to investigate where energy can be minimised and climate control of buildings can be improved. I strongly urge the State Government to conduct the same exercise at Mona Vale Hospital so that it can capitalise on its terrific site.

But Mona Vale Hospital infrastructure is only part of the problem. When we talk about health care we are talking not just about buildings and patients but about the medical staff who hold our hospitals together. Indeed, our entire health system holds together only because of the efforts of medical staff. Inefficiencies, waste and bureaucratic inaction are covered over only because the nature of medical staff is to serve and to go beyond what others would do. My warning to government is: Do not take the silence of medical staff as an endorsement and a sign that everything is okay. They are silent because they fear reprisal; they are too tired to complain and too focussed on serving others. The nature of medical staff is not to complain. I endorse the efforts of the wonderful medical staff at Mona Vale Hospital and urge the Government to do something about the inadequate theatres at the hospital.

CESSNOCK FIRE BRIGADE

Mr KERRY HICKEY (Cessnock) [1.02 p.m.]: The 100th anniversary celebration of the Cessnock Fire Brigade was attended by the Minister for Emergency Services. It was great to see the town honour past and present members of the fire brigade. I met parents of two fire brigade members at the celebration, Mr Kelly Plum and Mr John Brown, who are also my former schoolteachers.

Mr Geoff Provost: They had some stories to tell!

Mr KERRY HICKEY: They did have some stories to tell. The support staff and administration of the fire brigade did a wonderful job organising the evening. In August 1906 the need for a water supply was fast becoming apparent to the townspeople. That month an editorial appeared in the *Cessnock Express*, which stated:

Now that Cessnock is assuming the proportions of a fine provincial town, it is as well to study the consequences of a water famine. Last summer residents had a painful experience, and unless copious rains fall, this summer will be worse.

At that time Cessnock was a township largely consisting of wooden buildings and, as the town grew, so too did the risk of fire. So the need for a fire brigade also increased. Unfortunately, the town had neither the water resources nor the fire appliances necessary to form a brigade. The *Cessnock Express* editorial continued:

We should like to see our member (Mr M. Charlton) shake up the Minister for Works again, and put the case strongly and clearly before him ... With the advent of water a fire brigade will be easily organised among the young men of the town ... but before we can urge a fire brigade we will have to get the water.

The scene was set for the first Cessnock Fire Brigade to be established. On 27 September 1909 the Cessnock brigade attended its first fire involving Lane and Quinn's store. It was the first fire of note for three years. It was a general merchants business and the brigade confined the fire to the drapery and grocery departments. An article at the time stated:

The alarm was raised about 11 o'clock. The streets, fortunately, were not quite deserted, as many patrons of a miner's benefit concert lingered near Cessnock Hall, and they were soon on the spot to render assistance.

The newly-formed brigade were at once summoned by the ringing of the fire bell (temporarily set on boxes), and brigade members ... lost no time ... getting out the reel, hose and other appliances. [A connection was] made with the fireplug in front of the Commercial Bank ... The firemen applied the hose effectively and there was a splendid force of water. Everything favoured the brigade—arrival in the nick of time, good supply of water, dropping of the wind and all working with a will ... The control of operations in the early stage was in the hands of First Lieutenant Springbett, and later on in charge of Captain Craig ... The building in which the fire originated is one of the largest and most extensive wooden structures in Cessnock.

The brigade went on to much bigger and better things. The captain of Cessnock Fire Brigade is Brett Plumb, son of Kelly Plumb, the former sporting master at Cessnock High School, and Darren Brown, son of John Brown, plays a pivotal role in the brigade. The Minister attended the celebration together with present and former brigade members and viewed all the brigade's appliances. There was also a barbecue. The community, especially the children, loved the march past by the fire brigade marching band and the brigade along the main street of Cessnock—something we do not see very often in Cessnock. They were cheered on by many community members. As the local member I was very proud to see the people who put themselves on the line for our benefit and to save our properties get the respect they deserve. More such parades should be held in all our communities.

TWEED HOMELESSNESS

Mr GEOFF PROVEST (Tweed) [1.07 p.m.]: Once again, I inform the House of some serious issues in the great electorate of Tweed. As members know, I am 100 per cent committed to the Tweed. Recently I received correspondence from Mr John Lee. For a number of years Mr Lee has run a great organisation, You Have a Friend, whose primary goal is feeding homeless people living on the street. Mr Lee wrote:

Over the last few weeks, I have become very alarmed at the homeless situation in not only the Tweed district, but in Tweed Heads. Daily I am supporting people who are sleeping under buildings and in cars or have a place to stay but no money for food or simple everyday goods. I am now taking food to some of them as they are too tired to walk to our outreaches and have been pushed further and further out of the area. Many of those are asking the authorities for support and there is nothing being done for them. Basically they are being told there is no accommodation and nothing can be done for them. It does not seem to matter many are women.

Many of those women have young children. Mr Lee referred to a couple of cases:

One of the local accommodation services, last week advised a 50 year old lady to come back in a week as her case counsellor was away and she would have to stay on the streets. This lady has recently been sexually abused, ran from her accommodation, is now sleeping under a building and is totally fearful of the authorities and other homeless people who roam the streets at night. When I take her food and clothing and bedding, she moves quickly to not bring attention as to where she is staying.

Another described by John Lee is as follows:

2 weeks ago we paid for a woman and her husband to stay in a hotel. She has cancer of the leg. Waiting for an operation (may lose her leg). Housing (Coffs Harbour) told her to prove she had looked at 19 houses for rent before they would help her. She cannot walk, and has no money for bus fares, so how is she to move around the Tweed looking at houses? If it was not for Blair Athol (Queensland)—

a great organisation—

and the Anglican Church, she would still be on the streets behind the church in the cold and rain.

The list goes on and on. Last year I went on the streets with police and ambulance officers and saw two young children under the age of 11 who had been living in a tent at Coolangatta Golf Club for the past month. I gathered together 38 community groups and government institutions, such as the Department of Community Services, the Department of Education and Training and the New South Wales Police Force, and that fabulous club, Twin Towns Services Club, provided financial support. We commissioned the local TAFE to design a professional business plan, which is called "Square One". We presented this great initiative to the Minister for Housing and are awaiting a formal response. Under the plan, emergency accommodation will be created for up to 47 people, particularly youth, on a nightly basis. This crisis accommodation is needed desperately.

The Tweed has a youth problem, despite the comments of Assistant Police Commissioner Dave Owens. There are not enough police in the area. Before Christmas there was the unfortunate incident involving Martin Grove, who took his own life after being harassed by youth gangs in the Tweed. All we hear from the New South Wales Government is that we have more than enough police. But the Tweed has only one police officer per 750 people, whereas the rest of the State averages one per 500 people. We do not have enough police officers. People wait hours for the police to respond, which has caused a great deal of frustration in the local community.

Simon Nance of the Safer Communities Alliance is hosting a public rally to protest our insufficient police numbers. I also want to protest against insufficient resources for our youth on the street. The rally will take place at Cudgen Leagues Club on 28 March 2010 at 10.00 a.m. I estimate an attendance of well over 1,000 people. The proposal is to hand me a petition to present to Parliament containing many thousands of signatures and demanding greater police numbers. Assistant Commissioner Owens, obviously acting under the instruction of the police Minister, has said that we have more than enough police in the Tweed. So why is youth crime rampant?

Representatives of media organisations have accompanied me on street patrols at night to report on the unrest. The Police Association of New South Wales has supported our call for more police. It has stated that on Mondays through to Wednesdays police can provide only a first-response vehicle and they are lucky to have a second one for the remaining days. A large number of people in the Tweed are over the age of 65. These people have worked hard for this great State. They deserve greater respect and more resources, and we also must provide more resources for our youth. Once again, I am 100 per cent for the Tweed.

MAITLAND FLOODS

Mr FRANK TERENCE (Maitland) [1.12 p.m.]: The date 27 February 2010 marks 55 years since the Maitland floods in 1955. Those floods came to symbolise flooding events throughout Australia. They were the first nationally televised floods, emergencies or natural disasters in Australian history. It is important to note the context of the floods. Heavy rains fell over the whole of eastern Australia from October 1954. Total rainfall between Nevertire and Dunedoo exceeded 250 millimetres in 24-hour periods. The rains moved east across the Liverpool ranges and down to the already saturated and soaked lands of the Hunter. In Maitland the river surged nearly a metre higher than it had reached in the previous three years. The statistics show that 5,000 homes were flooded or submerged; 15,000 people were evacuated, with many plucked from rooftops by boat and helicopter; 31 homes were destroyed and many more homes were so badly damaged that when the water receded they had to be demolished; and 16 lives were lost, including five due to electrocution during rescue attempts. It was a tragedy of major proportions.

Maitland is one of the most flood-prone areas in Australia. Its constraints, physical and otherwise, have made it a challenge over the decades to map out and plan its growth. Today, however, this regional city maintains a growth rate that we can be proud of and sits geographically at the centre of the lower Hunter. Indeed, it operates as the economic driving force of the Hunter region. Dealing with floods and their consequences—human, economic, physical and otherwise—is part of life in the Maitland area. Floods have occurred in the past and no doubt will occur again. We must remember and appreciate the outcomes of these events. First of all, I note the legendary and heroic stories of people who sacrificed their lives to save others and the people who lost their lives whilst going about their normal daily work. Who could forget the story about the people in the signal box at Maitland railway station? The raging waters caused a shifting of the signal box, which resulted in their deaths.

As a result of the floods, Maitland now has a world-class, unique flood mitigation system, which moves the water around in a sequenced way. The emergency services personnel know that when the water reaches a certain height in a certain area they will have to commence evacuation procedures in the Maitland region. I pay tribute to the Department of Environment, Climate Change and Water for this excellent mitigation system. The State Emergency Service was established following the 1955 floods. We have a world-class, modern, professional outfit of highly trained officers performing the role of emergency services. We also have great volunteers who put their safety on the line to save others.

I also note the human stories of courage, sacrifice, tragedy and loss from which Maitland has been able to survive. The history of Maitland includes the history of flooding and the character that has been shaped and developed over 200 years from dealing with these events. Recently a book was published entitled *Maitland, City on the Hunter, Fighting Floods or Living with Them?* Those who contributed to this book include the catchment

management authority, the Department of Environment, Climate Change and Water and local historians, such as Peter Bogan. Mr Bogan conducts flood walks around the Maitland area. He knows all about the history of the Maitland floods and has had a large input into this book. I pay tribute to him and to his ongoing services to the community.

Maitland is a rapidly growing area. People who moved into the area in the 1980s and 1990s and did not experience the 1971 flood were shocked when flooding occurred, such as in 1998 and 2007. Books such as the one I referred to help to inform people that we have not rid ourselves of flood events or cured the problem. We have mitigated the problem. Maitland has been, and always will be, a flood-prone area. It is important for people to know what to do in case of floods. The book talks about how the mitigation system works and what people should do in a flood event. Fifty-five years on, we are much better equipped to deal with flood events. Nevertheless, floods are part of the Maitland character. I pay tribute to all those who have been involved in preparing the area for future events.

ACCOUNTABILITY ROUND TABLE AND POLITICAL CULTURE

Mr PETER DRAPER (Tamworth) [1.17 p.m.]: Like many people in New South Wales, I welcome the news that Premier Kristina Keneally will outline her vision for the State and that Opposition Leader Barry O'Farrell will present his alternative plans during a head-to-head debate to be held some 12 months out from the next State election. The people of New South Wales are looking for real commitment from their leaders. They are sick of the lack of policy, the spin and the non-core promises. Last week I heard the former anti-corruption royal commissioner and judge Tony Fitzgerald make what he described as his "swansong" on the state of government in Australia.

Tony Fitzgerald is one of the most respected people in Australia when it comes to ethics in politics. Many people in the community, who are concerned about the way the political process is evolving, echo his sentiments. Mr Fitzgerald delivered his assessment when launching an initiative of the Accountability Round Table, which is designed to reward politicians for honour and integrity. Many in the community will have even greater respect for him when they learn that his comments were not directed at individual politicians, a specific political party, or a particular State. As he humbly put it:

... my opinions are simply those of an extremely fallible aging private citizen, with children and grandchildren who is interested in Australia's future.

Since exposing corruption in Queensland during the late 1980s, Tony Fitzgerald has made very few public comments, only breaking his silence last year to accuse the Queensland Government of slipping back into the bad old ways. In last week's speech he critiqued Australian politics more generally. Tony Fitzgerald says that the prevailing political culture is amoral, anarchic, controlled by money and lacking in ethics, oversight and accountability. He says that too many politicians are motivated by power rather than public interest, and further there is too much Government by executive. He described our democracy as being not broken, but bent. Tony Fitzgerald, like many Australians, is worried that there is a growing dominance of Australian politics by career politicians and self-interest groups with a disregard for the public interest in favour of political advantage. He says that voters are little more than observers to a substantially rule-free political contest. To quote him:

The community is ill served by this escalating transfer of power from the public to the dominant political parties, and the party's disinterest in ethical constraints and resistance to oversight and accountability even by independent anti-corruption bodies. Without satisfactory legal and ethical fetters, the political process like all human constructs, can be and is, manipulated and exploited to advance personal and group interests.

Tony Fitzgerald is worried that a political class has evolved that is interested in little but the acquisition and exercise of power, and he says that the major parties are abusing their position, which is entrenched partly by wealth. He says that democracy is being undermined because of a disregard for Westminster conventions and an obsession with media management, along with the ability of well-connected individuals and groups to wield influence. To quote Tony Fitzgerald again:

It is now extremely difficult, if not impossible, for another competitive political force to emerge because of the financial advantages held by the two major parties and the critical role that money plays in political activity. Decisions favouring special interests are common. Secrecy and misinformation, euphemistically called 'spin' are routinely employed. Media management as it's called, insults and confuses the electorate, which is denied the comprehensive accurate information, which is essential to the proper functioning of democracy.

Many people would agree with Tony Fitzgerald's summation that most, if not all, conventions concerning standards of political conduct, which the Westminster system once incorporated, including ministerial responsibility, are now obsolete. Mr Fitzgerald says he has witnessed social division, populism and prejudice used as political tools, while support for fundamental institutions is abandoned for political advantage. To quote Tony Fitzgerald again:

The prevailing political culture is increasingly amoral—with each party lowering its standards, exploiting gaps in the law, and disregarding ethical standards in order to compete. You've heard the phrase "winner takes all" and you've heard the political phrase "whatever it takes".

Tony Fitzgerald has eloquently spelt out exactly what far too many in the community also believe. This is a sad reflection upon our democracy. Every member of this place has a responsibility to work towards correcting those perceptions and regaining public confidence in the parliamentary process. There has been much discussion over the past 12 months about cleaning up the system of political donations; however, the major parties, along with their vested interests, have much at stake when tackling this very important issue. To date it seems that guidelines will be changed to make it even more difficult for candidates who are not affiliated with a major party—that is, independent candidates—to afford a political campaign. By the way, the Accountability Round Table is now taking nominations for awards to honour parliamentary integrity. Nominations must be lodged no later than 11 April this year and can be posted to the Accountability Round Table, care of Post Office Box 8121, Camberwell North, Victoria, 3124. I wonder who will be nominated?

BUNDARRA DROUGHT ASSISTANCE

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [1.22 p.m.]: The exceptional circumstances declaration process in relation to Bundarra has been the subject of discussion and debate in the Chamber this week. Since Bundarra was excluded from the exceptional circumstances declaration process in March last year, despite the efforts of the then Minister Ian Macdonald to have it remain in the process, the process has been nothing but a farce. The exceptional circumstances declaration processes have frustrated the community in every possible way. I have called it the impenetrable fortress around funding that country people—farming communities—desperately need. The State made application to the Commonwealth for exceptional circumstances funding, but it was unsuccessful. I understand that the applications cost approximately \$50,000, but the selection criteria makes it almost impossible to get a positive result, as we are seeing with Bundarra.

Mr Peter Draper: And Barraba.

Mr RICHARD TORBAY: As the member for Tamworth rightly points out, this also affects constituents in some parts of Barraba. The National Rural Advisory Council's decision last week to reject the most recent application is a prime example of how the bureaucratic minutiae of the process continues to frustrate. Many farmers are out of water for stock—and almost out of water for their families—and are finding it very difficult to survive financially. Only this week I approached Minister Steve Whan after the Commonwealth rejected the application. I thank him for immediately contacting the Federal Minister Tony Burke and indicating that he would be prepared to make a new application on a new boundary to meet the criteria for active consideration by Minister Burke. Today Federal member Tony Windsor advised me that the Hon. Tony Burke has agreed to consider the application. We are doing all we can. I thank the Premier and Minister Steve Whan for visiting Bundarra and seeing firsthand the desperate circumstances that the drought has delivered—

Mr Peter Draper: And the fires.

Mr RICHARD TORBAY: As well as fires, which has been the subject of a separate application and declaration. The Premier and others have said that if Bundarra does not qualify for exceptional circumstances funding, then nobody does. I agree wholeheartedly with those comments. Therefore something is wrong with the criteria. If we do not change the criteria under which these assessments are made at a Federal level and make them more flexible, farmers will continue to miss out when they are in desperate need. Surely the exceptional circumstances fund at the Commonwealth level was set up to support the very people who are being shut out because of the bureaucratic processes involved. Quite frankly, it is outrageous and very frustrating. I ask Minister Whan and the Premier for their support in convincing the Federal Government to change the criteria and make them flexible.

This issue has been used to score political points. Federal National Party members, including a Federal senator in our area, have criticised the State and Federal governments about the assessment criteria. Let us

remember that these rules have been in place for many years and previous attempts to change the Federal criteria were rejected by the Coalition Government, which was in power for 11 years. This process requires change. It has required change for many years under both Labor and Coalition Federal governments. I urge them to put the issues of the community forward and make changes that will assist them rather than play point-scoring politics, which is greatly concerning the community.

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [1.27 p.m.]: I thank the ever-tenacious and vigilant member for Northern Tablelands for raising this important issue that confronts us all. It is easy, from a city point of view, not to fully understand the disappointment and frustration of rural communities during periods of drought and fire. The system of exceptional circumstances applications was set up to alleviate the sorts of concerns and frustrations that these people have unfortunately had to endure, and it is of real concern that it is simply not working.

I know through my own constituents in Bankstown who have had contact with rural areas that a major concern about these applications has to be dealt with. In that context I am pleased that the member for Northern Tablelands has had recent contact with Minister Steve Whan and that the Premier has demonstrated her immediate concern about the issues. I am confident that, by the tenacity of the member for Northern Tablelands and with the support of colleagues, this important issue will be communicated to the Federal Government and that changes will be made to the system of applying for exceptional circumstances so that it is user friendly and delivers where it should.

ELECTRICITY PRICE RISES

Mr DARYL MAGUIRE (Wagga Wagga) [1.29 p.m.]: I can remember no other time in the 11 years I have had the privilege of representing the electorate of Wagga Wagga when my office has had more complaints about access to energy and its cost. Yesterday's decision by the Independent Pricing and Regulatory Tribunal to allow prices to skyrocket under the State and Federal Labor regime has alarmed constituents. I will give some examples of the sort of correspondence I am receiving. One letter from a correspondent in Lockhart reads:

I am angry. Very Angry. Your authority IPART is responsible for approving applications by State Water and Electrical bodies to raise their prices by huge amounts???

Last year I spoke with a consultant at IPART following a substantial increase in electricity charges including serviceability fee following approval by IPART for Country Energy to increase their prices and was met with a rather arrogant response. This response informed me that this organisation needed to have a price increase approved in order to maintain pace with inflation and increased charges in maintaining infrastructure. More recently a substantial hike in water accounts resulted in an increase of some 60%. Now, it has been released that there will be an even higher increase in electricity charges by some \$600 per household per year. While a rebate is muted as a sweetener, it is insignificant and does nothing in the way of improving the affordability of utility charges for us, the average householder.

Another correspondent, a Ms Mulholland, wrote:

Dear Mr Maguire,

PLEASE STOP COUNTRY ENERGY IMMEDIATELY FROM DOUBLE CHARGING WAGGA WAGGA GAS AND ELECTRICITY CONSUMERS

Could you please arrange to legislate against NSW Government/Country Energy to stop **double charging** me and all Wagga and surrounding customers for our electricity and gas and refund us EITHER:-

a) the Electricity Service Availability Charge as well as the Gas Access Charge,

OR

b) the 2 most recent infrastructure electricity increases which the State Govt has levied against all Sydney electricity and gas consumers.

Upon relocating back to Wagga Wagga in 2006 I enquired from Country Energy about my exorbitant Electricity bill for 1 person in a standard unit. I was told "*that all Country Energy customers are charged this extra electricity service availability and Gas Access Charge" to compensate for the lower volume of customers as compared to the much larger Sydney Metropolitan area*".

SUMMARY: Listed below is a summary of some of Electricity and Gas costs I incurred ...

<u>ELECTRICITY USAGE</u>	\$766.38
<u>ELECTRICITY SERVICE AVAILABILITY CHARGE</u>	\$546.04
<u>GAS USAGE</u>	\$538.39
<u>GAS ACCESS CHARGE</u>	\$487.86.

NOTE: IN 9 OUT OF MY 11 GAS BILLS (ALL EXCEPT 2) THE GAS ACCESS CHARGE IS HIGHER than the actual GAS USED.

I hereby request you bring this unjust double charging by Country Energy before State Parliament as soon as possible and legislate ...

The letter goes on and Ms Mulholland offers to assist in any way to campaign against these outrageous costs. I wrote to the Minister for Energy in response to Ms Mulholland's letter and I received a reply from the Minister. In all the years I have been a member of Parliament this was the most uncaring, unsympathetic letter that I have ever received from a Minister. He did point out, however, that a rebate is available to help people who are doing it tough, which had been increased to \$130 a year per individual, although conditions apply to be able to receive that rebate. I note that yesterday the Premier announced that it was \$145. The question is: Is it \$130 or is it \$145?

In his letter the Minister informed me that medical energy and life support rebates are available and that there is a Low Income Household Refit Program, hardship policies, energy accounts payment assistance, and a customer assistance policy. The Minister then gave some hints, which I consider to be insulting. The Minister suggested turning off a second fridge for six months during the cooler months, installing ceiling insulation, shutting doors, closing curtains, fitting a water-efficient showerhead and switching off appliances and equipment.

Pensioners, people on disability pensions and people on fixed incomes are already doing it tough; they are really struggling. With this skyrocketing price about to hit them the offices of members of Parliament on both sides of the House will be busier than ever with representations from people who simply cannot afford to pay their energy costs. These are but two examples of a number of representations that are being made consistently to my office by individuals in the Wagga Wagga electorate. I daresay that every member of this House will receive a similar number of representations from their constituents, if they are honest enough to admit it to the House. The Government should reject these horrendous price increases that will affect all people in this State, but particularly people from country areas who, because of distance, have to pay a greater amount. This cost increase will disadvantage business, it will disadvantage regional and rural New South Wales, and it will disadvantage people on disability pensions and fixed incomes.

COUNTRYLINK STAFFING

Mr MALCOLM KERR (Cronulla) [1.34 p.m.]: I bring to the attention of the House CountryLink staffing. Anyone who goes to Cronulla railway station will see an abandoned office that is marked "CountryLink". I wanted to travel by rail through the electorate of The Entrance during the Christmas holidays. When I went to the Sutherland railway station on a Saturday I was told there was insufficient staff to book me on a train and that I should come back on the Sunday. When I went back on the Sunday I was informed that they were unable to process my booking because the system was not working. I then rang the complaints line for RailCorp. I waited 15 minutes before I could give the details of my complaint. Subsequently I received a letter from RailCorp. The person who wrote the letter stated:

I have spoken with the Station Manager about your issue and he advised that a staff member had an issue with his pin number and could not access the system. The staff member tried to contact our helpdesk for support but was not successful.

This example shows a lack of resources at railway stations, in this case Sutherland, and no doubt in other areas of my electorate. Not everybody has access to the Internet, particularly pensioners. The CountryLink office at Cronulla worked very efficiently. Its staff was very obliging. I understand it operated at a profit and was of great benefit to people who travel by rail, including those who wanted to travel through the electorate of The Entrance. I bring this to the attention of the House.

Private members' statements concluded.

**The House adjourned, pursuant to standing and sessional orders, at 1.37 p.m. until
Tuesday 20 April 2010 at 1.00 p.m.**
