

LEGISLATIVE ASSEMBLY

Wednesday 22 September 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.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

CONSTITUTION AMENDMENT (RECOGNITION OF ABORIGINAL PEOPLE) BILL 2010

Agreement in Principle

Debate resumed from 21 September 2010.

Ms JODI McKAY (Newcastle—Minister for Tourism, Minister for the Hunter, Minister for Science and Medical Research, and Minister for Women) [10.07 a.m.]: I am pleased to support this bill, which will provide a formal constitutional recognition of Aboriginal people as the first people of New South Wales. This amendment to the Constitution Act will provide acknowledgement of the spiritual, social and cultural connection Aboriginal people have with their land and waters, and the significant contributions Aboriginal people have made to our community. Reconciliation between Aboriginal and non-Aboriginal people in Australia is a work in progress and this proposal builds on the New South Wales Government's commitment to Aboriginal people. Regrettably, the actions, words and behaviour of a few in our society have not always helped the community's efforts to work towards reconciliation. My colleague the Minister for the State Plan, and Minister for Community Services, and the first Aboriginal person elected to State Parliament has spoken of the significance of this move to acknowledge Aboriginal people and the value of their contribution. She said:

This formal recognition is very important to the Aboriginal community. It's a sign of respect and it has come at a time when the issue of racism has reared its ugly head again. This constitutional recognition will go some way to healing wounds.

Each of us must work towards healing those wounds. Constitutional recognition as the first people of New South Wales marks another important step towards righting the wrongs of the past and embracing a positive future for Aboriginal people in New South Wales. The national apology to the stolen generations, delivered on behalf of the nation by former Prime Minister Rudd, was such a significant occasion in Australia's history and provided renewed momentum to the efforts of reconciliation across the country, which had stalled under the leadership of former Prime Minister Howard. The recognition of Aboriginal peoples in the New South Wales Constitution builds on the direction taken by the national apology to further reconciliation and harmony between communities, showing respect to indigenous peoples and working to reduce the gap that exists between indigenous and non-indigenous people across New South Wales. In announcing the proposed new section for the New South Wales Constitution, the Premier said:

Constitutional recognition reminds us that the determination to close the gap in a range of indicators continues.

Aboriginal people make up an important and sizeable section of the Hunter region's population, and it is growing. I am advised that the Aboriginal population of the Hunter region is forecast to increase by 36 per cent over the next 12 years, from 18,377 last year to 25,062 in 2021, making the Hunter the third-fastest growing population of Aboriginal people in New South Wales. We have a responsibility to Aboriginal communities to target resources to help eliminate inequalities between indigenous and non-indigenous populations across a range of areas, particularly in health, housing, education and job creation.

I know that people across Newcastle and the Hunter region will welcome the formal recognition of Aboriginal people as the first people of New South Wales as another milestone in achieving better outcomes for

Aboriginal people. Many people in Newcastle and the Hunter have been campaigning for greater recognition of the contribution of Aboriginal people, which will help correct the imbalance that exists between indigenous and non-indigenous people. Respected Awabakal Elder Auntie Sandra Griffin has also welcomed the recognition of Aboriginal people in the New South Wales Constitution as a truly significant milestone for Aboriginal people. In a fax sent to me, Auntie Sandra wrote:

It is indeed an historic day for us the Aboriginal people to be formally acknowledged as the State's first people. It is a giant landmark step ... I feel I will never walk again but float on Mother Earth ...

Such words of passion show the heartfelt meaning this gesture of constitutional recognition has for indigenous peoples in New South Wales. Auntie Sandra is a highly respected Awabakal woman, who has stood up for her community and is widely loved throughout Newcastle and the Hunter. Her endorsement of the Government's proposal for constitutional recognition gives me all the reasons in the world I need to support this measure. Today is also a day for which non-indigenous citizens can be proud, knowing how important the decision of this Parliament will be for our Aboriginal citizens. Recognition of Aboriginal people in the New South Wales Constitution will further demonstrate our respect for Aboriginal people as the traditional owners of the lands and waters of New South Wales, and show that our State values their contribution to the community.

I note that the Federal Parliament may also consider a bill for a referendum to include similar recognition of Aboriginal people in the Commonwealth Constitution as part of the arrangements between the Gillard Government and the Independents in the House of Representatives. This would be another important milestone towards reconciliation. I will close with a statement made by an Aboriginal man who spoke with my office on the significance of the constitutional recognition of Aboriginal people as the first people of New South Wales and other important measures, including the 1967 referendum granting citizenship to Aboriginal people and the national apology. He said:

These are big steps, slow steps, but appreciated steps ...

I commend the bill to the House and look forward to its unanimous support in this place as a very strong indication to Aboriginal people around New South Wales that we are as one on the need to acknowledge and respect Aboriginal people and achieve reconciliation within our community.

Ms KATRINA HODGKINSON (Burrinjuck) [10.13 a.m.]: I support the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. Recently we were privileged to witness a special smoking ceremony here at Parliament House and to be in the company of two eminent indigenous Australians as the Premier introduced and spoke on this bill, as did the Leader of the Opposition and the Leader of The Nationals. The bill inserts a section into the principal Act, the Constitution Act 1902. Clause 3 states:

2 Recognition of Aboriginal people

- (1) Parliament, on behalf of the people of New South Wales, acknowledges and honours the Aboriginal people as the State's first people and nations.
- (2) Parliament, on behalf of the people of New South Wales, recognises that Aboriginal people, as the traditional custodians and occupants of the land in New South Wales:
 - (a) have a spiritual, social, cultural and economic relationship with their traditional lands and waters, and
 - (b) have made and continue to make a unique and lasting contribution to the identity of the State.
- (3) Nothing in this section creates any legal right or liability, or gives rise to or affects any civil cause of action or right to review an administrative action, or affects the interpretation of any Act or law in force in New South Wales.

That addition to our Constitution is a bit decorative but I am happy to support it. Throughout my life, I have had numerous conversations and friendships with many Aboriginal people, and I know that many people in my electorate will be excited today about this amendment to our Constitution going through. I think back many years ago to when I was in kindergarten at Yass Public School. Times were not so great back then; segregation was a significant issue. I can remember one teacher making the young Aboriginal kids sit up on the fence while we all played in the playground and thinking how unfair that was. I had a very dear Aboriginal friend and we would sneak off together and do things like dig up yams and find witchetty grubs. It was a time of great fun. However, it is awful to think that throughout white colonisation of this nation people have not been treated equally. There are all sorts of reasons for that through history, and we must accept history the way it is. But

perhaps this amendment is one way of assisting reconciliation in regional and urban areas throughout New South Wales, in the same way that Victoria and Queensland have attempted to do by inserting a similar section in their constitutions.

My dear friend, Eric Bell, who is an incredible role model to the Yass community, will be pleased with this amendment, as will all his relatives. Uncle Eric is an incredible role model to all people in the Yass community, regardless of colour. He is an inspiration, a hard worker and a great supporter of ensuring that Aboriginal people living in Yass are motivated to improve the local community, whether it is by improving walking trails along the Yass River or participating in work-for-the-dole programs. When work-for-the-dole programs came along Eric was determined to ensure that our local indigenous community was part of that. The program gave people a reason to get out of bed in the morning. For too many years there has been an attitude about welfare, and I think it still a significant issue today.

Yesterday I attended a luncheon in Sydney, held by the Australia-Israel Chamber of Commerce. The guest speaker was Andrew Forrest—his nickname is Twiggy—of Fortescue Metals. During the Federal election campaign, he was prominent in the media talking about the mining tax, carbon taxes and so on. He is featured in the financial pages today, as are others such as the chief executive officer of BHP. The luncheon was interesting because Andrew Forrest wanted to get out the message that we need to be aware of a new program to support indigenous young people getting careers and getting training in a practical way. The program is called Generation One. Sometimes corporate entities will try to improve their image by doing something that comes across as being socially responsible and that tries to balance, in some cases, what they might be doing in other parts of their businesses. I was taken by the passion that Andrew Forrest demonstrated in relation to Generation One.

Andrew Forrest is the founder of Generation One. A couple of other senior corporate people are involved, as well as James Packer, former young Australian of the Year Tania Major, Lindsay Fox, and a couple of the Hollywood A-list have come on board as well. Generation One is a practical initiative that is determined to reduce the disparity of opportunities between Aboriginal and Torres Strait Islanders and mainstream Australians. It seeks commitments from employers and the broad Australian public to provide training to and employment of Aboriginal and Torres Strait Islander people. Its goal is for this generation to be the first to overcome the long history of inequality, the generation where our Aboriginal and Torres Strait Islander brothers and sisters—to quote the indigenous volunteers home page—"are no longer second class citizens in their own country". The Indigenous Community Volunteers coming out in support of this gives it greater credibility.

The scheme was launched in March of this year. The passion with which Twiggy Forrest approaches the program is wonderful. Yesterday he spoke about a big brother he was at school with, Scotty Black, who was a great defender of Andrew Forrest at school and apparently made sure he was not beaten up too badly in the playground. They lost touch for about 20 years, but Andrew went to Scotty Black's funeral and witnessed people's distress that Scotty had gone to his grave far too early. Andrew's son said, "What are you going to do about it, dad?" That is when Andrew Forrest realised that as a senior person in the business world he could do something. Training and educational opportunities where business leaders participate knowing that the people they are training will be valuable employees for them in the future should be great motivation for other community leaders to come on board. In this day and age wonderful things are happening to assist in the reconciliation process.

All members in this place are conscious of the need to ensure we have total equality for all Australians, regardless of background, colour or religion. Much of this goes back to the 1990s when we were talking about Mabo and land rights. The churches came on board strongly and I remember speaking passionately to the local Catholic Church in Yass in 1998, I think it was, about the need for reconciliation. Reconciliation has swept throughout New South Wales and Australia like a movement. In the past there may have been divisiveness and some fear that what was legally and lawfully gained by those doing well might suddenly be stripped from them but that has not happened. As a result, we have a more harmonious community in which to live. It is an exciting time in this Parliament's history to be recognising Aboriginal people in this way, and I commend the bill to the House.

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [10.23 a.m.]: The object of the Constitution Amendment (Recognition of Aboriginal People) Bill 2010 is to amend the Constitution Act 1902 to provide for recognition of the Aboriginal people of New South Wales in the preamble of the New South Wales Constitution Act. In the agreement in principle speech, the Premier acknowledged what she called the fundamental truth, that our many Aboriginal nations, cultures and communities make diverse and unique contributions to the life,

economy and character of our State. I fully support that statement, this bill and these changes as being positive. Many members have spoken about the symbolism of this bill. This morning I want to give practical examples from my experience, not just words but to talk about actions and changes in community thinking.

I grew up in a typical white Anglo-Saxon community at Woy Woy. In our school was Tracey, who would be classified as one of the stolen generation; she was the only Aboriginal member of our school. Back in the 1970s, we regarded Tracey as one of us; we did not regard her as any different. However, outside of school, the racism we witnessed was quite horrifying and from early primary school age that gave me the insight as to how bad people's racism can be.

When I attended teachers college, I became very good friends with Maxine. I shared accommodation with Maxine and a few other friends. Indeed, she eventually married my best friend and is still a good friend today. However, racism was again evident. People would make comments about Aboriginal people but then turn around to Maxine and say, "Oh yeah, but we don't mean you", because they became embarrassed when they realised she was standing there. More recently, my sister married an Aboriginal man named Craig, a fit, young, blond-haired young man and a very good footballer. However, even today racism still occurs, so I am a strong believer that the only way to change people's attitudes is through young people and through education.

When I was a school principal I signed up to a national program called Dare to Lead, designed to encourage commitment from principals and teachers in schools to change the culture. It has been clearly acknowledged that the way to overcome disadvantage is through education. The way to inform views in the community is through education. Dare to Lead is a Commonwealth-funded national project with a focus on improving educational outcomes for indigenous students. Dare to Lead began in 2000 when representatives of the four peak principals associations met at a national forum and agreed that indigenous education would be their highest priority.

Dare to Lead is now in its fourth phase entitled "Partnership Builds Success", with over 50 per cent of all Australian schools—more than 5,000—signed on as coalition members. I sincerely hope the remaining half sign up to the program also. Dare to Lead schools commit to improving the educational outcomes of all Aboriginal and Torres Strait Islander students and to ensuring that all students develop an informed understanding of Australia's indigenous culture and history. It is well known that whilst participation and success rates for Aboriginal and Torres Strait Islander students have improved markedly over the past few decades, they are still well behind the rates for the rest of the population.

It is also well known that, whatever their circumstances, indigenous young people's wellbeing increasingly depends on access to and success at mainstream education and what it provides. The coalition of schools involved in the Dare to Lead project is divided into clusters called action groups, which are led by experienced and willing school principals. These people support schools and their leaders to work effectively with current programs to initiate new models of activity that will result in not only improved outcomes for indigenous students but also support the wider goals of reconciliation and cultural understandings for all their students. Dare to Lead is a project of partnership that has seen school leaders learning together, and working with community and organisations to create many of these successes to date.

I would like to refer to some of the initiatives, particularly at two of my local high schools—Wyong High School and Gorokan High School. All of the schools in my electorate are deeply committed to the cause of improving indigenous outcomes. However, I will highlight these two schools as examples of some of the great projects happening across the whole electorate. Wyong High School and Gorokan High School, in partnership with Mingara Recreation Club and Wyong Shire Council indigenous worker Matt Sonter, created the Ngura program. In Darkinyung language Ngura means "together". The students involved in the program have graduated with a level 1 in Aboriginal studies, certificate 1 in fitness and a bronze medallion or bronze star.

The boys were given a 12-month gym membership and a few other students will complete a two-day lifeguard course in the next term which will lead to employment. Under that program the boys will work in partnership with primary feeder schools to mentor students and to teach different sporting activities. That is an example of a good and practical program that delivers certificates and that can lead to employment. I cannot commend more highly the different groups that are involved in that program. Twenty Aboriginal and Torres Strait Islander students in term four at Wyong High School will commence the Sista Speak and Bro Speak self-esteem program which focuses on numeracy, literacy and career goal setting. The program involves members of the Aboriginal community as mentors and guest speakers, strengthens the partnership between communities and schools, and recognises the cultural knowledge that Aboriginal communities have to offer and share.

Gorokan High School has the almost world-famous didgeridoo group and dance group. The Gorokan High School Aboriginal dance and didgeridoo groups have a strong reputation and perform in the genre of contemporary dance with Aboriginal movement. They are called on to represent Gorokan High School and the Aboriginal community at many formal functions throughout the Central Coast, Newcastle and Sydney. They perform and choreograph Aboriginal items at the Newcastle Star Struck, as well as perform at the New South Wales Schools Spectacular. Students have performed before former Premier Morris Iemma and Federal Minister Peter Garrett, to name but a few. They are principal performers at functions held by the Aboriginal Educational Consultative Group Inc. [AECG] and the Department of Education and Training, and they perform the opening act at the Central Coast dance festival. Each student has a strong work ethic and is showing true leadership. Three students have been selected as prefects next year, which demonstrates that programs such as this contribute to leadership and to improved Higher School Certificate results.

The art group at Gorokan High School comprises some very talented artists. Under the guidance of Aboriginal art teacher Leah Ingram students are entering local art competitions. They were successful in gaining first place in the Aboriginal artist category and first place in the collaborative category in the reconciliation competition of the New South Wales Department of Fair Trading, and that artwork will be used as the background for AECG publications. The group has sold artwork to the Department of Community Services, the State AECG, Central Queensland Indigenous Development Limited and other local organisations. The Gorokan High School Sista Speak program, which is aimed at young Aboriginal girls, focuses on wellbeing and grooming, covers many issues faced by young women, and empowers them to succeed in their chosen career. A strong point in the program is the inclusion of Aboriginal mentors who provide students with examples of how to succeed. As many students do not live with their parents that program has proved to be very successful.

I highlight a particularly important project in our schools and communities. Bronwyn Chalmers is President of the Darkinjung Local Aboriginal Land Council which covers the electorates of Wyong, the Entrance and Gosford. I note that the members of all those electorates are in the Chamber. As Bronwyn said, when she performs her welcome to country she is proud to be a direct descendant of the Darkinjung people who speak the Awabakal language. She has 25 years of extensive involvement in early childhood, primary, secondary and tertiary education. She is passionate about her work as an Aboriginal education officer and her service to the Aboriginal community. Bronwyn, who works at Wyong High School, was responsible for some of the projects to which I have referred.

With Bronwyn's support, in 2003 the Darkinjung Language Group Inc. was established to research and to find the thought-to-be-lost Darkinjung language. The group was given a small grant of \$2,000 to conduct that research. After five years of dedication, in 2008 the language was rediscovered from historical sources—dictionary and grammar—and launched as the Darkinjung revitalised language. I attended the fantastic launch of that program, which was extremely moving. The Darkinjung Language Group Inc. believes that language is the essence of those people and that it defines them as Aboriginal people. The goal of that group is to ensure that one day the language will be spoken by all Darkinjung people and the history of Darkinjung country will be taught in our schools, in TAFE and in the community. I support that project.

At another level I congratulate Wyong Shire Council on its recent agreement with the Darkinjung Aboriginal Land Council. This year, during National Reconciliation Week, the Darkinjung Local Aboriginal Land Council paved the way for all local Aboriginal land councils with the signing of the Principal of Cooperation with Wyong Shire Council—an historical document that sets the precedent for the way in which local Aboriginal land councils work in partnership with their surrounding communities and government bodies. The signing of that document demonstrates the true commitment of the Darkinjung Local Aboriginal Land Council to partnership and to building a mutually respectful relationship that will help to facilitate true and meaningful reconciliation between the Aboriginal and non-Aboriginal community. This agreement, which is a positive step forward with Wyong Shire Council, will help to bring about change and enhance cultural, environmental, economic and social outcomes for the Aboriginal community and the residents of Wyong shire.

Since the signing of this historic document the theme "Reconciliation: Let's see it through" will not just be words on paper; it will be the motivation behind Aboriginal people achieving their aims. Representatives from the Darkinjung Local Aboriginal Land Council and the Wyong Shire Council will meet four times a year to discuss and to plan strategically in the common interest to ensure that the aims of that agreement are met. These practical examples of reconciliation in action will ensure that young indigenous people have a bright future and improved education. I hope that the racist activities to which I referred earlier fade away and are forgotten, as the young generation that is now coming through that has suffered racism will have those same unfair hang-ups.

During the upcoming long weekend the Central Coast will host the Aboriginal rugby league knockout competition in the electorate of the member for Gosford—something I am sure all local members will enjoy. I hope that, as a result of programs such as this, ignorant people who think only of stereotypes in the community will see the valuable contribution of our indigenous communities. The fantastic National Aboriginal Islander Skills Development Association college is located at Mount Penang. Students from all over Australia attend and undertake amazing training for dance, some of whom are chosen to be employed as part of the Bangarra dance group and other groups. We are hoping to expand that organisation and to link it with the new Kariong High School which is being constructed at Mount Penang. It is symbolic that we are including this legislation in the Constitution. I highly commend to members the Dare to Lead program. Members should ask their local schools whether they have signed up to that highly committed program. Schools that have signed up to that program have demonstrated improved results for indigenous students, which is what it is all about at the end of the day.

Mr BRAD HAZZARD (Wakehurst) [10.38 a.m.]: I support the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. In the 19 years that I have been a member of Parliament many changes have been made by this Parliament to the way in which we approach issues concerning Aboriginal people. This worthwhile amendment to the Constitution is a major step forward. On reflection I wonder why these changes were not made many years ago. Members should reflect also on the fact that in 1967—only 43 years ago—a referendum was held to give Aboriginal people the vote. It seems to me that in that time some things have moved forward very slowly and other things have perhaps moved forward more quickly.

Over the years for which I have been a member of this place various reports have been produced and many major events have occurred. Very soon after I became the shadow Minister for Aboriginal Affairs, a position I occupied for 11 years, we had the big challenges of Wik and Mabo. We also had issues concerning the Native Titles Act. We had the "Bringing Them Home" report and the "Breaking the Silence" report. We had a series of big issues which both Government and Opposition members have had to face, and I believe have generally done so with a collaborative and bipartisan approach. As I said, the step we are now taking is one that should have occurred a considerable time ago.

The issue of symbolism was talked about when the bill was introduced: the Ministers discussed it, and the Premier and the Leader of the Opposition discussed it. Symbolism is important because we need to send a very clear message to the Aboriginal people in this State, and indeed right across Australia, that they are valued, that we care about their future, that we see them as integral to our modern day Australia, and that we value Australia's 40,000 to 60,000 years of history and their caring for this land.

In that sense it is proper also that I acknowledge the traditional owners of the land upon which this Parliament stands, and that I acknowledge elders past and present. I hope they see this as an important, significant and worthwhile step forward. I believe they do. Many of the Aboriginal people I have known over the years have discussed with me their feeling that they are not recognised for their inherent contribution to this country, that they are not recognised in the way that others are. Hopefully this will be one small step to indicate that this Parliament is trying to right that wrong.

Over the years I have known some incredible Aboriginal people, some of whom have passed on. One such person is Judge Bob Bellear, with whom I attended university. I saw his wife just recently at the funeral of Jeff Shaw, whom I regard highly. Indeed, Jeff Shaw's contribution in this area should never be underestimated. He may not have been of the political persuasion of my colleagues, but these matters transcend politics. Jeff Shaw's commitment to Aboriginal people and to righting the injustices is certainly out there for all to know about. Bob Bellear, who sadly died a few years ago, was one of the early pioneers, in the sense that he was at the University of New South Wales back in the 1970s, at a time when it really was a major hurdle—it still is a considerable challenge—for an Aboriginal person to get to university.

Certainly for an Aboriginal person to become a barrister, and later an eminent judge, was a mighty achievement. In this place we do not talk much about the Bob Bellears. Others who have taken the fight for recognition and equality out there to the world include Mick Mundine from the Aboriginal Housing Company; Faith Bandler, who many of us would know; and Bev Manton and "Chicka" Madden, who were in this Parliament a week or so ago for the introduction of this bill. There are many, many great advocates on behalf of the Aboriginal people of this State, and indeed Australia.

But, in the end, advocates can only put a message to ears that want to hear, to people who want to, with goodwill, ensure that the messages that come to us are heard and acted upon. This amendment to our

Constitution is therefore fundamental to the way we move forward. It is a time to look forward, not necessarily back. But we have to understand where we have come from and understand therefore the imperative to move forward as a combined people, non-Aboriginal and Aboriginal alike.

Last night the Minister spoke about the dichotomy between symbolism and outcomes. It is not appropriate in this debate to be overly critical of government action or inaction; however I will say this. Both sides of politics have a lot more to do in righting the economic wrongs that still exist: the health challenges, and the social and employment issues that still impinge on Aboriginal people in this State. I have placed on record many times my concerns about those issues and, as I said, I will not spend a lot of time on that today. However, both sides of this House need to acknowledge that while symbolism is important, we need to get on with continuing to support Aboriginal people in the long road they still have to travel to achieve true equality.

In 1995, before I was the shadow Minister for Aboriginal Affairs, I wrote to the then Speaker in the Parliament and suggested that there should be a place in this, the mother Parliament of this country, to acknowledge Aboriginal people. When I became a member of this place in 1991 I was quite surprised to see that the only acknowledgement of Aboriginal people in this Parliament comprised a couple of panels of about 20 or 30 photographs in the Jubilee Room. The photographs simply showed Aboriginal people in the context of where they were when Europeans first arrived in this country. Some private debate took place about whether this was appropriate.

I acknowledge that it was after the 1995 election, after discussion with the then Labor Speaker, John Murray, that John acknowledged the proposal and he worked with the Aboriginal community and me to determine how we should have a place set aside in the Parliament to acknowledge the Aboriginal cultural history of this country. Eventually, the western wall of the Parliament's forecourt was chosen as being the appropriate place where visitors to the Parliament, the mother Parliament of this country, could see and sense the Aboriginal cultural history of this country. Since that time it has been left to the Aboriginal community to determine what will be on display in Parliament.

One of the matters of unfinished business, as far as I am concerned, is the fact that I proposed at that time that the Aboriginal flag should also be hung in the area of the western wall of the Parliament's forecourt. I understand the sensitivities that existed at the time, but I think we have moved on. I say to the House that perhaps it is now time that, in addition to the New South Wales flag being displayed in this Chamber, an Aboriginal flag should be displayed within the special display area I have referred to. I acknowledge that an Aboriginal flag is displayed in the outside forecourt area of the Parliament, but I suggest that one should be displayed in the internal forecourt display area.

Mr Rob Stokes: There should be one in the Chamber.

Mr BRAD HAZZARD: The member for Pittwater said an Aboriginal flag should be displayed in the Chamber. That is a possibility as well. In fact, to my knowledge, other than the New South Wales flag the Aboriginal flag is the only flag to have been displayed in this Chamber. Indeed, the Aboriginal flag was displayed in this Chamber when we had what was referred to as the Black Parliament. During a particular celebration or reflection period, we did have the Australian flag displayed here. So the precedent has been set; it is just that it has been set for a temporary occasion. I propose to the members of this House and to the Speaker of this Parliament that the time has now come for us to reflect more appropriately and more openly the true commitment we have to the history and contribution of Aboriginal people to this place.

We are on Aboriginal land and that is the truth. This Parliament was built on Aboriginal land and I see no reason not to move forward or to have the Aboriginal flag located here. It would be done after consultation in the same way in which the display was done, and I think quite sensitively. It changes from time to time with Aboriginal consideration and determination of what should be here. I am not being presumptive about this; I am raising this issue with members on both sides of politics and I am saying that perhaps it is time we let Aboriginal people know that we are happy to have their flag, if they want it here, in the Parliament.

As we look on this historic moment, the amendment to our Constitution, I congratulate the Aboriginal Housing Company on its persistence. I will not reflect negatively in this debate on the current Government or on anybody else. I just say that it has been a challenge, a long road, for the Aboriginal Housing Company to get to the point where it received support for its Pemulwuy project redevelopment. Over a number of years Opposition leaders have met with Mick Mundine and over many of those years they offered support to get to a certain point.

Congratulations go to the Aboriginal Housing Company and, for that matter, to the Government, on finally reaching a point where it is supportive and it remains supportive of the project. We must support those in the community who are trying to further the best interests of the Aboriginal community.

Ms MARIE ANDREWS (Gosford) [10.51 a.m.]: The Constitution Amendment (Recognition of Aboriginal People) Bill 2010 that is before us today takes forward the concepts articulated by so many citizens of New South Wales and incorporates them into an inspirational statement, which will provide the context for our Constitution for many years to come. I take this opportunity to congratulate the Minister, who is in the Chamber, on the role that he played in introducing this bill. The bill is inspirational and aspirational because we are asking people to recognise the contribution of Aboriginal people for many generations to come. This recognition forms a foundational notion that we hope guides our policy and program, and that strengthens our relationship with the Aboriginal people of this State. I take this opportunity to thank the many people of New South Wales who made comments on the preamble to the Constitution over our two-month consultation period. In particular, I acknowledge George Savva Eleftheriades, OAM, of the Australian Citizens Committee for Civil Concerns, who said:

Well done! We salute your resolutions on this issue ... for decades, inter alia, we have been advocating for their constitutional recognition, and were deploring that these particular "nations of Australia" are marginalised and ignored. Our indigenous peoples ought to be self-represented in all our legislatures ...

I acknowledge also the comments of Gary Ella, Community Projects Officer, Aboriginal Services for Randwick Council, who said:

Congratulations to the New South Wales Government for finally proposing to add the significance of Aboriginal long existence and contribution to the culture of this State into the pre-amble to the Constitution of New South Wales (Constitution Act 1902) ... The formal recognition is long overdue.

I acknowledge also in our bipartisan approach to this bill the contribution of Mr Andrew Stoner, the New South Wales Leader of The Nationals and member for Oxley, who said:

I believe that a Constitutional amendment would be of great symbolic importance to indigenous communities and to Australia as a whole. I thank the honourable member for his comments on closing the gap on Aboriginal disadvantage.

The Law Society of New South Wales said that it welcomes the Keneally Government's proposal to amend the Constitution Act 1902 (New South Wales) by inserting a new section to honour the Aboriginal people of this State. There were 30 submissions. I will mention just one more to illustrate the depth of feeling among Aboriginal communities on this issue. These comments came from Richard McGuinness, chair of the Guraki Aboriginal Advisory Committee, who said:

On behalf of the Guraki Aboriginal Advisory Committee in the City of Newcastle Council, it is with great pleasure that I welcome the Keneally Government's decision to formally recognise this state's First Peoples in the preamble to the NSW Constitution. For generations Aboriginal peoples of NSW have been aspiring for due recognition and acknowledgement of their rightful place in this country, fighting continually for their lawful human rights.

I thank the committee also for its comments on the need to close the gap on Aboriginal disadvantage. As we have heard from New South Wales Premier Kristina Keneally, the New South Wales Government has contributed much to close the gap, to further improve the lives of Aboriginal people living in this State. The preamble takes into the future the sentiments of ordinary people and support for reconciliation. On a local note, I mention the setting up a number of years ago within the electorate of Gosford the Mingaletta Aboriginal and Torres Strait Islander Corporation, which receives the support of this Government. It is operating well in a prominent position at Umina. I pay tribute to Ray McMinn, Aboriginal elder, and his colleagues for the role that they played in setting up this magnificent corporation, which provides a number of services to the Aboriginal community on the Woy Woy peninsula and beyond, in particular, health and welfare services. I congratulate them and wish them well in their future endeavours.

As the member for Wyong mentioned, over the October long weekend the Woy Woy peninsula will have a swell in its numbers of about 10,000 to 12,000 extra people, many of whom will be participating in the statewide indigenous rugby league knockout competition. I know that many of us are looking forward to that occasion. Our schools, both State and independent, make a magnificent contribution in recognising indigenous people. I particularly mention all the State and independent high schools and primary schools in my electorate of Gosford which do a magnificent job in furthering reconciliation. I place on record my appreciation of their work.

I am proud to have been a member of this Parliament when Bob Carr was Premier and this was the first Parliament in Australia to say "Sorry" to Aboriginal people, which meant so much to Aboriginal people. It was very moving when, on the first occasion in the history of this place, Nancy de Bries addressed members from the floor of this Parliament, which was followed more recently by Bev Manton, the chair of the New South Wales Aboriginal Land Council, who also addressed members from the floor of this House. They are very important roles. Over the years we have seen Aboriginal land rights under Neville Wran and Bob Carr saying "Sorry", which received bipartisan support, and now we have this historical bill before us. I think we as members of the Labor Party can feel pride for what we have done. I recognise also that former Prime Minister Kevin Rudd said "Sorry" to Aboriginal people. Let us bear in mind the famous reconciliation walk many years ago across the Sydney Harbour Bridge, in which members of my family and I—and I know many people in this House—participated. We have come a long way but it has been a slow and painful process for many Aboriginal people.

In my electorate of Gosford quite a number of mature Aboriginal students left school many years ago and then felt the need to resume their studies. They have done well and are making a great contribution to their communities. I mention in particular Loretta Hardcastle who a few years ago I nominated as Woman of the Year for the Gosford electorate. I mention also Denise Markham. There are many more that could be mentioned but those two ladies came to mind. I recognise also Stuart McMinn, school captain of the Woy Woy senior campus, Brisbane Water Secondary College on the Woy Woy peninsula, and his sister Rachael McMinn who has participated in youth parliaments held in this House and who is a great debater. I grew up and received my schooling in South Grafton and my siblings and I knew the Mundine family. I am referring to Warren Mundine, who went on to become President of the Australian Labor Party, and to his siblings. What a great family they are and what a great example they set for Aboriginal communities. I commend the bill to the House.

Mr JOHN WILLIAMS (Murray-Darling) [11.00 a.m.]: I support the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. Any constitutional recognition of the rights of Aboriginal people in Australia, and New South Wales in particular, will go a long way to promoting recognition by Aboriginal people that they are not second-class citizens. The recognition events that took place earlier this month in this Parliament reminded me of the spectrum of indigenous conditions. Those people who represented the Aboriginal community on that occasion are fine, upstanding people. Unfortunately, I am constantly reminded of the other end of the spectrum in the electorate of Murray-Darling. I often visit the township of Wilcannia—in fact, Jenny Macklin, the Federal Minister for Indigenous Affairs, is visiting there today. It is of huge concern to me that education, health, housing, child welfare and employment have all failed in Wilcannia.

The people of Wilcannia are now living in a worse state than I have seen during my lifetime in western New South Wales. Constitutional recognition will not really serve the purposes of Aboriginal people such as those at Wilcannia. Those people are lost in this debate; they are not recognised. They are at the other end of the spectrum. The problems they face are difficult to manage but a commitment is required to see out a process of change to allow them to enjoy a life that is equivalent to that enjoyed by other Australians. They deserve that commitment and recognition, but we require someone brave enough to tell them that there are two sides to the equation.

The symbolic recognition in this bill must work for all Aboriginal people in this State, and it should be recognised that there are many disadvantaged people. Indeed, we have a long way to go before we can remove those people from their current situations. But there have been some highlights in the electorate of Murray-Darling. Whilst there are difficulties with housing in Menindee, the education situation has been addressed. Brian Debus, the principal of Menindee Central School, whom I hold in very high regard, has dealt with the area's education difficulties in a very unique way and has achieved outstanding results. He has found a pathway for educating young Aboriginal children and then helping them to find employment when they complete their education. Some fine Aboriginal students have come from that school and I am very proud of those role models when I visit Menindee Central School.

We cannot walk away from the fact that nothing but a poor future faces any child born in Wilcannia today. Such children are probably more focused on staying alive than anything else. It is a shame that today Jenny Macklin will visit houses built in Wilcannia only five years ago. The construction of those houses is a clear demonstration of the lack of recognition by the people of this State for Aboriginal people. A builder came to the town and built substandard houses—houses that would never meet building regulations elsewhere in the State. That builder should have been struck off.

Today we face the difficulty of finding a way to rebuild or renovate those houses to make them liveable. When people engage in contract work for Aboriginal people they often believe they can produce

substandard work. In giving constitutional recognition to Aboriginal people, we must also recognise that their housing has to be of the same standard expected in the wider community. There can be no more fly-by-night operators slapping up houses and leaving great gaps in the walls. That is what the Aboriginal people of Wilcannia have experienced. It is not a great start or a great way of recognising their entitlement to the same rights and conditions that the rest of us enjoy.

The health of Aboriginal people is also a huge concern. Their life expectancy is determined by their environment. Aboriginal people under the age of 30 are passing away because of bad health and lack of support when they express their despair through drug and alcohol abuse. The member for Wakehurst said that he did not wish to touch on such issues, but it is very hard for me to accept that we have a spectrum of disadvantage that should not exist. All Aboriginal people should have living standards that are equal to ours and they should enjoy the same lifestyle as we do. Until we change the situation in western New South Wales I do not believe we will realise the outcomes that this bill seeks to achieve.

Mr GERARD MARTIN (Bathurst) [11.07 a.m.]: I join the House in supporting the amendments to the Constitution Act 1902, but before doing so I acknowledge the traditional custodians of this land, the Gadigal people of the Eora nation. I also extend my respects to Aboriginal elders past and present, and any Aboriginal people here today. The amendments to the Constitution Act 1902 recognise the Aboriginal people as the first people of New South Wales and their contribution to the identity of this State. Some people might say that that is merely symbolic but the fact that it will be enshrined in our constitution is extremely important.

The electorate of Bathurst is within the Wiradjuri land—the land of the goanna totem. elders such as Gloria Rogers, Bill Allen, Roy Bligh, Warwick Peckham, who is chairman of the Bathurst Local Aboriginal Land Council, and people living further east at Lithgow—who are still on Wiradjuri land but part of the Mingaan Aboriginal group—such as Helen Riley, recognise and are extremely excited about this bill. I also reflect on Windradyne, probably the greatest of the Aboriginal warriors—and I know that Minister Lynch is aware of his significance.

Mr Paul Lynch: I have visited his grave.

Mr GERARD MARTIN: Indeed, the Minister has visited his grave in Bathurst. It is on property owned by the Suttor family, one of the original pioneering families, who in the early days was in conflict with Windradyne. Successive generations of the Suttor family have attended to Windradyne's grave and ensured that it is shown respect. It now has become a sacred place. I know that the Minister and others who have visited his grave cannot help but feel a wonderful sense of history and reflect on the reconciliation between the old pioneering families and our Aboriginal people. The form of the amendment to the Constitution Act is as follows:

- (1) Parliament, on behalf of the People of New South Wales, acknowledges and honours the Aboriginal people as the State's first people and nations.

That is an extremely significant statement. It continues:

- (2) Parliament, on behalf of the People of New South Wales, recognises the Aboriginal people as the traditional custodians and occupants of the land in New South Wales:
 - (a) have a spiritual, social, cultural and economic relationship with their traditional lands and waters and
 - (b) have made and continue to make a unique and lasting contribution to the identity of the State.

It was a historic occasion when a couple of weeks ago in this Chamber Elder Bev Manton sat to my right on the floor of Parliament—a rare happening in this Chamber—and then addressed us from a podium to the left of the Minister. It was a very moving experience, not only for Aboriginal people but for everyone in the House. I feel privileged to have been a part of it. The amendment continues:

- (3) Nothing in this section creates any legal right or liability, or gives rise to or affects any civil cause of action or right to review an administrative action, or affects the interpretation of any Act or law in force in New South Wales.

In other words, it is legally neutral. The amendment will not affect the interpretation of any law or Act in New South Wales. Over a period of a few months public submissions were invited on the wording of the amendment. Those submissions have been used by the Minister in drafting this legislation and informing the final

amendment. The submissions received were overwhelmingly in support of the proposal. Unfortunately, there is the odd pocket in our country that does not believe the amendment to the Constitution is right. But such people are very much in the minority. Aboriginal Affairs NSW invited submissions on the proposal.

To assist in this process a discussion paper was developed and circulated widely throughout the community. The paper outlined a host of recent events, including the very moving apology by then Prime Minister Kevin Rudd in February 2008 to the Stolen Generation. Also mentioned was the New South Wales Aboriginal Land Council resolution presented to and passed by the Local Government Association of New South Wales 2009 annual conference calling for the New South Wales and Commonwealth governments to insert a preamble into their respective constitutions recognising the Aboriginal and Torres Strait Islander peoples as the first peoples of this country.

In its present form the New South Wales Constitution Act 1902 does not contain a preamble. Of course, the main purpose of this Act, which updated the Constitution to take account of New South Wales' new status as a State within the Federation, was primarily to consolidate already existing constitutional statutes. Notably, the 1902 Act updated the New South Wales Constitution Act 1855, which contained a lengthy recitals clause at its head setting out in narrative form the legal background to responsible government in the colony. Constitutional recognition is a landmark in reconciliation between Aboriginal and non-Aboriginal people. The steps we are taking to acknowledge the Aboriginal people of New South Wales are already being applauded in Aboriginal communities. As I said earlier, in Wiradjuri country, where my electorate is located, that is certainly the case. The Aboriginal people have wanted this for generations.

The New South Wales Aboriginal Land Council chairwoman, Bev Manton, who addressed this Parliament, pointed out that it has taken 108 years for us to acknowledge our Aboriginal people in the Constitution. Whilst we share collective shame about that, we can now say that the job has been done. The New South Wales Aboriginal Land Council, which sought the amendment to the Constitution at last year's Local Government Association conference, said that the amendment will go a long way to help Aboriginal residents of New South Wales feel more a part of the State. As the member for Murray-Darling said, in every endeavour we must accord them equal status with all Australians because they are the original custodians of our land, they are our first people. Ms Manton further said:

It's extremely heartening that the Keneally Government has recognised the importance of this symbolic gesture.

There's a tendency today to ignore the symbolic over the practical, but there is no good reason, of course, why we can't do both.

Ms Manton said that the changes would help Aboriginal people to feel more connected and included. She continued:

It will help make Aboriginal people feel more a part of the great state of NSW, and I thank the Premier and Minister Paul Lynch for their foresight and their leadership on this important issue.

Constitutional recognition reminds us that the determination to close the gap in a range of indicators continues. As the member for Murray-Darling said, we still have many mountains to climb. The formulation of this new provision is based on amendments to the Constitution Acts of Victoria and Queensland. As with the Victorian and Queensland Constitution Act amendments, this proposal includes a clear statement to exclude any legal implications and to ensure that it has no effect on the operation or interpretation of existing laws. The Constitution will enshrine the fact that Aboriginal people are the first people and recognise the contribution that Aboriginal people continue to make in our State. For those very good reasons, I commend the Constitution Amendment (Recognition of Aboriginal People) Bill 2010 to the House.

Ms GLADYS BEREJIKLIAN (Willoughby) [11.16 a.m.]: It is my honour to make a contribution to the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. As previous speakers have noted, the bill performs the important task of amending the Constitution Act 1902 to provide for formal recognition of the Aboriginal people in the preamble of the Constitution of New South Wales. I speak today on behalf of the electorate of Willoughby. The Kameraigal people of the Guringai nation lived in the Willoughby area until the 1820s but, regrettably, by 1830 there were no Aboriginal people in the area following a traditional lifestyle. The constituents of Willoughby feel very strongly about recognising the first Australians and ensuring that the heritage they have left us in our community is restored, maintained and protected for all time.

Earlier this year I was pleased to attend the tenth anniversary of the Heritage Office, which is located in Northbridge in the electorate of Willoughby. The concept for the Heritage Office originated from North Sydney

Council and was then supported by Lane Cove, Warringah and Willoughby councils. Many other northern beaches and North Shore councils have now joined in supporting the Heritage Office in Northbridge. The office provides an invaluable resource for students and the community to learn about the heritage of the local area and to pay due respect and recognition to the first Australians, who today maintain a culture that has continued for 40,000 years or more. Many argue that it is the longest continuing culture in the world in heritage terms.

I place on record my strong view that this recognition by the New South Wales Parliament is not the end but the beginning of an era when our indigenous Australians are treated respectfully and every member of this Parliament, irrespective of our backgrounds, recognises that more has to be done to narrow the gap that exists in indicators such as health, welfare and wellbeing. We have a lot to do to ensure that our first Australians have the living standards that the rest of our community enjoys. We also have a lot to do to ensure that successive generations of our first Australians can hold their heads high and feel proud of their heritage, knowing full well that they have the respect and recognition of the wider community.

Like many communities around New South Wales, the people of Willoughby ensure that in all formal ceremonies of any description our first Australians are recognised. We often have smoking ceremonies, such as when the Minister for Aboriginal Affairs was in the Willoughby area recently to open an aged care facility. The entire community takes the responsibility of recognising our first Australians very seriously. Even though in Willoughby we do not have many indigenous Australians living amongst us any more, their presence is certainly felt. We have a number of sites of ritual and recognition around Middle Harbour, which all local councils contribute towards protecting and all local schools support to ensure that successive generations in the wider community are aware of their history and significance.

Many parts of our community are named after the Kamaraigal people. The suburb of Cammeray is in the electorate of Willoughby and we are very proud that it has retained its original Aboriginal name. Even the North Sydney Leagues Club has the Kamaraigal Room. Various sections of the community are very proud of the Aboriginal heritage in the electorate of Willoughby and we try on all occasions to ensure its continuation. But symbolism, recognition and respect aside, as I mentioned, there is so much that we need to do to reduce the gap in the living standards of our first Australians.

We must also ensure that every single young person of Aboriginal heritage has the opportunity to be their best—as we all do. They must receive education opportunities and have access to health and welfare resources so that they can make a contribution to their communities in whichever way they see fit. This is a symbolic piece of legislation but it is just the beginning of what we need to do to ensure that our first Australians maintain the same standard of living that we all enjoy and take their rightful place in the legacy of our country and in the history of this land so that their traditions and values are learned, respected and continued for generations.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [11.22 a.m.]: We acknowledged the traditional elders of this land at the start of today's parliamentary session, but I commence my contribution by acknowledging once again that we are meeting on the land of the Gadigal people of the Eora nation. I pass my respects to their elders, past and present. I congratulate all members who have spoken so far on the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. I particularly congratulate the Minister for Aboriginal Affairs who introduced the legislation. As many members have said, it is long overdue.

Much comment has been made about the symbolic nature of the constitutional recognition amendment legislation we are dealing with today. But we must emphasise also the fact that symbolism is, indeed, very important. If we do not get the symbols right, we will not get the action right. All of us are moved emotionally by symbols. Every day we see symbols around us, whether it is a flag, a medal or perhaps a name. It is important to have the right symbols in place. As I said, this amendment to give recognition in our Constitution to the Aboriginal community in New South Wales is long overdue. Without it, it is very difficult for us to say with any degree of clarity and earnestness that we regard Aboriginal members of our community as being in every sense the full-blooded citizens of this State and nation that we all want them to be.

A number of members have said that racism is still inherent in some communities. We have come a long way, and it is important to recognise that fact. But issues still surface from time to time, and we must remain vigilant. The lifestyle, educational opportunities and health resources of our Aboriginal community are extremely relevant and big issues in our modern community today, as they were in the past. Hopefully, we have moved past things like the Stolen Generation and got over our squeamishness about saying sorry to Aboriginal people for their past experiences. It is no longer regarded as politically correct to speak on behalf of Aboriginal

people because of the importance they have in our community. It is important to recognise their great contribution to our community over the past 40,000 to 50,000 years and also, more specifically, the great contribution that they continue to make today. It is important to give the Aboriginal community the cultural and historic recognition that it deserves.

I am fortunate to live in a city that is named "Blacktown". I felt very proud when, 33 years ago next Tuesday, I was elected Mayor of the City of Blacktown. It is a city that I hold in very high regard and in which I have lived since I was 12 years old—except for two years when I was teaching in the southern Riverina, close to the electorate of the member for Wagga Wagga. The city of Blacktown bears a very proud name, and I have much pride in telling people—indeed, I emphasise the fact—that I come from Blacktown. Even though most people look me straight in the face, sometimes people squirm when I say that in the past I was the member for Blacktown and the Mayor of the City of Blacktown and that I still live there, and hope to do so for as long as I am able.

There have been attempts in the past to change the name of the city of Blacktown. In the early 1930s a public competition was held and people were invited to submit various suggestions as to an alternative name for Blacktown. The shire president at the time was Councillor Stone and, believe it or not, the winning entry was "Stonesville". Luckily, the shire fathers of the day had enough sense not to change the name to Stonesville and the name Blacktown was retained. But even as recently as earlier this year a debate raged in our local press about changing Blacktown's name. If there is no inherent racism involved, why argue for a name change? Blacktown is a proud place and its name is a proud name.

Mr Nathan Rees: Hear, hear!

Mr JOHN AQUILINA: I note the response from the member for Toongabbie, who also represents a substantial part of the city of Blacktown. Those of us who come from that area are very proud of it. Blacktown it has been, Blacktown it is and hopefully Blacktown it will always continue to be. Blacktown council has a good record of giving all kinds of recognition to the local people, particularly recognising the fact that the traditional owners of the land around Blacktown are the Darug people. The Darug people are now held in very high esteem around Blacktown and there is never a local function at which Darug elders are not invited to present a welcome to country and where they are not recognised publicly. The council is proud of its work in recognising Aboriginal people and their heritage through arts and cultural development programs, including the Black(s)town Cultural Initiative, the Echoes of Blacktown Darug history exhibition, its work with Aboriginal and Torres Strait Islander young people at the Emerton Youth Recreation Centre, the development of reconciliation action plans and the establishment of a council Aboriginal advisory subcommittee. Those are some of the positive things that have happened.

Not so positive was an attempt by Blacktown City Council to establish Chinese gardens at Nurragingy Reserve. That proposal horrified a number of people, not because it involved Chinese gardens—they are wonderful if they are appropriately placed and I would be the first to support such a move—but because of the location. The Aboriginal community has been working for a long time to improve signage in the Nurragingy Reserve and to establish a bush tucker garden, but to date they have not been successful. It was a shame that that proposal was floated. It would be appropriate to have a Chinese garden somewhere in Blacktown, but not in the Nurragingy Reserve. The reserve is very important to the local community and it has great heritage and cultural significance to the Darug community.

I again extend my congratulations to the Hon. Nathan Rees, who when he was Premier provided a 50-year lease at a peppercorn rental to the Blacktown City Council to develop the reserve. Hopefully there will be increased consultation with the local community in that regard. I particularly compliment the work of Sandra Lee, the secretary of the Darug Tribal Aboriginal Corporation. That organisation has done an incredible amount of work in raising the profile of the Darug community in western Sydney, particularly in Blacktown. She is indefatigable in her hard work for the local community and she always ensures that her views are known and well expressed.

It would not be appropriate for me to conclude my contribution without mentioning the Blacktown Native Institute, which has great historical and cultural significance to the Aboriginal community. I have raised the institute with the Minister on many occasions. Members may know that I am the chairman of the Macquarie 2010 Bicentenary Commemorations Committee, which has an interest in the institute. It was originally established at Parramatta but was subsequently moved to Blacktown. There are very few remnants of the institute on the land on which it stood, but there are thousands of descendants of the young people who lived there.

One resident, Maria Lock, is famous in the Darug community and her very proud descendents now number in the many thousands and are spread throughout Australia. Members have spoken about symbolism. We should make a special effort to commemorate the institute because of its iconic status. A Darug cultural and heritage centre should be established in Blacktown so that the work of many tens of thousands of people over many years comes to fruition in an appropriate and positive way. We should also commemorate the Colebee land grant and recognise its historical and heritage value.

Every day before we get down to business in this House we acknowledge that we are on the Gadigal land of the Eora nation and pay our respects to the elders past and present. The foundation stone of this building—which was originally the Rum Hospital—was laid in 1815 during the administration of Lachlan Macquarie. It is one of the oldest buildings on this continent and it has longstanding links with the Aborigines of this area. It is therefore appropriate that we recognise those links.

Much has been said about Lachlan Macquarie and his attitude to Aborigines. That is an issue that warrants further research. It is acknowledged that there were many flaws in his approach towards the Aboriginal community but, in reality, he was probably about 100 years ahead of his time. As misplaced as many of his actions were, for the most part his intentions were honourable; he was trying to better the lot of the local Aboriginal community and his journals contain many statements to that effect. We judge his actions as inappropriate by today's standards, but by the standards of those days he worked hard to understand and to improve the lot of the Aboriginal community. I echo the comments of other members that in the past 200-odd years we have come a long way. It did take us until 1997 to say sorry to the Aborigines in this Parliament, but ours was the first Parliament in Australia to do so. We have introduced this legislation to provide constitutional recognition of Aborigines.

I am also proud of the fact that every day this House acknowledges that we are on the traditional land of the Gadigal people of the Eora nation. I introduced that acknowledgement when I was Speaker. At the end of the day, I did it with very little consultation because my proposal was generally rejected. I decided one day, without prior announcement, to acknowledge country. I am pleased to say that that has been done every sitting day since. I reiterate how honoured I am to be a member of this Parliament and to be giving constitutional recognition to our Aboriginal people. I hope that as a result of this I will be able to walk shoulder to shoulder with my Aboriginal brothers and sisters as proud citizens of this State and Australia.

Mrs JUDY HOPWOOD (Hornsby) [11.36 a.m.]: The Constitution Amendment (Recognition of Aboriginal People) Bill will make an important change to our Constitution. I pay my respects to the traditional owners of the land upon which we stand. I know that that was done at the beginning of the proceedings today, but it is worth emphasising the high regard in which the Gadigal people of the Eora nation are held in this House. I also pay tribute to the Gurindji and Darug people of Hornsby. The welcome to country and acknowledgement of their history is an integral part of many events in the Hornsby area.

This legislation amends the Constitution Act 1902 to provide for the recognition of the Aboriginal people of New South Wales. Similar legislative recognition has been enacted in Victoria and in Queensland in a constitutional preamble. This legislation amends the Constitution Act 1902 to declare that the Parliament, on behalf of the people of New South Wales, acknowledges and honours the Aboriginal people as the State's first people and nations and recognises that Aboriginal people, as the traditional custodians and occupants of the land in New South Wales, have a spiritual, social, cultural and economic relationship with their traditional lands and waters and have made and continue to make a unique and lasting contribution to the identity of the State. This provision also makes it clear that the recognition does not create any legal right or liability or give rise to or effect any civil cause of action or right to review an administrative action or affect the interpretation of any Act or law in force in New South Wales.

The electorate of Hornsby has many recognitions and acknowledgements of the Aboriginal population. Hornsby Shire Council has been extremely active in encouraging, noting and working with Aboriginal people. An Aboriginal cooperative has been established. The council has had Aboriginal employees. I note Herb Smith, who is no longer with Hornsby Shire Council but who is now working with 11 councils to find, promote and address issues, and to look at ways in which Aboriginal culture can be re-established. He did a fantastic job. When Herb was an employee of Hornsby Shire Council I encouraged him to nominate Jenny Sanders for an Order of Australia award.

Jenny Sanders no longer resides in the Hornsby area; she has gone back to her original area. However, she established a number of important committees and organisations for Aboriginal people. She established a

homework team in one of the youth areas, where young Aboriginal children could go to get assistance with their homework. She also established childminding and a playgroup for parents and children of Aboriginal heritage. I am pleased to say that Jenny Sanders was awarded an OAM, and I was proud to be part of that process. It was a great recognition of the large amount of work she did as an elder in the Hornsby electorate and in the wider Hornsby shire.

Adam Cryer has now taken Herb Smith's place. He has big shoes to fill, but he is doing a fantastic job continuing Herb Smith's work. Recently the Hornsby electorate had a book launch, which the Hon. Linda Burney, the Minister for Community Services, attended. The Hornsby Shire Council produced the book—in English but also in the Aboriginal language—which is designed to assist parents with the upbringing of their children. The name of the book is *Growing Up Strong: Cuchicum*—a word that is related to bringing up our babies in a way that is healthy and wholesome for them.

I also pay tribute to the Hornsby Area Residents for Reconciliation [HARR]. This group of extraordinarily hardworking people has been active in promoting reconciliation and many aspects of our Aboriginal heritage, the history of Aboriginal people, and many celebrations of Aboriginal heritage and culture. I pay tribute to Bob and Helen White and to Dick and Dorothy Babb, in particular. I have worked closely with those four people. They have done a great deal for the Hornsby Area Residents for Reconciliation. On a number of occasions they have raised issues they have felt needed raising. For example, they wrote a letter to the Minister to address some concerns.

The HARR group, as it is known, began meeting regularly in 1999. It seeks to promote the exchange of information on issues relevant to reconciliation; to create opportunities for sharing knowledge, resources and expertise; to lobby for recognition and social justice for indigenous people; and to promote the local community's understanding of the rights and contributions of indigenous people, an appreciation of indigenous cultures and a celebration of the present indigenous residents in the community. The group enjoys a positive partnership with Hornsby Shire Council and has received some financial support for its activities. It helped to establish Hornsby Shire Council's Hornsby Aboriginal and Torres Strait Islander Consultative Committee, which is now recognised as the proper forum for advice to council on matters affecting Aboriginal culture and indigenous residents.

HARR has combined with the council for a number of activities such as the Hornsby Children's Voices for Reconciliation, which takes place every year during Reconciliation Week in the Hornsby mall. Hornsby Children's Voices has become an occasion for Aboriginal and non-Aboriginal residents to network, socialise and renew acquaintances. It is a true celebration of reconciliation in our community, with children, elders, traditional owners and representatives of the council and schools reaching out in a spirit of friendship and respect. It also enjoys an active and supportive partnership with the Hornsby Aboriginal Corporation, which provides a range of valuable services for Aboriginal families and children in the local area. It promotes public education about indigenous topics through public meetings and workshops in the local area, schools and community events.

HARR provides assistance with the successful annual Aboriginal art show at the Hornsby Art Gallery. It played a major role in the erection of signs around the Hornsby shire acknowledging the traditional lands of the Guringai and Darug peoples. The co-convenors are Dorothy Babb and Jan Boukabou. HARR has been granted funds from the New South Wales Reconciliation Council's small grants program for a project on the oral history of the Aboriginal people in the Hornsby shire through recorded interviews with local Aboriginal community representatives chosen by those communities. The oral histories will be available on DVD and will be held at the local studies section of Hornsby shire library. They will also be available for dissemination to local organisations, such as schools, and on the website.

I refer to Reconciliation Week in 2010. On Friday 28 May representatives from schools across Hornsby shire gathered in the Florence Street Mall in Hornsby to celebrate National Reconciliation Week. There were performances of dance, music, public speaking and drama on the theme of reconciliation with our Aboriginal and Torres Strait Islander people. This was the ninth time that the Hornsby Children's Voices for Reconciliation has been held. As I mentioned, it is a partnership between HARR, the Hornsby Shire Council and local schools. The celebration began with the traditional Aboriginal smoking ceremony to cleanse the mall and welcome the elders of the Darug and Guringai tribes, the traditional owners, as well as addresses from significant leaders in the community.

I also pay tribute to the addition into curricula in local schools information about Aboriginal culture and traditions. I know that many other teachers are introducing this type of education and compounding and

increasing the information provided to students, but Roland Briefrel from Normanhurst Boys High School is a strong spokesperson for the need to do this. Roland worked with students from Normanhurst Boys High School to make a dramatic presentation and to talk about Aboriginal culture for the Reconciliation Week celebration in the mall. I congratulate him, all the other teachers and other people who contribute to the education of our young people. It was evident that the people present at the Reconciliation Week event in the mall enjoyed themselves. In addition, the children from a large number of schools across the Hornsby shire really enjoyed themselves.

In conclusion, I restate my support for the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. This very important addition to our Constitution Act is long overdue. It will enhance the cooperation and harmony that exists most of the time in relation to Aboriginal people living in all electorates in New South Wales.

Mr MATT BROWN (Kiama) [11.50 a.m.]: I am pleased to speak in support of the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. I am also pleased that the Minister for Aboriginal Affairs is at the table. I acknowledge his efforts in having this bill drafted and brought before the Parliament. I acknowledge that we in this Parliament are on the traditional lands of the Gadigal people. I pay my respects to elders past and present. I recognise that this Chamber is on Aboriginal land and that land in our State is indeed Aboriginal land. When I go about my duties people often ask me why I became a politician. I suppose the simple answer to that question is that I wanted to make a difference. I believe that this important bill makes a difference because it recognises a truth that was not previously recognised and in doing so rectifies a wrong. Therefore, I am humbled to be in this Chamber today speaking on this important issue. In fact, Aboriginal people inspired me to study law and to enter Parliament.

When I started law school in the early 1990s the law of the land was that Australia was terra nullius, Latin for vacant land. That doctrine was wrong and served this country appallingly for more than 200 years. The intention of this bill is another recognition that is long overdue. Indeed, 108 years after the passing of the Constitution Act in this State we finally recognise the first nations of what is now New South Wales. It is again a Labor administration that has taken this initiative. Former Premier Wran took important steps in this regard in the Aboriginal Land Rights Act 1983. And who could forget the fantastic High Court case of Eddie Mabo when finally, in 1993, the highest court in this country found that the doctrine of terra nullius was no longer applicable and, in fact, was void? Recognition was given to the people who owned the land.

At the time I was studying and I was pleased that the truth was recognised in law. Soon after the judgement was handed down I was lecturing in law school. That time in history was celebrated by my students. It was an exciting time for land law in Australia and it was a significant step towards recognition. At that time we were lucky to have a Labor Prime Minister, Paul Keating, who also found the doctrine of terra nullius repugnant and wanted to do what he could to try to bring our indigenous brothers and sisters together with non-indigenous brothers and sisters. Paul Keating was known for being blunt and his famous speech in Redfern will be remembered by many. I often use it in discussions and at public appearances because his words are very true. We should continually bear his words in mind as we are advancing New South Wales and our nation. Some of those words have been quoted in this Chamber already. He stated:

Recognition that it was we who did the dispossessing.
We took the traditional lands and smashed the traditional way of life.
We brought the diseases. The alcohol.
We committed the murders.
We took the children from their mothers.
We practised discrimination and exclusion.
It was *our* ignorance and *our* prejudice.
And *our* failure to imagine these things being done to us.

That last line highlights what has been done in the past and it amazes me that we hear comments from some sectors of our community such as "Hey, it wasn't me. Why should I have to apologise? Why should I now have to recognise?" I cannot understand that way of thinking. Often it is the kind words, recognition and appreciation that mean everything. That is true in many relationships. I know that my son much prefers a phone call or a cuddle when I say, "I love you" or "I'm proud of you". That causes him to smile and carries him through the day much more than a fancy gift or a meal out. If we put ourselves in their shoes, we can appreciate some of the things they have experienced and how distressing those discriminatory actions over the last 200-odd years have been.

I am pleased that this is another step towards reconciliation. After all, it was this Parliament, the first in Australia, that issued a formal apology under another Labor leader, former Premier Bob Carr. There is a history

of Labor administrations wanting to take the next step towards reconciliation. In the area that I represent, the seat of Kiama, "Kiama" is an Aboriginal word meaning place where the sea makes a noise, from the famous Kiama blowhole. In fact, in the electorate of Kiama many town names are Aboriginal words. To the south of my electorate is Nowra, which means black cockatoo, and a little village called Coolangatta is named after the fantastic mountain and means splendid view. Gerringong very appropriately means windy place and Minnamurra means plenty of fish. These are just a few of the names of towns I represent that derive their names from the traditional owners of the land.

As I go about my electorate I continually meet Aboriginal leaders and communities. I often get an acknowledgement of country at an official function, for instance, from Auntie Ruth Sims. I talk to Sonny Sims, especially with respect to his work in the land councils in the area. Richard Davis from the famous Davis family often gives acknowledgement of country. The late Auntie Mary Davis is very fondly remembered by not only the indigenous community but the whole South Coast community for her efforts in standing up for her community. Recently I was with Uncle Gerald Brown, or Uncle Gerry as we call him, with other Aboriginal men in a men's group. They are learning how to eat healthier and to exercise more in order to combat some of the social evils that we have brought into their community. These are wonderful people doing wonderful things.

Just a couple of weeks ago the Roads and Traffic Authority implemented an initiative involving the local Aboriginal community. A number of the authority's Aboriginal workers were involved in the display of informative signs at one of the rest areas on the South Coast. The information displayed provides visitors to the South Coast with the opportunity not only to stop, revive and survive but also to understand a little about Aboriginal culture on the South Coast. As I drive past that rest area I see visitors who have stopped there to read that information.

All these little things make a difference. The big difference I know we are all wanting to achieve from this is a stronger, more harmonious community, where we can ensure that the life expectancy of the indigenous brothers and sisters is the same as the rest of the community, that they do not have high rates of diseases such as diabetes, heart disease and kidney disease, that they do not have increased rates of hospitalisation, that they are not disproportionately represented in our jails and that their results at school are not significantly lower than those of the non-indigenous population. These are real, measurable challenges, and this bill is an important step forward in addressing those issues. The amendments to the Constitution Act recognise Aboriginal people as the first people of New South Wales and their contribution to the State's identity in the following form:

- (1) Parliament, on behalf of the people of New South Wales, acknowledges and honours the Aboriginal people as the State's first people and nations.
- (2) Parliament, on behalf of the people of New South Wales, recognises the Aboriginal people as the traditional custodians and occupants of the land in New South Wales:
 - (a) have a spiritual, social, cultural and economic relationship with their traditional lands and waters and
 - (b) have made and continue to make a unique and lasting contribution to the identity of the State.

Those words mean a lot to the Aboriginal people. From my discussions with the Aboriginal community in the seat of Kiama, I know that having that due recognition is appreciated by them. I was so pleased to hear Auntie Bev Manton say:

It's extremely heartening that the Keneally Government has recognised the importance of this symbolic gesture.

There's a tendency today to ignore the symbolic over the practical, but there is no good reason, of course, why we can't do both.

It is important that we do both. Parents cannot expect their children to excel in either their sport or academia, or simply in life, unless they feel loved and appreciated and they know that there is that solid foundation of where they belong. It is the same for Aboriginal people. This is their land and we need to acknowledge that. We should not ever have taken it away and it is important that we recognise that the land is theirs. That is why symbolism is so important, so we can achieve a real, lasting difference to the lives and opportunities of Aboriginal people. I commend the bill to the House, and again I thank the Minister and the Premier for bringing it before this Parliament.

Mr GEOFF PROVEST (Tweed) [12.03 p.m.]: I make a contribution to debate on the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. We have heard a number of contributions from both sides of the House, all of which have raised relevant points. The object of the bill is to amend the Constitution Act 1902 to provide for the recognition in that Act of New South Wales Aboriginal people. I note that similar

legislative recognition has been given to the Aboriginal peoples in Victoria and Queensland. On Wednesday 8 September 2010 the Parliament held a special Aboriginal smoking ceremony to mark the introduction of the bill into Parliament. The Premier, together with the Liberals and The Nationals leaders, spoke in Parliament on the introduction of the bill.

The symbolism of this is another step in the long journey to remove some of the inequalities that have existed with regard to Aboriginal people, as well as the high death rates, sicknesses and so on. The bill inserts three important provisions in the principal Act. Of those provisions, I believe a very symbolic one is the following:

Parliament, on behalf of the people of New South Wales, acknowledges and honours the Aboriginal people as the State's first people and nations.

It is important that we do this. As I said, it is a long journey. The issue is of particular interest in the electorate of Tweed. We have a fairly significant population of indigenous people in the Tweed and they all make a valuable contribution to our local communities. I, like many other speakers in this debate, would like to acknowledge the elders, past and present, the Gadigal people in Sydney and also in my electorate. We have a proactive Tweed-Byron Land Council that has significant challenges, but it also has some very good people working for it. Some of the people in the Tweed local indigenous community include Jacquie McDonald, Russell Logan, and Leslie Myer, who recently left her employment as the Aboriginal liaison officer with Tweed Shire Council. I should add that I am a little disappointed that the council has not appointed another Aboriginal liaison officer, because it is an important role. Other local indigenous people in the Tweed include the two Aboriginal liaison officers who work with our local police force. They do a fabulous job.

I acknowledge also the indigenous people in the Tweed. The Tweed has a significant population of Torres Strait Islanders and South Sea Islanders. Both those indigenous groups make a large contribution to the local area. A lot of the history of the Tweed was founded on the cooperation of our Aboriginal ancestors in the local area, and that has occurred right through to the present day. I deal regularly with the indigenous local communities. I acknowledge also the Minjungbal Cultural Centre, a very important historic cultural centre based on Ukerebagh Island. Not only is Ukerebagh Island a significant Aboriginal historical site—there are a number of Bora rings there—but it also happens to be the birthplace of Neville Bonner, the first indigenous person in the Australian Federal Parliament. In recent times I was privileged to attend, together with my Federal colleague Justine Elliot, the opening of the Bugalwena Aboriginal Health Service in the Tweed. The service plays an important role in recognising the issues faced by local indigenous people.

I have a further interest relating to indigenous people. It would be remiss of me if I did not mention in this place that I have two grandchildren, Maddison and Shanai, whose mother is of Aboriginal descent. Indeed, I am proud to say that I have Aboriginal grandchildren. I am sure they will make a fine contribution to our local area. This bill is an important step. Although I have been a member of this place for a relatively short period, I have taken part in a number of conscience votes on important issues. I believe this bill is very important; indeed, it is long overdue. As I said, it is a long journey. This bill is a start but the real acid test, I believe, is in the delivery of resources and the improvement of lifestyles.

Previous speakers in this debate who represent electorates in western Sydney highlighted specific issues that the people of their electorates are currently facing. And there is an enormous challenge ahead to improve that situation. Rhetoric is one thing. Symbols are important, but they need to be supported by concrete and timber to make things happen. I feel very proud to be a member of this Parliament and to be involved in the introduction of this bill. I fully support the matters raised by the many other speakers in this debate. Once again, I am 100 per cent for the Tweed.

Mr GRAHAM WEST (Campbelltown) [12.10 p.m.]: I grew up in the land of the Dharawal people. I wandered their lands and used to take great pride in the fact that I could identify boronias, eriostemons, epacris—all flowering at the moment—swamp wallabies and echidnas. My bookshelf is full of books on mammals, reptiles and fish. I have even eaten the bush foods in the area—the lambertia, the mussels and the yabbies—but I cannot tell you the Dharawal names of any of the plants or animals in my area. It is a great tragedy that although I know the location of many paintings in my local area done by the proud Dharawal people, I do not know their language. This is symbolic of the change that has happened in the past few decades; a time of denial to a time of recognition. In that change we have moved gradually towards recognising and respecting Aboriginal people. The amendment to the Constitution Act 1902 is an important step towards reconciliation. It is hard to have reconciliation without recognition and respect, and the recognition and respect given by the Constitution is the highest respect that can be given in New South Wales.

The Broughton Pass forms part of the lands of the Dharawal people. If one were to drive down that pass on a summer's day as the sun was setting one would see the cliffs glow blood red, the yellows and the shadows in black. That is testament to the fact that many Dharawal men, women and children were driven off the cliffs into the Cataract Gorge; a shameful piece of our history that until recently we tried to deny. Today we are recognising not only those Dharawal people who were killed but also the many others who were killed in the occupation of their lands. In a small way we are taking a step forward and we are apologising for that. We have a long way to go in reconciliation. Respect and recognition are important but true reconciliation will not be achieved until we no longer have an overrepresentation of Aboriginal people in custody. Too many Dharawal, Bundjalung, Gadigal, Wiradjuri and other Aboriginal people are locked up. Many good people are working in this field. I pay tribute in particular to Mick Gooda, the Aboriginal Human Rights Commissioner. Until we have that we will not have reconciliation.

Only four generations ago my family came to these lands from across the sea. In those four generations this land has become important to us. It soaks into one's pores; inhabits one's imagination and lives in one's dreams. After 60,000 years, having regard to all those generations that have come to these lands, there is no doubt that the Aboriginal people are part of Australia and New South Wales. It is about time that they were given recognition in the Constitution. I congratulate the Minister for Aboriginal Affairs on introducing this bill and I commend it to the House.

Mr ROB STOKES (Pittwater) [12.12 p.m.]: I contribute to debate on the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. After listening to the contributions to this debate thus far I have come to the conclusion that the recognition of Aboriginal people is important because it is an essential precondition to reconciliation. One cannot have reconciliation without recognition. European settlement of this continent was based on a lack of recognition. Lack of recognition was worse than invasion as invasion recognises the prior occupation and nationhood of a society. By not recognising the ownership of land and the existing system of justice the European settlers—my forebears included—condemned Aboriginal people to a status of non-recognition as if they never existed. I refer to the doctrine of *terra nullius*, or non-recognition. In 1758 Emmerich de Vattel, the author of the concept of *terra nullius*, described the basis behind non-recognition in the *Law of Nations* as follows:

These tribes cannot take to themselves more land than they have need of or can inhabit and cultivate. Their uncertain occupancy of these vast regions cannot be held as a real and lawful taking of possession; and when the Nations of Europe, which are too confined at home, come upon lands which the savages have no special need of and are making no present and continuous use of, they may lawfully take possession of them and establish colonies in them.

In other words, the doctrine upon which European possession and settlement of the Australian continent was based was rooted in an idea that the indigenous peoples had no valid claim to it. That is why recognition of the special connection of Aboriginal people and the continuing occupation of Aboriginal people of this continent for more than 50,000 years is an essential precondition to any genuine reconciliation—something to which other members have attested. I reflect also on a passage recorded by Henry Reynolds in his book *Dispossession* in which he quoted a London-based Methodist missionary society that in 1826 wrote about the effects of settlement on Aboriginal peoples in New South Wales. He recorded:

Civilisation has been the scourge of the natives. Disease, crime, misery and death have hitherto been the sure attendants of our intercourse with them. Wherever we trace the steps of white population we discover the introduction of evil, the diminution of numbers, the marks of disease, the pressure of want, the physical and moral ruin of these people. If we enquire where are the tribes that once inhabited the places where Sydney, Parramatta, Windsor and other towns now flourish what will be the answer? Their existence is but a name. It is a sad truth to assert that our prosperity has hitherto been their ruin, our increase their destruction. The history of nearly 40 years seals the veracity of this declaration.

Even in 1826 there was recognition of the dramatic and terrible impact that European settlement was having on those who already inhabited and owned this continent. Other members have talked about the Aboriginal peoples that they represent and the traditional lands that they have the honour of representing. My electorate of Pittwater is owned by the Cannalgal and Garigal peoples of the Guringai language group. In reality, after a few short years of European settlement those peoples were decimated. In 1788 Governor Phillip visited the current workers camp at Currawong Beach, Pittwater, and had friendly intercourse with the natives, as he called them. About a year later, when the Europeans returned to the area, they were confronted by the horrors of widespread disease and bodies littering the ground. A terrible toll was taken because of the introduction of European diseases and in a few short years of settlement the indigenous population of Pittwater was decimated.

Today very few people can trace their heritage back to the Guringai language group. However, one such person who springs to mind is Bob Waterer. Bob is the grandson of the famous Aborigine Bungaree. He is

a respected elder statesman of the Pittwater community who lives in the RSL Anzac Village at Narrabeen, and is a much-loved part of the Pittwater community. The overwhelming impact of European settlement in Pittwater was the terrible decimation of the Aboriginal peoples who lived in and owned Pittwater.

This bill provides recognition on paper. That, effectively, is what constitutional recognition is. It is difficult to visit a place such as Pittwater and not confront the realisation that Aboriginal people lived there for thousands of years. One needs only to walk into Ku-ring-gai Chase National Park or any of the parklands around the foreshore of Pittwater to see the axe grinding grooves, the caves containing Aboriginal art and the engravings. I remember as a teenager camping at the Basin in Ku-ring-gai Chase National Park. Jim Macken, a long-time resident of Coasters Retreat, would take me and some of my mates into the bush to show us some Aboriginal engravings and then he would quickly cover them up. He recorded them and communicated their location to the National Parks and Wildlife Service. But he did not want the general population to know their location in order to protect them. The evidence of thousands of years of Aboriginal occupation of Pittwater is easily identifiable. While recognition on paper by amending the Constitution is important and long overdue, we do not need to go far in Australia to recognise the reality of Aboriginal ownership and continuous Aboriginal occupation of the lands that we represent.

Other speakers in this debate raised issues relating to the embarrassingly vast and terrible inequalities that exist between Aboriginal people and others in New South Wales. An issue that I want to focus on is the recognition of the occupation and ownership by Aboriginal people of the land itself, not just recognition on paper in the Constitution. It is the land where the lack of recognition originally arose and raised questions about who owned the land settled by the Europeans. Of course, we know, as was established by the Mabo decision, that it has always been Aboriginal land. It comes down to what to do with the land. That is a crucial part of the recognition of Aboriginal ownership and continuous Aboriginal occupation. I believe it is important to preserve areas that have significant evidence of Aboriginal settlement and occupation. That is why the Pittwater community was so defiant and strident in its efforts to protect Currawong from overdevelopment and residential subdivision. Besides being one of the first places where Arthur Phillip encountered the Aboriginal peoples of the area, Currawong is known as a birthing area for Aboriginal women. It is a significant Aboriginal site.

Narrabeen Lagoon has evidence of more 8,000 years of continuous occupation by Aboriginal people. The middens, the axe grinding grooves and the engravings are all part of the fabric of the Narrabeen Lagoon environment. The entire environment has been shaped by its interaction with Aboriginal people. I am pleased that the Minister for Planning, the Hon. Tony Kelly, is progressing plans to preserve this area. I look forward to the area being declared a State park. That is a crucial part of recognising the continuous occupation of these areas by Aboriginal peoples. It would be a tragedy for these areas to lose their Aboriginal heritage and the continuing link with Aboriginal language groups, which have almost disappeared in the case of the Aboriginal tribes of the Pittwater area. It would be a tragedy for that continuous and tenuous link to be lost. The Shore Regional Organisation of Councils estimated there are more than 300 Aboriginal heritage sites in Pittwater. Pittwater is a place where the recognition of Aboriginal settlement is visible and tangibly clear.

The member for Wyong, in his contribution to this debate, talked about practical reconciliation that was occurring within the community of Wyong. He reflected on work that is being done within the local high school and surf clubs. I want to reflect on a similar grassroots expression of practical reconciliation that is happening in my community of Pittwater. As many members know, Pittwater is well known for its fabulous beaches. A major part of the culture of Pittwater is its surf clubs. Two of its surf clubs, North Palm Beach Surf Club and South Narrabeen Surf Club, which are located at either end of the electoral district of Pittwater, are running hugely successful and enduring Bush to the Beach programs. One program is being run in conjunction with the Jarwon community of Arnhem Land and the other with the Aboriginal community around Brewarrina.

Both projects are different in their partnerships, but they are successful and they are now run every year. A continuing dialogue and relationship are developing between the Aboriginal peoples, who can benefit from the wonderful opportunities provided by the surf clubs of Pittwater. Equally, the people of Pittwater can benefit from the relationships with the original people of Australia who, by virtue of this constitutional amendment, are recognised as being not only the first peoples of this nation but also the enduring owners of this nation. As the member for Wakehurst said, the site of this Parliament is Aboriginal land. This amendment is important and long overdue. I commend the bill to the House.

Mr DAVID CAMPBELL (Keira) [12.26 p.m.]: In supporting the Constitution Amendment (Recognition of Aboriginal People) Bill 2010 I acknowledge the Gadigal land on which we stand and the Gadigal people, part of the Eora nation. I do so because it is important but also because as the Lord Mayor of

Wollongong I acknowledged the Wadi Wadi people of the Dharawal nation long before it was fashionable to do so. I am very proud to acknowledge those people of the Illawarra region. When I made my inaugural speech in this place I referred to the fact that the word "Keira" was an Aboriginal word that had three meanings: a large lagoon, a high mountain and a wild turkey.

The Keira electorate is bounded by Mt Keira, a high mountain, and a number of coastal lagoons at Bellambi, east Corrimal and north Wollongong are inside or border on the Keira electorate. I wanted to restate the meaning of the word "Keira" today. The Keira electorate is wholly within the Wollongong local government area. The word "Wollongong" is an Aboriginal word for the sound of the sea. Keira also is part of the Illawarra region, which is Aboriginal for between a high place and the sea. It is important that we make these acknowledgements on occasions such as this. It reinforces that the land on which we live, work and raise our families was land of Aboriginal people before white settlement.

Any member who contributes to this debate or who votes on this bill must acknowledge and recognise that the bill is historic in its symbolism but also historic and important in its practical statement to the broader community. It is important to Aboriginal people, but it is important also as a statement to the broader community about the issues of recognition and reconciliation. I acknowledge that the main provision of the bill, clause 3, amends the Constitution Act 1902 to declare that:

- (1) Parliament, on behalf of the People of New South Wales, acknowledges and honours the Aboriginal people as the State's first people and nations.
- (2) Parliament, on behalf of the People of New South Wales, recognises the Aboriginal people as the traditional custodian and occupants of the land in New South Wales:
 - (a) have a spiritual, social, cultural and economic relationship with their traditional lands and waters and
 - (b) have made and continue to make a unique and lasting contribution to the identity of the State.

I have been privileged during the 24 years of my elected life, at both local and State government levels, to have had the opportunity to listen to, learn from and work with Aboriginal and non-Aboriginal people of courage and determination. I particularly acknowledge the late Auntie Mary Davis who, for the whole of my elected life until her death a couple of years ago, patiently and carefully made sure that I understood the need to allocate resources and to acknowledge Aboriginal people in our community. Her son Richard Davis carries on that tradition, although he works in a different way.

Auntie Mary's work was about what we need to do from here and about acknowledging the need for social support for Aboriginal people to assist with their growth and development. A bloke called Jim Davis, who is not related to Auntie Mary or Richard, worked more around recognising Aboriginal people's land and culture. They are very important people who have contributed to my journey in trying to be a strong supporter of Aboriginal communities. Today I also acknowledge two non-Aboriginal people. The first is Fred Moore, who is a lifetime advocate for working people and for Aboriginal people. I saw Fred at a function last week. He told me that he is in his nineties now but continues to argue the cause. The second non-Aboriginal person I want to acknowledge is my predecessor, the former member for Keira, Colin Markham, who was Parliamentary Secretary for Aboriginal Affairs for a long time. I used to say, "Col, I never have a conversation with you about anything, whether it is the weather or the Dragons"—in those days it was the Steelers—"when you do not somehow give me a bit of a lesson about how it applies to improving things for Aboriginal people."

Mr Paul Lynch: He hasn't got any better.

Mr DAVID CAMPBELL: I note the interjection from the Minister about Colin Markham. I know that is a very positive comment, and the Minister knows my comments are positive also because Col certainly made a great contribution in this area. As I mentioned, I had the opportunity to engage in various activities as the Lord Mayor of Wollongong. I am particularly proud of the Aboriginal employment program. I recognised, after listening to Aboriginal people, that we needed to provide support for Aboriginal people in the workplace. I acknowledge that on one occasion I got a bit paternalistic, having created some cadetships. People wanted us to employ some welfare workers. I said that we needed to find some young people whom we could train as accountants to strengthen the administration of Aboriginal organisations. We skipped a year but we eventually found someone who completed a degree and took up the position. I am quite proud of that.

Our other work was more visual. I am proud to say that I commissioned two artworks. The first was a collaboration between an Aboriginal artist and a non-Aboriginal artist, with some funding support from Sydney

Water, and is around a fountain that had to be rebuilt outside the town hall in Wollongong. The other artwork was at a place called Figtree in the Keira electorate, which is named after a significant fig tree that died. There was some evidence that the tree was an Aboriginal birthing place, so we commissioned a mural in the grounds at that location to acknowledge the tree's existence and its history and links to local Aboriginal people. I am proud of those initiatives.

As the Minister for Police I was able to work with the Commissioner of Police, Andrew Scipione, and with the former local area commander of both the Shoalhaven and the Wollongong local area commands, Superintendent Wayne Dedden, who established a strong mentoring program for high school students to encourage them to pursue career opportunities with the New South Wales Police Force and to support them in their personal and employment development. It also gave students the opportunity to do some work with Aboriginal communities. That, in turn, addressed the issue of the overrepresentation of Aboriginal people in the justice system—it has been discussed in this debate—and sent a message that we might change that situation by involving Aboriginal people as a visible presence in the police force.

They are some of the activities that I have been involved in. All of us in this place should not only mouth the words but find practical ways to improve the health, education and employment outcomes for Aboriginal people. I recall talking to the Minister for Aboriginal Affairs only a few months ago about how to identify best-practice mentoring programs within government agencies or the private sector to ensure that Aboriginal people are successful in employment, and as a consequence lift the employment horizon and aspirations of the entire Aboriginal community. I am sure that those programs will continue. Members should not just mouth the words in this debate—important as it is and as important as this change to the constitution is. It is incumbent on us to find practical ways to make sure that those words affect how we live and breathe in New South Wales. I commend the bill to the House.

Mr STEVE CANSDELL (Clarence) [12.36 p.m.]: I support the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. As is customary, I acknowledge the Gadigal people of the Eora nation and all elders, both past and present. I also acknowledge the Yaegl and Bundjalung nations of my area in the Clarence and Richmond valleys. It is 10 years since almost one million people set out on the historic Sydney Harbour Bridge walk marking a significant reconciliation milestone. National Reconciliation Week is celebrated each year and is a landmark occasion that best symbolises the aims of reconciliation. The anniversary of the 1967 referendum is 27 May. It is hard to believe that I was 16½ then and many of my school friends were Aboriginal kids. We played footy together and a year later I started boxing with them. We did not realise then that it would take a referendum to recognise Aboriginal people in this country because those kids were just part of the crew.

The third of June marks the anniversary of the 1992 High Court judgement in the Mabo case. National Sorry Day was on 26 May, and it too is an historic acknowledgement of wrongdoings as well as a move to engender the mutual understanding, trust and respect that are essential to achieve Aboriginal reconciliation. But all that is nothing more than symbolism unless it is backed by meaningful programs. We can say sorry, we can recognise Aboriginal people as part of the nation, we can give them the vote—we can do all those wonderful things—but without the programs and a commitment to take the hard decisions and engage Aboriginal people to work with us to improve their lot, we are just chest beating and making ourselves important without ensuring outcomes.

The State Plan 2010 annual performance report, under the heading "Stronger Communities", states that there is still a large disadvantage gap between Aboriginal people and the rest of the New South Wales population. Page 2 of the report indicates that cases of domestic violence involving indigenous female victims aged up to 17 years spiked from 252 per 100,000 people in 2008 to 306 in 2009. The State Government has set an indigenous unemployment target of less than 15 per cent, but it increased from 15.6 per cent in 2005 to 20 per cent in 2007, and it has not declined since then. The indigenous infant mortality rate rose from 7.5 per cent per 1,000 live births registered between 2004 and 2006 to 8.9 per 1,000 between 2005 and 2007. The report also states that there is a gap in performance for year 3 to year 9 school students, with Aboriginal students performing 5 per cent to 20 per cent below non-Aboriginal students in literacy and numeracy. I could provide page after page of statistics demonstrating that our indigenous population has gone backwards, not forwards.

We might do things like recognise Aboriginal peoples in our Constitution, acknowledge the Stolen Generation and say sorry for past injustices, but the injustices remain and our Aboriginal brothers and sisters are still behind the eight ball and do not enjoy the same standard of living that we non-Aboriginal people enjoy in

this country. I will recognise a few of the Aboriginal elders in my electorate, which extends from the upper Clarence River to the lower river and to Richmond. I recently attended the ordination of Reverend Lenore Parker as a deacon in the Anglican Church. She is a beautiful lady who has committed her life to helping her people. She was chosen as the Clarence electorate Woman of the Year in 2009 from a very strong field. There was nothing patronising about her selection—we were not celebrating "be kind to Aboriginals week" or anything like that—she was simply an outstanding contender because of her commitment to her community and to her people.

Rex Marshall performs smoking ceremonies in the area and is also a great role model. He has received a State award for his commitment to addressing mental health issues. Auntie Lillian Williams, Uncle Tony, Auntie Elsie Vesper-Smith, Auntie Jude Breckenridge and Auntie Muriel Burns are also great contributors to the community. Auntie Pauline Daly, Auntie Doro Daly and Auntie Gunda Walker at Baryulgil also deserve mention. Many traditional Aboriginal family names are found around the football fields and in indigenous organisations. These elders are helping their own people and providing guidance to young kids who have gone off the rails. They include the Williams, the Walkers, the Lauries, the Kapeens, the Mundines—which is a famous name in Australian sport and politics—the Dalys, the Charleses, the Robinsons, the Averys, the Herons and the Taylors.

As I said, it is good that we are enshrining recognition of Aboriginal peoples in legislation, but that means nothing when Aboriginal children are still hanging around the streets during the day when they should be at school. It is no wonder they have such a high rate of recidivism and incarceration in youth detention centres and Corrective Services facilities and that Aboriginals generally are grossly overrepresented in our jails. Although I am proud to commend this bill to the House, I feel ashamed that we as a Parliament have not done more to help our Aboriginal population.

Mr GRANT McBRIDE (The Entrance) [12.45 p.m.]: I support the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. This legislation is very important in the ongoing journey that we non-Aboriginal Australians are sharing with Aboriginal Australians. Proposed section 2 of the bill states:

Recognition of Aboriginal people

- (1) Parliament, on behalf of the people of New South Wales, acknowledges and honours the Aboriginal people as the State's first people and nations.
- (2) Parliament, on behalf of the people of New South Wales, recognises that Aboriginal people, as the traditional custodians and occupants of the land in New South Wales:
 - (a) have a spiritual, social, cultural and economic relationship with their traditional lands and waters, and
 - (b) have made and continue to make a unique and lasting contribution to the identity of the State.
- (3) Nothing in this section creates any legal right or liability, or gives rise to or affects any civil cause of action or right to review an administrative action, or affects the interpretation of any Act or law in force in New South Wales.

Members have criticised this bill as symbolic. I cannot understand that attitude because it should be symbolic. It is important that recognition of our Aboriginal people is embedded in our State Constitution. This legislation represents this Parliament, on behalf of the State of the New South Wales, recognising the Aboriginal people of this State in the Constitution Act 1902. It is one step on the path of ensuring justice and equity for the Aboriginal people of our nation. One of the milestones on that path was the successful 1967 referendum that gave indigenous people the right to vote. For the first time Aboriginals were recognised as citizens of Australia. I understand that prior to that referendum they were not even counted in the census because they were not citizens; that is, they lived here but they were not citizens. I remember freedom rides and other events at the time involving Charlie Perkins and other people across New South Wales. If the member for Liverpool had been old enough I am sure he would have been driving the ute.

Mr Paul Lynch: I probably would have been.

Mr GRANT McBRIDE: Fortunately he was not there, because if he had been he would have been arrested and would subsequently have been ineligible to stand for Parliament. Another milestone on that path was the Wran Labor Government's conferring of land rights on indigenous people in New South Wales. For the first time indigenous people had ownership of their land. I am sure that every member has dealt with land title issues with their Aboriginal constituents. That legislation brought about a massive cultural change in indigenous communities. Instead of being supplicants dependent on handouts from governments, they had the opportunity to own land.

Of course, one cannot debate this issue without mentioning then Prime Minister Paul Keating's fantastic speech about reconciliation at Redfern. That speech is a symbol. He sent a message to Australia by giving the speech at The Block in the heart of Redfern. He did not make it in Parliament or some other dissociated location; he went to the people to whom it was directed. That had a big impact on both indigenous and non-indigenous Australians.

Bob Carr apologised in this Parliament to the stolen people. I remember the day vividly. Like everybody else present, I was quite moved. Here we are again, in the New South Wales Parliament, giving further rights to the indigenous people of this State. Then there was Mabo. I remember debate in the late 1970s with regard to Mabo. It hinged on a couple of issues. One was the rights of indigenous people and the other was basically applying the British system, or our system, of land rights and land title and not recognising land title in the indigenous culture. It is the arrogance of every invader, I suppose.

For two years in the late 1970s I worked on the island of Nauru, which was then an independent nation, with many workers from a range of islands across the Pacific. What value is there in oral history? One day I was playing tennis with some Nauruan people and we had a discussion about the history of their nation. I learned from them that in written history there is no emotion; it is just words in a book. The history of World War I or World War II is written down. Oral history is in every fibre of your body and in your heart. It is part of you as a person. This guy talked about the early days when the British used to run Nauru—when it was another red spot on the world map.

He spoke passionately about the events of 1922 and explained that when the white people, the expats, disposed of their old equipment they did not give it to the islanders but threw it in the ocean. The expats dumped things like washing machines in the ocean because they had no understanding of the island people and their culture. He grew more and more angry as he told me that story because in his head it was just like the day it happened. I thought initially that he was talking about more recent events; I did not realise that these things happened almost half a century ago. The passion was still there. So while the debate was continuing in Australia I was receiving a lesson about some aspects of it.

The other issue is that of ownership of land and connection to land. I was an engineer and when I went to move some machinery from one area of Nauru to another I failed to seek the permission of the owners of that land. Unfortunately, I then had to visit the vice-president, who explained to me—in words I will not repeat here—the people's connection with their land. I was curious so I discussed the issue of this attachment to land with workers from Kiribati and Fiji and other islanders from across the Pacific, including New Guinea and the Solomon Islands. They all had the same attachment to land; the land is part of their soul. We do not understand that. For us, land is something we buy and sell—it is a tradable commodity. It is not so in their culture. So it was that we were behaving like true invaders and ignoring the culture of the people. That was in the 1970s. Turning to another phase of my life, when I was growing up in a public housing estate in western Sydney—

Mr Phillip Costa: Great place.

Mr GRANT McBRIDE: Yes. It was a place called Dundas Valley, where Ray Hadley—of all people—grew up. That is no reflection on me; that is where he grew up. In my street there was an Aboriginal family. The dad was the coach of my football team. One of his sons, Michael, played in the team and he had a brother and a sister. I spent a lot of time with that family. Their spirit was unbelievable. They were indigenous people and they were incredibly wonderful. I should point out that Michael Stewart grew up to be the director of the Department of Aboriginal Affairs in New South Wales. Other members have spoken about the people they grew up with, and I can only relate my experiences. They were wonderful people and they looked after me as my family was a bit crowded. Cec worked as the meatworks at Riverstone so you could always be guaranteed a good feed if you hung around at dinner time. They are some of the experiences I have had in my life.

I want to go back to Kevin Rudd saying sorry. People have said they are just words and do not mean anything. But they do mean something. On the day he made that speech I was at Wyong Shire Council chambers, where a large screen had been set up so that we could watch him. While Rudd was making his speech, a cousin of my wife admitted for the first time that she was indigenous. She was so moved by the occasion—the saying of sorry—that she acknowledged her indigenous history. Until that day, for two generations, that had not been acknowledged. These symbols and these words that we talk about have an enormous impact in moving forward the agenda in our communities.

I agree with other members who have said, for example, that the gap between indigenous and non-indigenous Australians has not closed—indeed, in some areas it may have increased. We must acknowledge

that. But that is not to say we are giving up. This bill is very important, and I congratulate my colleague on introducing it. It is just another step. With this type of legislation we are changing the attitude of the Australian community to a position of respect and acknowledgement that indigenous people have rights just like every other person in this State and in Australia.

Mr ANDREW FRASER (Coffs Harbour) [12.58 p.m.]: I acknowledge the traditional custodians of the land on which we stand, the Gadigal people, and their elders, past and present. I acknowledge also the traditional custodians of the land in my electorate, the Kumbaingeri people, and their elders, past and present. I do so genuinely. I have heard the word "ownership" quite a lot in this debate—although I do not think anyone has used it in a Torrens title sense. The word Aborigine means "first inhabitant"; I think it comes from the Latin. Perhaps the Minister knows more about that than I do.

People who have descended from the first inhabitants of this land talk about custodianship of land; they do not talk about ownership in any way, shape or form. They talk about handing the land on to future generations in the same state or in a better state than they found it in. Recognising, as we are today in this Constitution amendment legislation, that they were the first people to live on the continent of Australia and they were the custodians of this land goes some way to acknowledging their connection to the land.

The vast majority of members of this Parliament were born in Australia and we now recognise the unique relationship Aboriginals had with the land. We have had many opportunities to acknowledge that in a very real way, but I have been disappointed that when the opportunity has arisen we have not followed through with it. Bongil Bongil National Park in my electorate is one example. An old fellow by the name of Bailey came to me and said, "Do you realise there are many traditional sites here. There are bora grounds, initiation sites et cetera". I went to the local Aboriginal people, but many of them did not realise the significance of the site; someone came from Armidale to identify them.

Unfortunately, my request to have the national park named as an Aboriginal national park and managed by Aboriginal people was denied. This would have given them an opportunity to get back to their roots and continue with their language and culture, but at the same time live successfully in modern-day society. I feel very sad about that. As many members have said in the debate and the member for Campbelltown stated, Aboriginals make up too high a percentage of those incarcerated in our prisons and juvenile justice centres. We must acknowledge that they should be given an opportunity to self-manage their lands for the future—and passing on their culture and heritage to future generations is one great way to do it.

I will not acknowledge all the elders in my area as I have done so on previous occasions, but I acknowledge Alison Page, a constituent of mine. Alison is probably better known to many members for her work on the *The New Inventors*. Alison was born in La Perouse but moved to Coffs Harbour as a young child. She has been inducted into the Hall of Fame of Coffs Harbour High School, which is fantastic. Last year Alison, with a group of others, organised the Saltwater Freshwater Festival that was held in the Botanic Gardens on what we call Australia Day. If ever there were a celebration of Australia Day for all Australians that is the celebration every community should adopt.

The people acknowledged in the Saltwater Freshwater Festival came from Tea Gardens through to Grafton. The festival acknowledges that some Aboriginal people live, work and survive around freshwater while other Aboriginals are coastal, which means they live, work and play around saltwater areas. The festival demonstrated to everyone present the great abilities of Aboriginal people who have had the opportunity to advance. Although I hate mentioning names, I refer to one of the Donovans, who owns a fantastic restaurant in the Nambucca valley in the Oxley electorate called the Jaaning Tree. Members should try the kangaroo and other native food that is cooked using modern recipes; they are magnificent. During the festival day the chef gave cooking demonstrations to everyone present, and they were extremely well attended. His sister, Emma Donovan, is an extremely talented country and western singer. I commend her immediate family and others for their great nurturing of their children, who are now young adults, through much harder times than we are experiencing now.

When you see what these people have done and what they can do with the assistance of their family and the community generally, it makes you feel as though it can be done for all people. When my son was about seven years of age, he came home from school one day and he said, "Dad, I'd hate to be an Aboriginal." I said, "Why?" His teacher, Mick, was Aboriginal and I will not mention his name for fear of embarrassing him. He said, "All Aboriginal children in my class get pulled out by the teacher. He lectures them that if they do their homework and work hard they can end up as teachers" Mick did a wonderful job: many of the children he

nurtured were encouraged not to be footballers or other types of sportsmen but to be studious. He encouraged them to be part of the community. That is not to say we should not celebrate the footballers and Cathy Freemans of this world, but we need to give these people a future.

On the day the apology was made to the Aboriginal community the Minister and I were out at Yaama Dhiyaan at the old CarriageWorks to celebrate the work of an Aboriginal photographer from Canberra and to see his photographs. It was a fantastic day, not because of the photographs but because of the trainee chefs who prepared the food: all of them were of Aboriginal heritage. Every person the Minister and I spoke to had a great yearning for a better future, better work and better promotion not only of their food but also of Aboriginal culture generally across the whole community. Australia has a great reputation for embracing cuisines from all over the world; it is fantastic to see such positive programs giving children a future.

In supporting this legislation we have gone one step of the way, but we need practical reconciliation that will give young people such as the Donovans, Alison Page and the young chefs out at the old CarriageWorks the opportunity to succeed. This year the Saltwater Freshwater Festival will be moved to Port Macquarie. The festival is held on what we know as Australia Day, but Alison's idea was to celebrate as all Australians, including the original inhabitants, the people we know as Aboriginals. In supporting the legislation I plead with all members, Government and Opposition, to look for more practical ways of ensuring that these people do not end up, as the member for Campbelltown said, as a higher statistic in juvenile justice centres and other centres of incarceration but as a top-level achiever, which is we hope all our children and our grandchildren aspire to.

Mr PHILLIP COSTA (Wollondilly—Minister for Water, and Minister for Corrective Services) [1.08 p.m.]: I thank the Minister for Aboriginal Affairs for bringing this very important legislation, the Constitution Amendment (Recognition of Aboriginal People) Bill 2010, to the House. The bill finally gives recognition to the original owners of the land after more than 200 years of European settlement. It is a bill that recognises and reflects the truth. All of us in this country have a responsibility to support the Aboriginal community, to preserve and advance their long-surviving culture—a culture that has survived the test of time, a culture that is arguably the longest continuous surviving culture on the planet. Tens of thousands of years is a very long time. It is a culture that found a balance between the nations of the land and its people and the environment upon which they lived.

There is much we can learn from such a resilient nation of people. It is therefore right and fitting that the people of all Aboriginal nations across New South Wales are recognised in our most important document, the New South Wales Constitution. It is important that we reflect in all of our symbolic scripts, such as the Constitution, the truth. The truth is very straightforward. The truth is that the Aboriginal people are the first people of this nation. They are the first people to have a deep and meaningful relationship with the land, a relationship that is spiritual, social and economic, and that endures today. I commend the Minister for introducing the bill and having this recognised in our Constitution.

I refer to a couple of projects in which I, together with the Aboriginal community, have been involved over my many years in education. For many years I have advocated for the need to understand and respect the teachings of our Aboriginal people. Indeed, in the early part of my career I engaged in some advisory work in the teaching of indigenous culture in schools. In my professional life as a school leader and teacher, I supported and led the need to teach about the first people of this land, and about their beliefs and cultural heritage. I found that engaging the Aboriginal community to drive these aspirations was not only respectful but also essential if one is to teach the truth. I engaged Aboriginal elders to speak to children, artisans to work with children, and local leaders to utilise the resources of the school to teach their culture to all children. Artisans, dancers, painters, storytellers and discussion groups all made a significant contribution to the community's understanding of the first culture of this nation.

I engaged Malcolm Cole, a fabulous artist who has passed away, God rest his soul, to come into the school and work with every child, both indigenous and non-indigenous, all 480 of them, and to spend valuable time talking about his culture. I think I broke a rule here, because I then had him paint each classroom door in the school with an image of every story he told. I think the paintings have gone now; I believe the public works department did not like them. Malcolm's stories were brilliantly told to the children, and they were reflected on the classroom doors every day as they walked into their classrooms. I was very proud of that. That type of real action on the ground is not only symbolic but extremely meaningful.

On the school site at Macquarie Fields—where we had some problems, but it is all good at the moment and hopefully it will stay like that—we established an Aboriginal cultural centre, a purpose-built facility.

I acquired one of the red rattlers and had it totally refurbished. It was a brilliant facility, and it was given to the local Aboriginal community to run its cultural program. At one stage I had the pleasure of having about 150 students of Aboriginal descent in my school. That is quite a large number for a school in western Sydney. It was a very rewarding period for me. The students worked with their communities, and they also worked with the teachers. The symbolism was a foundation for telling the stories and enhancing the Aboriginal culture—for all children, not just Aboriginal children.

In my public life in Wollondilly, which has a long and deep history, particularly of the Dharawal people, when I was the mayor we established the Aboriginal Advisory Group. Campbelltown established a similar group. I congratulate Wollondilly Shire Council on this very important initiative. It provided an important conduit of information for the community, including the Aboriginal community. The group has worked very closely with other community groups, and has delivered many projects and achieved significant integration across the Wollondilly electorate. In Wollondilly shire, for example, the Aboriginal Advisory Group was awarded a State award for its presentation as part of Australia Day. The celebration on Australian Day by the local indigenous people was not only a very successful event but also one that hit at the heart as it told the story of the relationship between the people and the land.

Through groups such as the Aboriginal Advisory Group we learn more about one another, we become more and more understanding of one another, and we can move forward together. When we established the Aboriginal Advisory Group in Wollondilly it was not open to groups; it was open only to individuals. In that way we targeted the mums and dads, and they were able to come along and have their say and put their ideas forward. It is this wide representation that I believe made the group so successful.

As members have said, this change to the Act is symbolic. However, I believe it is more than that. It recognises that the people of the original nations of this land have a rightful place on the land. My colleague the member for Campbelltown referred to the Broughton Pass site. I refer to another important project I am working on. With the local Aboriginal people I am working to have the management of the site of the Appin massacre returned to them so that it becomes part of their future. This tragic event is also very important to the local Aboriginal community, as the site is believed to be an important meeting place of nations for thousands of years. It is a very important site, and I am committed to ensuring that its management is returned to the local Aboriginal community. I have to be careful about using the term "return ownership". As far as my local community is concerned, the site has never left their ownership; it has always been their land. We simply have practices put in place that seek to challenge that. We are working with the community to give them long-term management of the site. I have a strong commitment to ensuring that this happens in the near future.

I acknowledge some of the people in my community who have made such a difference, particularly in the Rosemeadow area and in the Wollondilly shire part of the electorate—people who have worked with us and have had the same vision, and who believe that we are certainly making excellent inroads into accepting what is now reflected in this constitutional change. I thank Uncle Ivan Wellington, who does a great job in my community. I am sure the Minister knows Uncle Ivan Wellington. He is a good friend of mine and he appears in many locations, together with Uncle David Bill. I attended a function with them last week, and it is obvious that their passion for their community continues. We have many other very important people in the Wollondilly electorate—such as Uncle Frank, Gavin Andrews and Francis Bodkin, who have done some wonderful work for the local Aboriginal community over the years, and Glenda Chalker, who is a very good personal friend. All of them work for the recognition of the original owners of this land, and that is why this change to the Constitution is so important. It is much more than symbolic.

This constitutional recognition is more than symbolism. The action we have on the ground in my electorate is evidence that there is a belief that the Aboriginal people are recognised as the original owners of the land, and to have this articulated in the Constitution is simply acknowledging the truth. It is the truth that our most important document, the Constitution, reflects that reality. I am very pleased to contribute to debate on the bill, and I commend it to the House.

Ms CLOVER MOORE (Sydney) [12.19 p.m.]: I strongly support the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. The bill will amend the State's Constitution to recognise Aboriginal people as the State's first people and nations, and recognise their spiritual, social, cultural and economic connection with the land. New South Wales has failed to formally recognise our history before European settlement—a rich heritage that spans more than 60,000 years and is a vital and living part of this State. Constitutional recognition is an acknowledgment of our history. I hope that it will help bring indigenous stories to the forefront, and help ensure that Aboriginal and Torres Strait Islander people can take their rightful place in the life of this country.

I hope it will encourage more people to celebrate their personal Aboriginal heritage, and shift the cultural attitudes that began with terra nullius and continue today in violence, abuse and discrimination against indigenous people. Recognition of the first people and the relationship that Aboriginal people have with their land links the modern New South Wales story with the indigenous story. It reminds us of our privilege to live in this country. We must acknowledge the history of invasion, dispossession and conflict if we are to build a shared and inclusive future. This is necessary for healing and for addressing the shocking loss of life and suffering that many Aboriginal people suffer or have suffered.

I have worked with inner-city Aboriginal communities in Redfern and Waterloo, Woolloomooloo and Glebe, and I honour the elders and community leaders who work so hard to heal the hurt and help members of their communities who are in trouble and struggling. The City of Sydney is committed to building a shared and inclusive future. Both indigenous and non-indigenous people told us during our extensive consultation for the City of Sydney's Sustainable Sydney 2030 strategy that they wanted the city to have a strong, visible recognition of Sydney's indigenous people—a recognition of the past and of the present place of indigenous people. The City of Sydney is planning an indigenous cultural walk, the Eora Journey, telling indigenous stories of country from a meeting place in Redfern, through Prince Alfred Park and Hyde Park, on to Mrs Macquarie's Chair—the place where Phillip landed. We also support an indigenous cultural centre; a landmark public building where people can experience and learn the story of the world's oldest living culture.

The City of Sydney is taking immediate, practical steps to support and engage indigenous communities through programs such as "Lights, Camera, Action", and event management courses that aim to help Aboriginal people get marketable skills and work. These activities are undertaken in our centre adjacent to the Block. This wonderful centre is used by 40,000 people each year. My Lord Mayoral Salary Trust has funded a number of projects set up for Aboriginal people, including Gamarada men's self healing and life skills development program; a number of Robert Riley scholarships helping indigenous young people to pursue tertiary studies in law, legal practice, human rights, child protection, criminology and criminal or juvenile justice; cultural camps organised by the Glebe Youth Service; the Australian Indigenous Mentoring Experience (AIME), a program to link university student volunteers and indigenous high school students for mentoring; Babana Aboriginal men's group programs addressing violence and health concerns; and counselling support of indigenous students at St Vincent's College.

This bill is symbolic and an important step forward. It must be accompanied by concerted action to close the health gap, to give equal access to opportunity and quality of life, equal access to education and fulfilling employment, and to remove racist violence and discrimination. In recognising the history and cultures of our land's original custodians I hope we can start a new journey together. I commend the bill to the House.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [1.22 p.m.]: For some time now in ceremonies and community events at schools and even in this House, we have acknowledged the traditional owners of the land and paid our respects to their elders past and present. Importantly that should be acknowledged in writing for all to see in the most important document we have in this State; the document that has governed our laws and our lawmaking ability since before Federation—namely, the New South Wales Constitution Act 1902. Section 2 of that Act is to be amended to state:

2 Recognition of Aboriginal people

- (1) Parliament, on behalf of the people of New South Wales, acknowledges and honours the Aboriginal people as the State's first people and nations.
- (2) Parliament, on behalf of the people of New South Wales, recognises that Aboriginal people, as the traditional custodians and occupants of the land in New South Wales:
 - (a) have a spiritual, social, cultural and economic relationship with their traditional lands and waters, and
 - (b) have made and continue to make a unique and lasting contribution to the identity of the State.

How important is it that we recognise the Aboriginal people who have cared for and nurtured this great south land, the land we call Australia, for more than 40,000 years before European settlement. I understand the Aboriginal culture is the oldest continuous culture in the world today and it is vital to record our acknowledgement of those people on the record. Back in 1770 Captain Cook landed at what was known to the Aboriginal people as Kamay. Today it is called Kamay Botany Bay National Park; the Aboriginal people call it Kamay.

Captain Cook landed on a two-kilometre stretch of sand. At the southern end of that strip there was a mangrove swamp, known today as Quibray and Weeney Bays, which was snake infested and a favourite resort

of ducks, swans and other birds, as well as crabs, oysters, muscles and other sea life. These were great sources of food to the local Aborigines who called the area Gwea. The males called themselves the Gweagal, while the females called themselves the Gweaean. They were members of the Dharawal tribe and had lived in the area for thousands of years. Evidence was found of that habitation when the Government was building the Cronulla sewerage treatment plant—much needed in the area—and an Aboriginal midden was located. That midden contained shells some 3,000 years old. A ceremony was performed, which Aboriginal elders attended, and the shells of their ancestors from so many generations before them were buried.

I can only imagine what must have gone through the minds of those Aboriginal men and women as they stood on the hill at Kamay and saw those white sails coming through the heads of what we now call Botany Bay. It must have been like seeing someone landing on the moon for the first time; something really out of the ordinary that they had never witnessed before. But the changes that have taken place over the years since then have been to the detriment of those great people. The Government recently undertook a \$6 million upgrade of the Kamay or Botany Bay area where Captain Cook landed. Part of that project was to open what we now call Cook's Stream; a very important part of the Aboriginal culture in that area. The opening of Cook's Stream for the first time in 100 years connected that area to the bay, which was culturally significant for the Aboriginal people. The Government also undertook to restore the dune forest to what it was when Sir Joseph Banks first saw it in 1770. The dune forest occupied the hill where the Aboriginal people must have first seen the white sails coming through the heads.

It is encouraging that we are learning more and more about our Aboriginal people in schools and kindergartens. Last year my granddaughter Taylah attended the Point Preschool, an award-winning preschool that teaches the kids about the environment and the Aboriginal people. The playground has many symbols and totems, and I've seen a smoking ceremony held at the preschool. Aboriginal people such as Uncle Max and Les Bursill also visit the school to talk to the children. Recently, as I was driving my granddaughter towards Como she commented from the backseat of the car: "Pop, this is where the Gweagal people and the Dharawal people used to walk thousands of years ago". I never knew that when I went to school. That is significantly indicative of the level of the current level of education about the culture of the Aboriginal people in that area. I acknowledge local people such as Deanne Scheiber, Uncle Max, Les Bursill and Merv Ryan, the Chairman of the Kurranulla Aboriginal Corporation.

My electorate of Miranda includes the suburbs of GyMEA, Jannali and Kareela, and the electorate of Cronulla includes the suburb of Woolooware, all of which are Aboriginal names that we have adopted as our own. Understanding is so important and the proposed change to this Act will be important to developing that understanding. One of my duties as a legal aid solicitor at Sutherland Local Court was to attend the cells of a morning to deal with people who had been taken into custody overnight. One of my memories from that time was coming across a young, full-blooded Aboriginal woman from Palm Island. She was a long way from her native land and in custody. It was probably the most difficult bail application I have ever had to take instructions on and to make. All she wanted to talk about was the land. Her deep connection with the land was something I had never come across in all my days of working in the courts.

Fortunately, I was able to get her bail, get her out of jail and get her on her way back to her homeland, where she wanted to go. After dealing with this young woman, I came away thinking that we really do not understand. It is important that we do understand. The change in this bill is an important step towards understanding the importance of the land to the Aboriginal people, the land they have cared for and nurtured for more than 40,000 years. We have a different view of the land, but we have to understand theirs.

Pursuant to standing orders business interrupted and set down as an order of the day for a later hour.

EVIDENCE AMENDMENT BILL 2010

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

TERRORISM (POLICE POWERS) AMENDMENT BILL 2010

Message received from the Legislative Council returning the bill with amendments.

Consideration of Legislative Council's amendments set down as an order of the day for a later hour.

[The Deputy-Speaker left the chair at 1.31 p.m. The House resumed at 2.15 p.m.]

DEATH OF WESTBY JAMES DAVOREN, A FORMER MEMBER OF THE LEGISLATIVE ASSEMBLY

The SPEAKER: It is with regret that I inform the House of the death on 21 September 2010 of Wes James Daveron, a former member of the Legislative Assembly. On behalf of the House I extend to the family the deep sympathy of the Legislative Assembly in the loss sustained.

Members and officers of the House stood in their places as a mark of respect.

BUSINESS OF THE HOUSE**Notices of Motions**

Government Business Notices of Motions (for Bills) given.

BUSINESS OF THE HOUSE**Routine of Business**

[During the giving of notices of motions to be accorded priority.]

The SPEAKER: Order! Government members will come to order. The member for Keira will come to order. The member for Toongabbie will come to order.

QUESTION TIME

[Question time commenced at 2.23 p.m.]

MEMBER FOR DRUMMOYNE

Mr BARRY O'FARRELL: My question is directed to the Premier. Given that the Premier has required senior public servants to stand down pending investigations into their conduct or corruption allegations, why will the Premier not apply the same standard to her own team and stand down the member for Drummoyne, the Parliamentary Secretary Assisting the Minister for Police, pending the outcome of the Independent Commission Against Corruption inquiry?

Ms KRISTINA KENEALLY: I am aware that the Independent Commission Against Corruption will be holding a public inquiry starting at 10.00 a.m. on Tuesday 5 October 2010. I will not seek to pre-empt or to influence ICAC in its processes or its inquiries. As I have consistently stated, any member of Parliament is entitled to due and fair process. As I have also consistently stated, I expect any member of Parliament or any public servant to cooperate fully with the commission and its inquiries. I remind the Leader of the Opposition that when I was the Minister for Planning and there was an inquiry, including an ICAC inquiry, into the western Sydney employment lands I did not require the Director General of the Department of Planning, Sam Haddad, to stand aside.

ELECTIVE SURGERY

Mr ROBERT COOMBS: My question is directed to the Premier. Will the Premier update the House on elective surgery data released by the Council of Australian Governments Reform Council yesterday?

The SPEAKER: Order! I remind the photographer in the gallery that he cannot photograph members unless they are at the lectern.

Ms KRISTINA KENEALLY: I thank the member for Swansea for his question and for his interest in this matter. As all members are aware, this has been a landmark year for health and for health funding in New South Wales. My Government has achieved an unprecedented win for the families of this State as the Federal Government takes on the majority funding role for our health system, including an extra \$1.2 billion for the New South Wales health system. I remind the House that that is \$722 million more than we would have achieved if we had followed the negotiating tactics of the Leader of the Opposition during the Council of Australian Governments process.

With more Federal funding we are delivering more beds and more services to communities right across our State. This is about the performance of our health system. The Federal Government rightly ties our funding agreements to performance benchmarks. Therefore, the better we use our resources and our funds in delivering both elective and emergency services, the more of those resources we will receive to provide health services to the families of New South Wales. I am confident that members will be interested to hear that the most recent Council of Australian Governments Reform Council report on elective surgery performance has been released today. New South Wales is not only meeting but exceeding our elective surgery benchmarks. I am pleased to note that as a result of our performance New South Wales will receive \$21 million in reward funding. That is an exceptional outcome for our health service. We will be directing this money towards meeting planned surgery targets.

[Interruption]

As the member for Mount Druitt points out, there is stunned silence from those opposite. They cannot congratulate the doctors and nurses in our health system—

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

Ms KRISTINA KENEALLY: —but we on this side of the House will. We acknowledge their exceptional performance. We acknowledge that the Council of Australian Governments report reveals today—

[Interruption]

The member for Lismore is awake and he says that the Council of Australian Governments report is rubbish. The Council of Australian Governments report speaks for itself.

The SPEAKER: Order! The member for Lismore will come to order.

Ms KRISTINA KENEALLY: New South Wales has exceeded its elective surgery benchmarks.

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

Ms KRISTINA KENEALLY: As a result, we have received \$21 million of reward funding. I look forward to the member for North Shore congratulating the Government on this outstanding result. This is great news.

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

Ms KRISTINA KENEALLY: This is great news for New South Wales health carers and for the communities that they service.

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

Ms KRISTINA KENEALLY: This report shows that New South Wales is leading the nation. We are doing more elective surgery than any other State. In fact, we performed more than 100,000 elective procedures in the six-month assessment period—that includes hip replacements for grandmothers, cataract surgery for grandfathers so they can read again, knee surgery so that fathers can return to work and tonsil removal so a child can go back to school.

[Interruption]

My goodness! What intelligent bleating from members of the Opposition. That is all they have to contribute to health reform. They simply cannot congratulate the Government or the health system of New South Wales on exceeding our benchmarks and earning \$21 million in reward payments. This is a result of the strong work that we are doing in health and it will continue.

MEMBER FOR DRUMMOYNE

Mr ANDREW STONER: My question is directed to the Premier. When did the member for Drummoyne notify the Premier that she was under investigation by the Independent Commission Against Corruption?

Ms KRISTINA KENEALLY: I am advised that my office was advised by the member for Drummoyne—and obviously we are unable to comment publicly—

Mr Andrew Stoner: When?

The SPEAKER: Order! Members will cease interjecting.

Ms KRISTINA KENEALLY: As members opposite are aware, we are unable to comment publicly on matters until the Independent Commission Against Corruption has made them public.

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129. The question was about when the Premier was made aware that the member for Drummoyne was under investigation by the Independent Commission Against Corruption. The Leader of The Nationals did not ask about the investigation.

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

Ms KRISTINA KENEALLY: As members opposite would be aware—or I assume they would be aware—it is not possible to comment publicly—

The SPEAKER: Order! Members will cease interjecting. Members who continue to interject will be called to order.

Ms KRISTINA KENEALLY: As I was trying to say before I was so rudely interrupted, members are aware that it is not appropriate or possible to comment on matters that the Independent Commission Against Corruption has not yet made public. I will not pre-empt or seek to influence the commission's independent processes in any way.

Mr Andrew Stoner: Point of order: I refer to Standing Order 129, relevance. The question had nothing to do with the Independent Commission Against Corruption investigation. It was simply about when the Premier was notified.

The SPEAKER: Order! I am sure the Premier heard the question and her answer was relevant. Has the Premier concluded her answer?

Ms KRISTINA KENEALLY: Yes.

HURSTVILLE PUBLIC SCHOOL

Ms CHERIE BURTON: My question is directed to the Premier. Will the Premier update the House on the progress of works at Hurstville Public School?

Ms KRISTINA KENEALLY: This morning I was delighted to join the member for Kogarah—

The SPEAKER: Order! The member for Coffs Harbour will come to order.

Ms KRISTINA KENEALLY: —and parents and students from Hurstville Public School to confirm the Government's commitment to this great public school and to the children of this community.

The SPEAKER: Order! The member for Lismore will come to order.

Ms KRISTINA KENEALLY: The Opposition has had several weeks to ask me a question about Hurstville Public School, but it has failed to do so. I acknowledge the member for Kogarah and her strong advocacy for this community.

The SPEAKER: Order! The member for Epping will come to order.

Ms KRISTINA KENEALLY: I also note that the Opposition has shown no interest whatsoever in the desires of this community and has not brought this matter before the Parliament. The strong advocacy of the member for Kogarah has brought her community's views to the Government's attention—that is what a good

local member does. She invited me to the school to address concerns raised by parents about a proposal to relocate some of the children from Hurstville Public School to the Hurstville Boys Campus Georges River College.

Mr Tony Stewart: Point of order: The photographer is still taking photographs of members who are not at the lectern.

The SPEAKER: Order! A member of my staff will attend to that situation.

Ms KRISTINA KENEALLY: The Government is investing \$14 million to upgrade the Hurstville Boys Campus Georges River College. That investment will deliver 15 new classrooms to the college. It was envisaged that as a result of the provision of those new facilities students in year 5 and year 6 at Hurstville Public School could relocate to the upgraded campus. However, the parents of Hurstville Public School expressed the clear view that they wanted their children to continue to learn at the existing school campus without having to relocate.

Having heard strong representations from the member for Kogarah and the parents, I was pleased to be able to reassure them personally today that no student would be relocated. I also confirm that Hurstville Public School will retain its opportunities classes and the excellent teaching offered at the school will continue well into the future. The Government will immediately allocate \$150,000 for planning work on new classrooms so that the school can continue to teach all its primary school students on the existing site.

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

Ms KRISTINA KENEALLY: Today I also had the opportunity to meet with the four school captains, each of whom is a great example of the leadership and excellence for which the school is known in the Hurstville area. Of course, the Georges River College will still get its planned upgrade. The \$14 million investment will provide students at the college with new state-of-the-art facilities. Construction will begin immediately and a consultation process will be undertaken with the local school community to determine the best use of those new facilities.

This is a win for the local community. I congratulate the member for Kogarah and the Minister for Education and Training. The Minister is fundamentally committed to the redevelopment of school facilities in that area, to the Georges River College and to the Hurstville Public School. The member for Kogarah worked with the Minister for Education and Training and the Government to get the right outcome for her community. I am delighted that today we were able to come together as a Government with the community to get the right outcome for those local parents and schools.

Ms Cherie Burton: Point of order: My parent community is watching question time on the webcast. They will not be able to hear it because of the interjections of members opposite.

The SPEAKER: Order! The House will come to order. Has the Premier concluded her answer?

Ms KRISTINA KENEALLY: Yes.

SOUTHERN RIVERINA RIVER RED GUM FORESTS

Mr JOHN WILLIAMS: My question is directed to the Minister for Climate Change and the Environment. Given these eight statutory declarations swear it, will he confirm that he told a meeting of loggers at Deniliquin words to the effect that, "I'm going to give you people a lesson in politics. The Greens hold 15 per cent of the vote. We need their votes to stay in power. It's all about Green preferences", in relation to the Riverina red gums?

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

Mr John Aquilina: Point of order: The question of the member for Murray-Darling was too long. I am not in any way disputing the content of the question, but members must abide by the standing orders when they ask their questions.

Mr Adrian Piccoli: To the point of order: The question is 66 words. We know there are limits on the length of questions but 66 words is about the standard length of questions.

The SPEAKER: Order! I have looked at the question and consulted the Clerk. The question is in order.

Mr FRANK SARTOR: I am going to come after you with the truth. You are a dinosaur.

The SPEAKER: Order! The House will come to order. The Minister will direct his comments through the Chair.

Mr FRANK SARTOR: What we have here is a pathetic attempt. We are talking about a meeting that took place on 14 January this year, a meeting attended by quite a few people including six or eight public servants from different government departments, none of whom remember any of these sorts of comments being made, or tried to be expressed.

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

Mr FRANK SARTOR: On 19 May, we debated the red gums bill in this House. The member for Coffs Harbour made an allegation that I had made some statements that the deal over red gums was to get preferences for Verity Firth and Carmel Tebbutt. As I pointed out at the time, that is so stupid, and not even The Nationals should be able to say that had they thought about it, because who are the members for Balmain and Marrickville competing against in elections? They are competing against the Greens.

The SPEAKER: Order! The member for Murray-Darling will come to order.

Mr FRANK SARTOR: I dealt with the issue at the time, but suddenly these statutory declarations appear—they seem to be written in the same vernacular—dated 11 August this year. This meeting was on 14 January this year.

Mr Andrew Stoner: Are you calling them liars?

The SPEAKER: Order! The Leader of The Nationals will come to order.

Mr FRANK SARTOR: This dinosaur wants to come up with this issue, but he is too dumb to work out what policy he supports—

Mr John Williams: Point of order: My point of order is relevance.

[Interruption]

The SPEAKER: Order! The member for Murray-Darling will resume his seat. At this stage, the Minister's answer is within the standing orders.

Mr FRANK SARTOR: So those dinosaurs in The Nationals can actually understand something about environmental issues and understand the issue of biodiversity protection in this State, there happens to be some international covenants, there happens to be a Council of Australian Governments agreement—

Mr John Williams: Point of order: I refer to Standing Order 129, relevance. The question was specific.

The SPEAKER: Order! The member for Murray-Darling will resume his seat. I have ruled on the matter. The member will not take the same point of order. The Minister has the call.

Mr FRANK SARTOR: It is important that I contextualise the whole issue of the red gums so that everyone understands what that was all about. The allegation was that it was some sort of crass deal of the type they would like to do, but it was really about good policy. I remind the House there is a Council of Australian Governments agreement and National Forest policy that says we should be trying to preserve in perpetuity 15 per cent of every bioregion in the State. To preserve in perpetuity means that it can only be exploited with an Act of Parliament, in other words, it is protected by an Act of Parliament, which means it goes into the national parks estate. We have done well with national parks. We have done a lot better than those opposite did.

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

Mr FRANK SARTOR: They did 400,000 hectares in the last 30 years. The Wran Government and the Labor Government since 1995 produced more like 4.5 million hectares of additional protected estates. Even so, in the Riverina bioregion, guess how much of the area we have under perpetual protection. Do you think it is 15 per cent? No, it is 1.8 per cent. We are way underrepresented. The international covenants talk about having comprehensive protection, adequate protection and representative protection.

Mr Andrew Stoner: Point of order: This is tedious repetition. The Minister is attempting to regurgitate his argument given during debate on the bill. We do not want that. We want a simple answer, yes or no, did he say it?

The SPEAKER: Order! The Minister's answer is within the standing orders. However, I draw his attention to the length of his answer.

Mr FRANK SARTOR: It is entirely relevant what the process was for making decisions about the red gums. It has been alleged that it was based on some crass arrangement for preferences, which is not true; that was not even discussed or considered. The Hon. Ian Cohen has made it clear a number of times that there was never any discussion of preferences in discussions on the red gum forest. There was never any discussion about preferences.

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

Mr FRANK SARTOR: We need a public estate that is comprehensive, adequate and representative, and the Riverina bioregion is underrepresented in terms of protection. With that in mind, after the Natural Resources Commission did a comprehensive report, the Government sought to set about a negotiating process to resolve the matter. This is where I think it is important for the member for Murray-Darling to be exposed. He and the shadow Minister for the Environment ran around telling people that they could keep logging in perpetuity unsustainable levels of hardwood. It was a lie and it misled those poor people.

The SPEAKER: Order! I call the member for Murray-Darling to order for the second time.

Mr FRANK SARTOR: They were led to believe by The Nationals that somehow this could go on forever when everyone who inspected the forests would tell you that the logging levels were no longer sustainable, and that we had to do something to protect those areas. Instead of being honest with the people, The Nationals went around encouraging this notion, which was completely untrue. We attended a lot of meetings. Many people were present, including, as I said, quite a number of public officials, none of whom recall those words being used. What is clear, and I am happy to repeat anywhere, is that the Greens in the State get a lot more votes than The Nationals; that the environmental groups in this State have a lot more support than The Nationals ever will.

Environmental issues are now mainstream issues. As I travel around the country towns in New South Wales, people stop me to say congratulations to the Government for protecting the red gum, which is the decision we took. Instead of exploiting the timber workers, and being hypocritical, they could have said that we would revoke the bill relating to the Riverina red gums. They have never said that. Catherine Cusack has never said that. Barry O'Farrell has never said that. As for The Nationals, they run around telling porkies, but they do not want to face up to the fact that they would not reverse the decision. I do not even think—

Mr Brad Hazzard: We know you don't think.

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

Mr FRANK SARTOR: I do not believe for a minute that the preference issue was at all relevant to the red gum discussion. What is relevant is the fact that there is mainstream support for the preservation of the red gums.

Mr Adrian Piccoli: Where?

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

Mr FRANK SARTOR: Ask the Speaker, when I went to New England for the seventy-fifth anniversary of the New England National Park, about the huge cheer when I mentioned the red gums.

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

Mr FRANK SARTOR: The simple fact is that this is a complete fabrication. It is nonsense. I stand by my position that all negotiations were about good policy for the State. I am appalled by this kind of dishonest attitude to try to exploit workers who naturally might have been expecting this to go on forever and who therefore will be facing an issue about their job prospects. The member for Murray-Darling will exploit their concerns by running around trying to make some confected political issue over something that is much more serious, that is, the viability of those communities and the protection of the environment.

DEMENTIA SUPPORT SERVICES

Mr PAUL McLEAY: My question is addressed to the Minister for Health. How is the New South Wales Government improving dementia services across the State?

Ms CARMEL TEBBUTT: This is an important question and an important issue as this week is Dementia Awareness Week, and this is an opportunity for the House to focus on both the challenge of addressing the needs of people with dementia and what we need to do to prepare for the future growth in the number of people with dementia. A forum was held in the Parliament today organised by the Parliamentary Friends of Dementia. It was an excellent forum attended by a number of members of this place and the other place.

Dementia is a significant challenge as it is one of the fastest-growing diseases; in fact, it is now the third leading cause of death after heart disease and stroke. It has recently overtaken lung disease, which is very concerning. We know it has a serious impact on the lives of people who have dementia but it also has a serious impact on the lives of their family, friends and carers. We expect the number of people with dementia to triple over the next 40 years. The Government recognises both the increasing prevalence of dementia and the need to support people with dementia, their family, friends and carers. That is why today at the Parliamentary Friends of Dementia event, the Hon. Peter Primrose, the Minister for Ageing, Minister for Disability Services, and I launched the New South Wales Dementia Services Framework 2010-2015.

The framework sets the direction for dementia care over the next five years in New South Wales. It identifies the current issues and challenges. It identifies the desired outcomes for people with dementia, their families and carers, and it identifies what is needed to achieve these outcomes. The framework highlights the need for increased awareness in the community about dementia and for activities that can either reduce or delay the onset of dementia. It identifies the need for access to information, counselling and support following a diagnosis as well as the importance of responsive and flexible community services, and the need for culturally appropriate care.

As all members would be aware, aged care services span different State government and non-government agencies and also the Commonwealth, so the framework addresses that. It is a strong foundation that helps to identify what needs to be done to improve services for people with dementia. It will be followed up by an implementation plan, which is expected to be released in 2011. In the meantime, considerable work is already occurring to improve care for people with dementia. For example, the Home and Community Care Program, jointly provided by the Australian and New South Wales governments, assists more than 234,000 people in New South Wales, including people with dementia, with an expenditure of some \$653 million on the program in 2010-11. We are building 16 dementia care centres across New South Wales with the Commonwealth Government. That is an investment of more than \$27 million. Recently we committed in the budget to \$1.2 million to employ extra community clinical nurse consultants, who can provide leadership, clinical advice and education in quality dementia care.

I am pleased to report to the House that our hospitals also continue to support important research into dementia. For example, last week I visited the Prince of Wales Hospital, which released the results of a world first study, occurring here in our public hospitals in New South Wales. This study showed that there is a fundamental link between delirium and Alzheimer's dementia. It highlighted the importance of detection and treatment of delirium. The study was undertaken with the support of the cell biology laboratory at the University of New South Wales. It highlighted that some of the damage to the brain seen with dementia may happen during episodes of delirium. If we can better treat delirium, we have an opportunity possibly to either delay or reduce the onset of dementia.

I congratulate Professor Gideon Kaplan and his team on this groundbreaking study, which gives us a better understanding of the development of Alzheimer's disease. It also will help drive improvements in the care

and treatment of people with this condition. One of the points that Professor Kaplan made was that we need to make sure that staff within the health system are well trained to treat people with dementia. The vast bulk of people who now present to our hospitals are older people, many with delirium or dementia. In line with this, the Government has established a statewide New South Wales health dementia care e-learning network. Some 300 staff across New South Wales have already taken part in the dementia e-learning course, and we expect many more to do so.

There has been substantial progress in New South Wales towards improving care for people with dementia. The framework launched today is another important step in the right direction. This disease is debilitating, it is progressive and it has a tremendous impact on the individual, family, friends and carers. We must do everything we can to make that burden somewhat easier and to continue to strengthen care.

POLITICAL DONATIONS

Mr BARRY O'FARRELL: My question without notice is directed to the Premier. Given her media comments on the issue to date, will she assure the House that no proposal was ever taken to Cabinet to overturn the current ban on developer donations to political parties?

Ms KRISTINA KENEALLY: I thank the Leader of the Opposition for his question. I am not going to canvass Cabinet deliberations but I will say this: the Joint Standing Committee on Electoral Matters made a recommendation that the ban on developer donations be repealed. The Cabinet, of course, discussed the committee's recommendation and the Leader of the Opposition and the community can see the result of the discussion that was released yesterday, and the answer is that we are not proposing to repeal the ban on developer donations. Again I repeat—

The SPEAKER: Order! The Leader of the Opposition will allow the Premier to respond to the question.

Ms KRISTINA KENEALLY: Surely the Leader of the Opposition is not suggesting that it would have been appropriate for Cabinet not to discuss all of the recommendations put forward by the Joint Standing Committee on Electoral Matters. The joint standing committee, which was made up of members of both sides of the Parliament including the Hon. Don Harwin and the Hon. Jennifer Gardiner, recommended that that ban be repealed as part of the process of campaign finance reform. Of course, the Cabinet discussed all of the recommendations put forward by the joint standing committee. I find it extraordinary that the Leader of the Opposition thinks this is somehow newsworthy or important to note that the Cabinet discussed all of the recommendations put forward—

The SPEAKER: Order! I remind members that question time is not an opportunity for them to engage in debate. The Leader of the Opposition will cease interjecting. The Premier has the call.

Ms KRISTINA KENEALLY: Since the Leader of the Opposition is so keen to make this point, I am happy to reveal to the House the contents of the conversation I had with him on the telephone the night before the announcement was made when I phoned him to brief him on what we would be announcing the next day. Because what he said then was that he thought it might be logical to repeal that ban.

[Interruption]

The SPEAKER: Order! Government members will come to order. The Leader of the Opposition will cease interjecting. The House will come to order. The member for Blacktown will come to order. The Premier has the call.

Ms KRISTINA KENEALLY: In my phone call to the Leader of the Opposition, I undertook that I would give him a briefing on the Cabinet's decision before it was announced. I called him that night. I briefed him on what the Cabinet had decided and what we would be announcing the next day. I told him the areas where we had not agreed to the committee's recommendations. I said to him it was the Government's view that the public needed to have confidence in a new system before they could have any confidence that the ban on developer donations could be repealed and that was a determination of the Cabinet. The Leader of the Opposition said to me—and I am loath to repeat the contents of this conversation, but he asked the question.

The SPEAKER: Order! Members on both sides of the House will come to order.

Ms KRISTINA KENEALLY: What the Leader of the Opposition said to me is that he thought it was logical that the ban be repealed but he understood that for political purposes it was not appropriate to do so. The Leader of the Opposition raised this issue. I am more than happy to put it on the record.

ROAD PROJECTS

Mr ALAN ASHTON: My question is addressed to the Minister for Roads. Will the Minister update the House on the progress of the M5 West Motorway widening and other key roads projects?

Mr DAVID BORGER: I thank the member for East Hills for his question and his interest in this very important project. I am pleased to update the House on the M5 West Motorway widening proposal. Today the environmental assessment for this project has been put on display until 29 October. The proposal to widen the 22 kilometres of the M5 West Motorway to three lanes each way between King Georges Road and Camden Valley Way is a substantial undertaking and a very important arterial for the south-west. About 90,000 vehicles use this section of the motorway each day; that is why widening of the motorway is a priority for the New South Wales Government. It means that commuters, especially the people of south-western and western Sydney, will get a better run in one of Sydney's fastest-growing business and residential centres, especially during peak periods.

Population growth in south-western Sydney is expected to peak at almost one million people by 2026, a 41 per cent increase in population for this expanding sub-region of Sydney. That is why we are working now to widen this busy corridor. It will also support Sydney's economic growth through improving access to those important economic destinations in our city—the airport, the port, and so on. Construction is expected to start by mid-2011 and be completed two years after that, if a commercial agreement is reached with Interlink Roads, the motorway owners. The total construction time frame for this vital widening of the motorway from two to three lanes is about two years. It will include extra access and egress points to the motorway, and the very important noise barriers will be built along certain sections.

It should be remembered that Labor inherited this motorway contract from the Coalition when it was in government. As with all contracts determined by the Coalition back in the 1990s, we have had to make do with contract terms written up by Barry O'Farrell, who was then working as the chief adviser to the transport Minister at the time.

The SPEAKER: Order! Members will cease interjecting. The Minister has the call.

Mr DAVID BORGER: It is a valid point, because some members of the Opposition, such as the member for Baulkham Hills, have suggested that we should be making decisions now on matters that could only have been resolved when his boss was writing the contract for the transport Minister of the day.

Mr Wayne Merton: Point of order: My point of order is that the Minister has inadvertently misled the House. I am the member for Baulkham Hills.

The SPEAKER: Order! The member for Baulkham Hills will resume his seat. I am happy to remind the House that the Minister was referring to the member for Castle Hill. The Minister has the call.

Mr DAVID BORGER: The Hills are alive! Importantly, it falls to the Labor Government to negotiate this change to the contract, to increase, augment and expand the roadway's capacity so more motorists and more people from that burgeoning south-west subregion can get into the city and other places. Members of Parliament whose constituents rely on this motorway—I think all of them are on this side of the House: the members for Canterbury, Macquarie Fields, Menai, Camden, East Hills, to name a few—will be reminding their electorates of these critical facts over coming months. I encourage everyone to visit the displays, the Roads and Traffic Authority's website or the Department of Planning's website, and to provide feedback. We want that feedback early, and we want these decisions made early so we can get on with the motorway widening.

I turn from road fact to road fiction. I would like to provide an update on some other projects that have been canvassed in the last day or so. The document that has so excited the Opposition has no standing. It is fundamentally flawed and it does not represent Government policy. We are dedicated to improving our roads system, building on the successes of the M7, the Lane Cove Tunnel, the Cross City Tunnel, the City West Link, Alford's Point Bridge, the widening of the M4 and the F3 from two to three lanes in both directions, and the

rapid transitways from Liverpool to Parramatta and from The Hills to Parramatta. We are committed to building on that success and improving our roads system. But we are not committed to the M2 to M4 East project. I am very happy to concede that. The list issued by the Opposition looks like the handiwork of Nostradamus.

The SPEAKER: Order! Members will cease interjecting, including the member for South Coast. I call the member for South Coast to order for the second time. The Minister has the call.

Mr DAVID BORGER: The list issued by the Opposition looks like the handiwork of Nostradamus: a little bit of hit but mostly miss. If members seek guidance on the Government's actual road plans, they should look to the Government's fully funded Metropolitan Transport Plan. The document that the Leader of The Nationals was encouraged to apply for under freedom of information legislation will be of no use. We are absolutely committed to improving our roads system and the broader transport system.

The SPEAKER: Order! I remind the member for Murrumbidgee that he is on three calls to order.

Mr DAVID BORGER: Our record \$4.7 billion Roads budget enables us to carry out all our plans. We have the Pacific Highway receiving more funding than any other roadway in the nation—almost 20 per cent of the record Roads budget, at \$875 million. Elsewhere, stage two of the Great Western Highway Lawson upgrade has just commenced. That project is worth \$200 million. The Government is proud of its achievements and our record funding. In fact, the \$4.7 billion Roads budget is a \$300 million increase on the previous Roads budget. Compare this to the policy void opposite. After 15 years, I am waiting for the Opposition to come up with a single policy on roads—not just a comprehensive policy on roads but a single piece of paper that they can hold up to the public and say, "This is what we commit to in terms of roads." The Opposition has not a single policy on roads or roads projects.

I hate to dust off the transcript of the Jason Morrison interview with the Leader of The Nationals. The Leader of The Nationals was asked, "After 15 years, what are the roads that you will fund?" He said, "I couldn't possibly come up with that in 15 minutes, Jason." And Jason Morrison said, "15 minutes? You've had 15 years to come up with a roads policy." It is a phantom policy: it does not exist.

I would like to refer a little more to the work ethic on the other side of the House. Last week members opposite had the opportunity—in fact, they had three hours of opportunity—to ask me questions about the roads network in New South Wales. We were prepared. We had done our homework, we had the facts there, we were confident in our positions, and we were waiting for this three-hour interrogation by those hotshots in the Opposition—Perry Mason in the upper House, and Jenny Gardiner, and others. We were waiting for the questions. But they did not even get to half time before they ran out of questions. That is their commitment—

The SPEAKER: Order! Members will cease interjecting.

Mr DAVID BORGER: Members opposite were so concerned about roads portfolio issues that they made it to 87 minutes precisely. That is less than halfway. They ran out of questions. They did not do their homework—or perhaps someone did not do their homework for them. We are very happy with the work that is happening now with the M5 West, and we are happy with the work that is happening on the M2 widening. We are pleased that we have a record Roads budget in New South Wales—contrary to the Opposition, which does not have a single policy on roads.

KARAWA COTTAGE

Mr PETER BESSELING: I direct my question to the Minister Assisting the Minister for Health (Mental Health). Given the poor state of repair of the Karawa Cottage mental health facility in Port Macquarie, will the Minister commit to a thorough assessment of the building and provide adequate funding to undertake significant improvements to that facility?

Mrs BARBARA PERRY: I acknowledge the interest of the member for Port Macquarie in mental health issues. Karawa Cottage is a mental health rehabilitation service in Port Macquarie. I am advised that that service operates five days per week with full-time mental health staff and provides a variety of clinical and disability support programs for consumers of the mental health service. Those programs range from anxiety management, social skills development and illness management to fitness programs, computer skills and recreational and community integration strategies. The service can provide group and individual interventions to help to promote recovery and social participation. The service is funded by the North Coast Area Mental Health Service.

I am aware of some rumours within the community that Karawa Cottage will not remain operational. Those rumours are wrong. Karawa Cottage will remain open and operational. I am aware also that a program of regular maintenance occurs at the cottage, including upgrades to the air-conditioning. However, I will make further inquiries about the adequacy of that maintenance program and undertake to provide the member with the results of those inquiries.

RECOVERY OF LOST WAGES

Mr MATTHEW MORRIS: I address my question to the Minister for Industrial Relations. How is the New South Wales Government assisting workers and their families to recover lost wages?

Mr PAUL LYNCH: I thank the member for his interest and his important question in a traditional matter of Labor concern. The New South Wales Government is committed to the rights and responsibilities of the labour force across the State and to ensuring that businesses are competing fairly and complying with industrial legislation. Since 1996 the Government has ensured the return of more than \$53 million in underpayments to everyday workers and their families. That significant achievement underlines the importance of the compliance work carried out by workplace inspectors.

NSW Industrial Relations activities are designed to ensure fair regulation of workplaces with minimal red tape; provide accessible information and help for employers and employees; and promote compliance with industrial relations legislation. Each year industrial relations inspectors visit workplaces across the State to raise awareness of industrial relations laws among employers and their staff. During these visits employers are provided with information and advice on pay rates, conditions of employment, leave entitlements and employment records.

Between April 2007 and July 2010 industrial relations inspectors in New South Wales have conducted 44,442 investigations, identified 32,245 breaches of industrial legislation, and recovered \$11,763,070 in lost wages. Examples include: \$10,417 for two employees at a bakery in the Snowy River region for underpayment of public holiday rates, Sunday penalties and overtime; and \$2,641 for a casual shop assistant in Dubbo for unpaid pro rata long service leave. During the last financial year industrial relations inspectors conducted over 14,100 workplace visits and investigations and recovered \$3.6 million in lost wages. Over 13,670 New South Wales workplaces were inspected as a result of targeted compliance campaigns, covering the employment of approximately 40,000 workers. Over 11,000 breaches of New South Wales industrial relations laws were identified, including 1,350 workplaces where workers were being underpaid.

NSW Industrial Relations investigated also 1,241 formal complaints from workers, obtaining meaningful results for affected workers. For example, an apprentice carpenter from Gerringong on the South Coast received \$7,271 for unpaid fares allowance, tools allowance and TAFE fees, and a bathroom fitter from Maroubra received \$1,040 after having annual leave payments withheld by his employer after he resigned from his job. Approximately 3 per cent of the complaints resulted in prosecution action. One such case involved a young female apprentice cook employed in a restaurant at Coogee, who was not paid appropriate penalty rates for working shifts and weekends. Six award breaches were proven, with the Chief Industrial Magistrate ordering the employer to pay a penalty of \$6,000 and an amount of \$5,672.32 to be paid to the worker.

In another prosecution, a vulnerable worker who spoke English as her second language alleged underpayment of entitlements as a manicurist under the Hairdressers (State) Award. Following a complaint to the New South Wales Industrial Relations Commission an extensive investigation by two inspectors was undertaken. The employer, a proprietor of a beauty treatment salon in the Hunter region, was found guilty of eight breaches. The Chief Industrial Magistrate in Newcastle imposed penalties of \$4,500 and ordered the payment of \$27,000 to the worker. It is clear from the results I have outlined that good work is being done by NSW Industrial Relations, which continues to deliver outstanding public service to workers and employers throughout this State. It reflects the core value of Labor in government, which is something that comes from the DNA on this side of the House. That is what Labor governments do.

DUBBO BASE HOSPITAL PATIENT TREATMENT

Ms CARMEL TEBBUTT: Yesterday in question time the member for North Shore asked me a question about a patient at Dubbo Base Hospital. I would like to provide some further information, as I undertook to do so. I am advised that on 2 August 2010 Mrs Amy Mason, who had a rapid heart rate, was admitted to Dubbo Base Hospital via the emergency department. Mrs Mason was kept in the emergency department until a

coronary care bed became available, which represents best practice in clinical care. On the afternoon of 3 August Mrs Mason was transferred to the coronary care unit. On 5 August her condition had improved and Mrs Mason was transferred to a bed in the general medical ward where she could be closely observed.

On 6 August she was moved into a general medical ward close to the nurses' station. This ward also had three male patients. It is acknowledged that this was not ideal and does not represent the usual practice at Dubbo Base Hospital. The general manager of Dubbo Base Hospital has spoken with Mrs Mason's son. He has explained the details of his mother's care and apologised for the lack of communication with the family. The Government is committed to Dubbo Base Hospital and its future expansion. The most recent State budget provided total funding of \$22.7 million to redevelop the hospital so that it can continue to meet the health care needs of the community.

Question time concluded at 3.17 p.m.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the Performance Audit Report of the Auditor-General entitled "Helicopter Emergency Medical Service Contract: NSW Health, NSW Ambulance Service", dated September 2010.

PETITIONS

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

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**.

South Coast Rail Line Staffing

Petition opposing the reallocation of and reduction in staff on the South Coast Illawarra rail line, received from **Mrs Shelley Hancock**.

Bus Service 389

Petition requesting improved services on bus route 389, received from **Ms Clover Moore**.

Shoalhaven Police Station

Petition requesting funding for the establishment of a new police station in the central Shoalhaven area, received from **Mrs Shelley Hancock**.

Shoalhaven Local Area Command

Petition requesting additional resources for the Shoalhaven Local Area Command, received from **Mrs Shelley Hancock**.

Pet Shops

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

Burrill Lake

Petition requesting the opening of Burrill Lake, received from **Mrs Shelley Hancock**.

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

Mona Vale Hospital Maternity Unit

Petition requesting that the maternity unit be restored at Mona Vale Hospital, received from **Mr Rob Stokes**.

Mosman and Neutral Bay Ferry Timetable

Petition opposing the revised timetable for ferry services from Mosman to Neutral Bay, received from **Mrs Jillian Skinner**.

Penrith Valley Regional Sports Centre Stadium

Petition requesting funding for the rebuilding of Penrith Valley Regional Sports Centre stadium, received from **Mr Allan Shearan**.

BUSINESS OF THE HOUSE**Reordering of General Business**

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [3.20 p.m.]: I move:

That the General Business Notice of Motion (General Notice) given by me this day [Tenure of Government] have precedence on Thursday 23 September 2010.

There can be no more important issue for this State than getting on and doing the job that the people of this State expect the Government to do. They expect the Government to work as hard as the communities and businesses across this State. They expect the Government to focus on the problems that families, enterprises and individuals confront each day, whether it is trains, hospitals, clogged roads, problems in our schools, or elsewhere.

Instead today it is another scandal, another diversion, another preoccupation by a State Government that has had too many scandals. It has been diverted too many times from the needs of people across this State. We no longer can afford the weak and vacuous leadership of the Premier of this State. There was no better example of that than in question time today when she was asked a very simple question about whether or not Cabinet had considered a proposal to remove the current ban on developer donations. After the Premier gave me an answer, and I acknowledged that she gave me an answer, because she felt threatened and she could not think of anything else to say she then gave half of a conversation that we had at 6.30 on Tuesday night.

On that occasion, when we were running through which recommendations had or had not been adopted, the Premier said that Cabinet had not decided to adopt the developer donations. It is true that I did note that the Legislative Council had recommended that it be included in broader reforms to make it simpler. It is true that I did note that it made a logical case to include developers in what she claimed was, at that stage, a root-and-branch reform of campaign finance. But she did not add that I said that because of the donations-for-decision scandal and the stench surrounding her Government I understood politically why they would not accept that recommendation. To give half that conversation and not the second part—

Mr John Aquilina: Point of order: The Leader of the Opposition is debating an answer that the Premier gave during question time. This is not the time to do so, nor is it appropriate to raise this matter when he should be trying to convince the House that his motion should be given priority tomorrow.

The SPEAKER: Order! The Leader of the Opposition will return to the leave of the motion.

Mr BARRY O'FARRELL: I am happy to continue the reorder debate. The Leader of the House does not understand that if honesty and truthfulness do not come out of the mouth of the Premier of this State, the leader of this State, the public can have no confidence that anything will be achieved in this State other than what is in the interests of the Labor Party and the union movement, which clearly play a large role in the life of the Premier of this State.

Mr Gerard Martin: What about the tobacco companies?

The SPEAKER: Order! Government members will cease interjecting.

Mr BARRY O'FARRELL: There is the logical case that was made in the Legislative Council. If tobacco is as bad as two members have acknowledged and if gaming operators are as bad as some have acknowledged, why does the Government not accept my proposal to ban donations from all corporations and to allow only individuals on the electoral roll to donate to political parties?

Mr Alan Ashton: I have been waiting 11½ years for one policy.

Mr BARRY O'FARRELL: Three and a half years. The point about truthfulness, honesty and ethical behaviour—

Ms Kristina Keneally: Point of order: I was in my office watching the contribution of the Leader of the Opposition. He is misleading this House. He never uttered those words.

Mr Adrian Piccoli: What is the standing order?

The SPEAKER: Order! The Premier will resume her seat. The member for Murrumbidgee will resume his seat. Members will follow the correct procedure when they wish to take a point of order. Does the Premier rise on a point of order?

Ms Kristina Keneally: Yes.

The SPEAKER: Order! I ask the Premier to state her point of order.

Ms Kristina Keneally: My point of order relates to Standing Order 76. What the Leader of the Opposition—

The SPEAKER: Order! Members will remain silent. I cannot hear what the Premier is saying. The Premier is rising on a point of order.

Ms Kristina Keneally: I will not stand in this Chamber and listen to the Leader of the Opposition mislead this House. He told me a story about a raffle he had to pull out of, how developers could not buy any tickets, and he thought it was illogical. I will not stand in this Chamber and listen to the Leader of the Opposition deliberately mislead the House.

The SPEAKER: Order! The Premier will resume her seat. That is not a point of order. The Leader of the Opposition has the call. He will confine his remarks to the motion before the House.

Mr BARRY O'FARRELL: My point is that the Premier cannot tell the truth, as she has again demonstrated. On three occasions in the last month she is on the record as stating to her members, "Cooperate with the ICAC. I expect all my members to do so." Yet she would not even allow her Minister for Fair Trading, and Minister for the Arts to answer questions in estimates. What sort of honesty and integrity does she show? What sort of ethical leadership does she give to the State? The answer is none.

Ms Kristina Keneally: What a pathetic effort!

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.25 p.m.]: The Premier said it all. What a pathetic effort, Barry. The Leader of the Opposition had five minutes to try to convince this House—

Mr Barry O'Farrell: Point of order: Far be it from me to give the Government tactical advice, but why not have the Premier speak for these five minutes? Why not have the Premier try to advance her case, which she tried to do a moment ago in an abysmal and appalling way.

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

Mr JOHN AQUILINA: How many opportunities does the Leader of the Opposition need today in order to try to justify his baseless claims? He spent most of his five minutes trying to debate an answer that the Premier gave in answer to his question. As the Premier indicated in her earlier point of order, he obviously misled the House in relation to their conversation. The Leader of the Opposition asserts that he deserves to be Premier straightaway and that he deserves the confidence of the people of this State. Yet he cannot even get the rules of the House right in a five-minute speech to convince us why we should debate his motion tomorrow. There are no facts in what he said. His claims are totally baseless because the State has been doing its job, and there plenty of figures to support that. His claims are baseless because figures from the Australian Bureau of Statistics show that the State final demand for New South Wales grew by 5.7 per cent through the last financial year. This figure is above the national average of 5.3 per cent growth.

The claims of the Leader of the Opposition are baseless because the New South Wales Government is delivering a \$62.2 billion infrastructure investment program, supporting up to 155,000 jobs a year, over the next four years. This Government is getting on with the job and it is doing its work. All that Opposition members can do is throw mud. That is all they do. They have no plans and no policies. All they do is point the finger and, as we heard here today, there are utter mistruths about conversations they had. The claims of the Leader of the Opposition are baseless because we have strong jobs growth in New South Wales. Unemployment in New South Wales is currently at 5 per cent. That is impressive compared with the figures of 9.6 per cent in the United States and 7.8 per cent in the United Kingdom. The claims of the Leader of the Opposition are baseless because significant growth in business investment in New South Wales represents a strong vote of confidence in the economy: more than \$2 billion in extra business investment in New South Wales over the nine months to April this year. The same cannot be said for Victoria or for any other State.

These are the facts. These are the reasons why New South Wales is governing. We are providing the goods for the people of this State, unlike the baseless mudslinging that the Leader of the Opposition and Opposition members engage in all the time. The claims of the Leader of the Opposition are baseless because independent expert opinion makes clear the strength of the New South Wales Government's economic management. The Standard and Poor's credit rating report which reaffirmed our triple-A rating noted, "The management of New South Wales is sound and provides support to the rating." In other areas, the health budget stands at a record \$16.4 billion, which represents a 192 per cent increase in funding since the last time the Coalition held office. The New South Wales Government is spending \$42 million today and every day on improving the health of the community.

The SPEAKER: Order! Members will cease interjecting.

Mr JOHN AQUILINA: The claims of the Leader of the Opposition are baseless because a record \$4.4 billion is being invested in our rural and regional health services, representing around 28 per cent of the total budget. The claims of the Leader of the Opposition are baseless because in April 2010 the Council of Australian Governments agreed to a \$3.4 billion funding package nationally to improve access to public health and hospital services.

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

Mr JOHN AQUILINA: The deal struck by New South Wales delivers \$1.2 billion for State services over four years. I acknowledge the fact that Opposition members have given up. They have given up and they have also given up on their leader, who this afternoon gave one of the worst performances a Leader of the Opposition has ever given in this place. They have totally given up. They talk about being in government. They do not deserve to govern. In fact, most of them do not deserve to be in Opposition. The motion is declined.

The SPEAKER: Order! The Leader of the House will not encourage the member for Wakehurst.

Mr John Williams: Point of order: I have been sitting here so that we can debate this motion tomorrow.

The SPEAKER: Order! The member for Murray-Darling knows that that is not a point of order.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 35

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

Noes, 51

Mr Amery	Mr Gibson	Mr Morris
Ms Andrews	Mr Greene	Mr Pearce
Mr Aquilina	Mr Harris	Mrs Perry
Mr Besseling	Ms Hay	Mr Piper
Mr Borger	Mr Hickey	Mr Rees
Mr Brown	Ms Hornery	Mr Sartor
Ms Burney	Ms Judge	Mr Shearan
Ms Burton	Mr Khoshaba	Mr Stewart
Mr Campbell	Mr Koperberg	Ms Tebbutt
Mr Collier	Mr Lalich	Mr Terenzini
Mr Coombs	Mr Lynch	Mr Tripodi
Mr Corrigan	Mr McBride	Mr West
Mr Costa	Dr McDonald	Mr Whan
Mr Daley	Ms McKay	
Ms D'Amore	Mr McLeay	
Ms Firth	Ms McMahon	<i>Tellers,</i>
Mr Furolo	Ms Megarritty	Mr Ashton
Ms Gadiel	Ms Moore	Mr Martin

Pair

Ms Goward

Ms Beamer

Question resolved in the negative.**Motion negatived.****BUSINESS OF THE HOUSE****Business Lapsed**

General Business Notices of Motions (General Notices) Nos 992 to 1001 will lapse on Thursday 23 September 2010 pursuant to Standing Order 105 (3).

COASTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL 2010**Discharge of Order of the Day and Withdrawal of Bill**

Order of the day discharged and bill withdrawn on motion by Mr Frank Sartor.

BUSINESS OF THE HOUSE**Suspension of Standing Orders: Bills**

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.38 p.m.]: I move:

That standing orders be suspended to permit the introduction without notice and passage through all remaining stages at this or any subsequent sitting of the Coastal Protection and Other Legislation Amendment Bill 2010 (No. 2).

Mr ADRIAN PICCOLI (Murrumbidgee—Deputy Leader of The Nationals) [3.38 p.m.]: There were some discussions about withdrawing the old bill and introducing a new bill rather than introducing amendments to that legislation. We have agreed to that process. However, there are concerns about some of the changes to the bill and about members being given an opportunity to consult. I understand that this is important legislation but I want to place on the record that we are not particularly happy about this process and about the lack of opportunity that members have had to consult. If other concerns are raised between the passage of the bill in this Chamber and the bill going to the upper House, I hope that the Minister for Climate Change and the Environment takes that opportunity to undertake consultations if any changes need to be made.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.39 p.m.], in reply: I note the comments of the member for Murrumbidgee. The Minister has indicated that he has taken on board the member's comments and he will acquiesce to them. Whilst I have moved a motion that it is the Government's intention to introduce the Coastal Protection and Other Legislation Amendment Bill 2010 (No. 2) without notice

and permit its passage through all remaining stages at this or any subsequent sitting, it is not anticipated that if there are other speakers in debate on the bill we will complete it tomorrow. I give an undertaking that there will be adequate time for continued debate and consultation on this matter.

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

Motion agreed to.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Guardian Train Services

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [3.40 p.m.]: There is no doubt that the New South Wales Government has invested millions of dollars in rail infrastructure in New South Wales. That has involved upgrading railway stations and the provision of new train carriages, new rail lines such as the Epping to Chatswood line and new commuter car parks throughout the rail system. Of course, the safety and security of passengers who travel on our extensive rail system are of paramount importance. Many commuters travel late in the evening and early in the morning and their safety in that environment is of great concern. My motion deserves priority because, along with the new timetable, the New South Wales Government will introduce the night Guardian train service. That initiative will improve security on trains and provide more closed-circuit television cameras. It will also establish hubs at which security and RailCorp staff will be available if something happens on the system.

This motion deserves priority because the safety of rail passengers is foremost in the Government's mind. Late-night travellers on the Central Coast, East Hills, South Coast, Western Sydney and Newcastle lines will benefit from this new service. The late-night Guardian service will commence when the new timetable comes into effect. We should debate this motion today so that information about the service can be disseminated to the community. We want people who travel on Friday and Saturday nights to feel more secure. The New South Wales Government has already introduced initiatives that have reduced the number of incidents on the rail system. The introduction of transit officers in 2002 has resulted in offences declining by one-third. These initiatives will make the system even safer, and I am sure members agree that that is a very important outcome.

Managing the rail system is not simply about building new trains, rail lines, stations and car parks; it is about people. They use the system and we must ensure that not only do they enjoy the lower fares the Government introduced with the new fare structure but also they are safe when they use late-night services. This motion deserves priority because often the people who travel late at night and early in the morning are the most vulnerable members of our community. I refer in particular to females travelling alone and the elderly. These new services will ensure that they are secure and are not subjected to intimidation or violence. This motion deserves priority because it recognises that RailCorp is spending more than \$100 million in 2009-10 to continue improving the safety of the rail network. The safety of the citizens of New South Wales is of the utmost importance to this Government. That is why this motion deserves priority.

Princes Highway Upgrade

Mrs SHELLEY HANCOCK (South Coast) [3.44 p.m.]: My motion deserves priority because yesterday in this House the Premier embarrassingly fumbled through hastily cobbled-together material about the Princes Highway in response to a question from the shadow Minister for Roads. The question related to the unacceptable future delays indicated in Roads and Traffic Authority documents obtained under a freedom of information request. Those documents were referred to today by the Minister for Roads as the "Nostradamus documents". They are not; they are Roads and Traffic Authority documents. According to those documents, the Gerringong to Bomaderry highway upgrade will apparently now not be completed until 2021, despite the fact that the Minister promised to have it finished by 2016 and the member for Kiama promised to have it finished by 2011. The Premier yesterday failed to answer the question asked by the shadow Minister for Roads.

This motion deserves to be debated as a priority. We need to have a debate about not only the Princes Highway, including the South Nowra projects and the Gerringong to Bomaderry projects, but also the document released yesterday that lists countless Roads and Traffic Authority projects across the State that will be delayed, many for five years and others until 2036. The people of New South Wales deserve an urgent explanation about what this Government is doing and why these documents were hidden from them. In response to a freedom of information request from the Opposition, the Government claimed without any justification that the documents were cabinet in confidence. The Government wants to cover up at all costs its incompetence with regard to infrastructure and its many broken promises.

My motion deserves priority because the Premier yesterday, in selectively quoting positive comments in the *Illawarra Mercury* about the Princes Highway budget, failed to acknowledge that in the few days that followed that same media outlet and others condemned the Government's continued slashing of funding for the highway. In fact, the *Illawarra Mercury* conducted a poll just days after the budget asking whether readers thought the Government had allocated an appropriate amount for the Princes Highway. Not surprisingly, 73 per cent of the respondents indicated that it had not. The feature article in the *South Coast Register* on the Princes Highway budget was entitled "Highway Robbery". The newspaper certainly got it right, and the Premier got it wrong yesterday.

This motion deserves priority because this year's budget slashed Princes Highway funding by almost \$50 million—that is a reduction from \$144 million last year to \$96 million this year. Projects listed in the budget have now been pushed out by a further five years. This motion deserves priority because for the past four years the member for Kiama has continued to promise that the Gerringong to Bomaderry project would be completed, but he has failed to deliver for his electorate. Given the information in the planning documents, he will be promising this project for another four elections if we are unlucky enough to have him around.

Mr Andrew Fraser: He won't be here!

Mrs SHELLEY HANCOCK: He probably will not be, and he should not be. He continues to be an apologist for this Government rather than an advocate for his electorate. The member for Kiama should support my motion, explain the project delays in his electorate and why he promised—as reported in the *Kiama Independent*—that stage two, including the Berry bypass, would be completed in 2011 when clearly it will not and—

Mr David Harris: Point of order: I have listened carefully to the member for South Coast. Her contribution is now turning into an attack on the member for Kiama. That should be done by way of substantive motion, not under the guise of a motion to be accorded priority.

The DEPUTY-SPEAKER: Order! The member for South Coast will state why her motion should be accorded priority.

Mrs SHELLEY HANCOCK: I am obviously debating priority for this motion. The former member for Kiama, Bob Harrison, announced in 1996 that the township of Berry would be bypassed, but still the trucks rumble through the town. People and businesses in Berry, Gerringong, Bomaderry and South Nowra deserve an explanation for the delays in these projects, as do the families who have lost loved ones in fatalities on the Princes Highway. Only a Coalition government will address infrastructure in this State; only a new Liberal member for Kiama will stand up for the local residents; and only a change in government will result in a renewal of infrastructure in this State. My motion should be accorded priority, and the electorate of Kiama will be watching carefully to see how their local member votes.

Question—That the motion of the member for Wyong be accorded priority—put.

The House divided.

Ayes, 48

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

Noes, 39

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

Pair

Ms Beamer

Ms Goward

Question resolved in the affirmative.**GUARDIAN TRAIN SERVICES****Motion Accorded Priority****Mr DAVID HARRIS** (Wyang—Parliamentary Secretary) [3.56 p.m.]: I move:

That this House congratulates the Government on the introduction of new late night Guardian train services.

I am pleased to advise that from next month, on the weekend of 15 and 16 October, CityRail will introduce new late-night Guardian services at the same time as the new timetable for some rail lines comes into effect. Under the new initiative, one Guardian service each Friday and Saturday night will operate on the Central Coast, East Hills, South, South Coast, Western and Newcastle lines. The safety and security of passengers is—and should always be—the top priority of all transport policies of this Government. Our strategies to keep passengers safe on public transport—especially trains—are having a strong impact. Since the introduction of transit officers in 2002, offences against the person on the rail network have fallen by one-third. However, the Government understands that some commuters remain concerned about security on trains late at night. The introduction of Guardian services aims to address this.

Guardian services will have additional security measures to provide extra peace of mind for customers travelling home by train late on Friday and Saturday nights. Additional transit officers and monitoring of on-board closed-circuit television cameras are some of the extra security measures that will be part of these Guardian services. Transit officers will travel on board for the duration of each Guardian service. They will work closely with the train crew and station staff to provide a strong, highly visible presence for customers. Guardian services may operate with only the four centre carriages open to ensure that passengers are close to transit officers and the guard. This approach also means that customers will not be sitting in a carriage alone or with just one or two other people, helping passengers feel safer. The Guardian services will be introduced on Friday and Saturday nights so that passengers can stay in the city and enjoy themselves responsibly without having to worry about how they are going to get home safely.

We know the community will welcome new Guardian services because it has told us so. The new services have been trialled on some lines over the past few months, with very good feedback from passengers. Specific Friday and Saturday night train services have been identified as Guardian services based on this feedback—when people were most likely to use a train for a late-night journey home from the city. These trains will be marked with a "G" in the online timetable and commuters should listen for announcements at their station. RailCorp will monitor feedback from the community and will consider altering these services if they are not meeting customer needs. RailCorp may also look at options to extend the program if the services prove to be successful.

In addition to the Guardian services, CityRail staff and security guards will be present at hub stations along each line every Friday and Saturday night when the services arrive. These stations, which will be main

stations or interchanges, will be convenient drop-off and pick-up points for customers who use the Guardian service. It is important to point out that the introduction of the Guardian service initiative will have no impact on the security of other RailCorp train services. These services are consistent with RailCorp's security deployment strategy, and other resources will continue to be available to provide security across the rail network. The latest analysis of crime statistics from the Bureau of Crime Statistics and Research shows these strategies are working. The latest full financial year data from the Bureau of Crime Statistics and Research shows that on rail premises all 17 major crime categories have either fallen, remained stable or could not be calculated as the incident counts were too small.

There was a significant downward trend in recorded offences of malicious damage to property on rail premises, from 1,640 offences recorded in 2008-09 to 1,279 in 2009-10. That is down by 22 per cent. Thefts from motor vehicles on rail premises had also reduced, from 1,058 offences recorded in 2008-09 to 788 in 2009-10—down by more than 25 per cent—while recorded offences of motor vehicle thefts on rail premises reduced from 372 in 2008-09 to 255 in 2009-10, which is down by more than 31 per cent. Trends for all other major crime categories on rail premises were either stable or could not be assessed because the incident counts were too insignificant. This data demonstrates that RailCorp's ongoing efforts, together with those of its partner, the New South Wales Police Force, to provide a secure rail network for commuters are working.

Since 2002, the year in which transit officers commenced operating on the rail network in partnership with New South Wales police, there has been a reduction of more than 30 per cent in recorded offences against people on rail premises. The fact that RailCorp has been able to sustain this significant reduction over many years is testament to the effectiveness of its security system and, in particular, to the daily efforts of transit officers and the New South Wales Police Force. RailCorp transit officers will continue to work closely with New South Wales police officers to target crime and antisocial behaviour on the rail network. There are more than 8,700 closed-circuit television cameras across the CityRail network and a 24-hour Rail Security Control Centre with the capability to live monitor this technology, communicate with train crews and station staff, and coordinate a response by transit officers, police or emergency services. The security control centre also receives reports from customers and staff, and deals with security issues identified in real time.

The Keneally Government has placed, and always will place, a high priority on commuter safety. This is demonstrated by our continued investment in security staff and services, with RailCorp alone spending approximately \$100 million over 2009-10 to continue improving the safety of the rail network. But it does not end there. I remind members opposite of the Government's initiatives over the past four years. They include additional closed-circuit television surveillance—there are now more than 8,700 cameras—to target customer safety and vandalism; improved and strengthened security at key infrastructure sites including depots, yards and sidings; and station security improvements. This is in addition to the installation of 7,000 high-intensity lights and more than 750 customer help points on every station.

A person using a customer help point will be visible on closed-circuit television and will be able to communicate with a trained CityRail operator for assistance. The Rail Security Control Centre operates 24 hours a day, seven days a week. RailCorp and the New South Wales Police Force regularly conduct joint operations, such as Operation Vision, to target crime and antisocial behaviour on the network. Operations such as this send a very clear message that crime and antisocial behaviour will not be tolerated on the rail network.

Ms GLADYS BEREJIKLIAN (Willoughby) [4.03 p.m.]: I am pleased to make a contribution to this debate because the safety of commuters on the rail network is extremely important. The Liberal-Nationals do not believe the State Government has done enough to ensure the safety of commuters. We welcome the Guardian train announcement, but regrettably it is very limited; it is only one service per line and does not extend for the entire length of some lines. Therefore, it is misleading for the member for Wyong to say that it encompasses the entire network. The member for South Coast will elaborate on that point. I will move an amendment to the motion. I move:

That the motion be amended by leaving out all words after "That" with a view to inserting instead:

this House condemns the Government for failing to adequately improve safety of commuters on the rail network.

I have moved the amendment because the most recent CityRail customer survey results reveal that 37 per cent of commuters worry about their personal safety when catching a train at night—and that does not mean merely the 11.47 p.m. service; people are worried about their personal safety on all services after dark. Regrettably, the Government's announcement is limited to only one service per line for some lines; it does not extend to the entire network, and that is our concern. The same survey also found that 26 per cent of commuters feel

threatened by the actions of other people on a train or at a station. This is on top of statistics that we obtained through a freedom of information request to the New South Wales Police Force that show that in 2009 there was a total of 4,877 incidents of criminal and antisocial behaviour on trains and platforms, or about 93 incidents a week. In addition, there were 1,413 incidents of criminal and antisocial behaviour at CityRail station car parks, or about 27 incidents a week. Therefore, the community is justified in being concerned about safety in and around the rail network.

The New South Wales Coalition was pleased to announce in December last year an increase in NightRide bus services for commuters who wish to travel to and from the central business district, in particular, outside the times that CityRail services are provided. For a long time we have recognised the need to improve safety for people travelling in and around the CityRail network at night. Therefore, in December 2009 we announced a range of measures to increase the NightRide bus services. On 7 June this year the New South Wales Liberal-Nationals announced our Park and Travel Safety Fund in recognition of the need for better lighting, more closed-circuit television cameras and increased help points to ensure that people feel safe when travelling on the CityRail network.

In June we committed to the \$40 million Park and Travel Safety Fund to improve commuter safety in and around train stations, including in commuter car parks. The Coalition has acknowledged this issue but, even though it has been in office for 15 years, the State Government has been on the back foot. We have made a number of announcements and given a number of commitments in these two policy documents. Although the State Government's announcement about the Guardian trains is welcome, it is extremely limited. The proposal is literally one service per line and not for the entire length of some lines; it does not encompass the entire CityRail network.

The Coalition urges the State Government to adopt its policy to improve lighting and closed-circuit television coverage and to increase help points. I note that the member for Wyong referred to transit officers. He knows full well, as does the member for Keira, that transit officers do not have the power to intervene when there is a safety incident. They are ordinary citizens going about their business. The primary purpose of transit officers on the CityRail network is to deal with infringement issues, not criminal issues. Crime is a matter for the police. The Coalition has always argued for a stronger police presence in and around the rail network as the best way of preventing rail crime.

In the past the State Government, through its various programs, has had various blitzes, which have been very successful. Given their success, we argue for there to be a permanent police presence on the rail network, not just during blitzes. Police have done an excellent job when the State Government has involved them in a blitz, which shows how effective the police are in preventing crime on the rail network and apprehending criminals who threaten the safety of commuters and rail staff. Those operations have been successful but they are too limited; there should be a permanent police presence.

I reiterate that there should be more closed-circuit television cameras, better lighting and more help points. That is why we announced the very welcome \$40 million package back in June. As I travel throughout the CityRail network, women, in particular, express concern about their safety when catching a train at night, especially those who travel long distances. I am sure that the member for South Coast will elaborate on that point, given the limitations of this announcement with respect to parts of her electorate. Regrettably, the Government's announcement is too little, given the statistics we have in relation to the incidence of crime and people feeling unsafe. At the end of the day, if people do not feel safe on public transport at night they will not use it. That is a huge obstacle for us. Every member of this House would regard safety in and around our rail stations as a priority. The protection of commuters and staff at night when there is an increased risk of a criminal incident is paramount.

I have moved the amendment because we on this side of the House do not feel that the Government has done enough to address this issue. That is reflected in the various customer surveys that have been conducted by the Independent Transport Safety and Reliability Regulator. Clearly, not enough is being done. When the Government made its announcement regarding the new Guardian train services on the network, it should have increased the total number of services and also extended access to those services to various parts of the CityRail network. Contrary to the assertions of the member for Wyong in the Chamber today, regrettably this announcement relates to only one service per line and it does not extend to the whole length of some of the lines. At the end of the day, the people who need to travel the longer distances are the ones who are most at risk.

Mr DAVID CAMPBELL (Keira) [4.10 p.m.]: I support the motion moved by the member for Wyong. It sets out appropriately the continuous improvement in rail safety and the important aspect of customer service

on the rail network. I am not at all surprised—but I am appalled, as always—that in the whingeing, whining and complaining of the member for Willoughby we see yet again an undermining of the efforts of front-line staff in the New South Wales transport sector. The member demonstrated how little confidence she has in the rail network security staff and transit officers. I have a different point of view. I think they work very hard. I know that in their joint operations with the New South Wales Police Force, under the Vision banner, strong results have been achieved.

The member for Willoughby spoke about safety incidents on the rail network. She said that one such incident is too many. I accept that. But when one considers that there are about one million passenger journeys a day on the CityRail network, and she has spoken about 96 incidents a week, clearly a lot of people are travelling very safely on the network. It is important to point out the improvements to security services. I refer to the rollout in just the last 12 months of 320 additional CCTV cameras, the introduction of Guardian services—which are the subject of this motion—the recruitment and hiring of additional transit officers, and the fact that the new trains that are on order will have more security features such as CCTV monitoring. That is certainly the case with the OSCar carriages that are being rolled out.

With that sort of investment it is little wonder that the customer surveys conducted by the Independent Transport Safety and Reliability Regulator show a reduction in the number of train users who felt threatened by the actions of other people on a train or at a station. The surveys conducted by the independent regulator have shown that people are feeling safer on the rail network—and appropriately so—as a result of the hard work of the front-line staff, which members opposite continually talk down, and as a result of the investment in technology that the Government has put in place, including additional CCTV cameras, and security lighting and fencing.

I found it interesting to hear the member for Willoughby speak about the \$40 million fund that the Coalition would spend on commuter car parks. The Government has a program of commuter car parks comprising more than 7,000 car spaces in delivery, and many of those commuter car parks are open. One of those commuter car parks is in Woonona and another is in Waterfall.

Mr David Harris: There is one in Wyong.

Mr DAVID CAMPBELL: As the Parliamentary Secretary at the table reminds me, a commuter car park is under construction in Wyong. A commuter car park is about to be completed in Wollongong. A commuter car park in Macquarie Fields has been completed and opened, and that is the case also at Macarthur.

Mr David Harris: Gosford and Woy Woy.

Mr DAVID CAMPBELL: I hear an interjection about Gosford and Woy Woy commuter car parks that are under construction. Cabramatta is another location. I know that there is to be some investment in commuter car parks in Seven Hills and in Blacktown, all with CCTV cameras that are monitored centrally. Someone monitors the cameras all the time. That will blow out of the water the ranting we will hear shortly from the member for South Coast about this issue. I forecast that.

[Interruption]

The member for South Coast puts her hands up: she admits it. She surrenders before she even starts. We will hear her ranting about this issue in a moment. That is the way CCTV cameras work: they are centrally monitored, and people are then deployed to assist the people on the ground. These Guardian trains are a sensible policy of continuous improvement in customer service. Certainly they form part of the customer service charter that has been put in place. I think we are now in our second or third customer service charter with CityRail.

Such a customer service charter had not been in operation previously. Each and every year that adds confidence to all those commuters who travel under MyZone ticketing, and now will be under the oversight of targeted transit officer programs under this Guardian train services initiative. I certainly welcome the initiative. I look forward to seeing an expansion of the services. However, as a new initiative it is something that will make a difference. I anticipate that the independent surveys I referred to earlier will continue to show improving satisfaction with the performance of CityRail and the security operations.

Mrs SHELLEY HANCOCK (South Coast) [4.15 p.m.]: I am pleased to contribute to this debate. This week when the Minister made the announcement I noted with some concern that new security measures would

be introduced on the CityRail network. The Minister announced that some late night and early morning services would be marked with a "G", standing for Guardian, and that this would obviously give some sense of safety and security for people catching a train at that time. One has to ask oneself: Why would I be concerned about such an announcement? On many occasions in this House I have spoken about that very issue: safety and security on the CityRail network, including the South Coast rail line.

I am concerned about the announcement because the services will extend only to Kiama, not to Bomaderry. I believe the member for Wyong, who moved the motion, misled the House a little when he spoke about the South Coast rail line, because the Guardian services will not be extended beyond Kiama. The South Coast line includes stations beyond Kiama—Bomaderry, Bombo, Berry—all of which have been omitted. These are the stations that are some distance from Wollongong and Sydney. Many South Coast residents travel to Wollongong and Sydney for medical appointments, to attend university or for entertainment. They often need to travel home late at night.

The Guardian service will be curtailed at Kiama. Not only that, but the service will also not be extended to the Southern Highlands. The member for Wyong has more work to do in respect of trying to convince the citywide rail electorate that this is a good announcement. The Minister's announcement is simply not good enough, given the number of times I have raised the antisocial behaviour, violence, and even instances of sexual assault on the South Coast rail line. Many people—in the main, elderly people—have visited me in my office and said they are simply unwilling to catch a train again. They do not feel safe or secure.

The Minister's announcement is simply a slap in the face for the residents of the South Coast. It indicates that for some reason this Government does not care about people who live south of Kiama. The announcement by the Minister this week was simply a huge media opportunity and another example of the Government's pure, unadulterated spin. In the past the number of transit officers has been slashed, and now they are being drip-fed back onto the South Coast rail line—but just to Kiama—and the CityRail network. Station staff positions have also been cut, so that a number of stations are now unmanned. What does that say about the Government's concern about safety and security on the rail network?

The former Minister for Transport, the member for Keira, spoke about CCTV monitoring cameras. We now have the centralisation of CCTV cameras to Central station. With the closure of the Wollongong transit office, many people have been dislocated, many of them have lost their jobs, and the morale amongst those workers is disgraceful. For the former Minister to say that the Coalition has been criticising transit officers and police officers is utter rubbish. They are the ones who have come to us because they have been so concerned that their local members—supposedly representing them in their electorates in the Illawarra, and Kiama in particular—have not even responded to their concerns about their loss of jobs and security. Coalition members are the ones who have supported transit officers and police officers in this Chamber, not the Government.

The member for Keira also spoke about Vision III and Vision IV, the joint operations between police and transit officers. I agree that they are extremely successful. We needed to see the presence of police on the Illawarra South Coast rail line on many occasions, and when these measures were announced we were very pleased about it and we welcomed it. Once the media and photo opportunities were over after three or four weeks, those operations were over as well. There was then a spike in the number of violent incidents and antisocial behaviour on the South Coast line.

This motion does not go far enough. My electorate is especially concerned that whilst these services sound good in theory, the Government is just replacing the transit officers that were slashed in the past. Even worse, the Government is not extending this service past Kiama on the South Coast line. That is a slap in the face for the member for Kiama, who is not even in the Chamber to defend his electorate. He should be asking, "What about Bomaderry? What about the stations south of Kiama that will not have this service?" I understand that the Government cannot afford to do everything, but this line has been questioned before because of the number of serious issues and incidents that have been reported to the Government. This motion is not good enough; it needs to be amended.

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [4.20 p.m.], in reply: I thank the member for Willoughby, the member for Keira and the member for South Coast for their contributions to this debate. I note that the member for Keira, as the former Minister for Transport, was responsible for starting a lot of these great

initiatives on our transport system today. I also acknowledge the advocacy of the member for South Coast in promoting safety on our rail system. She referred to sexual assault. The Guardian service is being introduced for that very reason. That is what these initiatives are all about. The member for Keira put it succinctly when he said, "One incident is one too many." Millions of people use our rail network and the Government is endeavouring to reduce the number of incidents.

I cannot support the Opposition's amendment because it flies in the face of comments made during this debate. The member for Willoughby said that she welcomes these new services, but also said that they are not enough. The Government has acknowledged that if these new services work it will look to expand them. That was said during this debate, but it appears to have not been heard by the member for Willoughby. Despite the fact that the statistics show a reduction in offences committed on the rail network, there is still a perceived fear in the community that it is not safe to travel on the rail network late at night. To suggest that the Government has not adequately improved safety flies in the face of the facts. I remind Opposition members of what the Government has done. It has introduced 8,700 CCTV cameras across the network and a 24-hour rail security control centre. It is to roll out much more, but that is what has been done so far. Some 7,000 high-intensity lights have been installed and 750 customer help points are located across all stations.

On the other side of the debate, the member for Willoughby said the Opposition has put out a piece of paper that says it will allocate an additional \$40 million towards the safety of the network. That will mean that the Opposition will go to the next election advocating a reduction in spending. As I said earlier, in this year's budget alone RailCorp is investing \$100 million in safety. Today the Opposition has told us that it has a piece of paper that says it will put \$40 million towards additional safety, when the Government is already putting in \$100 million. The Opposition will be going to the electorate advocating that it will cut the money currently being put into safety and security on our rail network. I hope people will read *Hansard* because the Opposition clearly said that. Its policy of \$40 million does not match the \$100 million currently being put into the network. The State Government is spending \$60 million more this year. However, with an election to be held next year, the Opposition is going to the community advocating that it will spend \$40 million. That is a cut.

The Opposition also wants police taken away from their normal duties across all the local area commands to be put onto the rail network—I am not sure where all the extra police will come from, or perhaps they will be taken away from their normal duties of protecting the rest of the community. The Government is employing transit officers who are achieving good results across the network. Their efforts have resulted in a lowering of incidents by one-third. The Government's policy is working because the number of incidents has been reduced by one-third. However, the Opposition is going to the community with a policy of \$40 million, which is \$60 million less than the Government is currently spending.

Question—That the words stand—put.

The House divided.

Ayes, 47

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

Noes, 39

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

Pair

Ms Beamer Ms Goward

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

ACTING-SPEAKER (Mr Thomas George): Order! Debate on the motion accorded priority having concluded, the House will now proceed to Government business.

TERRORISM (POLICE POWERS) AMENDMENT BILL 2010**Consideration in Detail****Consideration of the Legislative Council amendments.***Schedule of amendments referred to in message of 22 September 2010*

No. 1 Page 2, clause 2, line 5. Omit all words on that line. Insert instead:

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2).
- (2) Schedule 1 [20] commences or is taken to have commenced on 13 September 2010.

No. 2 Page 6, schedule 1. Insert after line 17:

[20] Section 27A Definitions (as amended by the Courts and Crimes Legislation Amendment Act 2008)

Insert after section 27A (1):

- (2) In this Part, **terrorist act** includes an offence against section 310J of the *Crimes Act 1900* (Membership of terrorist organisation). In that case, a reference in this Part:
 - (a) to a terrorist act that has been, is being, or is likely to be, committed is a reference to an offence against that section that is being committed, and
 - (b) to responding to or preventing a terrorist act is a reference to obtaining or providing evidence of the commission of an offence against that section.

Motion by Mr John Aquilina, on behalf of Ms Carmel Tebbutt, agreed to:

That the House agree to the Legislative Council amendments.

Legislative Council amendments agreed to.

Message sent to the Legislative Council advising it of the resolution.

COASTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL 2010 (No. 2)**Bill introduced on motion by Mr Frank Sartor.****Agreement in Principle**

Mr FRANK SARTOR (Rockdale—Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer)) [4.36 p.m.]: I move:

That this bill be now agreed to in principle.

Coastal erosion is a real issue facing many coastal landowners and local councils. Some 40 houses have been lost to erosion in recent decades and around 200 are currently under threat. Projected sea level rise in the future will increase significantly the number of houses at risk. The New South Wales Government announced a coastal erosion reform package last October to strengthen the current approach to managing erosion risks. It builds on current arrangements for coastal management under the Coastal Protection Act, the Environmental Planning and Assessment Act and the Local Government Act. These reforms comprise an integrated package of legislation, including this bill, and supporting guidelines.

As members may recall, in March this year an exposure bill was released to begin the consultation process on this difficult policy issue. Extensive public consultation was then undertaken with councils, the Local Government and Shires Associations, beachfront owners, environmental groups, the Opposition, the Greens and relevant government agencies. The Department of Environment, Climate Change and Water ran 10 workshops from Ballina to Moruya, with almost every coastal council attending at least one workshop. In July the department supported the Local Government and Shires Associations at a further series of workshops to explain and further explore aspects of the bill that were introduced in June. As a result of this extensive consultation, the bill was substantially refined to address legitimate concerns that were raised. All matters were carefully considered.

On 11 June my Parliamentary Secretary and the member for Drummoyne, Angela D'Amore, introduced a previous version of this bill on my behalf. After the previous version of this bill was introduced, some stakeholders raised further concerns with it. In response, I agreed at the time to defer consideration of the bill until this session to allow additional consultation. During the winter recess staff from my department and I again consulted widely with stakeholders, particularly local government. As part of this process, in August I travelled to a number of at-risk beaches and met with local councils and affected property owners to see at close hand the challenges that we face. I thank all concerned for their insights and constructive contributions. For the record, I also invited the shadow Minister for Climate Change and Environmental Sustainability, the Hon. Catherine Cusack, MLC, to travel with me to these inspections. She declined to attend on both days of my visits.

The bill I introduce today responds to the feedback received during these further consultations. There is no doubt that there are some greatly differing perspectives on this issue, which may well be irreconcilable. There are some people who would want no interventions at all to protect private or public properties on the beachfront, while others would want to have absolute freedom to protect all property, with small regard for potential negative consequences, such as further beach erosion and prohibitive costs to the community. Yet others suggest that the Government should mine sand from offshore areas to continuously nourish beaches, despite the prohibitive costs and potential environmental impacts.

After considering all of these points of view and the many comments, I remain convinced that the fundamentals of the previous bill were sound. This new bill includes a series of incremental improvements to the previous bill to address stakeholder concerns. For the convenience of the House, a new bill is being introduced rather than a set of amendments to the previous bill. Consequently, the previous bill has been withdrawn. I make clear that this bill is framework legislation; it does not seek to solve erosion problems at individual locations. Its aim is to provide more tools and options for councils and landowners, extending the current arrangements under the Coastal Protection Act, the Environmental Planning and Assessment Act and the Local Government Act. It reinforces coastal zone management planning as the way local solutions can be developed for local erosion problems.

Councils currently prepare coastal zone management plans with grants and support from Government. The bill improves the arrangements for coastal planning to ensure long-term and emergency planning is completed faster and to appropriate standards. These plans will identify the most appropriate local response to

erosion issues, developed with local communities. I will be asking councils in coastal erosion hot spots to prepare coastal erosion emergency action sub-plans by the middle of next year. I will direct these councils also to finalise their coastal zone management plan by the end of next year or later if necessary.

This bill establishes the New South Wales Coastal Panel, which will be able to provide expert advice to councils, and the Minister, on significant coastal issues. It will determine development applications also for coastal works where there is no certified coastal management plan, as will be provided by the proposed State Environmental Planning Policy (Infrastructure) amendments. Three of the seven panel members will be nominated by the Local Government and Shires Associations and three by State Government agencies. I will appoint the panel's chair with the concurrence of the Local Government and Shires Associations.

Councils currently have some powers under the Coastal Protection Act to order the removal of material dumped on a beach that is causing erosion. This bill expands these order powers, including the ability to issue a stop-work order if a person is about to dump rocks on a beach illegally. Councils will be able to require an administration fee to be issued when they issue an order. This fee is the same as the fee a council charges when issuing a pollution prevention notice under the Protection of the Environment Operations Act. The maximum penalty under the Coastal Protection Act is only \$11,000 and does not effectively discourage offences under this Act. This bill significantly increases maximum penalties under the Act to nearly \$250,000 for an individual and nearly \$500,000 for a corporation. This will support councils' enforcement activities under this Act.

The Local Government Act currently provides councils with exemptions from liability for coastal management decisions if they act in "good faith". Councils have been calling for improvements to these arrangements, particularly in response to climate change impacts. This bill responds to those concerns by expanding these exemptions from liability. This aims to ensure that councils acting in good faith are not caught up in unjustified court cases.

Landowners who want to build works to protect their property can currently lodge a development application for those works. This bill provides an additional option for landowners, allowing them to place sand or sandbags as emergency works, under strict conditions. The emergency works provisions are an important part of this bill. In an emergency we have seen rocks and building debris placed at locations such as Belongil, Collaroy and Narrabeen beaches. Some of these rocks have been on our beaches for more than 30 years, impacting on the community's enjoyment of the beaches and presenting a public safety risk.

The message from history is clear: If we do not provide an appropriate way for landowners to reduce erosion threats to their properties in an emergency, many landowners will do the wrong thing and we will live with the consequences for years. The emergency works provisions allow landowners with properties at risk to place sandbags on a beach, provided that the works are certified by an authorised officer of a local council or of the Department of Environment, Climate Change and Water. The exposure bill did not require a certificate from an authorised officer. This provision has been added in response to evidence that without some form of quality control, inappropriate works and materials can be introduced into our beaches and waterfront areas. The certification process can be expeditious, and by allowing a range of authorised officers it provides for flexibility, especially in an emergency context.

Landowners will be able to place emergency works once for any parcel of land and may also place them on adjacent private land, with that owner's agreement. The emergency works can normally be placed for up to 12 months. This provides the landowner with an opportunity to consider longer-term options for managing erosion risks. These options may include lodging a development application for longer-term coastal protection works. If a development application is lodged, the emergency works can remain until the development application is determined.

The bill includes strict controls on emergency works so that they do not cause erosion of neighbouring land, do not present a public safety risk or unreasonably impact on access to a beach. Orders can be issued by authorised officers to remove the works if these criteria are not met. It is important that any emergency works placed by landowners are consistent with council's emergency response arrangements. That is why I will be encouraging councils to finalise their emergency sub-plans as soon as possible. The emergency works will therefore need to be placed in accordance with council's emergency action sub-plan.

Lodging a development application remains the preferred pathway for landowners wanting to reduce erosion threats to their property. This process allows a thorough assessment of any proposed works and it also allows for appeals to the Land and Environment Court. The emergency works arrangements in this bill strike the

right balance—they allow landowners to place works temporarily while they go through a proper development application process for longer-term works. This bill will be accompanied by complementary amendments to the State Environmental Planning Policy (Infrastructure). I table a copy of the policy outcome statement for proposed amendments to the State Environmental Policy (Infrastructure) relating to coastal protection.

Document tabled.

This bill and proposed amendments to the State Environmental Planning Policy (Infrastructure) improve the arrangements for landowners wanting to build long-term works such as a seawall. The proposed State Environmental Planning Policy (Infrastructure) amendments will allow landowners to apply for consent to build seawalls. They will be required to satisfy the consent authority that there will be suitable arrangements in place to ensure any seawall will be adequately maintained and any beach erosion impacts managed. This aims to achieve the appropriate balance between private property protection and the protection of our beaches.

The bill will also allow councils to levy a coastal protection service charge on landowners who have voluntarily contributed to building a new seawall or upgrading an existing seawall. This provision will not apply retrospectively. The charge covers the cost to council of maintaining the works and managing any off-site erosion impacts. The charge will not apply to existing seawalls. Landowners will be able to request an independent review of the costs of the charge every three years. Councils will normally be able to charge a fee to cover their reasonable cost of providing this review. The fee will not apply in the first year the charge is levied or if the charge increases above the rate-pegging increase. This is in addition to the ability for the Minister to direct a council to undertake an independent review. There is no requirement for landowners to spend money to protect their property from erosion. The emergency and long-term property protection arrangements are entirely voluntary. Moreover, nothing in the bill prevents local councils from carrying out such works.

Another part of the bill will also allow details of land vulnerability to erosion and the expected council response to managing this erosion to be listed on section 149 certificates. This will help future purchasers better understand the erosion problems associated with a particular parcel of land. I take this opportunity to set the record straight about some of the comments made about this bill and these proposals. Many of these comments relate to the emergency works provisions. I would like to reinforce that these emergency works provisions are in addition to the ability of a landowner to lodge a development application for emergency or longer-term works. If landowners consider that the emergency works requirements in this bill are not suitable, they should consider lodging a development application for their preferred works. If they are refused, they can exercise their appeal rights just as for any normal development application.

One claim that I have heard frequently is that the bill takes away landowners property rights. This is not true. Landowners currently have the right to apply for development consent to construct a seawall to protect their property. The bill does not change that. The bill actually expands landowners' abilities to protect their property. The emergency works provisions in the bill provide new streamlined arrangements for landowners to place sandbags to reduce immediate erosion threats to their houses. This is intended as an interim measure while the normal approval processes are pursued—an avenue not previously available to owners.

Concerns have been raised that the controls on emergency works are too stringent. The bill's emergency works provisions have been developed to minimise risks of any emergency works placed by landowners impacting on our beaches or beach users, such as causing erosion elsewhere on the beach, risking public safety, or unreasonably reducing public access to a beach. They strike the right balance between these two perspectives. If landowners want to place different emergency works, they are invited to lodge a development application for these works.

There are also concerns that the emergency works cannot be used to protect vacant property. The aim of the streamlined approval process for emergency works is to enable landowners to reduce erosion threats to their homes. This may include works on adjacent land if it is designed to protect erosion threats to a home. If landowners want to protect vacant land from erosion and that does not involve protecting a house, they can follow the normal development application process.

There are also reports that the requirement for a house to be within 10 metres of an erosion escarpment before emergency works can be placed is too restrictive. That 10-metre distance is contained in the draft Minister's requirements, which are available on the website of the Department of Environment, Climate Change and Water. In response to these concerns I have asked the department to review this trigger distance and to advise me whether a greater distance is appropriate, particularly if the works are to be placed entirely on the

landowner's property. Other concerns have been raised that the draft Minister's requirements limit the height of emergency works to 1.5 metres, which may be too low to be effective in some locations. The height of the works has been limited to reduce the likelihood of these works causing erosion impacts or presenting public safety risks. If landowners want to construct larger works, they can lodge a development application supported by appropriate engineering advice.

Some landowners have also raised concerns about emergency works being able to be placed only once per parcel of land. These emergency works arrangements are intended to give landowners an opportunity to relatively easily place works while they are considering longer-term arrangements. This may include lodging a development application for placing large sandbags, or other works, again in the future. The reason for the once-only provision is to prevent the 12-month limit on emergency works being artificially extended by new works prior to the expiration of the 12-month period. Nothing in the bill prevents an owner responsible for emergency works from repairing those works, but this cannot restart the clock and trigger a new 12-month period. I emphasise that the emergency works provision is designed purely as an interim measure to allow owners to seek approval for more permanent works. The media has also reported that plans for permanent protection need to be lodged with council within seven days after emergency works are placed. That is not the case; landowners can lodge a development application anytime within the 12-month period after the works are placed.

Another issue raised is that the legislation privatises the protection of private property, transferring responsibility from the State Government to residents and councils. With the passage of this bill, the Government through the Minister and the Department of Environment, Climate Change and Water will remain involved in the following ways: departmental officers may authorise emergency works, which is currently not the case; an expert coastal panel is created and appointed by the Minister with representatives of three government departments serving on that panel—the Department of Environment, Climate Change and Water, the Department of Planning and the Department of Lands; the Minister must certify a coastal zone management plan; if a council does not have a certified coastal plan, the coastal panel will be the consent authority for any application for works under the State Environmental Planning Policy (Infrastructure) amendments; the Minister may direct a council to prepare a coastal plan, or to revise a coastal plan and if a council does not make or revise a coastal plan, the Minister may independently make the plan; the Minister may intervene to require a council to justify its coastal protection service charge for the maintenance of coastal works; State Government authorised officers will be appointed to help ensure compliance with the Coastal Protection Act, including issuing orders to stop unlawful works on beaches; the Government will continue to provide grants and technical support to councils to help them to prepare coastal plans; and the Minister will continue to issue concurrences for some offshore activities that may present a risk to our coastline.

The Government is not reducing the amount that it spends on coastal management in this bill—nearly \$4 million is spent annually on coastal management projects. Councils can currently seek a special rate variation to fund coastal protection works and the bill does not change that arrangement. The bill and the proposed State Environmental Planning Policy (Infrastructure) amendments provide landowners with additional options to protect their property. Another claim made is that surfing would become an extreme sport as board riders dodged stone groynes and other walls established to defend homes. Again this is incorrect. The Government is not proposing to allow landowners to construct artificial reefs that may present a risk to surfers. Another issue raised is that public land should not be used to protect private property. The Government's preference is for any emergency works to be located on private property. However, this may not be practical in certain circumstances and the use of public land for these temporary works is permitted under strict conditions.

There are some diverse and even extreme views as to how to best balance the impacts of coastal erosion and sea level rise on our coastline with the interests of communities and beach users. The Government's goal is to achieve a reasonable, workable solution to the real challenges that we face. The Government recognises that managing coastal erosion is difficult and often contentious, and that different solutions are appropriate in different circumstances. This bill is not a one-size-fits-all solution; it provides additional management options for landowners and councils, building on the current coastal management framework, along with a strengthened regulatory framework to ensure the public's enjoyment of beaches is not compromised. I emphasise that this is framework legislation within which the individual challenges that face our beaches can be more flexibly addressed. It is not legislation designed to solve specific beach erosion problems in its own right. This bill represents a key component of the Government's strategy of managing coastal erosion risks. It strikes the right balance between protecting private property, public assets and beaches from coastal erosion. 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.

CONSTITUTION AMENDMENT (RECOGNITION OF ABORIGINAL PEOPLE) BILL 2010**Agreement in Principle****Debate resumed from an earlier hour.**

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [4.55 p.m.]: Prior to being interrupted I was speaking about taking instructions as a Legal Aid solicitor from a young Aboriginal woman from Palm Island who was in custody at Sutherland Local Court. She told me about her land, how she loved it, how she missed it and how she desperately wanted to return to it. I will never forget that woman. Having secured her release from custody, I left the court with the view that we do not really understand the spiritual connection to the land that has maintained and sustained the Aboriginal people for more than 40,000 years. Aboriginal people understand the land better than Europeans ever have or ever will. They never see themselves as owning the land but as having custody of it. They see themselves as custodians or carers of the land that has sustained them for so long.

Thankfully, the term "terra nullius" is now regarded as abhorrent and we all know about the Mabo landmark High Court decision. In 1988, on the bicentenary of European settlement of Australia, celebrations took place across Sydney and the State. However, a special event took place also at Dover in England. Burnum Burnum, a local Aboriginal shire resident, planted the Aboriginal flag and claimed possession of England. Of course, that gesture was symbolic. He passed away some years ago and Sutherland Shire Council decided, very appropriately, to name a park on the banks of the Woronora River the Burnum Burnum Reserve. It is a lovely park near the Woronora Bridge. I well recall the dedication ceremony attended by Aboriginal elders, including Deanne Schreiber, who does a great deal for her people in the shire.

The ceremony was performed by Aboriginal people on a beautiful, sunny, dead calm day—the flags were not even fluttering. When Burnum Burnum's name was mentioned a strong wind blew, seemingly from nowhere, and the flags waved vigorously. The wind subsided as quickly as it came and calm returned for the rest of the day. One could not but be taken aback and search for some meaning in that extraordinary event. I could certainly not explain it. There are things in this land which are seen and unseen and which we can never explain. It was as if Burnum Burnum's work on behalf of his people and his name were being acknowledged and recognised by some higher power.

I believe there is a spirit afoot in this great land and this great State and that it is heralding the winds of change, recognition and greater understanding of the Aboriginal people and their culture. It is a spirit of commitment to righting the wrongs of the past. It is the spirit evident in the apology offered to the Stolen Generations by then Prime Minister Kevin Rudd. It is the spirit we see in the education of our young and in the legislation before the House amending our Constitution. I commend the Minister for his work in introducing this bill and I take pleasure in commending it to the House.

Mr DARYL MAGUIRE (Wagga Wagga) [4.59 p.m.]: I am pleased to be a member of the New South Wales Parliament which is debating the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. In the Wiradjuri language Wagga Wagga means place of many crows. As the member for Wagga Wagga I am pleased that this legislation was introduced. The New South Wales Parliament is the first parliament in Australia to recognise Aboriginal people and it is the first parliament to introduce reforms in many other areas. As other speakers have said these amendments are long overdue.

A reading of the history of Australia in articles such as *The Other Side of the Frontier* by Henry Reynolds reveals that our treatment of Aboriginal people has not been good. I enjoy reading history but I am saddened by the way in which we came to this country and how the Aboriginal people were affected by our bullets, by disease and by all those things brought into Australia by the western world. This legislation will not right the wrongs but I hope that it is followed by action. We can perform symbolic and other deeds but, importantly, we must address the future of Aboriginal people.

We have a marvellous representation of Aboriginal people in the Federal and State parliaments. Aboriginal representatives are elected for their intellect and for everything else that they have had to offer to members of public. Aboriginal people are serving their communities in local government and many community leaders of Aboriginal descent are working and have worked tirelessly for the advancement of Aboriginal people. I support that work because I, like all other members in this place, want a better future for Aboriginal people—better housing, better health and better education. I am sure that anyone who has attended a university

graduation would have been able to point proudly to those Aboriginal people who have been educated through the university system and who have taken their place in business, industry, commerce, the legal field and the medical field. In some way or another Aboriginal people are now involved in almost every educational pursuit. There are some wonderful and talented indigenous people in the arts and in music.

However, much more needs to be done. Statistics regarding the health of Aborigines, whether they are located in New South Wales or in central Australia, reveal some appalling figures of which none of us can be proud. I am sure all members agree that we must work harder to rectify those problems. We must take action to assist Aboriginal communities in whatever way they determine as proper. It is not my business to interfere in Aboriginal matters but I am supportive of each community's needs. If Aboriginal communities tell us what they need it is our job to provide them with assistance. Each community will establish how to apply those resources in order to achieve the best outcome.

I have said on other occasions that many people in our indigenous communities have shown enormous strength and leadership. I pay respect to all Aboriginal people, past and present, and I pay respect to those who have been custodians of our land for 40,000 years. Bordering on Wiradjuri land are the Ngunnawal people who have had interactions with the Wiradjuri community. A number of years ago Councillor Auntie Yvonne Gilchrist, Wagga Wagga's first Aboriginal councillor, was elected—something about which our community was very proud. A leadership group known as the elders does much for the betterment of youth. The members of that group, who are unpaid, raise funds to help to provide scholarships for indigenous kids. Whenever there is a problem the elders group always seems to be able to solve those issues.

The Tumut community, which is led by the Bulger family, is a marvellous community that is showing other communities how Aboriginal people can progress. Sue Bulger, a delightful lady, has been a councillor on Tumut Shire Council since 2000 and Uncle Vince is a wealth of knowledge. On many occasions I have sat with Uncle Vince, Auntie Marg and others and I have been educated by their history and by their views of the world. They have an attachment to the land that we will never understand. Anyone who does not have an Aboriginal heritage does not understand the connection that Aboriginal people have with the land, the red soils and the gum trees. Aboriginal people tell a story about everything and their beautiful stories that are passed on through the generations.

I want a repository for Aboriginal people and for other people in New South Wales—a place in which we can keep the history of Aboriginal heritage, much of which has been lost. At some time in the future I would like the Government to establish a central repository where the history of all Aboriginal clans is preserved. In that way we will be able to appreciate their stories and their history, even though much of it is tragic. Future generations will then be able to understand their difficult and turbulent times, their fights and struggles, and the progress that has been made. In particular, it would be wonderful to preserve the Aboriginal stories that have been passed down from generation to generation.

It is no secret that I originated from Ivanhoe in western New South Wales. As a child I mixed with Aboriginal children; it was the norm and we never knew any different. All the kids were my friends and they remain my closest friends to this day. It is no secret that some of those kids have done well in this State. Smiley Johnson is a real achiever. I went to school with Smiley, and Fay and David treated me like one of their own. Other kids have done exceedingly well, for which Ivanhoe can be exceedingly proud. Recently I returned to Ivanhoe for an auntie's funeral and I ran into a lot of Aboriginal people that I knew, many of whom had helped my grandmother when she was nursing my mother. Aboriginal women came and helped with the housekeeping and with all those things. It was wonderful to see them.

Whenever I go home I am always welcomed as a friend, which is a great strength of Aboriginal communities, in particular, in Ivanhoe and in regional New South Wales. That connection is always there. No matter the colour of one's skin one is always welcome and whatever the Aboriginal people have it is shared with everyone—a great strength of Aboriginal communities. I thank the Minister for his hard work in introducing this bill. I hope it is followed up with real action to improve the lives and the health of our Aboriginal communities. Whenever I travel in the Wagga Wagga electorate I am proud of the young professional Aboriginal people who are coming through the ranks, serving our community and giving leadership to future generations. I hope that in some way this bill will help to continue our reconciliation work so that we can all walk together as one.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [5.09 p.m.]: I support the Constitution Amendment (Recognition of Aboriginal People) Bill 2010, which is one of the most important pieces of legislation that has been introduced since my election to this place in 2007. I start by quoting Leo

Dynevor, one of our young Aboriginal leaders from south-west Sydney, from a welcome to country he gave at a community function. I thought it was so brilliant that I would like to read it into *Hansard*. He addressed the people at Ingleburn RSL that morning and said:

Good morning. I would like to acknowledge the traditional custodians of this country where we gather today.

I would like to take this moment to say thank you to the Dharawal people for the thousands of years of care and respect they have shown for this country and pay my respects to their cultures and traditions.

The word Dharawal relates to the people of this land but it means the people who see through the darkness. This could mean either people who could see through the dark time as the Dharawal people were known for fighting at night.

I would also like to thank the Dharawal people for allowing us to work in this country, to continue working towards improving the profile of Aboriginal and Torres Strait people and to educate the wider community regarding the value and integrity of Aboriginal culture and ways of knowing.

I would like to pay my respects to the elders past and present, with special respect to our future elders the Aboriginal children, I would like to acknowledge the Aboriginal brothers and sisters.

May you always feel the warmth of the flame, May you always see the beauty of the earth, May you always hear the laughter of children, May you always taste the sweetest fruit and may you always smell the scent of the flowers.

Thank you

This legislation is very important recognition. In the late 1870s a young lady called Emma Greenwood married a farmer from Victoria, and the wedding certificate said "Name of mother unknown". In Victoria in the late 1870s if a certificate said "Name of mother unknown" it meant almost definitely that the mother was Aboriginal. There is no record as to the identity of that person, but she was my great-great-grandmother. There is no way for me to uncover her identity and I cannot imagine what it must have been like for that mother to see her daughter married without any recognition of the fact that she ever existed. That is why this legislation is so important. Recognition is the first step in doing something about the injustices that have been done to our Aboriginal population.

I have been working in Aboriginal health at Tharawal for 15 years. There has been no service agreement between Tharawal and me other than a handshake because with Tharawal your word is your bond. I work with very supportive hospital administration and staff at Tharawal, and I pay special tribute to them today. Darryl Wright, Chief Executive of Tharawal, is probably the greatest person I have ever worked with. He is a true leader and a wonderful man, whose generosity of spirit and leadership has taken Tharawal from the dark times to a magnificent organisation that helps people. I salute also various elders such as Muriel Brandy, who is here today and about whom the Premier spoke, and Uncle Ivan Wellington, who is well known and loved by everybody. I also thank the staff, who work all day every day helping their community—people such as Vicki Connolly, Kim Bell and Cheryl Sato.

I pay special tribute to foster carers looking after children whose parents are unable to care for them in the short or long term. Every day these people create futures for our children just by helping. This legislation will enable more people to assist Aboriginal communities—people such as Richard Batty, Principal of John Warby Public School; Kathy Browne, Principal of Briar Road Public School; and Gail Taylor of James Meehan High School. They know that what really matters to our Aboriginal community is to hang in there for the long term because continuity of care is everything. My wife is a lead investigator in the Gudaga project, under which children born in Campbelltown after 2006 are followed closely and their health and development are carefully monitored at one, three and five years.

By three years of age there is already a demonstrable difference in many of the Aboriginal children compared with a random population sample. So Aboriginal children born in 2007 already have features that, if translated to adult life, mean a reduction in life expectancy. When I was a doctor in the hospital I had a poster in my office that Tharawal had given to me. It had a photograph of a bunch of Aboriginal and non-Aboriginal children and one sentence, "Social justice: everybody's right, everybody's responsibility". This legislation is a reminder to every member of Parliament that social justice needs to be written into every piece of legislation because only with social justice will our Aboriginal people ever get the true recognition they deserve and will we start to redress the imbalance in their life expectancy. The oldest of the Gudaga cohort of children born in my area is three years old. Their life expectancy and their life opportunities will be the memorial to this Parliament. It is up to us to ensure that their opportunities are the same as those of every other child in New South Wales who is born after 2007.

Mr MIKE BAIRD (Manly) [5.16 p.m.]: It is an honour and a privilege to support this very important bill, the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. When I entered Parliament it was my dream and my ideal that we would take steps such as this. The legislation is certainly long overdue. My electorate of Manly is the first place where European settlers and indigenous Australians made contact. Although in many respects our history is sad and a shocking reflection on us, it is also a sign of hope and today, with this bill, that hope shines. According to the latest census close to 1,000 indigenous Australians live in my electorate. They are connected to the Guringai people, who were vital to the region in the early days.

This legislation is one step in a long story. National Sorry Day in 1998 was the community's acknowledgement that we as a nation should say sorry for the wrongs done in the past. I remember that day with fond memories. Some days when we reflect on news items we think not just of the words spoken but of the feelings involved. That day I felt proud to be an Australian. I was visibly moved by the sentiment that it was time to say sorry for past wrongs. I commend this Parliament for taking a leadership role and I commend former Prime Minister Kevin Rudd. With the recent bruising Federal election, we may have lost sight of his contribution and leadership in the national Parliament. I pay tribute to him for making the apology because it was a significant occasion.

I remember standing at Manly Council with elders and local community members when the national apology was given. Tears streamed down the face of almost everyone present. It was a special day—a reflection of healing and hope for the future. We often focus on the ills of the past, and we need to do so. However, we have done that in a very real way and now we have hope for the future. As the member for Macquarie Fields said, we must address education opportunities and life expectancy issues for Aboriginals, and work together to close the gap between indigenous and non-indigenous Australians.

I place on record that I am incredibly proud to be a member of this Parliament and making such a symbolic change through this legislation. Certainly amending the Constitution is well overdue. I commend the Minister, the Premier and the Leader of the Opposition for their support. This is just the start for my journey in this House, and while I am in this place I am committed to putting those words and this symbol into action in terms of policies. Most importantly, I make the strong commitment that every day is an opportunity to help close the gap.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [5.20 p.m.]: I speak to the Constitution Amendment (Recognition of Aboriginal People) Bill 2010, and I do so proudly. I would like to acknowledge the traditional owners of the land upon which this Parliament is meeting. I also wish to acknowledge the traditional owners of the land in my electorate, the Wadi Wadi people, and their elders, past and present. I thank them for their custodianship of land, culture and kinship. The indigenous people of this country are part of a rich and ancient culture.

I grew up in western New South Wales, in a place called Coonabarabran. Our neighbours, the Coe family, were an indigenous family. It was a wonderfully warm household, where lots of local kids congregated. I have many wonderful memories of playing in the backyard in Knight Street, Coonabarabran, making mud pies, cubbies, and aeroplanes. There were no differences—until we got to school and I observed firsthand the discrimination and the different expectations that indigenous young people would have reduced numeracy and literacy skills, a shorter life expectancy, poorer health, and reduced job prospects and opportunities generally in life. Historical government policies created these very real differences in expectations for a young white child and a young Koori child as to what their lives could be. Changing government policy is an important and historic step forward in eradicating those differences so that there is a true sense of identity and equality for indigenous Australians.

Constitutional recognition for Aboriginal people as the first people of New South Wales is an important and symbolic step in the journey of getting it right—of true and longstanding reconciliation. This change to the Constitution fulfils the aspirations of the Aboriginal people of New South Wales. It is something that many thought they would never see in their lifetime and it is an important step in changing the Australian Constitution. At this point I would like to acknowledge the work and effort of local indigenous woman Veronica Graf, who was instrumental in ensuring that a motion requesting that the State Government consider this change to the Constitution was drafted and supported at last year's Local Government Association Conference. In my conversation with Veronica earlier today she stated that true reconciliation happens at a grassroots level, where we can all work together on practical acts to eliminate discrimination, inequality and ignorance.

I am very proud to acknowledge in the Chamber today the work of Shellharbour City Council and the broader community of Shellharbour on the many acts of practical reconciliation that take place in our

community and that are supported by indigenous and non-indigenous Australians. Shellharbour City Council has an Aboriginal Advisory Committee that provides advice and guidance on all Aboriginal issues. The committee's achievements include a Reconciliation School Flag Walk, which is unprecedented in New South Wales. The walk involves students from all schools in the Shellharbour local government area walking from all points of the local government area carrying the four flags and meeting in the civic centre for a ceremony that celebrates the achievements of Aboriginal people. The committee also holds a National Aborigines and Islanders Day Observance Committee [NAIDOC] awards-based ceremony for the Illawarra. The awards ceremony is organised locally and acknowledges many people in our indigenous community for their achievements.

I also acknowledge the contribution of the following community groups that work so hard to support our local Aboriginal community and reconciliation: the United Koori Elders Social Group, which hosts many activities for elders, including a range of activities and competitions including an elders Olympics; the Illawarra Aboriginal Koori Men's Support Group, which does a lot of work supporting Aboriginal men in the community, including young men, by ensuring they choose a path that leads to opportunity; and the Shellharbour Aboriginal Community Youth Association. It is important in the journey of reconciliation that government policies and legislation change. This change to the New South Wales Constitution is an important milestone and a symbolic step on the road to reconciliation. Members of my local Aboriginal community have asked that I request that, as a further act of reconciliation, the Minister support flying the Aboriginal flag alongside the Australian flag on the Sydney Harbour Bridge.

Mr PETER BESSELING (Port Macquarie) [5.25 p.m.]: I proudly support the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. In doing so, I recognise those people who worked to bring the legislation before Parliament and the fact that Parliament, on behalf of the people of New South Wales, acknowledges and honours Aboriginal people as the State's first people and nations. In order to understand where we are going, we need to understand where we have come from. The term "reconciliation" has always confused me a little. To me, reconciliation suggests that at some stage in the past there was conciliation. From my perspective, we have never truly been "conciled". To me, conciliation suggests that we clearly understand Aboriginal people and their culture, and respect them. I believe this is a first and very important step towards conciliation. I applaud the efforts of the Minister, in particular, and of every member the Parliament to move towards that conciliation. I also look forward to a future when our society works together, with all the cultural advantages that that provides—both from an Aboriginal heritage perspective and from the perspective of all the other cultures that mix together in the great big melting pot called Australia.

I would like to pay tribute to a couple of people in my electorate who have done a great deal of work in promoting Aboriginal culture for everyone to appreciate. I note that there are some photographs hanging in the Jubilee Room that have not been attributed to a source. A great deal of information suggests that the photographs are part of the Thomas Dick collection. This collection of images was a collaborative effort by photographer Thomas Dick and a group of Birpai Aboriginal people during the period 1910 to 1920. These staged photographs show the same Aboriginal families performing traditional activities in the local landscape of the Port Macquarie-Hastings area. The work of Thomas Dick is at the forefront of our understanding of Aboriginal way of life and history. Thomas Dick worked very closely with the Birpai people to promote that understanding. It is a much-awarded collection, and I hope to work with the Minister and the Speaker to identify the photographs in the Jubilee Room and ensure that the House recognises the efforts of Thomas Dick and the Birpai people.

Another person I would like to mention is Uncle Bill O'Brien from the Port Macquarie area. For a start, Uncle Bill O'Brien is a fantastic bloke—which is always a bonus. He also shares a great deal of knowledge with the broader community through his Yun Yi Barragay: Walk with Me tour and his bush tucker tour of the Sea Acres reserve. Through these tours Uncle Bill O'Brien is able to share his knowledge not only with tourists and the general community but also with schoolchildren. In that way the broader community can capture and share the information about Aboriginal traditions that he carries in his head. He also does other tremendous work in the community. He was awarded the 2008 Citizen of the Year for the Port Macquarie-Hastings area. His welcome to country is the best, bar none. I challenge the member for Macquarie Fields, who read a welcome to country from his area, and suggest that Uncle Bill's welcome to country is right up there—and perhaps even better. With the consent of Uncle Bill, I will read it into *Hansard*. It states:

On behalf of the Birpai people, the custodians of this land, I would like to pay respect to the elders both past and present and extend that respect to other Aboriginal and Torres Strait Islander people and the many different cultures gathered here today.

Ladies and Gentlemen, my name is William O'Brien.

I am a descendent of the Birpai nation and have lived most of my life in the Hastings, like many of my Uncles, Aunties, Brothers and Sisters before me. We hope our feelings for this land is that of our ancestors, and hope you can understand the importance of what this land means to the Birpai people.

Firstly we ask you to look and protect! The beauty of the sea, with its blues and green, and the life that is in it, as it continues to provide a nutritional diet to our people. Then gaze upon the golden sands and the jagged headlands and the life that is there, the abundance of shellfish is another treat for us all to enjoy. Put your hand to your brow and you will see a river or two. A river is like our veins, they bring life to the land and all the many creatures that surround it.

There within the borders of the Birpai nation is the green and gold, the red and the black that's in our beautiful hinterland. It has an abundance of wildlife, nuts and berries and the shelter it provides us.

Then there's the sky with its ever changing mood. The blue and the grey, the thunder, whiteness of the lightning bolts. In the mornings there are reds, orange and yellow! Now and then it may be painted mauve or pink. And if for some reason you happen to miss it, don't worry too much as it's repeated for you just before dusk. There are the ever changing clouds, sometimes none at all. What about the rainbow, such a sacred beautiful thing.

Yes we are the custodians of this great and beautiful land, handed down from our forefathers, so we seek the help of our Brothers and Sisters to maintain the trust of our ancestors and care for our culture and the land.

Yet when we get too old to run, it is then we will pass on our culture and the land to a younger mob.

So to the young make us proud, grow strong and get the best education you can. Listen to the elders and their words of wisdom. It is because of their wisdom and sacrifices you now have a choice, and we hope your choice will always be a wise one, as this will ensure the future of the Birpai Nation.

Jum-Mada-Gai Murrumbi—Come, you're welcome. Thank you.

William O'Brien

That contains a lot of information for the benefit of all cultures. I firmly support the bill.

Mr GREG PIPER (Lake Macquarie) [5.33 p.m.]: I place on record my support for the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. It is right for us to do what is expressed in this bill and it is a pleasure to be able to speak to recognise the rightful place of Aboriginal people as the State's first people and acknowledge their custodianship of the land we now share. My electorate covers the traditional land of the Darkinjung and Awabakal peoples. I wish to pay my respect to elders, past and present, of these peoples, the original and traditional owners and custodians of our land, and to those Aboriginal people who live amongst us today. I have a deep respect for the large Aboriginal community in the Lake Macquarie electorate and within the city of Lake Macquarie. I am proud to have been able to work with this community on many projects over the years. In that time I have formed many good friendships and have seen this community take on the challenges that uniquely face its people. I am particularly proud of those members of our Aboriginal community who step forth as community leaders.

Lake Macquarie has one of the largest Aboriginal communities in New South Wales outside the Sydney metropolitan area. It has a long history of Aboriginal occupation, where the local land and environment provided well for the needs of its people. The lake, known as Awaba—meaning "flat place", which is a reference to the water surface—was central to providing for the needs of these original inhabitants. The lake provided for these people and now our local Aboriginal community give back by caring for the lake through an employment and training program aimed at restorative work around the foreshore. But, as can occur with any large group or organisation, there can be setbacks. This happened when the Koombahtoo Local Aboriginal Land Council was placed under administration for a period, before ultimately being dissolved in March this year. This was a major cause of concern to many, yet the responsibility for the need for the Minister to intervene can be attributed to very few individuals—they were the exception, not the rule. Despite this setback, the Aboriginal community has rallied and, with community leaders, is setting the course to build what will be an even stronger community, ready to participate in a most constructive way when a local Aboriginal land council is reinstated.

This current positive direction is being supported by the Department of Human Services, which is seeking to establish an integrated Aboriginal child and family centre in Toronto. Under the Indigenous Early Childhood Development National Partnership, which aims to close the gap on indigenous disadvantage, New South Wales will receive \$74.7 million of Commonwealth funding for nine integrated Aboriginal child and family centres. One of these is being established at Toronto and three prospective sites are now being evaluated for that centre. Lake Macquarie City Council is working with the local community to see that this is delivered. I also place on record the strong commitment of the council and council staff to achieving the aspirations of our indigenous community. As I have already said, I am proud of the positivity and the sense of direction shown in this local community. The local indigenous community has shown that it can work to its own benefit outside the construct of a land council.

As has been recognised by most speakers and commentators on this amendment, the inclusion of this recognition within the New South Wales Constitution is largely symbolic. But what an important symbol it is! This symbol cannot be looked at in isolation. It reflects on more recent recognition of the significance of Aboriginal heritage and Aboriginal people within our community. It reflects on the national apology delivered by Prime Minister Rudd in 2008. Most importantly, it is a symbol that should hold us to account into the future to ensure that as a community we deliver justice to Aboriginal people across the wide range of areas wherein they are inarguably disadvantaged. By supporting this amendment to the New South Wales Constitution, this House has the honour of passing legislation acknowledging and respecting our indigenous population. I wish to acknowledge all those who have spoken in support of the amendment, with particular mention of the roles of the Minister for Aboriginal Affairs, the Premier and the Leader of the Opposition in ensuring such strong bipartisan support. I am sure that this will be greatly appreciated by Aboriginal people within my area and across New South Wales.

[Business interrupted.]

BUSINESS OF THE HOUSE

Suspension of Standing Orders: Bills

Motion by Mr John Aquilina agreed to:

That standing orders be suspended to:

- (1) Permit the consideration of Government business after 5.45 p.m. to allow the conclusion of the Constitution Amendment (Recognition of Aboriginal People) Bill and consideration of a motion, without notice, for the establishment of a Joint Select Committee on Parliamentary Procedure.
- (2) Postpone private members' statements and the matter of public importance until after the conclusion of Government business.

CONSTITUTION AMENDMENT (RECOGNITION OF ABORIGINAL PEOPLE) BILL 2010

Agreement in Principle

[Business resumed.]

Mr PAUL LYNCH (Liverpool—Minister for Industrial Relations, Minister for Commerce, Minister for Energy, Minister for Public Sector Reform, and Minister for Aboriginal Affairs) [5.38 p.m.], in reply: I thank all members who have participated in this debate. Although it is a lengthy list, I will read out the names because it makes a point about the debate we have just had: the Premier, the Leader of the Opposition, the Minister for Community Services, the Leader of The Nationals, the member for Barwon, the member for East Hills, the member for Lane Cove, the member for Davidson, the Minister for the Hunter, the member for Burriajook, the member for Wyong, the member for Wakehurst, the member for Gosford, the member for Murray-Darling, the member for Bathurst, the member for Willoughby, the Leader of the House and member for Riverstone, the member for Hornsby, the member for Kiama, the member for Tweed, the member for Campbelltown, the member for Pittwater, the member for Keira, the member for Clarence, the member for The Entrance, the member for Coffs Harbour, the Minister for Water, the member for Sydney, the member for Miranda, the member for Wagga Wagga, the member for Macquarie Fields, the member for Shellharbour, the member for Port Macquarie, and the member for Lake Macquarie.

The debate has been largely unanimous. It is the second time I have introduced to this place matters dealing with Aboriginal Affairs which have been dealt with unanimously. The other was a land dealings bill that contained amendments to the Aboriginal Land Rights Act, a significant piece of legislation. It says something good about this place. Perhaps with the exception of one member, I could almost say that the best of the Chamber has been on display in this debate. That is a credit to all sides. I look up at the picture on the wall and wonder what Wentworth would have thought about this debate. It would be completely beyond the realms of possibility for someone of that generation and that history to consider that such a debate could ever occur. There is more than a bit of irony that one of the very large white landholders early in colonial history is looking down on this Chamber as we debate this issue.

I particularly acknowledge the efforts of Bev Manton and Chicka Madden when this bill was first introduced. Bev Manton is one of the many impressive people I have met in this portfolio. Her contribution will

be remembered much in the same way as that of Nancy de Vries, who also spoke on the floor of the House in relation to the stolen generation. I add that Nancy was a mate and constituent of mine. Those moments will stay in my memory, on par, at least to me, with Kevin Rudd's apology. I had the honour of being in the Federal parliamentary Chamber on that day. That is another one of those memories that will stay with me. A constitutional amendment to acknowledge Aboriginal people will be an important symbolic act of reconciliation between Aboriginal and non-Aboriginal people in New South Wales. As I said in my earlier speech, in addition, it will be a significant bit of truth-telling.

Constitutional recognition is a clear statement of the view that the Parliament and the people of New South Wales recognise Aboriginal people, their culture and their unique contribution to the State of New South Wales. It also marks the progression for Aboriginal people from legislation being a negative, whether through the inclusion of Aboriginal heritage in flora and fauna legislation or the Acts of Parliament that created the stolen generation. It is a positive statement and a reminder to both Parliament and the people of New South Wales about the importance of Aboriginal people and culture to the identity of New South Wales. As Minister Burney pointed out, for more than 150 years this Chamber has not been terribly good or done many good things for Aboriginal people. This is a turning around of that type of tradition.

I will not deal at length with all the contributions from all the members who spoke in the debate. They were eloquent enough without my adding to their speeches. I will deal with some specific issues that were raised. The member for Barwon referred to clause 3 and suggested that subsection (3) of proposed new section 2, the exclusionary provision, be dealt with by way of an annexure or footnote rather than as a substantive part of the bill. That proposal was raised only yesterday. It was not part of the consultation process.

I have had the benefit of brief advice from Parliamentary Counsel. Parliamentary Counsel does not recognise annexures or footnotes and tends not to use those terms in regards to legislation. Editorial notes are used, which I suspect the member for Barwon was referring to. The difficulty is that editorial notes are not a legally binding part of the Act, as they are not part of the legislation. Parliamentary Counsel's view is that it needs to be placed in the Act rather than as an editorial note. The drafting and positioning of clause 3 is to enshrine it as part of the Act. The only alternative is to put it in another part of the Act. That would be bad drafting and would confuse the issue.

The member for Davidson also raised an issue about drafting. His comments in this place were the same as the submission he made during the consultation process. I read his submission, as I did all the submissions. I understand what the member is saying, but as a matter of drafting I do not agree with him and will not accede to his request. The meaning of his draft is clear, but we do not need the amendment as proposed by the member. I understand what he says, but I disagree with the way it has been drafted.

The member for Murray-Darling decided to make a number of comments that I thought were regrettable. He said that people in Wilcannia and other parts of the State had been forgotten in the debate on this legislation. He should have listened to what I said in my speech. I was very clear that this is one part of a range of actions that need to be taken. The member specifically raised issues about Wilcannia housing. His presentation on this issue was far simpler than the reality of that project, which I know a bit about. There has been a dispute with the builder. In fact, I have been involved in a dispute with him. A new contract has been awarded to a local contractor, who is currently trying to resolve the problem.

The member for Murray-Darling was the only member who laid blame in a partisan way, which is regrettable. I could respond but I am trying to adhere to the standard set by other members in this debate. As well, we are under time pressures. If the member had consulted with the previous Federal Government on remote area housing the project might have been in a better position. He has not made any representations in writing to me about those issues. The only representations he has made to me have been on behalf of white contractors.

The member for Pittwater referred to Currawong. I understand what he was referring to. He talked about the importance of maintaining areas that are culturally significant to Aboriginal people. It is more important to maintain land that is owned by Aboriginal people. The real core of this is land rights, it is not just heritage. The Land Rights Act is significant in that space. I am not critical of the member for Pittwater, but a different emphasis can be used.

There was discussion about individuals in the Aboriginal community and who to pay attention to. For example, Noel Pearson was mentioned. It is important to remember there is a range of different voices within

the Aboriginal community—Bev Manton, Larissa Behrendt and Sam Jeffries, just to mention a few—who are very impressive people. Sometimes white Australia assumes that all Aboriginal people should think and feel the same way, that they should all have the same opinion, and that we can talk to one person and that person represents the entire community. That is nonsense. Obviously, the Aboriginal community is as complex and has as many different views as do non-Aboriginal communities. Sometimes the mistake is made—certainly within the media and among some politicians—of latching onto one person and saying we must follow that person's views and no-one else's.

Some members discussed the current situation in Aboriginal communities. In my earlier speech I said that the symbolic is not separate from the practical. If we do one, we have to do the other. When I spoke earlier I gave specific examples of successful projects where we have worked in partnership with communities. We all accept that a whole range of things need to be done, but what are they and how do we do them. It involves partnership rather than white fellas running around thinking we have the answers and providing leadership.

Some members referred to Two Ways Together, a document put out by the Government to provide information. The purpose of the document is for precisely that. That is why we publish it. It is worth noting that there have been significant positives as well as negatives. For example, the Aboriginal infant mortality rate has decreased. According to the last Two Ways Together report, the gap has narrowed by 51 per cent. There is a series of other positives as well, which I will not itemise here.

Some people assume that Aboriginals live only in rural New South Wales. In fact, less than 1 per cent of Aboriginal people in New South Wales live within remote parts of the State. About 40 per cent of the Aboriginal population live in the urban and regional centres of Sydney, Wollongong, Newcastle, the Central Coast and Dubbo. The biggest group of Aboriginal people in the country live in western and south-western Sydney. Those facts are sometimes lost in debate.

Reference was made to Safe Families, a whole-of-government program that is being delivered jointly by Aboriginal Affairs NSW, Community Services and NSW Health to tackle child sexual assault in five Aboriginal communities in Far West New South Wales. Some commentary ignores the fact that it is not a substitute for the core business and responsibility of Community Services, Health and Police. They already have that responsibility. Safe Families is a different way of doing things. We will make sure that we get it right. Some assume that an office is needed to run those programs. It is not the furniture that is important; it is the people who work there. One other point was made that only 4.5 per cent of pre-school attendees between three and five years of age were Aboriginal, and that was regarded as a problem. The figures I have been given show that Aboriginal children aged three, four and five constitute only 1.8 per cent of the cohort. So if we have reached 4.5 per cent that is a very significant achievement and a positive outcome.

They are the only specific points I wish to respond to. I thank members for their contributions to this debate. In many ways this is the best of the Chamber on display. Certainly, the next step is right. This is part of the process of closing the gap, but it cannot be left just at this. Closing the gap is critical not just for Aboriginal people but also for non-Aboriginal people—it goes to the core of who we are as a country. An elder once put it to me—and I have quoted it many times because it has remained with me and is a very powerful image—that if we do not close the gap, if we do not deal with Aboriginal disadvantage, then the bones of this country will never be right. That is an image that has stayed with me and it is an appropriate image with which to conclude my remarks.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

JOINT SELECT COMMITTEE ON PARLIAMENTARY PROCEDURE**Establishment and Membership**

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [5.50 p.m.]: I move:

That:

- (1) A joint select committee, to be known as the Joint Select Committee on Parliamentary Procedure, be appointed to inquire and report into reforms to Parliamentary processes and procedures that are being proposed to be implemented by the Commonwealth Parliament.
- (2) The committee is to consider the extent to which those proposed reforms have already been applied in New South Wales and, to the extent that they have not, to consider and recommend whether those or related reforms ought to be adopted in New South Wales, including, in particular:
 - (a) provisions for the Presiding Officers to be independent of the Government and, if the Presiding Officer is a member of the Government, for the Deputy Presiding Officer to be drawn from the Opposition;
 - (b) time limits that apply on questions and answers in question time in both Houses, and requirements for answers to be responsive and relevant to questions asked;
 - (c) the entitlement of Opposition leaders to ask supplementary questions;
 - (d) the time periods that are allocated to debates, members' speeches and to the consideration of private members' bills;
 - (e) the oversight of bills by committees;
 - (f) the number of sitting weeks; and
 - (g) any related matters.
- (3) The committee report on the outcome of any such inquiry within four weeks of the date of this resolution being agreed to by both Houses.
- (4) Notwithstanding anything contained in the standing orders of either House, the committee consist of nine members, as follows:
 - (a) Six members of the Legislative Assembly of whom:
 - (i) three must be Government members,
 - (ii) two must be Opposition members,
 - (iii) one must be an independent member, and
 - (b) Three members of the Legislative Council of whom:
 - (i) one must be a Government member,
 - (ii) one must be an Opposition member; and
 - (iii) one must be a cross-bench member.
- (5) That the members be nominated in writing to the Clerk of the Legislative Assembly and the Clerk of the Legislative Council by the relevant party leaders and the independent and the cross-bench members respectively. In the absence of any agreement concerning Legislative Council representation on the committee the matter is to be determined by that House.
- (6) The Speaker be appointed to serve on such committee as the Legislative Assembly independent member and Chair of the committee.
- (7) Notwithstanding anything contained in the standing orders of either House, at any meeting of the committee any four members of the committee is to constitute a quorum, provided the committee meets as a joint committee at all times.
- (8) Notwithstanding anything contained in the standing orders of either House, the relevant Minister(s) be required, within two weeks of the report of the committee being tabled, to report to the Houses on what action, if any, the Government proposes to take in relation to each recommendation of the committee.
- (9) The committee must meet with representatives of the Standing Orders and Procedure Committee from the Legislative Assembly and the Procedure Committee from the Legislative Council and may accept submissions from members of both Houses.
- (10) A message be sent acquainting the Legislative Council of the resolution, requesting the Legislative Council to agree to a similar resolution, to appoint three of its members to serve with the members of the Legislative Assembly upon the committee, and to fix a time and place for the first meeting.

The motion fulfils the commitment undertaken by the Premier to establish a joint select committee to deal with parliamentary procedure. The terms of reference, which are contained in my motion, and the composition of the membership of the committee have been determined in joint discussions between the Government and the Opposition. It is my understanding that there is generally broad agreement on these terms of reference. I commend the motion to the House.

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

Motion agreed to.

Message sent to the Legislative Council advising it of the resolution and requesting it to agree to a similar resolution.

ACTING-SPEAKER (Mr David Campbell): In accordance with the earlier resolution, the House will now proceed to private members' statements.

PRIVATE MEMBERS' STATEMENTS

CARER RESPITE SERVICES

Mrs JUDY HOPWOOD (Hornsby) [5.57 p.m.]: This evening I speak about the absolutely appalling way in which flexible respite packages and the families of children with a disability have been dealt with. The children of these families are missing out on extremely valuable care and the families are missing out on respite. Jane and John French live in my electorate. A couple of months ago they alerted me to their plight in relation to the loss of their respite package. They wrote to me on 7 May stating:

I am writing to you with regard to a flexible respite package that our family has been receiving through Centacare Broken Bay (Waitara Centre) for the last (approximately) 10 years. This package is aimed at enabling families who have children with disabilities to have periods of respite.

When this package was first allocated to us, it covered many more hours that we have been receiving recently and I was told that it would continue until our daughter Hannah was 18 years old. Each year the amount of respite that we were able to access through the package has been reduced as Government funding to Centacare has become less and less adequate for the needs of their client families. Never the less we, like many other families, have just accepted the reduction in service provided because we greatly value Centacare and our on-going relationship with the workers there.

Over the last two years a new system has been introduced by ADAHC for assessing the needs of the families and allocating packages. This has been based on a points system where the level of need has been measured and points awarded according to the difficulty perceived to be currently experienced by each family. The new system is called the "Respite Intake and Allocation Process".

This year when our case was assessed the need of our family did not rate enough points for us to be considered for respite. This is despite the fact that nothing has changed in our situation since last year when we were considered needy enough for a package to be allocated to us. Our daughter, who is 15 and who has Down Syndrome, is non verbal, cannot be left alone, cannot dress herself, needs supervision in the toilet and is generally dependent on her carers for most things just about all the time. As well as that my husband is away for work for between 3 and 4 months every year and so at those times I am supporting her without him. Obviously the impact of her disability on our family and on our lives is enormous. If Centacare is not receiving enough funding to be able to provide respite for families like ours then Centacare's funding is clearly very inadequate.

I doubt that I would contact you if we were the only family experiencing this reduction in service but I understand that 29 other families who, up to this point, have been accessing respite packages have also been informed that they will no longer be receiving respite through Centacare. I am not sure how many families who have been receiving respite through other agencies are in similar positions.

Jane and John French are the most wonderful parents. They are absolutely desperate. They are disappointed that the Government is clearly not listening and has moved the goalposts in relation to these flexible respite packages. The shadow Minister for Disability Services and I met recently with the French family and we have obtained further information. I quote from another email I have received:

Our understanding is that as an outcome of the Respite Intake and Allocation Process (RIAP) co-ordinated by Human Services—Ageing, Disability and Home Care (ADHC) this year (2010/2011):

- families from Centacare Broken Bay lost their packages
- 180 applications in the Northern Sydney Planning Area were unsuccessful
- 400 applications were unsuccessful across the region.

That is totally unacceptable. I call on the Minister for Disability Services to address this problem immediately. The Frenchs are concerned for themselves, but they are more concerned for all the other families that have experienced this disappointment. At least six families at the Clarke Road Special School are being impacted. That school is in my electorate, but this is a much broader problem. The Government has suggested options to the Frenchs, including approaching Catholic Community Services, Baptist Community Services, Sunshine Respite Services, Stanhope Healthcare Services and Northcott Disability Services. Only Sunshine Respite Services can provide a flexible package, but it has not responded to the Frenchs. This is an urgent situation. This family and the many others that I have mentioned will not be able to manage. They need respite so that they can save the Government millions of dollars by caring for their children at home. They will not be able to continue doing that if the Government does not understand, listen, consider their concerns and restore those packages.

BIKE WEEK

Mr NICK LALICH (Cabramatta) [6.02 p.m.]: Saturday 18 September to Sunday 22 September 2010 is New South Wales Bike Week. This is an annual New South Wales Government event that raises the profile of cycling as a healthy, easy, low-cost and environmentally friendly transport alternative to driving. Cycling is a great way to get around. Bikes cause virtually no noise and keep our streets pleasant for walking, which in turn supports retail and social activities. Only about 1 per cent of trips in this State are undertaken on bikes. That is about the same as the bike usage in the United Kingdom and the United States of America, but less than in many cities in Europe. That means many people are missing out on the health and wellbeing benefits of cycling.

The New South Wales Bike Week program involves 49 events across the State. Every primary and secondary school in New South Wales was invited to participate in the event by ordering bicycle safety material for classroom use from the Roads and Traffic Authority. Our schools and the broader community being involved in this celebration can only increase interest in cycling as a healthy and enjoyable transport choice. Local communities are also encouraged to organise Bike Week events across the State. For example, the Western Sydney Cycling Network has organised the Bike Week Cycle, which will commence at 9.30 a.m. on 26 September at the Fairfield City Showground. Other activities to be held across the area include a community fun ride, which will be held in Newcastle at the Fernleigh Track. It will utilise off-road cycleways. That will encourage people to ride because they will not be concerned about the perceived danger of motor vehicle traffic. The Get on Your Bike family fun ride to be held at Darlington Point offers a combination of on-road and off-road environments to novices and experienced riders.

Local government assistance enables these events to happen away from the intrusion of heavy traffic. They are designed to raise the profile of cycling and they range from family fun rides to bicycle film festivals, information workshops and seminars, bike rides with treasure hunts, bike sculptures and bicycle swap meets. New South Wales Bike Week provides an opportunity for local communities to participate in organised bicycle events in a safe and supported environment. The events will hopefully encourage more people to take up cycling regularly as a mode of transport as well as to keep fit and healthy. The event also supports the Government's determination to increase the mode share of cycle trips up to 10 kilometres made in the greater Sydney region, at both the local and district level, from 1 per cent to 5 per cent by 2016.

The New South Wales Government's continued commitment to active transport provides the foundation for its new Bike Plan, which will outline infrastructure and programs required to build on recent investments and to achieve cycle use targets. The Roads and Traffic Authority bicycle program continues to support the councils of New South Wales with dollar-for-dollar funding for the construction of local cycleway networks. The authority has made a commitment to improve cycling safety by providing off-road cycleways wherever possible when major roads are built or upgraded. That is why bicycle facilities have been and continue to be delivered as part of all major road infrastructure projects. New South Wales Bike Week is one of the many Government initiatives that promote cycling as outlined in the New South Wales Bike Plan, which can be found on the Roads and Traffic Authority website.

GRAFTON TELSTRA CALL CENTRE

Mr STEVE CANSDELL (Clarence) [6.07 p.m.]: I have some very sad news for Grafton and the Clarence Valley. I refer to the threatened closure of the Telstra call centre and the loss of 103 middle management and other good jobs in the area. Telstra Country Wide Director Sue Passmore said that the company needs a bigger call centre and that the services provided by the Grafton centre will be taken over by centres in Brisbane and Melbourne—that is, jobs will be moved from the country to the city. We tried to turn this into a positive by suggesting to Telstra that it bring the city to the country. I challenge Telstra to make a real commitment to regional New South Wales by moving a city call centre to Grafton.

I have a great deal of respect for Sue Passmore and I understand that she is only the messenger for the big boys in Sydney, Melbourne and Brisbane. Her response was that Telstra cannot attract enough employees in the country to service a large call centre. However, the only thing regarding growth in the country is good employment opportunities. If Telstra were willing to expand the Grafton call centre and to provide the experience to country people that it provides to city people, it would demonstrate its commitment to regional Australia.

Unfortunately for Telstra, its decision has generated a huge backlash. It is amazing how a political divide can disappear in response to a crisis such as this. Last Saturday The Nationals Federal member for Cowper, Luke Hartsuyker, the Labor Federal member for Page, Janelle Saffin, and the Mayor of Clarence Valley Council, Richie Williamson, joined forces with me at Grafton Shoppingworld to protest against Telstra's decision and to launch a petition. The petition was signed by more than 1,000 people that day. Mayor Richie Williamson said that the valley should dump Telstra. I do not want to go in that hard at this stage because Telstra should have a chance to review its decision. Apparently Telstra has about 2,000 call centre employees in the Philippines, which does not bode well for Australian workers. Telstra is a great Australian icon and many people have invested their savings in its shares, including some good friends of mine. I would hate to see the Hang Up on Telstra campaign gain traction if it persists with its decision to close the Grafton call centre.

We have written to the chief executive officer of Telstra in Melbourne requesting that he seriously consider doing something constructive for regional Australia and show a real commitment. The company would need a minimum of 300 employees to operate a bigger call centre, which would mean many more jobs for the local area. It is often stated that one new job created in a regional area will generate six or seven more. If Telstra removes 100 jobs, in reality it means the loss of 600 or 700 jobs. They will get a redundancy payment, so it is not too bad, but it is not a job with regular pay. I have spoken to three or four workers there. One is a single mum who said she is divorced, has three kids and has just bought a house. "What am I going to do?" she asked. People can be retrained but there are no jobs like that in regional centres in New South Wales. I plead with Telstra, before taking any hard action that will affect its bottom line, to look at the situation and consider moving a larger call centre to the area rather than removing the existing one from the area.

NEWCASTLE INNER CITY BYPASS STAGE 5

Ms SONIA HORNERY (Wallsend) [6.12 p.m.]: What is the topic of conversation in my electorate that never goes out of date? What has so captivated my electorate? The answer is the inner city bypass, or more specifically a section known as stage 5. To the uninitiated, stage 5 of the Newcastle inner city bypass is the Rankin Park to Jesmond stage. Locals rightfully, in my view, call it the missing link. Others who are not so kind or who are totally fed up waiting for the project to come to fruition call the bypass "the road to nowhere". This proposed piece of dual carriageway, which stirs such emotions in people, will be 3.4 kilometres in length.

The completion of stage 5 will have a dramatic effect on not just the population in my electorate but also on the lives of people in the region. The building of the road will have a significant effect on the population because it will massively improve commuter traffic flow in the Hunter region. Currently the completed stages of the bypass are from Bennett's Green to Kotara Heights and from Kotara Heights to Rankin Park, terminating at New Lambton Heights. The failure to complete stage 5 has created considerable problems in the surrounding suburbs, forcing traffic onto local roads that were never designed to cater for the present traffic volumes. I have received much correspondence from local constituents outlining the stress on health and lifestyle that the extra traffic burden is placing on them and their families. A number of resident and community groups, such as the New Lambton Chamber of Commerce, have written to me pointing out the benefits that will flow from the completion of stage 5. Let me share some of these with you.

They correctly point out that the bypass will allow a much-needed additional entry to John Hunter Hospital on the western side of the campus. At present both entrances to John Hunter Hospital are on the eastern side of the hospital and become congested during peak times. The John Hunter Hospital campus is a very busy precinct and the hospital is the largest in the Hunter New England Area Health Service. The hospital has the largest trauma unit in New South Wales. In the year to June 2009, the hospital had over 70,000 admissions and more than 500,000 non-admitted patients. The services and facilities at the hospital are ever expanding. The bypass would also provide a firebreak on the western side of John Hunter Hospital, and that is vital to the safety of those working and convalescing in the hospital during the fire season. The bypass would provide more direct access to the University of Newcastle from the south. The University of Newcastle has approximately 23,000 students on campus and it too is ever expanding.

The whole community supports the building of the bypass, as do the member for Cessnock, the member for Charlestown and the Newcastle City Council. The NRMA sees the benefits of the road and has named the bypass as one of five priority infrastructure projects in the Hunter. I acknowledge NRMA director Kyle Loades for his ongoing interest and support for the building of the road. I spoke in this House in November 2008 about the urgent need for the bypass. I made the speech to inform Hunter residents who are affected by this project and to keep them abreast of the status of the bypass. I am disappointed that apart from the preferred route being identified and Newcastle City Council approving the local environment plan, very little progress has been made, despite my continuous lobbying for this important missing link. The public and institutions in the Hunter understand the need for this project to be completed as soon as possible. They, like me, expect the New South Wales Government to show real commitment to our region and fund this much-needed roadwork immediately.

AGRICULTURAL MACHINERY TRAFFIC RULES

Mrs SHELLEY HANCOCK (South Coast) [6.16 p.m.]: I convey to the House the concerns of South Coast primary producers who met with me this week and who are concerned and frustrated by a number of issues affecting their businesses. These farmers have been finding it increasingly frustrating to deal with highly complex, often confusing and contradictory rules and regulations introduced by the Roads and Traffic Authority that they say are impacting on rural production. As we all know, the South Coast of New South Wales is a highly productive agricultural region. Many areas of the South Coast electorate and Kiama are zoned rural and, consequently, there are numerous road-use issues that are becoming major problems and are starting to impact on the day-to-day running of dairy businesses. Hence I am very concerned about what local farmers have told me.

In summary, these issues include the recent overzealous imposition of fines on many farmers on the South Coast by Roads and Traffic Authority officers. Two examples of that are a farmer being fined for a ripped flag and another farmer being fined for displaying an oversize sign, being 150mm too high. There are many other examples of what appears to be victimisation of farmers by the Roads and Traffic Authority in my electorate and I am very concerned about that. In addition, Roads and Traffic Authority manuals setting out the rules use increasingly complex jargon, which is incredibly frustrating for farmers. New Roads and Traffic Authority rules seem to appear in the manuals with absolutely no consultation with the farming industry. The number of rules and manuals is overwhelming for all users of agricultural equipment. Most of the tractors and many items of agricultural equipment purchased by Australian primary producers are made in Europe and the United States of America. There are so many grey areas within the Roads and Traffic Authority regulations, and it is very frustrating when these regulations impact on the day-to-day farming practices in my area.

Evidence of this is the Roads and Traffic Authority regulation regarding hay forks, which are now regarded as dangerous protrusions but which are a necessity for the feeding of cattle. There is also a rule regarding the covering of agricultural produce such as hay or silage, which is organic matter but which is now regarded as rubbish and must be covered. Farmers live and work in a rural area where the use of such implements forms part of their day-to-day business. However, when the local council slashes or mows road verges, grass or organic matter is allowed to lie on the road and blow around. Seemingly, this is not an issue for council. All these issues relate to our farmers' needs and their right to farm in a rural area. In both the United States of America and Europe there are much more flexible regulations governing agricultural machinery; they support and encourage farming. However, it appears that in New South Wales the Roads and Traffic Authority greatly disadvantages New South Wales primary producers who are competing in a global market.

In light of the recent Roads and Traffic Authority fines it has become evident that the common practice of carting feed in a feed box between different properties or blocks is now deemed illegal. Similar concerns have been addressed recently in Victoria with new guidelines introduced by VicRoads to enable farmers to carry out this process without fear of being fined. Farmers would like all load-carrying agricultural machinery in New South Wales, such as sprayers, fertiliser spreaders, hay trailers and seeders, to be given similar weight ratios and widths to those used by their neighbouring Victorian farmers. The tractor and/or tractor-trailer combination should not have rules governing them that apply to a semitrailer, which may travel at 100 kilometres per hour on designated roads. Farm machinery does not travel at that speed. The tractor-implement combination should be covered under the existing conditional registration relating to a tractor. It would seem that the New South Wales Roads and Traffic Authority could learn a lot from VicRoads and its recent introduction of new rules that apply to agricultural machinery.

The problems with hay and cattle trucks crossing the Shoalhaven River bridge have been amplified, as recently truck drivers have been fined and some have lost driving points because of the height of hay trucks

crossing the bridge. The lack of true cooperation between local police and the Roads and Traffic Authority regarding the bridge crossing is increasingly frustrating. The majority of hay and cattle trucks coming from inland regions of Australia and crossing the Shoalhaven River bridge are all loaded to the maximum legal height of 4.6 metres, or B-double rated. However, our southbound two-lane bridge is now limited to a height of 4.3 metres. For some 40 years truck drivers have put their blinkers on, straddled the centre line and safely crossed the bridge. Recently however police and the Roads and Traffic Authority have been imposing heavy fines on truck drivers who practise this procedure. One possible solution, apart from a new bridge, is a 6.00 a.m. to 9.00 p.m. curfew on trucks using the bridge. One of the farmers' biggest frustrations is lack of consultation with them by the Roads and Traffic Authority and police on this issue.

Other issues are the added cost to farm businesses of paying for police escorts and the additional cost of freight as a consequence of less fodder being loaded onto trucks as a result of the height restrictions. The farm sector employs a large number of people in the region. The cost of doing business makes it impossible for them to pass on costs to anyone else. As members can see, we are all very frustrated. The farmers are joining me in petitioning various Ministers in relation to the issues I have raised in the House today. They are concerned and fed up. They realise that the overwhelming number of rules and regulations are making it much more difficult for them to farm. I am concerned about morale in the area, a matter raised with me by local farmers just this week. I call on the Minister to address the problems I have raised today.

SOUTHERN DISTRICTS SOCCER FOOTBALL ASSOCIATION ANNUAL CHARITY DAY

Mr NINOS KHOSHABA (Smithfield) [6.21 p.m.]: On Saturday 24 July 2010 I and the Mayor of Fairfield and the member for Cabramatta, Nick Lalich, had the pleasure of attending the annual Football Charity Day of the Southern Districts Soccer Football Association—a fundraising event organised by the Southern Districts Soccer Football Association management committee for local soccer football clubs in the Liverpool and Fairfield council areas. The main objective of this event is to hold friendly challenge matches between the Liverpool clubs and the Fairfield-based clubs to raise funds for a worthy cause or charity. This year it was held at the home stadium of Sydney United Football Club at the King Tomislav Croatian Club, Edensor Park. The event, which is in its third year, has raised over \$30,000 to date from loyal Southern Districts Soccer Football Association member clubs and their members. The first year the charity selected the Cancer Council and in the second year Andrea Children's Trust.

This year the association selected two worthy charities: one from the Liverpool local area, being the Autism Advisory and Support Centre, and one from the Fairfield local area, being the Aspect Western Sydney School. The Southern Districts Soccer Football Association is a proud sponsor and partner to Special Needs Ability Program Providers [SNAPP]. In support of its commitment to children with disabilities these two charities were selected. The charity day has evolved into a huge local community event. The day started out early with more than 1,000 under-6 players playing 80 small-sided football games over the course of the day and continuing through to 6.30 p.m. with the main challenge match between Liverpool clubs and Fairfield clubs. For the midday break entertainment Ms Lucy Reggio, President of SNAPP, organised a special presentation performed by children with intellectual disabilities from Freeman Soccer Kidz and guest teams from Nepean Dragons. Both these organisations have special soccer programs and other events for children in their respective areas. During the day Ronald McDonald popped by to have a little fun and many photographs were taken of him and the excited under-6 players.

Some special players participated in the main challenge match between Liverpool and Fairfield which is proudly sponsored by Terry Leckie from Balmain Commercial. Former Socceroos Captain Paul Okon; Brendan Renaud, former Sydney FC player; and Tony Suklic, former Sydney United NSL player all took part in the match, giving local players an opportunity to play with some of the finest soccer players in the game. The coaches for Fairfield were Greg Carluccio and Robert Sacco and the Liverpool team was coached by Greg Pelli. After an exciting and well-fought game the match was won by the Fairfield side, running out to a score of six to two.

As is the case with most community events, the organisation and success of the event cannot be achieved without the contribution and assistance of volunteers, and the Southern Districts Soccer Football Association has no shortage of them. Many thanks must go to Elaine Gaffney and her husband, Warren, for collecting the gold coin donations, Mr Guy Zangari for being such a wonderful commentator on the day and to Paul McGovern and Rosanna Lentini, Southern Districts Soccer Football Association office staff. I make particular mention of the committee members, and their partners, of the Southern Districts Soccer Football Association who give up a lot of their time all year round to promote and to support sport in their local

communities. Those members are: President Andy Favaloro; Secretary Ron Hughes; Treasurer Hugh Gulpers; Senior Vice-President Mario Micallef; Junior Vice-President John Vukasin; Assistant Secretary Sam Kalouris; team recorder Kerry Michael; Paul Casey, promotions and marketing; and Publicity Officer Joanne Amoroso.

The Southern District Referee Association generously supported the day by giving a donation and, in addition, by providing game leaders for each match. Donations were received by all Southern Districts Soccer Football Association member clubs and at last count a total of \$10,000 was raised to be split evenly between the Autism Advisory and Support Centre at Liverpool and the Aspect Western Sydney School at Wetherill Park. The day was capped off with a fantastic fireworks display provided by the award-winning Foti Fireworks and sponsored again by Mr Terry Leckie from Balmain Commercial. The Liverpool-Fairfield charity match of the Southern Districts Soccer Football Association is not just about raising money; it is about bringing the community together for a worthy cause and, at the same time, supporting local sporting clubs and providing an enjoyable and festive day for all. I believe in this regard that the charity day of the Southern Districts Soccer Football Association was a huge success. I place on record my appreciation for its invitation and its support for the local community.

TRIBUTE TO MALCOLM MIDDLETON

Mr RUSSELL TURNER (Orange) [6.26 p.m.]: It is fair to say that very few people have experienced firsthand the many dramatic events and changes to Australian society that have occurred over the past 100 years that have been experienced by Malcolm Middleton. The tragedy of two world wars plus numerous other wars, the Great Depression, the advent of motor cars and aeroplanes, silent and talking movies, man's entry into space, including a moon landing, television, mobile phones and computers are just a few of them. It is also fair to say that Malcolm Middleton was one of the few who adapted easily to change—he took the challenge in his stride. Mal Middleton had a number of titles—Mal, Dad, Travel Agent Extraordinaire, Mayor of Parkwood, Uncle Mal, Middy and, for the past 40 years, mostly Pop.

Mal was born to Annie May and Arthur William Middleton in the Melbourne suburb of Malvern on 15 August 1909—just nine years after Federation. In 1911 Mal moved with his parents from Melbourne to Mosman in Sydney, where his sister Doss was born in 1916. After leaving school at 15, Mal followed his father into the wholesale and retail soft goods industry in York Street, Sydney, working his way up from office boy until he took over his father's sales agencies. Travelling daily on the Mosman ferry Mal became attracted to a young lady by the name of Edna Fraser whom he befriended and eventually married in 1937. Following the tough economic depression years and the outbreak of the Second World War, Malcolm enlisted in the army on 7 January 1942. Mal always wanted a family and, in 1944, his wish was granted with the arrival of his daughter, Janelle. In December 1945, after discharge, Mal brought his wife, Edna, and baby daughter, Janelle, to Orange to start afresh. His first business role in Orange was in partnership with his friend from Mosman days—the late Jim Boulton in the Helen James frock salon in Summer Street.

During this time, Mal rapidly became involved in the Orange community. In January 1946 he joined the then recently reformed Orange Apex Club and was elected President in 1947. In 1949, following the sale of Helen James Salon to Rockmans retail chain, Mal went into partnership with another Orange identity and Apex colleague the late Hugh McCarron to run a daily bus service between Orange and Bathurst. The venture proved so successful that a year later Mal and Hugh opened the first commercial tourist and travel office in the Central West in Summer Street in a building that many years before had been used as an office by Cobb and Co. coaches. Not only did this venture create opportunity for Orange and Central West residents for modern travel to all parts of Australia and overseas; Orange and regional New South Wales were promoted to the world.

On 3 November 1957, following several years of planning, Mal and Hugh opened Australia's first drive-in motel, the Belair, in Lords Place Orange. The drive-in motel concept was so popular that demand for more drive-in motels quickly developed throughout rural New South Wales and the rest of Australia. To meet this demand Mal and his fellow company directors built and opened other drive-in motels at Parkes and Nyngan. In 1961 the motel business was sold to the Carapark chain. Mal and his new partner, the late John Selwood, and then also Al Morris, continued an active role in the travel industry from their Travel House offices in Lords Place Orange beside his old motel, now the Orange City Motel.

Over his years in business Mal Middleton's name became synonymous with travel in rural New South Wales. Every Saturday morning for many years, radio listeners throughout country New South Wales would hear Mal Middleton extolling the excitement of travel to faraway places in his travel tips program. Similar messages became part of local life through a weekly newspaper column that he wrote in Orange's *Central*

Western Daily. Through these efforts not only did Travel House Orange become the largest travel agency in country New South Wales; it also became the official port agent for East West Airlines. In fact, Travel House Orange was the first travel firm in Australia, outside the capital cities, to become registered with the International Air Transport Association. In 1973 Mal retired at the age of 64.

Mal Middleton's contribution to society was not limited to the travel industry: as the list of his roles with numerous and diverse Orange community organisations testifies, his contribution to our overall community was enormous. In 2004 the Governor-General awarded Mal the Australian Centenary Medal for services to the community. Obviously Mal loved his city and the city of Orange loved Mal. Despite surviving two serious bouts of cancer Mal was always the cheerful optimist and always positive. When people down the street asked Mal how he was his stock reply was always, "Still breathing." Mal Middleton lived a full and active life, touching people in a special way with his wicked sense of humour and his go get 'em attitude. Mal, you have played a vital role in Australia's history. But, more importantly, you have played a vital role in making Orange the great regional city that we are all so proud to call home. Mal passed away on 19 August 2010 aged 101 years.

VICTORY MIRACLE CENTRE

Mr PAUL LYNCH (Liverpool—Minister for Industrial Relations, Minister for Commerce, Minister for Energy, Minister for Public Sector Reform, and Minister for Aboriginal Affairs) [6.31 p.m.]: This evening I raise, as I have raised previously, issues concerning the fraudulent behaviour of the elders of the Victory Miracle Centre and its associated entities, Victory Missions and Ephraim Investments, and their impact on my constituents. I have been told that George Mani, as recently as 16 August 2010, is still asking congregation members for money. As recently as 19 September, that is, last Sunday, he was reported as acting as a pastor of Victory Miracle Centre. Rumours are sweeping the community that the control of Victory Miracle Centre will go to Mani's son and wife, but he will still remain as pastor.

There is now almost an avalanche of victims of these crooks. A further victim of mortgage broker Neil Lal is Praneel Bajpai. Lal was of course an elder of Victory Miracle Centre and an endorsed 2008 Liberal Party council candidate. Praneel Bajpai first met Neil Lal in 1989. One of Mr Bajpai's relatives was a family friend of Neil Lal and had been a friend of Lal's wife in Fiji. In October 2005 Lal suggested that Mr Bajpai invest \$80,000 in a project involving land in Fiji. He would get a 13 per cent return. Lal prepared all the documents and simply got Bajpai to sign the application for a home equity loan from AMP. The money went to Ephraim Investments. That is common behaviour with Lal that I have itemised before.

The money, with the return, was to come back in six months from October 2005. Mr Bajpai is still waiting to be paid, although one payment of \$20,000 was made. As Mr Bajpai was constantly seeking to have the money paid, he had a series of excuses and prevarications from Lal. There were other people apparently in a similar position. Lal kept saying the land would be sold to repay everyone. As I understand it, that is still to happen. Because of the acute financial stress he was under, Mr Bajpai had to break into his superannuation to meet his financial commitments. He was so desperate that he asked Lal for weekly payments, just to enable him to survive. They paid this for one or two weeks and then stopped.

Whilst the initial dealings of Mr Bajpai for the investment were with Neil Lal, he dealt mostly with Anand Prasad for finances and repayment. Mr Bajpai is slightly different to the other victims whose history I have previously recorded. He comes from a devout Hindu family and was not a member of the Victory Miracle Centre when he first invested. He attended several meetings of the Victory Miracle Centre congregation but this was several years later when he was going through a divorce. The church suggested that if he came to the church it would pray for him and his wife would come back to him.

Of course, some victims are reluctant to be publicly identified. One such person is a constituent of mine whom I interviewed but whom I will call Catherine; it is not her real name. She and her husband owed only \$50,000 on their family home. After Lal got his claws into her, she now owes \$360,000, and she and her husband cannot see how they can repay it. She believes this inflated figure resulted in part from Lal refinancing loans to get commissions. Lal invested her money in a brand new Queensland property off the plan. When she went to lease the property she found there was already a tenant, which suggests it was not quite what Lal promised. She kept going to Lal for help as the debt on her family home kept increasing. Lal said he had a way of helping her if she would invest in a big development in Fiji. This required \$60,000. What is more it had to be in cash. So Lal met Catherine at the Liverpool Street George Bank branch where she handed over \$60,000 in cash.

As she kept pressing for solutions and updates, Lal's responses became more and more outrageous, with reference to South Korean developers, a United Kingdom-based private investor, and frequently multimillion dollar developments. She heard nothing from him for six months and then received an SMS message when the matter was raised in Parliament. That contact seemed designed to dissuade her from talking to the media. The behaviour of this Liberal Party endorsed candidate is disgraceful. There is a particularly sinister aspect to it. Lal ran Ephraim Investments with a focus on making money through property development; that is, building and developing homes. Former members of Victory Miracle Centre tell me that Lal and particularly George Mani were salivating at the prospect of Lal and his Liberal Party colleagues getting onto council because of the influence that they would obviously wield in land development. Church members did a large amount of work for the Liberal election campaign in 2008. The current councillors who were elected, Hadchiti, Mannoun and Hadid, owe Liverpool an explanation of their connection with these crooks and with what they planned if Lal had been elected. After all, Mani and Lal organised lots of electoral workers to whom I have spoken.

I have also spoken previously about Mr Michael Jacobs. His position is getting worse. Last month he received a letter from Smarta Strata threatening to take him to court for non-payment of over \$3,000, being two years of strata fees. He asked the three crooks from Victory Miracle Centre to fix it up. They promised to do so by the end of August and of course they did not. Michael then had to pay all that by himself and on top of that the repayment due to be paid by Victory Miracle Centre on 9 September 2010 was dishonoured. His position is getting worse. This is an atrocious and tragic story. Basically, a bunch of crooks are preying on people, largely but not exclusively in the Fijian-Indian community in Liverpool. The fact that they were part of the Liberal Party is an added disgrace.

PITTWATER ELECTORATE NATIVE ANIMAL ROADKILL PREVENTION

Mr ROB STOKES (Pittwater) [6.36 p.m.]: Tonight I raise an issue of real importance in my community of Pittwater, which is enormously fortunate to be surrounded by spectacular national parks, native bushland and iconic Australian wildlife. From the Garigal National Park in the south to the Ku-ring-gai Chase National Park in the north, Australia's native flora and fauna constitute one of the most defining categoristics of the Pittwater community. While our natural environment is a treasured part and a unique defining element of our local surrounds, we face the frightening reality that some of our most iconic native wildlife may soon be lost forever.

Early last week I had the pleasure of chairing an enormously well-attended meeting of the Northern Beaches Roadkill Prevention Committee, an outstanding group of volunteers dedicated towards reducing the tragic number of native wildlife injured and killed on our local roads. This group was formed in 2005 to raise awareness and to seek better funding for this increasingly important issue, and it has since worked tirelessly to achieve important outcomes. That group worked in the media, in academia, presented papers and posters, refereed conferences and has done hard research work to demonstrate this is a real problem and that with intervention we can mitigate the worst excesses of that problem.

One of its most notable achievements has been the construction of a wallaby exclusion fence along the Wakehurst Parkway, a highly successful venture on one of the northern beaches most notorious arterial roads, which has seen the death of scores of wallabies, including bettongs and sugar-gliders. Indeed, I have seen an echidna walking across the Wakehurst Parkway. Fortunately he got to the other side of the road but unfortunately many do not. While this initiative is certainly a step in the right direction, the reality remains that with hundreds of kilometres of bushland surrounding roadway in Pittwater, much more needs to be done to prevent the very real risk that our local population of native wildlife will continue to decline. Whilst the measures in force along the Wakehurst Parkway have so far been successful, other notorious roads within Pittwater such as McCarrs Creek Road, have witnessed more than 30 reported deaths of wallabies over the past year alone. This is a tragedy that we as a society can no longer afford to continue because the death of even one female wallaby is enormously significant because of its cumulative impact on the viability of the local population. If left unchecked inevitably it will lead to the extinction of the local population, which effectively is marooned by the Sydney-Newcastle expressway.

There is no hiding from this issue. Anyone who has driven along Pittwater's bush-surrounded roads, including McCarrs Creek Road, the Wakehurst Parkway, Mona Vale Road, West Head Road and many others, are well aware not only of the beauty that exists but also of the dangers that exist to wildlife, motorists and their passengers. What has become increasingly clear in recent times is that despite the fantastic efforts of local volunteers, including Jacqui Marlow, President of the Northern Beaches Roadkill Prevention Committee, committee members like Eira Battaglia, Neva Poole, Niamh Kenny and many others—too many to mention this

evening but others such as Sydney Wildlife, people like Mandy Beaumont from WIRES, assisted by local veterinarians such as Gail Carey from Elanora Heights Veterinary Clinic, who I met the other day—we need greater government awareness and contribution, which is imperative, in order to see real improvements.

All ideas, policies and suggestions require funding. Whilst the Government has been supportive in commissioning studies, inquiries and reviews on this issue, the time has come for it to start initiating some real action. Anyone who has seen the terrible carnage on our roads knows that no amount of reviews or inquiries will change the situation that exists. Instead, what is required now is the prompt release of adequate funding and the continued commitment of the New South Wales Government. I acknowledge the ongoing support and interest of the Roads and Traffic Authority, especially its regional representatives, and the Minister for Roads on this matter. I urge them to now be forthcoming with the rollout of initiatives and preventive measures to help ensure that our roads are safe and our native wildlife is protected. Although we are not talking about enormous amounts of money, the outcomes and benefits certainly are enormous. Warning signs and wire fencing, whilst not major infrastructure—even putting culverts under roads—will improve road safety, potentially save lives and assist in the preservation of our native wildlife. They have just as much right to be in our community as any living thing.

Motorists may not think much about seeing a single native wallaby lying dead on the side of the road, but that would change rapidly if the wallaby were to crash through their windscreen and cause an accident, or if the tragic situation was reached where the local population of wallabies completely ceased to exist. Members may think I am being alarmist. I remember seeing koalas in the area. When I was a young bloke I was very lucky to be able to see koalas in Avalon. My kids, unfortunately, will not get to see them because that population of koalas is now extinct. I would hate to see the same thing happen to wallabies. This is a situation where a failure to act will be viewed as a real pity and a real failure. I certainly encourage the Government to act on this important issue.

COALMINERS

Mr ROBERT COOMBS (Swansea) [6.41 p.m.]: I dedicate this private member's statement to all coalminers who have been killed or severely injured in the line of duty, and especially coalminers in the northern districts of New South Wales. On Sunday 12 September I attended the annual coalminers' memorial day at the Construction, Forestry, Mining and Energy Union coalminers union's rooms in Cessnock. The memorial commemorates all coalminers who have been killed in the line of duty. The Jim Comerford memorial wall has the names of 1,800 coalminers who have been killed since 1816. The first recorded death of a coalminer was in 1816. There have probably been more than 1,800 coalminer deaths and they probably died in the line of duty before 1816, but that is the first death in a coalmine that mining historians could pick up. The last recording was the death of Daniel Hill in 2009 at Glennies Creek mine; I am sure the entire House joins me in sending condolences to his family.

Ron Land, Chairman and Executive Director of Coal Services Pty Limited and Chairman of the Health and Safety Trust, gave the main speech on the day. For 17 years Ron was the District Secretary of the Northern Districts coalmining union. He explained the terrible trauma encountered when, as part of his duty, he had to visit a family to explain to them that a fatality had occurred and then to ensure that they were properly and financially secure. He also explained that the miners have a very good—quite generous in fact—insurance scheme. On a number of occasions in his speech he said that they were immediately able to deploy substantive workers compensation benefits from the coal industry's monopoly insurer, Coal Mines Insurance, and whilst no amount of money could restore the life lost and stop the grieving, it at least ensured homes would not be lost and families could be kept intact and financially secure in the years ahead. Importantly, of course, this scheme is also for workers who are injured on the job.

Ron Land went on to say that this particular scheme is under attack. Apparently, a number of multinational coalmining organisations and enterprises are saying that there should be competition in the field. Of course, that is a euphemism for saying that through competition they will try somehow to reduce the entitlements that exist under the current scheme. We should all be united in this: any attempt to reduce the benefits or entitlements under the current insurance scheme should be fiercely resisted. There is little doubt that coalminers work in a very risky workplace. Their lives are in constant danger at every stage.

From 2009 to 2010 raw coal production from New South Wales mines totalled 188.8 million tonnes. Workers compensation costs for the same period, expressed at a per tonne rate, come in at an average of 45¢ a tonne. For the couple of hundred dollars per tonne that was gained, only 45¢ was a cost against the product to cover workers compensation. This is a stark reminder to us all that we have a duty to ensure that the workforce,

and especially workers who are subject to these dangers every moment of their working lives, enjoy at least some level of security in the knowledge that if they are injured or hurt, or if they are unfortunate enough to be killed at work, at least their loved ones have a decent compensation package to protect them. We should also be mindful of the miners who are trapped in the mine in Chile and hope that they are able to be safely removed and pulled back very shortly so that they can be reunited with their loved ones.

REGIONAL INFRASTRUCTURE

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [6.46 p.m.]: Negotiations with regional Independents following the recent Federal election has delivered us some welcome focus on regional issues. Initiatives announced include a Department of Regional Australia, ensuring fair and equitable access to the National Broadband Network, increased health and education funding, and investment in regional infrastructure. It is almost three years since the NSW Rural and Regional Taskforce, established after the last election, presented its report and recommendations to the State Government. In a direct response to that report, the then Premier, Nathan Rees, announced an \$85 million regional package, including a local infrastructure support fund in November 2008. This fund has helped to offset the costs of the specific critical infrastructure required for business establishment, expansion or relocation in regional New South Wales. Injections of funding like this are essential to regional development. They empower local councils, businesses and industry to tackle the big projects that not only benefit the local communities but in turn attract new investment. We need to do more.

Today I am calling on the New South Wales Government and the Opposition to give a commitment to establish a State regional infrastructure fund. I note that the Coalition has pledged to set up a fund for infrastructure projects, a third of which would be earmarked for regional areas. In June the Commonwealth announced it would establish a regional infrastructure fund. The New South Wales task force reported that all levels of government need to work together to maximise economic development and investment in regional areas. On that basis I urge both the Government and the Opposition to meet or surpass the New South Wales share of Federal regional development infrastructure funding through its own dedicated fund. This would double the value of the Commonwealth initiative in New South Wales and in some cases quadruple it through local government and private sector contributions.

One of the very successful recent initiatives of the Government has been the Community Building Partnerships program. Last year the Northern Tablelands received a \$417,000 State contribution and it was tripled to \$1.2 million through community and local government donations to those projects. The Rural and Regional Taskforce noted, quite accurately, that the regional centres in New South Wales offer an excellent quality of life and with proper investment in job creation and infrastructure would attract greater population, thus easing pressure on the Sydney Basin. To promote this the task force recommended the establishment of a regional infrastructure fund, similar to the model adopted in Victoria. It was an excellent model and the Victorian Government should be congratulated on it. Through its model the Victorian Government works with local authorities and agencies to offset a good part of the infrastructure set-up costs for investment projects. It has given that State a competitive advantage often observed when New South Wales misses out on investment because it does not offer the same level of support.

The task force also recommended support for the inland rail project, increased subsidies for regional airlines and tax incentives in areas of population decline. It also called for local government to have a fixed tax revenue share to cover the cost of major roadworks and for there to be an intergovernmental agreement between State and local government. One of the most critical priorities in regional areas is the need to upgrade and redevelop ageing hospitals and to recruit and retain a greater number of specialists, general practitioners, nurses and allied health professionals.

Once again I emphasise how critical it is for a collaborative approach between State and Federal governments to resolve these issues. The Northern Tablelands has excellent precedents for this through the establishment of the University of New England Rural Medical School in partnership with the University of Newcastle, and the development of six multipurpose health service hospitals. These hospitals in Bingara, Emmaville, Guyra, Tingha, Wyallda and Walcha provide aged care funded by the Commonwealth, and acute care and community health services funded by the State Government. Older hospitals in communities like Armidale, Glen Innes, Inverell and Tenterfield are now overdue to be replaced or upgraded. The Commonwealth is negotiating a health package with the States to take responsibility for 60 per cent of the cost of such upgrades. These and many other opportunities for the New South Wales Government to collaborate with the Commonwealth to build and upgrade regional infrastructure should not be missed and in my view will be of major benefit to the whole State.

EGG PRODUCTION REGULATIONS

Mrs DAWN FARDELL (Dubbo) [6.51 p.m.]: I bring to the attention of the House the plight of egg producers and, in particular, a small business couple who have become so caught up in the red tape of bureaucracy that it is farcical. Four years ago John and Estelle Joseph bought a small acreage near Tooraweenah. Estelle decided to try to supplement her husband's income by producing and selling eggs. They began on a small scale, purchasing 30 hens and built a small mobile house so the hens would have access to new pasture every few days, and have the most natural diet possible to ensure the greatest health for the birds and the people who eat the eggs. The operation was set up on a small scale so that any potential problems could be dealt with easily before it increased in size.

Trying to do the right thing, Estelle Joseph investigated the standards and requirements for egg handling, packaging and labelling. The basic standards in place at the time were: do not sell cracked or dirty eggs, use new cartons and have the necessary information on the labels. They went ahead and registered a business name and notified the Food Authority of their food business. The Josephs then used their savings to build a larger mobile house to hold approximately 300 to 400 birds but, being financially prudent, they planned to buy only an extra 100 birds. In addition to investing in the poultry, they needed enough money to build a feed storage bin, pay for a \$600 increase in public liability insurance due to becoming egg producers, and pay for signage, feed labels and so on so they could sell eggs from the farmyard gate and farmers markets.

By sheer accident Mr Joseph heard an ABC Radio interview with Mr Peter Day from the NSW Food Authority about new regulations and licences that apply to all egg producers who sell more than 20 dozen eggs per week. The issues Mr Day raised included licence fees, yearly audits and rules—wait for it—requiring the hens' water to be chlorinated, and wild birds to be netted out of the hens' enclosure. Mrs Joseph contacted the NSW Food Authority to verify the information and initially was told that it would take 10 days to provide a reply to her questions. Eventually, someone did contact Mrs Joseph and assured her that the regulations were produced in consultation with large and small egg producers, but were unable to state the size of the business of the small producers. Did the Food Authority consult with any producers who were producing only 21 dozen eggs per week? Did these producers agree to the level of fees?

It seems to Mrs Joseph that the standards have not changed much. The main change seems to be the introduction of the licence fee for smaller egg producers. The new regulations mean that producers who have about 50 birds would need to be licensed. This means they would be selling about 23 dozen eggs a week to receive an income, after costs, of around \$50 per week. The licence fee for egg businesses employing up to five full-time staff is \$390 per year plus a one-off \$50 application fee. They would also require an annual audit, which is \$275 per hour. This is disgraceful. Assuming an annual audit of only one hour, the minimum yearly fee for a small producer would be \$715 in the first year and \$665 thereafter. If this fee is compared to an income of \$2,600 per year for someone with 50 birds, it equates to a 25 per cent tax. This means a small producer would have to work for three months just to pay the fees.

Mr and Mrs Joseph would be slightly better off. They have 128 birds, which means they have to work only five or six weeks per year to pay the fees. Even the Australian Tax Office would not tax someone earning \$2,600 per year. While I understand the authority's desire to ensure only clean eggs are offered for sale, it appears that small producers are being targeted. If this truly is an attempt to avoid salmonella contamination, the Food Authority should crack down on the large producers with more than 30,000 birds, as a British study has shown that 23 per cent of caged birds have salmonella compared with only 6.5 per cent of free-range birds and 4 per cent of organic birds. More consumers are seeking out farmers markets and fresh produce. They want to talk to the producer, even view the farm. This is putting choice back in the consumers' hands where it belongs. Clearly, it is in the interests of small producers to ensure their eggs are clean. Mrs Joseph summed up her experience with the Food Authority when she said:

I'm confused as to why they need all this money and no service in return. They don't offer free chickens, or subsidise chook houses, or give discounts on equipment or free veterinary advice. They just make life harder, both financially and emotionally.

They've taken all the fun and satisfaction out of producing good food and made us feel like criminals who need constant surveillance.

The new regulations and licence fees go beyond the introduction of what could be considered reasonable regulations. The whole process is nothing but an excessive money-grabbing exercise by a government agency. I call on the Government to review the fees so they are fairer to small producers. Mr Peter Day from the Food Authority has advised my office that he will hold a seminar at the Dubbo RSL Club on Tuesday 28 September from 11.00 a.m. to 1.00 p.m. I hope some common sense will prevail and some of these regulations will be removed.

Private members' statements concluded.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Private members' statements having concluded, the House will now consider the matter of public importance.

DOMESTIC VIOLENCE**Matter of Public Importance**

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [6.56 p.m.]: One of our top priorities as a Government is preventing and responding to domestic and family violence. The Government is determined to make women's and children's lives safer. We know the far-reaching effects of domestic and family violence on women and children as well as the emotional, social and financial costs on families and the community. We are working at all levels and across government agencies not only to reduce the levels of violence but also to improve the help government provides to women experiencing violence. Earlier this year the Keneally Government released its five-year New South Wales Domestic and Family Violence Action Plan: Stop the Violence, End the Silence. Supported by \$50 million, this action plan lays the foundation for how we as a Government, as a community and as individuals respond to domestic and family violence. The action plan acknowledged that the role of the non-government and community sector is crucial in preventing and responding to domestic and family violence.

These grassroots organisations are at the forefront of tackling domestic violence and supporting victims. This direct role means that often they are best placed to develop and implement innovative strategies that are tailored to meet local needs. The Government's support for the non-government sector and acknowledgement of the sector's importance in domestic and family violence is reflected in its Domestic and Family Violence Grants Program. Each year \$2.9 million is made available to non-government organisations for projects that aim to prevent violence against women and children, or to reduce its impact. At least \$900,000 of this grants program is quarantined for specific projects that target domestic and family violence in Aboriginal communities, which we know experience higher rates of violence than non-Aboriginal communities.

I am pleased to advise the House that expressions of interest for our latest funding round opened today. Advertisements have been placed in a range of metropolitan and regional newspapers and on the policy website of the Office for Women. This year, the Government particularly encourages applications for projects with a focus on awareness and community education in culturally and linguistically diverse communities, and for women with disabilities as well as in Aboriginal communities. Reporting of domestic violence in these communities is low and the violence can be hidden. But for women from these communities domestic violence is very real. We hope that through the grants program organisations can develop and implement innovative projects to encourage reporting, to educate communities about the unacceptability of domestic violence, and to provide targeted and culturally sensitive support to victims.

Let me be clear. The grants program does not operate in isolation; it complements the considerable resources already being spent on domestic violence-related programs and projects. Let me provide some examples to the House. Staying Home Leaving Violence is the Government's \$8.1 million program to enable women and children to stay safely in their home while the perpetrator is forced to leave. The Start Safely Program is the Government's \$16 million rental subsidy program that supports in private rental accommodation women who leave violent relationships. The Domestic Violence Court Advocacy Program, a \$6.9 million program operating across the State, provides support to women who take out apprehended violence orders. The Domestic Violence Proactive Support Services Program, with funding of \$3.7 million, delivers integrated criminal justice and support service responses to victims when they first report domestic violence. The Domestic Violence Death Review Team, supported by annual funding of \$500,000, reviews all domestic violence related deaths and make recommendations to prevent future fatalities.

In addition, the Government funds the recently expanded Domestic Violence Duty Practitioner Scheme and the Rural Women's Outreach Program, which provide outreach legal assistance to women in remote areas. As well as the accommodation options provided by Staying Home Leaving Violence and Start Safely, the Government also provides funding to around 88 women's refuges and, along with the Commonwealth Government, is expanding the Orana Far West Safe House Model in western New South Wales. The Domestic and Family Violence Grants Program is not just about giving organisations money to come up with a model that they think is effective. As articulated in the Domestic and Family Violence Action Plan, and consistent with our

policy of building an evidence base around what works and does not work, projects that are put forward for funding must be effectively and positively evaluated in another area, or include an evaluation component as part of the grant application. It is about ensuring that best-practice programs are delivered.

Since 2007-08 the Government has committed more than \$11 million to the grants program and has funded over 100 projects across the State. In the 2009-10 round of funding the New South Wales Government funded 43 projects from non-government organisations across New South Wales. The projects covered a spectrum of issues related to prevention and early intervention, and included projects for Aboriginal women, older women, immigrant and refugee women, women with disabilities, people in same-sex relationships and young women. They also covered the geographic spectrum, with projects being funded from Wyong to Wagga Wagga, Campbelltown to Coonamble, Ballina to Broken Hill, and Wollondilly to the Wentworth shire—to name but a few. To give the House an indication of the great initiatives the Government has funded, I will share with members a couple of examples from the last round of domestic and family violence grants. They include a project known as the Deaf Society of NSW: Family Safety in Auslan and the RSPCA NSW: Women's Domestic Violence Program: Safe Beds for Pets.

Ms PRU GOWARD (Goulburn) [7.03 p.m.]: If only domestic violence prevention and intervention were as simple as spending money. I do not think any member of this House would deny the importance of money, particularly the importance of providing funding for housing for women escaping domestic violence. It must be noted that there is a huge shortage of both short-term and long-term accommodation for women and families wanting to escape domestic violence. We desperately need such accommodation in Tumut. In my region there is no domestic violence shelter that looks after women with families between Goulburn and Campbelltown. There is a shelter that takes seven single women in Goulburn. That shelter is funded by the St Vincent de Paul Society but is not able to receive State Government funding.

There is an enormous shortage of temporary accommodation for women and families who want to escape domestic violence. I think we now recognise that accommodation that consists of a large shared family room and a shared kitchen with people in their own bedrooms no longer works. Now that the State Government has changed the arrangements so that a person does not have to be a victim of domestic violence but simply be homeless to be eligible for entry into a shelter, we are finding in those establishments women with mental illness who frighten other residents. It adds a whole range of complexities that makes shelters even more difficult to run. However, short-term accommodation is a very small part of the program. We will not stop women returning to violent homes—and many do so three, four or five times; indeed, in some cases women die on one of those returns—until we address the long-term issues in those families.

The principal problem is that the woman is not able to fend for herself. Literacy skills and basic education are often huge issues for these women. As we know, unemployed women are most likely to experience domestic violence. We need to spend a lot more effort on literacy and ensuring that women have the skills to take on work that makes them economically independent. We also need to provide such women with longer-term accommodation, so they do not end up homeless and perhaps go to another shelter. I have met many women who go from one shelter to the next, to the next. We need to provide stable housing for these women and their children. I know the Government is very proud of its Staying Home Leaving Violence program, which I understand provides funding of about \$110,000 a unit. I have to say that I was very attracted by the principle underlying the program: it is the perpetrator's responsibility to leave and the woman should stay in the house. However, I think the evidence suggests that that is not the best way to go. The evidence demonstrates that that arrangement only works for victims of domestic violence who have options—who, for example, earn enough money to pay the rent or the mortgage themselves.

The other aspect of the problem we need to address is that we will not reduce the incidence of domestic violence unless we start to work with men. The New South Wales Bureau of Crime Statistics and Research reported on the offences of domestic violence, particularly grievous bodily harm. When the bureau analysed the penalties that domestic violence related assaults attracted, what was most shocking was that less than half of them attracted a supervised penalty. It is true that prison is not an ideal outcome for many of these families. Alcohol abuse and domestic violence are very closely related, as are drug abuse and domestic violence, and mental illness and domestic violence. That is to say nothing of the absolutely fundamental problem that there are still men who think they can push women around. They think they can behave perfectly properly in the pub and at work but feel able to bash their wives' faces in when they get home and then say, "It was the drink that made me do it, sir."

We should be shocked by the statistics, which reveal that much less than half of all domestic violence related assault offences that result in a successful prosecution end up being the subject of some sort of

supervised order. Why is that important? It does not matter whether it is a bond or a prison term. What matters is that the man is not invisible, that his behaviour is scrutinised and that he is required to scrutinise it and to address his mental illness, his drug, alcohol or gambling addiction or whatever he or his counsellor sees as the reasons for his domestic violence. Until we get better at working with perpetrators we will not stop domestic violence. I have had this argument with the women's movement for more than a decade.

It seems to me that after 25 years of funding domestic violence prevention and support work we have focused on women; we have let the perpetrators escape unscrutinised and their behaviour has never had to change. That is where future domestic violence work must be done. In addition, of course we have to work closely with children. As all the research shows, if children grow up in a household where there is domestic violence, girls are more likely to become victims of domestic violence and boys are more likely to become perpetrators of domestic violence. We know that; no rocket science is necessary. We need to identify these families. We know who they are—the police know who they are because they go to their houses repeatedly—and we need to start working with these children.

We have programs such as Love Bites—which is an unfortunate name but a great idea. We need to make sure that such programs are much more intensive, or we will have another cycle of disadvantage. Domestic violence is closely associated with economic and social disadvantage. We will also have another cycle of intergenerational violence, of which a proud and rich society like Australia should be ashamed. While we are discussing domestic violence funding, we should be discussing the fact that, despite the billions of dollars in State and Federal funding that has been poured into resolving the issue over the past 25 years, we still have rates of domestic violence that will not decline.

Ms NOREEN HAY (Wollongong—Parliamentary Secretary) [7.10 p.m.]: I am very pleased to support the member for Shellharbour in this discussion because I consider domestic violence to be one of society's most heinous crimes. Addressing it is one of the biggest priorities of this Government, and indeed the community as a whole. Domestic violence is unacceptable and intolerable. Its long-term and short-term impact on individuals, families and communities can be devastating. As the Government's Domestic and Family Violence Action Plan identified, the costs of domestic violence are severe and far reaching. The incidence of domestic violence seriously affects the economic, social, financial, psychological and physical health as well as the wellbeing of women who are trying to rebuild their lives after experiencing domestic violence.

The action plan notes that the National Plan to Reduce Violence against Women and their Children states that in 2007-08 New South Wales spent approximately \$180 million on addressing domestic violence against women. That represents 33 per cent of total spending by Australian governments and the highest rate of all jurisdictions. Providing significant grants to community organisations is an important way for the Government to demonstrate its commitment to supporting these organisations deliver programs that respond to domestic violence. It also demonstrates that tackling domestic violence is a responsibility for both government and the community. I am aware of many of the incredible projects that have been funded under the Domestic and Family Violence Grants Program, and I commend them all. I am proud that the Government supports communities and community organisations in a way that enables them to provide flexible, locally based solutions to domestic violence.

Regrettably, while domestic violence is a universal problem with largely universal causes, effective responses do not fit a one-size-fits-all model. What may work for a young woman may not be effective for an older woman. Programs that support women and children who are fleeing violence are not necessarily appropriate for women who are single. Moreover, we know that Aboriginal women are more likely to seek assistance and support from services that are operated by Aboriginal people, or that have a particular Aboriginal focus. Similarly, women from culturally and linguistically diverse backgrounds feel more comfortable disclosing domestic violence to a worker in a service that is culturally aware and culturally sensitive. Women in rural areas who are victims of domestic violence can also have particular needs that are different from women in metropolitan areas. Isolation, geographic distance and issues around confidentiality can have significant impacts on the ability of women to report domestic violence.

I am pleased that a number of the grants have included transport options for women to help them to flee violence and get assistance and support, and outreach services to facilitate access to support. The Government recognises that the grants program is not a substitute for longer-term funding for domestic violence programs. As detailed earlier, the Government's record of recurrent funding for programs is clear testament to its commitment to domestic violence interventions and responses for the long term. The \$50 million action plan also supports that commitment. Through seed funding, the grants program enables organisations to develop

innovative responses that are locally based and tailored to meet local needs. In that context, I acknowledge the great work and efforts of the Wollongong Women's Centre in my electorate that manages a number of domestic violence programs.

As my colleague the member for Shellharbour stated earlier, the annual \$2.9 million Domestic and Family Violence Grants Program is currently receiving expressions of interest for funding. Applications are being sought, and organisations have until 21 October to apply. I urge all members of Parliament to inform key organisations and networks throughout the State of the grants program and encourage them to apply for a grant. I also commend the Minister for Women for her ongoing support for this important program and for her strong and tireless commitment to addressing domestic violence across the State.

I am proud of the Government's achievements in tackling domestic violence and acknowledge that we must always look for innovative ways to ensure that responses continue to be effective and appropriate. The Government's strong collaboration with the non-government sector is one of the key ways in which to achieve that. Community organisations that have direct contact with clients, families and communities can be the barometer for the most effective ways in which to respond to domestic violence, support victims and, importantly, raise awareness in local communities about this dreadful crime. The Government's ongoing partnership with the non-government sector ensures that important and effective community strategies are supported.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [7.15 p.m.], in reply: I thank the member for Wollongong and the member for Goulburn for their contributions to this discussion. In directing my remarks to the issue of domestic and family violence, I note particularly the announcement that funding under the Domestic and Family Violence Grants Program is now available. Applications are being accepted for a share in program funding of \$29 million that is available for community sector organisations to implement innovative strategies and solutions to reduce domestic violence in our communities.

I will focus on some of the points discussed by the member for Goulburn, one of which was that domestic violence prevention is not just about money. The member for Goulburn acknowledged that the Government contributes significant funding to support its domestic violence action plan, Stop the Violence: End the Silence, but expressed concern that the program was not achieving results. I will cite some examples to demonstrate the success of the program in my electorate. Recent Bureau of Crime Statistics and Research statistics show an 11.5 per cent reduction in domestic violence assaults.

Since I was elected to Parliament, the police station in my electorate has appointed four liaison officers who are fully trained police officers who deal with domestic violence incidents. They have 10 domestic violence evidence kits that are used by police officers who attend an incident to collect evidence. The police submit that evidence to a court during the prosecution of an offender. The benefit of the domestic violence evidence kit is that the evidence usually leads to the perpetrator admitting to having committed the crime, and that avoids the victim having to undergo criminal court procedures, which can be very distressing for the victim and for family members.

The member for Wollongong successfully obtained funding for a program that is auspiced by the Wollongong Women's Centre. Two community members will be based at the Lake Illawarra Local Area Command to provide support for families and victims of violence after the police have left the incident. They ensure that families have the necessary access to support services so that they break the cycle and do not continue to be victims of domestic violence. Significant resources have been directed to the Shellharbour electorate and the wider Illawarra region. That has resulted in a reduction in the number of domestic violence assaults. The details I have outlined are concrete examples of the success of the Government's program in reducing incidents of domestic violence.

The member for Goulburn referred to the need for short- and long-term accommodation options, recognising that not one solution fits all circumstances. Earlier in the discussion I identified that \$8.1 million has been allocated to the Staying Home, Leaving Violence program, which is designed to support women who remain at home but removes the perpetrator of the offence from the home. The Government recognises that that solution does not suit everybody, so we also have the Start Safely program that is supported by an allocation of \$16 million to assist women to obtain private rental accommodation when they need to seek alternative accommodation.

The Government also funds 88 refuges across the State. It is my experience that whenever I have contacted the Department of Housing for assistance for a family in crisis or a woman in my electorate office

who is in crisis, officers of the department have been more than willing to work with me to find accommodation for the family or the individuals concerned. The member for Goulburn referred to support strategies to address the actions of the perpetrators of domestic violence. If a crime has been committed, a legal process of prosecution must be undertaken. That is the role of the police. The programs funded by the Government address the need for support of the victims.

Brothers Against Domestic Violence is another program conducted in my electorate that focuses on indigenous men. I spoke earlier tonight about the successful work that the Illawarra Koori Men's Support Group does. One of the successful programs run by that group, with the support of the Attorney General, is Brothers Against Domestic Violence. That group seeks to work with the perpetrators of this crime to ensure that there are strategies in place to address the issue.

Discussion concluded.

**The House adjourned, pursuant to standing and sessional orders, at 7.20 p.m. until
Thursday 23 September 2010 at 10.00 a.m.**
