

# LEGISLATIVE ASSEMBLY

Thursday 2 December 2010

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

**The Speaker** read the Prayer and acknowledgement of country.

## AUDITOR-GENERAL'S REPORT

**The Clerk** announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the Auditor-General's Report for 2010, Volume Nine.

## BUSINESS OF THE HOUSE

### Notices of Motions

**General Business Notices of Motions (General Notices) given.**

## BUSINESS OF THE HOUSE

### Suspension of Standing Orders: Bills

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [10.13 a.m.]: I move:

That standing orders be suspended to permit the consideration forthwith of the Local Government Amendment (Confiscation of Alcohol) Bill 2010.

**Mr CHRIS HARTCHER** (Terrigal) [10.14 a.m.]: I move:

That the motion be amended by adding:

and General Business Orders of the Day (for bills) Nos 2, 3 and 4.

I point out first that all these matters are on the *Business Paper*. The bill moved by the member for Port Macquarie is important and the Coalition supports its introduction in this House. However, the other bills are also important. The Charter of Budget Honesty Amendment (Independent Election Costings) Bill has been before the House for some time and has been adjourned on a number of occasions. It relates to the very core of what the budget is supposed to represent in New South Wales. The significance underpinning this is the fact that the Government itself introduced the Parliamentary Budget Officer Bill to establish a Parliamentary Budget Officer to ensure proper costing and accounting to the community of budgetary promise, so in a sense the bill has been endorsed by the Government. Therefore, it is appropriate the House debate it.

The Children and Young Persons (Care and Protection) Amendment (Homeless Reporting Age) Bill relates to a vital area of our community, the protection of the young, and ensures that proper mechanisms are in place for reporting, that government policies properly take them into account and that communities are aware of their needs. Every society has a responsibility towards underprivileged children in the community. If the Government is not prepared to debate legislation that ensures proper reporting of homelessness among young people then it is walking away from its core responsibility. So many other issues that come before the Parliament are trivial compared to our responsibility to underprivileged children. The Government claims that it believes in compassion, looking after our young and that the right of the child is paramount, yet it walks away from this bill and will not agree to it being debated on the last sitting day of the Parliament in 2010.

**Mr Daryl Maguire:** It is just appalling.

**Mr CHRIS HARTCHER:** To use the words of the member for Wagga Wagga, it shows an appalling indifference to the plight of young people in our community. The third bill that should be debated by this House—and that is all the Opposition asks—is the excellent bill moved by the member for Ryde that addresses

the exploitation of students, workers and poor people who cannot afford to rent a home and who are literally abused and exploited by unscrupulous landlords. If there is one party that has always claimed to look after the worker and the poor and which claims to be dedicated to the prevention of exploitation, it is the Australian Labor Party. The difference is they talk about it; we act on it. The bill for young children is moved by the member for Goulburn, the bill to protect students and workers is moved by the member for Ryde and the bill to ensure budget honesty is moved by the member for Manly. We are taking action.

After 15 years of government, the Labor Party, which once talked about them, will not even debate these bills on the floor of Parliament. It is not even prepared to come before the Parliament and to allow these very important matters to be debated. One would hope that in its dying days, as the tsunami gathers off the coast, the New South Wales Labor Government would at last acknowledge the fact that even if we cannot put New South Wales right, we can address certain fundamental issues about which we claim to be protective—students, workers, children and budget honesty. I commend to the House the work done by the members for Manly, Ryde and Goulburn, each of whom has toiled to bring before this Parliament legislation that addresses core and important issues. We do not ask the Government to disregard the bill moved by the member for Port Macquarie but to allow debate, consideration, deliberation and voting on these three very responsible bills. The challenge to the Leader of the House on his last day as Leader of the House is: "Do you stand for a fair go or do you not?"

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [10.19 a.m.]: The Government has little argument with the issues raised by the member for Terrigal. We acknowledge that notices of motions for bills are matters which in most cases are worthy of consideration and debate. However, as the member for Terrigal well knows, the Government is not in a position to make a detailed contribution in relation to these matters. Obviously there has to be detailed consideration. I understand, for example, in relation to the matter raised by the member for Ryde, it was only this morning that communications were made with the Minister for Planning, and the matter is now being discussed and considered. The Government is not averse to discussing those issues but it is not in a position at this stage to be able to take a determined position on them. Consequently, we are not able to agree to the amendment moved by the member for Terrigal. I do not say that the Government is taking a stance that opposes the context of that legislation.

There has been detailed communication and consideration in relation to the bill introduced by the member for Port Macquarie. I know he is aware that there have also been discussions about various amendments to that legislation which may be moved. The Government having considered those matters in Cabinet and in other places agrees to discuss them. The Government acknowledges the positive issues in relation to the bills that are the subject of the amendment moved by the member for Terrigal, but it cannot agree to the amendment at this stage.

**Question—That the amendment be agreed to—put and resolved in the negative.**

**Amendment negatived.**

**Motion agreed to.**

#### **LOCAL GOVERNMENT AMENDMENT (CONFISCATION OF ALCOHOL) BILL 2010**

##### **Agreement in Principle**

**Debate resumed from 26 November 2010.**

**Mrs BARBARA PERRY** (Auburn—Minister for Local Government, Minister for Juvenile Justice, Minister Assisting the Minister for Planning, and Minister Assisting the Minister for Health (Mental Health)) [10.22 a.m.]: The Government is strongly committed to reducing alcohol-related crimes and antisocial behaviour and other alcohol-related harm in our communities. The Local Government Amendment (Confiscation of Alcohol) Bill 2010 will build on the effective action already taken by the Government under programs such as Hassle Free Nights and previous amendments to the liquor legislation. The member for Port Macquarie, Mr Peter Besseling, introduced the bill into the House and I thank him for that and the concern he has shown in relation to this important issue.

The bill seeks to extend the tip-out powers to all alcohol-prohibited areas declared under section 632 of the Local Government Act 1993. It removes the requirement that section 32A of the Act imposes which

restricted those tip-out powers to areas covered by a precinct liquor accord or community event liquor accord created under the Liquor Act 2007. Section 32 of the Local Government Act allows a local council to erect a sign prohibiting particular activities in a public place. Examples of such places include council parks and beachfront reserves. The bill relates only to the restriction or prohibition of the consumption of alcohol in such public places.

The Government is pleased to support the principles contained in this bill. The Government seeks to improve further upon it and foreshadows that during the consideration in detail stage it will move further amendments. Briefly, the Government will propose to remove the monetary penalties for the offence of consuming alcohol in an alcohol-prohibited area, which is consistent with the application of alcohol-free zones created under the street drinking provisions of the Local Government Act. It will still be possible to apply monetary penalties for other offences under section 632 of the Local Government Act which are unrelated to alcohol consumption.

The emphasis of this legislative reform, and the Government's broader policy position on this issue, is to stop the escalation of alcohol-fuelled anti-social behaviour into more serious crime. Issuing fines and dealing with people through the court system is not always the best way to address antisocial behaviour. This bill will give police and council enforcement officers the ability to swiftly and effectively combat problem drinking in these areas. The Government will propose to strengthen the bill to include a power in the Act to require those councils that must consult with the New South Wales Anti-Discrimination Board when establishing an alcohol-free zone to do so when establishing an alcohol-prohibited area.

The Government will seek to include requirements that the concurrence of the relevant New South Wales Police local area commander be required before an alcohol-prohibited area can be established. The local area commander will be able to consult with the relevant community safety precinct committees and other appropriate bodies to help ensure that the decision to declare an area as alcohol-prohibited is done transparently and in harmony with the wishes of the community. The Government will propose to amend the definition of "public place" within the Local Government Act. The proposed amendment is designed to allow, in circumstances where public housing open space is adjacent to an alcohol-prohibited area or alcohol-free zone and the New South Wales Land and Housing Corporation and police local area commander approve, that the public housing area may also be declared as an alcohol-prohibited area.

This bill sensibly brings into line the provisions of alcohol-prohibited areas with those of alcohol-free zones, which apply to public roads, footpaths and car parks, by allowing confiscation and disposal of alcohol. This legislative reform, as the member for Port Macquarie noted in his agreement in principle speech, reflects what most sensible people assume; that is, that the power to confiscate alcohol in prohibited areas already exists. It does not, and this bill addresses that. I note that this reform is broadly supported. The Police Association has indicated that the consistent approach to dealing with alcohol consumption in public that this bill achieves will make it much easier for police to enforce alcohol restrictions and supports their work in keeping our streets and public spaces safe.

Support has also been forthcoming from Councillor Keith Rhoades, President of the Local Government Association in his capacity as Mayor of Coffs Harbour City Council. Councils such as Port Macquarie-Hastings Council have been calling for such reforms in recent times to address alcohol-related issues in their communities. The member for Port Macquarie said that the administrator, Mr Garry Payne, wrote to him with such concerns. The Government believes that this bill is a sensible solution to a community concern and, as such, I commend the bill to the House.

**Mr CHRIS HARTCHER** (Terrigal) [10.28 a.m.]: I will briefly address the Local Government Amendment (Confiscation of Alcohol) Bill 2010 and endeavour to make my voice heard above the cries of the workers outside who are demonstrating for the overthrow of the State Labor Government.

**Mr Robert Coombs:** Point of order: My advice to the workers outside is that sometimes you have to be careful what you wish for.

**ACTING-SPEAKER (Mr Thomas George):** Order! That is not a point of order.

**Mr CHRIS HARTCHER:** Alcohol-fuelled violence is an enormous problem in our society. All elements of our society—whether it be the Parliament, social groups, the police, or health organisations—are concerned with the continued issue of binge drinking and excessive drinking throughout our society, but

especially by the younger demographic. One of the aspects we need to understand about alcohol-fuelled violence is that it is not always committed by people who are themselves of a criminal tendency; it is often committed by those who are good, honest people but who, under the influence of alcohol, behave in an antisocial way.

For this reason it is not always appropriate that we simply work upon the basis of a punitive system after the event. These issues are often best addressed by preventative measures, and they are often best addressed outside of the criminal justice system by simply stopping the problem as it is occurring or stopping the issue from developing into a problem. The bill is of special significance to people in beachside areas—for example, my area of the Central Coast and the electorates of my colleagues the member for Manly, the member for Pittwater and the member for Port Stephens, all of whom similarly represent beachfront areas where gatherings of largely young people tend to take place. The gatherings start off in a convivial atmosphere, an atmosphere of shared fellowship. Young people are entitled to relax with their friends, but when alcohol is introduced and is consumed over a period of time that excessive alcohol consumption starts to affect social mores and self-control, and can lead to antisocial behaviour. The bill provides an appropriate amendment to the Act to give police the power to act in a preventative manner rather than simply to enforce the laws of criminal justice by the issuing of infringement notices or even by arrest.

On the Australia Day weekend in 2008 we witnessed at Terrigal Haven a very large gathering of young people who were listening to rock music. It started off very well. As the afternoon wore on, and as more and more alcohol was consumed, incidents of antisocial behaviour started to spread throughout Terrigal Haven and then throughout the Terrigal shopping centre precinct, so much so that the riot and public order squad had to be called up from Campbelltown to address the issue. These people were not criminals. These people did not set out to engage in antisocial conduct. They were simply out there to have a good time, but under the influence of alcohol and the heat of the sun, their conduct deteriorated and it presented quite a serious threat to the community. And yet the next day none of these people would have been happy to look back upon their own performance. The bill gives police the power to enter the area, to tip out the alcohol and to tell the people concerned to act sensibly. The New South Wales Coalition believes this is a sensible preventative measure.

Many areas of law enforcement in this State need to address prevention rather than simply punishment, and the amendment in the bill addresses one of those areas of law enforcement. I will not detail the effect of the amendment as it has already been outlined by the member for Port Macquarie and the Minister for Local Government. I simply state on behalf of the New South Wales Coalition parties that we do not oppose the bill. Indeed, we will support any sensible measure, no matter where it comes from or by whom it is introduced, that will prevent antisocial conduct and encourage people to act responsibly and to use self-control, and that does not necessarily involve people being brought before the courts on criminal charges. We do not achieve a lot by giving people a criminal record. We may achieve a sense of restorative justice, but if the aim of social order is to ensure that citizens have the right to live, work and relax in their own communities without fear and without conflict, preventative measures are often far more important than methods of punishment.

On behalf of the Coalition I indicate that we do not oppose the bill. The Coalition is pleased that the bill has the support of the President of the Local Government Association and members representing beachfront electorates, and that it represents the considered desire of all members of this House to ensure that police have the power to act appropriately and swiftly and that what is essentially an anomaly in the law is addressed effectively.

**Mr MATTHEW MORRIS** (Charlestown—Parliamentary Secretary) [10.35 a.m.]: I make a brief contribution in support of the Local Government Amendment (Confiscation of Alcohol) Bill 2010. I note that members will soon address the foreshadowed amendments, which are very much about finetuning the bill. As other members have highlighted, the consumption of alcohol, particularly in public places, is a concern for the community. We often see excessive alcohol consumption lead to antisocial behaviour, as well as acts of crime, vandalism, graffiti, the destruction of letterboxes and property damage in general. Such behaviour is certainly a major concern for the community.

In the Charlestown electorate, history shows that a number of ill-planned parties have taken place that end up migrating into public places such as parklands. People at the parties are supplied with alcohol by third parties, an issue that is certainly of major concern. The community rightly expects the legislative power to be in place to support not only the local government authorities in determining and implementing alcohol-free zones but also, and most importantly, the policing of those zones to ensure that the public interest is protected. I do not think anyone has a major objection to the consumption of alcohol in the social context, but much of this is about education, and about instilling in people of any age the concept of the responsible consumption of alcohol.

I am pleased that police will be given greater enforcement powers. I have spent a number of nights with police officers on the beat and have seen some of this alcohol-fuelled activity and the consequences of excessive alcohol consumption. It is disappointing to see such behaviour, particularly when it involves our young people. For the most part our young people are very sensible and well behaved, but there certainly is a minority group—as is the case in many areas I guess—that ruins it for everyone and attracts a lot of criticism of young people in our community, criticism that for the most part is not warranted.

As I said, I have spent time with the police and have seen alcohol-fuelled antisocial behaviour firsthand. I have also watched the police confront and address young people after they have been through the process of confiscating alcohol. As the police have tipped the alcohol into the gutter I have watched the looks on the young people's faces, and it is obvious that they are quite devastated; they feel that they are being picked on. Nevertheless, there are lots of good reasons that such action must be taken, and certainly the bill sets up the legislative framework to ensure that it will happen.

Many local government authorities across the Hunter have established alcohol-free zones, particularly in central Charlestown around the old mall area that has recently been reopened, and across numerous public car parks and parklands. The establishment of such alcohol-free zones is totally appropriate, but again these measures are only workable if the zones are policed, whether by rangers or police officers. Alcohol-free zones are established for good reason. We want to ensure that the rest of the community feels safe and that people feel comfortable to be able to go out into public places without having to witness excessive consumption of alcohol and the antisocial effects that are associated with it. The bill is a very positive step forward, and I thank the member for Port Macquarie for introducing it. I think I can say this on behalf of the House. Let us hope we see a better-managed and safer environment for all of our communities, particularly in relation to alcohol consumption.

**Mr MIKE BAIRD** (Manly) [10.40 a.m.]: I commend the member for Port Macquarie for bringing the Local Government Amendment (Confiscation of Alcohol) Bill 2010 to the House. Alcohol-related incidents are certainly of interest to my community because they cause problems across the board. The bill is a small step forward. Fresh eyes can often provide solutions to problems and, in that sense, the member for Port Macquarie has provided a practical way to address this problem. In my community, we have alcohol-free zones and alcohol consumption prohibited zones, which is confusing enough, but if you are found drinking in an alcohol-free zone your alcohol can be confiscated immediately whereas in the alcohol consumption prohibited zone only an on-the-spot fine can be issued. That seems crazy.

Under this legislation, in an alcohol consumption prohibited zone, police will be able to confiscate alcohol immediately. This would have an impact on Keirle Park, Lagoon Park, the main beach, North Steyne, Queenscliff, South Steyne, all the way around Marine Parade to Shelly Beach, East Esplanade, West Esplanade and along the front of Commonwealth Parade, Ivanhoe Park, Manly Oval and Kangaroo Park—all the areas across the community that many have commented on where groups settle in for a fun time and unfortunately, after a considerable period consuming alcohol, they can become quite a problem and cause community damage. I strongly support the legislation because it will provide consistency. Indeed, Manly Council has said that these zones are:

... managed under different sections of the local Government Act 1993, hence the difference in restrictions within them. In the past, to try and avoid such confusion, Manly Council has requested that State Government provide consistency in management and enforcement, but up until this time, there has been no change in legislation.

The good news for the council and these particular regions, and most importantly for the police, is that this legislation will ensure consistency. We want to provide our police with all possible support in the enforcement of alcohol-related laws in Manly, and this legislation will provide us with that opportunity. People will no longer be able to sit on Shelly Beach and all the other zones I referred to, become intoxicated and then menace anyone who is around because the police will be able to immediately confiscate their alcohol. That is a sensible proposition.

I am glad that we are taking a strong stance on this before Australia Day. Two years ago there were incredibly disgraceful scenes in my community and I strongly believe that this legislation will help to avoid similar scenes. The legislation will provide police with the ability to prevent rather than simply to act after the consequences, which is critical to monitoring and preventing problems in the community. I say to anyone who is thinking of coming to Manly to run amok on Australia Day: Stay away. For those who want to come and enjoy themselves I say: Please come and enjoy, but do so sensibly. We want to provide our police with all the support we can—I endorse the bill.

We need to do more to reduce the incidence of alcohol-related issues in Manly. I do not support, nor does the community, the police or the council the Government's proposal for a 3 o'clock shutdown. I will argue every day in this House in support of local liquor accords. Local liquor licensing issues should be dealt with by the local community. The safety committee, the council, the mayor, the police and I have been arguing for a 2 a.m. cessation of the serving of alcohol and a 2.30 a.m. close, and that is what we will continue to fight for. I believe in standing up for the community and when local liquor accords were in operation we saw a significant reduction in alcohol-related assaults, which is what we want. This legislation provides police with additional powers. It is about time we had consistency. I strongly support the bill.

**Mr ROB STOKES** (Pittwater) [10.44 a.m.]: I note that responses to the Local Government Amendment (Confiscation of Alcohol) Bill 2010 are slowly working their way up the coast through the various coastal electorates. This is clearly an issue that is keenly felt by members representing coastal communities, which have particular challenges when enforcing laws relating to the responsible use of alcohol. I note that this is a simple bill. It will remove section 632A (4) (a), which restricts the type of alcohol prohibited area to which the confiscation and tip-out powers under the Local Government Act apply so that those tip-out powers apply more broadly across all types of alcohol prohibited areas. I note that the tip-out powers already apply to alcohol-free zones. Back in June when we were debating the Liquor Legislation Amendment Bill 2010, I raised a problem similar to what the member for Port Macquarie is addressing in this bill when I said:

Under section 632 of the Local Government Act a fine of \$110 applies in an alcohol-restricted area. The difference is that tip-out powers will be applied to alcohol-restricted areas as well as alcohol-free zones, but does that mean that a person who happens to be drinking in a public park as opposed to a public roadway also may be fined \$110? Will a different level of proscription apply depending on where people are drinking? This is another example of the law going mad and red tape getting in the way of doing something eminently sensible—empowering police to deal with people who are behaving in a drunk, disorderly or threatening manner and who are threatening public safety or behaving in a way that excludes other members of the public from the enjoyment of public land. Police should have adequate powers to deal with those situations in a simple process that does not involve red tape.

In other words, this bill is dealing with an inconsistency. Enforcement of laws relating to drinking of alcohol needs to be strong, clear and consistent. This is particularly a problem on beaches. That brings to mind a recent paper by the Coastal Councils Group pointing out the problems and stating why a targeted, consistent and integrated approach to enforcement of laws dealing with alcohol and planning appropriately for where alcohol can be served and where it can be consumed need to be considered. I note that existing laws are simply not working. Fines are an ineffective way of dealing with drinking in public places in a threatening manner or behaving in a boorish manner as a result of drinking too much alcohol.

I note the answers to a couple of recent questions I asked the Minister for Police. I asked how many people in the Northern Beaches Local Area Command were detained under the provisions of the Law Enforcement (Power and Responsibilities) Act for being in an intoxicated and disorderly state during the past three years. During the past three years it varied from 88 to 70 people, of whom 15 to 24 were under the age of 18 years, so there is clearly a problem, but the laws are ineffective in dealing with it. In the same period only two fines were issued. Last year and this year no fines have been issued to date, yet during the past three years the riot squad has been deployed to Pittwater between 23 and 25 times generally to deal with alcohol-fuelled incidents. In the year to date, six people have been admitted to Mona Vale hospital for alcohol-related injuries and 41 people have been admitted to Manly hospital for alcohol-related injuries. Clearly there is a big problem and the laws are ineffective in dealing with it. This is why the extension of tip-out powers is very important.

I note that the Minister flagged some changes to be made and progressively rolled out in relation to these issues. One issue that concerned me a little was when she suggested—and I may have misheard and I obviously have not seen any legislation yet—that the concurrence of the commander of the Northern Beaches Local Area Command would be required before a council could create an alcohol prohibited area. While it is only sensible and absolutely appropriate that there be a requirement for the local police commander to be consulted, it concerns me that they have a concurrence power. The police are there to enforce the laws, not make the laws. I believe that giving the police what effectively is a lawmaking power would upset the traditional concept of the separation of powers.

In dealing with these issues I encourage the Minister to look at the supply side of the equation. Obviously we need enforcement powers, and tip-out powers are very important, but supply is one of the big problems, particularly with young people. It is wrong for it to be legal in New South Wales for people to supply a minor with alcohol provided they have the consent, actual or implied, of the minor's parent or guardian. Under section 117 of the Liquor Act permission is given for a person to supply liquor to a minor with the authorisation of the minor's parent or guardian on private or unlicensed premises. However, there is no legislative guidance as

to what form this authorisation must take or how long it is to last. In other words the law allows the service of alcohol to children at parties or private homes without parental supervision so long as the child's parents say it is okay, either verbally or by implication. Frankly I do not think it is okay, and it is certainly not okay with a lot of people in my community. I urge the Minister to look at this.

The number of packaged liquor licences is also a big problem. We must deal with where the alcohol is coming from, particularly in relation to under-age drinkers. Between 2006 and 2010 the number of packaged liquor outlets in Pittwater increased from 14 to 17. The more venues from which alcohol can be provided to minors in particular, the bigger the problem will become. One of the real problem areas are public beaches. On Australia Day last year kids came to Mona Vale by bus, drank alcohol on the beach and were basically out of control. It was left to the volunteer lifesavers at my local surf club, Mona Vale Surf Club, to try to manage those kids on the beach who were drunk until the police arrived. That is not the job of a lifesaver. Volunteer lifesavers have enough to do looking after public safety on the beaches without having to worry about kids who were drunk.

This bill is a very small step towards consistency in the law in giving the police the powers they need to tip out alcohol. But in the further reforms that have been flagged by the Minister, I encourage her to look further at the idea of restricting the supply of alcohol to minors. Finally, I thank the Point Zero volunteers for their wonderful work on the northern beaches. They do so much work in cleaning up some of the problems left behind, particularly as a result of drinking by minors. These volunteers serve them by patrolling the streets at night, making sure that they are okay, giving them an opportunity to talk, and suggesting referrals to places where they can seek assistance.

**Mr ROBERT COOMBS** (Swansea) [10.53 a.m.]: I support the amendments the Government will move during the consideration in detail stage to the Local Government Amendment (Confiscation of Alcohol) Bill 2010. This bill was introduced by Mr Peter Besseling, the member for Port Macquarie, who is sitting opposite, and will help to build on the strong action this Government has already taken to combat antisocial behaviour fuelled by alcohol. The bill sensibly expands tip-out powers to all alcohol prohibited areas declared under section 632 of the Local Government Act 1993. This common-sense approach will help ensure council parks, gardens and reserves remain safe places for the entire community to enjoy.

I agree with the intent of this private members' bill. The issuing of fines and dealing with people through the court system is not always the best way to address antisocial behaviour. However, the Government's amendments are necessary to ensure consistency in policing is realised. It is appropriate that the Government introduce an amendment that requires the approval of the Commissioner of Police or his delegate prior to the establishment of any new alcohol prohibited area. This will enable community safety precinct committees or other groups to be consulted, and it will help to ensure that the decision to declare an area as alcohol prohibited is done in harmony with the wishes of the community. This bill sensibly brings into line the provisions of alcohol-prohibited areas with those of alcohol-free zones, which apply to public roads, footpaths and car parks, by allowing confiscation and disposal of alcohol. This is a sensible change and one that will help to ensure that we are better positioned to keep communities safe.

It goes without saying that I support anything to further control the consumption of alcohol. The electorate of Swansea has had its share of problems with antisocial behaviour and domestic violence et cetera. There is little doubt that a significant percentage of these problems are alcohol related. Police say that between 80 to 90 per cent of the domestic violence complaints they receive can be traced back to alcohol consumption or, better still, excessive alcohol consumption. Nevertheless, we are dealing with prohibited areas. Antisocial behaviour, in all its forms, can be traced back to youngsters and other people consuming alcohol in public areas. This does nothing for the community. The community is aware of this and in my area there are a number of proposals to extend alcohol-restricted areas. Support for these new laws will put in place better provisions to ensure that our community is not subjected to some of the stupid alcohol-related incidents it is currently subject to. In saying that, I have no hesitation in commending this bill to the House.

**Mr CRAIG BAUMANN** (Port Stephens) [10.56 a.m.]: I will make a brief contribution to debate on the Local Government Amendment (Confiscation of Alcohol) Bill 2010. I congratulate the member for Port Macquarie on introducing this bill. Like many other members, I am regularly confronted with the problem of alcohol-related crime and violence in my electorate. Furthermore, I am asked what is going to be done about it. Two weeks ago there was a shocking incident on the Tomaree Peninsula: things turned ugly when a large group of school students were celebrating at an end of year party. It was an unofficial party; the school had no involvement or responsibility. Those students went on a rampage, smashed lights outside people's houses and

caused all sorts of damage. One resident made the mistake of going outside to tell them to cool it. Unfortunately they turned on him with sticks and other weapons, and then went for another neighbour who stepped in to help. By the time police arrived, the students had barricaded themselves in the block with bins. Obviously, one solution to this problem would be to increase the number of police on the beat and to increase the powers of police to deal with this issue. But it cannot stop there.

When I was first elected to the Port Stephens Shire Council, as it was called in those days, we had a big problem every New Years Eve when large crowds would gather at Shoal Bay, which is the jewel in the crown at Port Stephens and probably the most beautiful beach on the east coast of Australia—but I might exaggerate. The local Shoal Bay Country Club Hotel had a licence for about 1,000 people, but when 6,000 or 7,000 people turned up and took over the streets it became quite a problem. There were assaults, and one year there was a rape. Council spoke to the police and, although it took a while to do it, we managed to relocate the party and formalise it. It was moved to Nelson Bay where it could be controlled. Alcohol abuse, alcohol-related crime and alcohol-related violence are very serious issues in today's society and require attention from a wide range of Government aspects—from police to education, to health and, of course, local government. This is where this bill comes in. We on this side of the House support the bill and I again commend the member for Port Macquarie for introducing it.

One of the confusing and frustrating problems I had as a councillor was dealing with alcohol-free zones. I had always assumed that any public place was an alcohol-free zone but once I was involved in local government I found that that was not the case. The process that has to be gone through to create an alcohol-free zone is frustrating. An area can be declared an alcohol-free zone only for a certain time period. Port Stephens council spent a lot of its time going through the process of renewing alcohol-free zones when we could just about have made them permanent. I again congratulate the member for Port Macquarie. It is good to see that the Government seems to be supporting the bill. I look forward to seeing whether Government members actually vote for it.

**Mr GERARD MARTIN** (Bathurst) [11.00 a.m.]: In speaking to the Local Government Amendment (Confiscation of Alcohol) Bill 2010 introduced by the member for Port Macquarie I can assure the member for Port Stephens that the Government is supporting the bill, with some amendments. It seems obvious from the debate that there is general agreement that this is a good piece of legislation. It is not legislation that has been introduced by a wowser element. Anyone who knows the member for Port Macquarie will know he is an upright, sensible man who enjoys a cold beer occasionally. I know I have shared one or two with him while discussing the varying fortunes of the Wallabies—and they seem to be on the up. Sometimes this sort of legislation can come from someone with more extreme views, but this is a commonsense approach to try to come to grips with the problem of alcohol in our community.

As we have heard almost universally from speakers today, alcohol is a scourge in the community. Alcohol is a legal drug but there are people who are addicted to it, particularly young people who are inexperienced and engage in binge drinking. The member for Port Stephens gave us some examples of what happens at schoolies functions. We all saw the scenes on television of schoolies week on the Gold Coast. Apparently this year they were well behaved. Members can imagine what it was like a few years ago if some of the footage we saw on television was said to be good behaviour! Alcohol is at the bottom of it. No-one is suggesting that alcohol should be banned but as a community we need to try to manage it better. While the bill in itself will not solve the problem, it will send a message to the community that people should be able to enjoy themselves in any public space without interference from those who abuse alcohol rather than just indulge in it.

Why anyone would think they cannot have a day at the beach without taking grog with them is beyond me. If we are taking away someone's enjoyment of the beach because they will not be able to get plastered and then go swimming, so be it. The member for Murray-Darling and I do not have to worry too much about beaches in our electorates, although if climate change continues to occur Lithgow will be a coastal city in a few years! We might have to relocate Coffs Harbour to the Blue Mountains. But enough of that; this is a serious matter. The bill removes the ambiguity from policing this problem. Some years ago when I was mayor of Lithgow we introduced the first alcohol-free zone. We were very excited about it, but while it has had some success it has not solved the problem. It has given the police defined areas in which they can take some action. The bill widens those areas to places where people should be able to enjoy themselves without interference from those under the influence of alcohol.

One of the problems is under-age drinking. In recent years we have seen a rapid expansion in the number of retailers who sell alcohol, which has made it more affordable and available. Under-age people are



able to get access to alcohol by convincing irresponsible adults to buy it for them. Whether we like it or not, with the amount of alcohol advertising and the availability of the product, the problem was always going to get worse before it got better. I think the bill is a finger-in-the-dike attempt to deal with the problem but it will give local councils and police a much better and simpler definition of the areas where they can confiscate and tip out alcohol. As I think the member for Charlestown said, the look on some people's faces as their alcohol is poured into the gutter, especially if it is a pricey bottle of bourbon or something like that, indicates they are getting a bit of a shock. However, what we need is consistency of enforcement. We need to keep hammering away at the problem. I congratulate the member for Port Macquarie on bringing the bill to the House and I think I speak for all on this side when I say that we are happy to support it.

**Mr ANDREW FRASER** (Coffs Harbour) [11.05 a.m.]: I support the Local Government Amendment (Confiscation of Alcohol) Bill 2010 and congratulate the member for Port Macquarie on bringing it before the House. It is a very simple amendment but one that will give some solace to the police and the community up and down the North Coast. Anyone who lives on the North Coast knows that on long weekends and holidays, at Christmas and during schoolies week we get an influx of people to the coast, mainly visitors. However, we still have local problems. Unfortunately, many people camp on the beach and have some raucous parties. They create problems for local residents and visitors alike.

The police in my area do a fantastic job stopping people drinking when problems arise. Last year on Australia Day a small riot broke out on the jetty foreshore involving a few drunken louts, and the police went down and emptied out their grog. The problem is that if the police do that and they are not allowed to take such action they could face problems down the track. Unfortunately, the police have not had a tool available to them that helps them dissipate problems caused by alcohol. This legislation will give them the authority to empty out people's alcohol and move offenders along. I am sure members will be aware that only last weekend about 12 vehicles were severely damaged by a mob of louts—I would guess young people but I am not sure; the police have not made any arrests yet—who damaged cars and property over a distance of about two kilometres. The problem was, first, the excessive consumption of alcohol in a public place; and, secondly, local police numbers are still low. The rosters are still not filled. I have called on the Government to increase our police numbers so that cars can be out on patrol, especially over this holiday period, because this problem is ongoing.

Going back about 30 years, the service clubs in Coffs Harbour—Apex, Rotary and Lions—cleaned up the harbour foreshore area and put in some magnificent barbecues and pathways. A playground was provided by the Coalition when it was last in government, which is well utilised. It is a great family area. Unfortunately, after hours louts go down there, camping and drinking. Not only do they create problems for families who want to use the area, but also they vandalise the property that was provided by voluntary labour and by subscription from businesses in Coffs Harbour that were kind enough to donate money and goods. It is a gorgeous area, right on the jetty beach, and it is where the problems occurred last Australia Day. People want to go there as family groups and enjoy a wine or a beer with lunch, but after 9 o'clock at night alcohol is prohibited there. The police want to have discretion to confiscate and tip out alcohol, not just move the offenders along with their supply of alcohol intact. I think that is what has happened in the past.

We have another problem in the Park Beach area. We held a meeting there and I thought 50 people might turn up but a huge crowd of well over 200 attended to set up a neighbourhood watch group. In the jetty strip area there is basically a State park that is managed by council, but unfortunately it does not have enough lighting and the signs originally put there by council are behind trees so people do not know they are there. This amendment to the legislation will give police not only the authority but also the opportunity to send a message to those people who create the problems.

Hotels and accommodation providers accept bookings for a week, people arrive on a Friday night and within two days they want to leave because of the disturbances that are being caused by louts in the Park Beach area. Bottles are thrown over fences into pools and cars are being damaged. That sort of endemic behaviour highlights the fact that there are not enough police officers to attend to these disturbances. I again commend the member for Port Macquarie for introducing legislation that will enable police to do something about a problem that, unfortunately, all members on the North Coast experience far too regularly.

**Mr GEOFF CORRIGAN** (Camden) [11.10 a.m.]: I support the Government's amendments to the Local Government Amendment (Confiscation of Alcohol) Bill 2010. I will refer, first, to some of the matters that have been raised by other members. I assure the member for Coffs Harbour that these problems do not occur only on the North Coast. Alcohol presents a real problem in the electorates of members on the urban fringe and in the inner city. Members will remember last night's valedictory speech by Mr Paul Gibson. Besides

being very entertaining, the member for Blacktown made one or two points that are relevant to this bill. I remember him stating that 78 per cent of the alcohol bought from takeaway outlets is consumed in the home—a matter to which the member for Bathurst also referred.

People need to take responsibility for their actions, as I think the member for Terrigal said earlier. When some people have a drink off goes their head and on goes a pumpkin. Some people are responsible about their drinking habits but others carry on like complete pork chops. Unfortunately, we always have to deal with the lowest common denominator. I congratulate the Minister on introducing sensible amendments that will ensure that the bill introduced by the member for Port Macquarie will operate more effectively. One day someone with a great deal of money will be charged with an alcohol-related offence and, if this legislation is not watertight, the matter will be taken to court—a problem that governments and councils face all the time. Experience has shown, and common sense dictates, that to deal effectively with problems associated with drinking in public, clear and swift powers must be provided to enforcement officers.

The bill introduced by the member for Port Macquarie seeks to grant council enforcement officers and the police these sensible powers. The Government proposed changes to the bill to ensure that this is achieved by implementing mechanisms to involve the community in discussions and to manage appropriately alcohol and associated antisocial behaviour. The Government's amendments will remove fine penalties for drinking in an alcohol-prohibited area. Those penalties will be replaced with powers for police and council enforcement officers to confiscate and tip out alcohol when it is being consumed in an alcohol prohibited area. I am sure that most people in our community would agree that this is a sensible way to manage problem drinking. In situations where alcohol is fuelling antisocial behaviour, monetary penalties should take a back seat to powers that can help to address these problems at source.

That is what the Government's amendments will achieve. However, it should be remembered that if an individual refuses to hand over any alcohol he or she can still be hit with a fine of up to \$2,200 for refusing to comply with a lawful request. The Government's amendments will implement a process whereby a council seeking to establish a new alcohol prohibited area will be required to seek the approval of the relevant local area commander prior to the new area being established. I would be surprised if a local area commander objected to any new area being established. This will enable the local area commander to consult with local community safety precinct committees and other relevant local bodies prior to giving approval. It will give the community an opportunity to express its views before an area is declared alcohol prohibited. The Government's amendments will strengthen the bill by including a power in the Act to require those councils that must consult with the New South Wales Anti-Discrimination Board when establishing an alcohol-free zone to do so when establishing an alcohol prohibited area. These are appropriate amendments to a sensible bill. Once again, I congratulate the member for Port Macquarie on introducing the bill and commend it to the House.

**Mr STEVE CANSDELL** (Clarence) [11.14 a.m.]: I support the Local Government Amendment (Confiscation of Alcohol) Bill 2010, which will amend the Local Government Act 1993 and clarify a number of issues. A few years ago the local liquor accord included a "barred from one, barred from all" provision. If patrons misbehaved in one or two hotels, the members of the local liquor accord—the hotels and the clubs—would bar them from every other licensed premises. It was an effective deterrent. People realised that they could not go from one pub to another if they had misbehaved at any one licensed premise. Unfortunately, after operating successfully for only six months, the provision was challenged in the High Court and overturned. Members of the liquor accords could no longer engage in that practice and had to be a little more discreet about who they barred from their premises. This legislation will close a loophole in the Act. The overview of the bill states:

Section 632A of the Local Government Act 1993 (the principal Act) authorises police officers and certain local council employees to confiscate alcohol from persons who are drinking in an alcohol prohibited area. This term is currently defined as a public place (eg a public beach or public park) that is situated in the precinct or area to which a precinct liquor accord, or a community event liquor accord, under the Liquor Act 2007 applies and in which the drinking of alcohol is prohibited by a local council by notice under section 632 of the principal Act. The power to confiscate alcohol from persons drinking in an alcohol prohibited area includes the power to tip out the alcohol from the thing in which the alcohol is contained.

The object of this Bill is to amend the definition of alcohol prohibited area so that the power to confiscate and tip out alcohol may be exercised in an area in which the drinking of alcohol is prohibited by a notice under section 632 of the principal Act regardless of whether that area is situated in the precinct or area to which a precinct or community event liquor accord under the Liquor Act 2007 applies.

There are areas of concern in the electorates of all members in this place. People do not comply with the law in that they do not behave in public places and in areas where people go to have a quiet drink. On many occasions

I have witnessed families having barbeques at the river or at the boat ramp in my electorate. Often they go skiing and they then have a barbeque and a beer with their lunch, or they sit around at family gatherings and drink alcohol responsibly. However, unfortunately some people do not behave and they destroy the peace and quiet in areas where others are enjoying themselves on Saturday and Sunday afternoons. At the marina in south Grafton is a park they call the "Sunshine Club" where a group meets every morning and commences drinking at first light, particularly on pension day. Children run around while their parents get drunk, which causes a public nuisance and scares other members of the community away from the park.

Last night Mr Paul Gibson, the member for Blacktown, said in his valedictory speech that most alcohol-related problems did not occur in hotels. People buy alcohol from bottle shops and then either take it home or, worse still, go to the local park, start drinking and break the law. They exhibit abusive, intimidatory and antisocial behaviour, which makes it uncomfortable for everybody else and scares people away from passive recreation areas that are provided for families, kids and the elderly. The legislation will give police and authorised council officers the right to confiscate and tip out the beer, or to fine offenders. I commend the bill to the House. I hope it brings back some sanity to our local areas.

**Mr JOHN WILLIAMS** (Murray-Darling) [11.19 a.m.]: I support the Local Government Amendment (Confiscation of Alcohol) Bill 2010 and congratulate the member for Macquarie on its introduction. The consumption of alcohol in some public places in the Murray-Darling electorate has affected the community and caused a lot of angst for those living in areas where this type of behaviour is having an impact. Generally speaking, most areas of concern in the Murray-Darling are public places within the precinct of the town centre, which have become alcohol-free zones.

However, it became evident to me some time back that we needed to give police additional powers to deal with situations in suburban areas of Broken Hill, specifically Creedon Street, where the consumption of alcohol at parties tended to progress from within the residence onto the street. Those consuming alcohol caused a great deal of angst not only for the neighbours, but also for passing motorists and anyone else in the vicinity. The police did not have the power to act. Local residents came to me with the suggestion that I support the street being declared an alcohol-free zone, which I was happy to do. It has not solved all the problems but progress has been made.

Within the Murray-Darling electorate some areas where people decide to gather and consume alcohol irresponsibly cannot be declared alcohol-free zones, and over time that alcohol consumption leads to problems in the wider community. As the member for Clarence highlighted, this behaviour prevents families from visiting those areas for recreation and time together as they fear for their safety. I recall working in the South Mine and being advised by one of the hard rock miners underground, "If you're going to get drunk, do it behind curtains." They were the good old days. Unfortunately, nowadays getting drunk in public seems to be a badge of honour for some people. It is time we gave police additional powers because the community has had enough and the situation is unacceptable. The police need powers to control this type of behaviour. Extending the confiscation and tip-out powers creates an opportunity for police to take action to ensure that public places that are not alcohol-free zones can be treated in the same manner. I certainly support the bill and look forward to seeing some of the changes that will occur when it is enacted.

**Mr PETER DRAPER** (Tamworth) [11.22 a.m.]: I shall make a brief contribution to debate on the Local Government Amendment (Confiscation of Alcohol) Bill 2010. The bill authorises police officers and local council employees to confiscate alcohol from people who are drinking it in an alcohol-prohibited area. I congratulate the member for Port Macquarie on introducing this important legislation. This is a great example of a community representative listening to his community, acting on local concerns and bringing forward legislation that is supported by both sides of the House. Well done to the member for Port Macquarie. Tamworth has a number of alcohol-free zones, some of which are permanent and some temporary. The Tamworth Country Music Festival is a time when the town experiences a large influx of people. One does not have to cast one's mind back too many years to a time when alcohol had a significant detrimental effect on our festival.

Council took the sensible decision to declare Peel Street and certain other areas of the town alcohol-free zones during the festival. This made an immeasurable difference to the quality of the festival and to the enjoyment of those who travel to Tamworth to participate in the festival and listen to the music in a safe and hospitable family atmosphere. People can now walk up and down the street without fear of alcohol-fuelled incidents. Of course, we have high police visibility at that time of year. But the spirit of the festival reflects that people value family amenity; they like to be safe. The bill will go some way to increasing that safety factor.

Similarly, council recently declared parts of Coledale alcohol-free zones. That has the strong support of the community, particularly the residents of Coledale, who have experienced significant problems with alcohol-fuelled incidents over recent years. As the parent of a young cricket player who plays matches at Coledale, I know that the mums and dads go to the ground early to remove all the broken glass so that the kids can play safely. Most people do the right thing but, sadly, some people cannot control themselves. Much of this behaviour is about respect and taking responsibility for your own actions. This is a good piece of legislation developed by the member for Port Macquarie with the community's interests at heart. I commend the bill to the House.

**Mr PETER BESSELING** (Port Macquarie) [11.25 a.m.], in reply: I thank the Minister for Local Government and members representing the electorates of Terrigal, Charlestown, Manly, Pittwater, Swansea, Port Stephens, Bathurst, Coffs Harbour, Camden, Clarence, Murray-Darling and Tamworth for their contributions to the debate. Obviously, this issue affects not just my local area in the Port Macquarie electorate but clearly affects all electorates across the State, whether coastal or rural. I am certain also that this issue equally affects metropolitan areas. This is an important bill. The timing of the Local Government (Confiscation of Alcohol) Bill 2010 is also important. We are focusing on prevention rather than punitive measures. It is good that some of the amendments foreshadowed by the Government will further strengthen the bill. I fully support removing the financial penalty, given that the bill focuses on removing the alcohol—the cause of the problem—immediately rather than simply imposing a punitive measure by way of fine and dealing with the problem later.

I welcome also the measures flagged by the Government amendments with respect to consultation with the Anti-Discrimination Board and local area commanders. Again, I believe these commonsense measures will be supported fully by the House. In the future I imagine that the opportunity will arise to remove some of the confusion about alcohol-free zones and alcohol prohibited areas. At some stage we will simply have one area—whether it is called an alcohol-free zone or an alcohol prohibited area—given that now police effectively have the same confiscation and tip-out powers across both zones.

The bill does not force police to confiscate or tip out alcohol; it simply gives them the power and tools to manage public amenity properly. I think that can also be managed by councils through signage. In the Port Macquarie-Hastings local government area consideration is being given to declaring all public areas alcohol prohibited areas between 9.00 p.m. and 9.00 a.m. That makes sense, given that people should not be drinking alcohol in public areas at those times other than during a special event, which can be the subject of an application for alcohol to be consumed during a specific period. As I said previously, the timing of the bill is significant given that we are approaching the Christmas and New Year period, with Australia Day just around the corner. It is extremely important that the bill be passed prior to both Houses rising in order to give police the powers to deal with situations in our community when alcohol consumption and antisocial behaviour are real issues. I thank Parliamentary Counsel, the Minister's office and the Leader of the House and his staff, particularly Priscilla, for their efforts in helping to move this bill forward prior to Christmas.

By introducing this bill and having it passed by both Houses of the New South Wales Parliament, I believe all communities across the State will receive a happy Christmas present. This will be an opportunity for legislators and police to deal with matters associated with the consumption of alcohol during the festive season. I commend the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

**Consideration in detail requested by Mrs Barbara Perry.**

#### **Consideration in Detail**

**ACTING-SPEAKER (Mr Thomas George):** By leave, I propose to deal with the bill in groups of clauses and schedules.

**Clauses 1 and 2 agreed to.**

**Mrs BARBARA PERRY** (Auburn—Minister for Local Government, Minister for Juvenile Justice, Minister Assisting the Minister for Planning, and Minister Assisting the Minister for Health (Mental Health)) [11.30 a.m.]: I move Government amendment No. 1:

No. 1 Page 2, lines 7–13. Omit all words on those lines. Insert instead on a new page:

Schedule 1 Amendment of Local Government Act 1993 No 30

[1] Chapter 16 Offences

Omit the 4th dot point from the introduction.

[2] Chapter 16, introduction

Insert at the end of the introduction:

This Chapter also contains provisions relating to the creation and enforcement of alcohol prohibited areas (relating to drinking in public places generally—see section 632A) and alcohol-free zones (relating to street drinking—see Part 4). These provisions do not create offences in relation to drinking in public places or streets but instead provide for confiscation and tip out powers.

[3] Section 632 Acting contrary to notices erected by councils

Omit "that is a public road (or part of a public road) or car park" from section 632 (2A) (a).

Insert instead ", including any public road or car park, and accordingly a sign under section 632A or 644C is not a notice under this section".

[4] Section 632 (2A), note

Omit the note. Insert instead:

Note.

A council may establish alcohol prohibited areas under section 632A (relating to public places such as parks and beaches) and alcohol-free zones under Part 4 of this Chapter (relating to street drinking).

[5] Section 632A Confiscation of alcohol in certain public and other places

Omit section 632A (4). Insert instead:

(4) A council may declare any public place (or any part of a public place) in the council's area to be an alcohol prohibited area for the purposes of this section. However, an alcohol prohibited area cannot be established in relation to a public place that is a public road (or part of a public road) or car park.

Note.

Alcohol-free zones can be established under Part 4 of this Chapter in relation to public roads or car parks.

(5) For the purposes of subsection (4), a public place includes any land comprising open space on public housing land. However, an alcohol prohibited area can only be established in relation to any such land if:

- (a) the open space is adjacent to an existing alcohol prohibited area (other than an alcohol prohibited area situated on public housing land) or alcohol-free zone, and
- (b) the open space is a common area (other than a common area within the curtilage of any building) that is available to the public housing tenants, and
- (c) people can readily gain access to the open space from the adjacent alcohol prohibited area or alcohol-free zone, and
- (d) the New South Wales Land and Housing Corporation has approved of the open space being established as an alcohol prohibited area.

(6) An alcohol prohibited area operates, in accordance with the terms of the declaration establishing the area, during such times or events as are specified in the declaration.

(7) An alcohol prohibited area operates only so long as there are erected at the outer limits of the area, and at suitable intervals within the area, conspicuous signs:

- (a) stating that the drinking of alcohol is prohibited in the area, and
- (b) specifying the times or events, as specified in the declaration by which the area was established, during which it is to operate.

- (8) An alcohol prohibited area cannot be established without the approval of the Local Area Commander of Police for the area in which the proposed alcohol prohibited area is situated.
- (9) If a council is required by the guidelines in force under section 646 to provide the Anti-Discrimination Board with a copy of the council's proposal to establish an alcohol-free zone, the council cannot establish an alcohol prohibited area unless the council has complied with the consultation requirements set out in those guidelines.
- (10) For the purposes of subsection (9), the guidelines in force under section 646 apply, with such modifications as are necessary, in relation to a proposed alcohol prohibited area in the same way as they apply in relation to a proposed alcohol-free zone.
- (11) An alcohol prohibited area is taken to have been established for the public place to which an existing alcohol prohibition notice applies. An existing alcohol prohibition notice is a notice erected under section 632, and in force immediately before the commencement of the Local Government Amendment (Confiscation of Alcohol) Act 2010, prohibiting the drinking of alcohol in a public place.
- (12) In this section:

*enforcement officer* means an employee of a council authorised in writing by the Commissioner of Police to be an enforcement officer for the purposes of this section.

*public housing land* means any land on which public housing within the meaning of the Housing Act 2001 is situated.

[6] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts

Insert at the end of clause 1 (1):

*Local Government Amendment (Confiscation of Alcohol) Act 2010*

I will make some comments to ensure that the intent of the amendment is clear. The intent of the amendment is to achieve greater consistency for the enforcement of alcohol prohibitions in public areas. The effect of the amendment will be to enable police and authorised council enforcement officers to tip out or otherwise dispose of alcohol that is being consumed in all public areas where the consumption of alcohol is prohibited. The private member's bill seeks to enable the tip out powers of alcohol-free zones to also be applied to alcohol-prohibited areas established under amendments proposed to section 632A of the Local Government Act 1993. Currently only alcohol-free zones or those alcohol-prohibited areas that fall within the area designated by a Precinct Liquor Accord or Community Event Liquor Accord, which were established under the Liquor Act 2007, are able to have the tip out power applied to them.

The amendment inserts a number of items into schedule 1 and those items cover various matters. The intent of the change in schedule 1 item [1] is to remove the reference to alcohol consumption and prohibition, as it will be referred to later in the introduction to this chapter of the Act. The provisions in schedule 1 item [2] make clear the legislative intent of the bill, which is not to create offences punishable by monetary penalties in relation to the consumption of alcohol in public places but, rather, to provide for the confiscation and tipping out of alcohol when it is being consumed in an area where it is prohibited.

The intent of schedule 1 item [3] is to amend section 632 of the Local Government Act to delineate between notices erected by councils which prohibit the doing of something—for example, riding a skateboard or letting a dog run off a leash in a public park—and other notices erected by a council specifying that consumption of alcohol is prohibited. The intent of schedule 1 item [4] is to amend section 632 (2A) to provide guidance to councils about where the provisions in the Act exist for them to establish alcohol-prohibited areas and alcohol-free zones, given that this will be excluded from the provisions of section 632 of the Act after this bill is passed.

The intent of schedule 1 item [5] is to amend section 632A to establish the circumstances in which a council may now declare an area to be alcohol-prohibited. Proposed section 632A (4) will enable councils to declare any public place to be an alcohol-prohibited area with the exception of public places that already are captured under the alcohol-free zone provisions, such as public roads, footpaths and car parks. A public place already is defined in the dictionary to the Act to include areas such as council parks and reserves. Proposed subsection (5) will mean that all of the public open space within an area which is declared alcohol-prohibited may be included. Artificial boundaries—for example, a footpath running between a council park and a public housing estate park—will not prevent the effective enforcement of the prohibition of alcohol across the whole

area. It should be noted that public housing open space cannot be included in an alcohol-prohibited area without the consent of the New South Wales Land and Housing Corporation. In addition, it must have the approval of the local area commander of police for the district in which the area is to operate.

In schedule 1 item [5], subsections (6) and (7) of new section 632A will allow for a public place to be declared alcohol-prohibited at all times, or for specific days, times or events only. The amendment also ensures that adequate notices prohibiting the consumption of alcohol will make this clear. During the substantive debate, the member for Pittwater highlighted a concern relating to the concurrence of police and I hope my comments will address his concern and elucidate reasons for inclusion of this provision. His comments relate to new section 632A (8). That provision will ensure that the police, through the local area commander, will be able to consult with community safety precinct committees or similar bodies to help make certain that the decision to declare an area alcohol-prohibited is arrived at by a process that is transparent and, of course, in harmony with the community's wishes. I do not believe the provision should be envisaged as any more than that. It is also partly consistent with the way that alcohol-free zones now operate because consultation between the police and the community and the community liquor accords are involved.

New section 632A (9) and (10) will require that councils identified in the "Ministerial Guidelines on Alcohol-Free Zones" will need to inform the Anti-Discrimination Board prior to establishing a new alcohol prohibited area. New section 632A (11) will ensure that the tip out powers will apply to alcohol-prohibited areas that already exist, as well as to those that will be established under new section 632A. The intent of new section 632A (12) is to ensure clarity about who is entitled to tip out alcohol that is being consumed in an alcohol-prohibited area. Most often this will be the police or council officers who are specially authorised by the police for this purpose. That is consistent with other legislative amendments that exist. It also defines which land is included in the description "public housing land".

The intent of the provision in schedule 1 item [6] is to add a standard clause into "Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts", which notes that the Governor may make regulations containing provisions of a savings or transitional nature consequent upon the enactment of this amending bill. That concludes my comments on Government amendment No. 1. Provisions in the amendment that I have not dealt with in detail are clear. I commend the amendment to the House.

**Mr ROB STOKES** (Pittwater) [11.38 a.m.]: I thank the Minister for her response to the issue I raised during the agreement in principle debate. The amendment proposes to insert new section 632 (8), which relates to the need, before an alcohol-prohibited zone can be established, to obtain the approval of the local area commander. I reiterate the point that "approval" is a strong word. I understand that the intent of the provision is to ensure that police are fully involved and properly consulted. I totally agree with that approach. I know that local councils—certainly the Warringah and Pittwater councils—do an excellent job of consulting with the police and vice versa.

I reiterate the point I made in relation to the separation of power. I am a little uncomfortable with the idea of giving a non-elected official an approval power over decisions made by elected officials. From a consideration of powers point of view, I think the language is a bit strong. I would have thought that wording such as "without taking into account the concerns of the relevant local area commander", "without considering the views of the local area commander" or something like that would have been more appropriate. I think "approval" is particularly strong. Nevertheless, I take the Minister's view that that is exactly what it will mean in practice.

**Question—That Government amendment No. 1 be agreed to—put and resolved in the affirmative.**

**Government amendment No. 1 agreed to.**

**Consideration in detail concluded.**

### **Passing of the Bill**

**Motion by Mr Peter Besseling agreed to:**

That this bill be now passed.

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

**BUSINESS OF THE HOUSE****Suspension of Standing Orders: Routine of Business****Motion by Mr David Harris agreed to:**

That standing orders be suspended to postpone the consideration of general business until the conclusion of Government business.

**ROAD TRANSPORT (DRIVER LICENSING) AMENDMENT BILL 2010****Consideration in Detail****Consideration of the Legislative Council amendment.**

*Schedule of amendment referred to in message of 1 December 2010*

Page 3, schedule 1. Insert after line 2:

**[1] Section 14 Demerit points register**

Omit "convicted, or found guilty, of an offence" from section 14 (2) (a). Insert instead "convicted of an offence".

**[2] Section 14 (3A)**

Insert after section 14 (3):

(3A) To avoid doubt, the Authority is not to record demerit points against a person under this Division in respect of an offence if the court makes an order under section 10 of the *Crimes (Sentencing Procedure) Act 1999* in respect of the offence.

**Ms LINDA BURNEY** (Canterbury—Minister for the State Plan, and Minister for Community Services) [11.42 a.m.], on behalf of Mr David Borger: I move:

That the House agree to the Legislative Council amendment.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [11.42 a.m.]: This amendment represents a small victory for New South Wales motorists in the war against them by the Keneally Labor Government—a Government that yesterday had the hide, the sheer unadulterated gall, to take the Liberals-Nationals policy and amendment to the Road Transport (Driver Licensing) Amendment Bill 2010 and announce it as its own. This came after the Liberals and The Nationals announced their amendment to the longstanding unfair anomalous situation in which a magistrate cancelled a traffic infringement fine but the Roads and Traffic Authority let the demerit point stand. In 2009 I introduced a private member's bill to remove this anomaly. However, the Labor Government opposed and voted down the bill. During debate on my bill the Labor member for Maitland attempted to justify the Government's inexplicable opposition to a bill that would have restored some fairness to drivers in this State. In the Government's response to my private member's bill in 2009 the member for Maitland said:

... I cannot support it at all. It is not in the public interest. This bill rewards wrongdoing.

What has changed? What has happened between last year and this? Two things have changed: The Government has rolled out mobile speed cameras and, secondly, there is an election in 115 days. As I said during my contribution to the agreement in principle debate on the bill, which gives non-professional drivers one extra demerit point and professional drivers an extra two demerit points, the Government's rush to roll out mobile speed cameras as a revenue-raising device has resulted in a big spike in licence suspensions. Indeed, I cited some statistics that highlighted that worrying trend. People rely on their licence for their livelihood and income, and there has been a spike in licence suspensions since the cameras were rolled out.

We put two and two together. The imminent election, the Government realising that there was an issue, its knee-jerk response, on the back of some polling and focus group work done in Sussex Street, of "Let's give them an extra point or an extra two points as the case may be"—we tracked that process. Once again the Liberals-Nationals tried to put fairness in the anomalous situation with section 10 decisions by magistrates and demerit points. We foreshadowed an amendment in the upper House; the Government grabbed that amendment



and announced it as its own. Of course, we do not oppose this amendment because it was our idea. However, the Government's motives must be noted. This is a smokescreen for a policy of rolling out untested mobile speed cameras, factoring in ahead of their rollout an increase of \$137 million in fine revenue in this year's State budget and then having a knee-jerk reaction just ahead of the election so it looks as though the Government cares about drivers. The Government does not care about drivers.

Drivers will need every extra demerit point they can get. They need to be able to go to the magistrate and have not only the fine but the demerit points cancelled if there are extenuating circumstances. With an additional 40 mobile speed cameras, there will be one on every road near you. Look out! The spike in driver licence suspensions that began in September when the mobile speed cameras were rolled out will flow through. Let the electorate not be fooled by this. The Government was forced to introduce this amendment by the Liberals-Nationals and—dare I say it—by some fairly shocking market research out of Sussex Street. Having said all that, and in the generous spirit consistent with the season we are about to enter, we support this amendment.

**Mr JOHN WILLIAMS** (Murray-Darling) [11.47 a.m.]: I speak in support of the Leader of The Nationals, who has highlighted the deficiency of this Government to address a burning issue. Last night it was interesting to listen to the valedictory speech of the member for Blacktown, who highlighted what the mobile speed camera move is all about. He basically said that the location of a mobile speed camera near Blacktown Hospital was an absolute disgrace because it was not a black spot or an area where accidents have ever occurred. So it becomes clear and evident that these speed cameras are placed in specific locations for only one reason: the Government is desperate to raise revenue.

When the Government rolled out the mobile speed cameras the Leader of The Nationals highlighted the problems that the Government would face. Suddenly, the Government realised that if it continued the way it was going it would not have to worry about any mobile speed cameras because every driver in the State would have lost their licence. That is where the Government was heading. However, there was a realisation; the Government said, "Let's sweeten the pie a bit. Let's loosen the belt a bit and give them a bit of freeboard."

**Ms Linda Burney:** Point of order: Surely the member for Murray-Darling is not endorsing speeding!

**ACTING-SPEAKER (Mr Wayne Merton):** Order! The Minister has made an observation. There is no point of order.

**Mr JOHN WILLIAMS:** I thank the Minister for her comments. If she wants to look at my driver's licence, which I happy to make available as a public document, she will note that I do not approve of speeding. There is no doubt that we have to address speeding. Unfortunately, law-abiding people who have inadvertently exceeded the speed limit by a small degree, and have consequently lost points off their licence that are cumulative, are caught in the net by speed cameras. Even if people are found in a court of law to be innocent of speeding, the demerit points are not removed from their record. Behind the announcement of speed cameras is road safety, but I question why the Government is using speed cameras. Certainly black spots where accidents occur need to be highlighted and are where cameras should be located because that is where speeding drivers cause accidents.

This Government virtually conceded that the stance taken by the Liberals and The Nationals in relation to demerit points and mobile speed cameras was going to impact on its chances at the next election. So this is all about politics and has nothing to do with goodwill or addressing road safety in this State. Last night the member for Blacktown said in this Chamber that the location of a speed camera in his electorate has no relevance to a black spot or an area where accidents occur.

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

**Motion agreed to.**

**Legislative Council amendment agreed to.**

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

**PUBLIC HEALTH BILL 2010****Consideration in Detail****Consideration of the Legislative Council amendment.**

*Schedule of amendment referred to in message of 30 November 2010*

Page 74, clause 134, line 17. Omit all words on that line. Insert instead:

- (r) the embalming, interment, disposal and exhumation of the bodies of deceased persons,
- (s) the preparation rooms, equipment and apparatus in mortuaries, crematories and cemeteries, and any other matter relating to mortuaries, crematories and cemeteries that is for the protection of the health of the public,
- (t) the inspection of mortuaries, crematories and cemeteries and of premises that may reasonably be suspected of being mortuaries, crematories or cemeteries,
- (u) the records to be kept in relation to mortuaries, crematories and cemeteries, and the inspection of records (including the making of copies or extracts from such records by or for authorised officers and the public), equipment and apparatus in mortuaries, crematories and cemeteries or premises that may reasonably be suspected of being mortuaries, crematories or cemeteries,
- (v) the fees that may be charged for the cremation of human remains, for the preservation or disposal of the ashes and for related services,

**Motion by Dr Andrew McDonald, on behalf of Ms Carmel Tebbutt, agreed to:**

That the House agree to the Legislative Council amendment.

**Legislative Council amendment agreed to.****Message sent to the Legislative Council advising it of the resolution.****PARLIAMENTARY ELECTORATES AND ELECTIONS FURTHER AMENDMENT BILL 2010****Consideration in Detail****Consideration of the Legislative Council amendment.**

*Schedule of amendment referred to in message of 30 November 2010*

No. 1 Page 3, schedule 1, proposed section 120AB (1), lines 17–19. Omit "eligibility requirements (and any additional eligibility requirements under subsection (2))". Insert instead "eligibility requirements for technology assisted voting (and any additional requirements imposed on those eligibility requirements under subsection (2))".

No. 2 Page 3, schedule 1, proposed section 120AB (2), lines 32–35. Omit all words on those lines. Insert instead:

- (2) The Electoral Commissioner may, by order published on the NSW legislation website, impose additional requirements on any of the eligibility requirements for technology assisted voting.

No. 3 Page 4, schedule 1, lines 3–5. Omit all words on those lines.

**Motion by Dr Andrew McDonald, on behalf of Ms Kristina Keneally, agreed to:**

That the House agree to the Legislative Council amendment.

**Legislative Council amendment agreed to.****Message sent to the Legislative Council advising it of the resolution.****DEPARTMENT OF THE LEGISLATIVE ASSEMBLY****Report**

**The Speaker** tabled the annual report of the Department of the Legislative Assembly for the year 2009-10.

**Ordered to be printed.**

**DEPARTMENT OF PARLIAMENTARY SERVICES****Report**

**The Speaker** tabled the annual report of the Department of Parliamentary Services for the year ended 2009-10.

**Ordered to be printed.**

**INTERNET FILTERING**

**The SPEAKER:** Members will recall that in September media reports were published concerning parliamentary Internet usage and that, as a consequence, Ernst and Young was engaged to review the Parliament's Internet filtering system and related issues, as there were questions regarding the veracity of data which had been produced in a report related to Internet usage. Ernst and Young has now furnished its report in relation to this matter. From the report I can advise the following: There are a number of potential limitations associated with the Internet filtering application being used by the Parliament. Of the 72 most visited websites containing supposedly adult content identified in the original report on Internet usage, the website with the highest number of hits was *ds.serving-sys.com*, which appears to be an advertising server.

In addition, 35 sites appear to be adult-related websites that have been visited. Fourteen sites appear to be adult-content related advertisements or pop-ups. Seventeen sites appear to be non-adult related and a further five sites appear to be advertisements which do not appear to be adult content. Some of the websites analysed appear to have been incorrectly classified by the software application, as they did not include adult content. Nine websites have been identified that contain sexually explicit images of young people, whose precise age is reportedly difficult to determine. Legal advice is now being sought in relation to this aspect of the report. No further comment will be made in respect of this matter so as to not jeopardise any investigations that may ensue.

The period analysed by Ernst and Young was 7 November 2009 to 6 September 2010. It should be noted that parliamentary staff and members' staff, unless specifically authorised, are no longer able to access adult content, gambling or gaming sites. Unless they indicate otherwise, members are not subject to Internet filtering. The Parliament's current Internet filtering policies outline the responsibilities and obligations of parliamentary staff, as well as of members and their staff, with regard to accessing the Internet through the parliamentary computer network. The policies apply to all parliamentary staff and to permanent and temporary staff of members, and to all temporary, contract and volunteer staff working within the offices of members who have access to the Internet.

I assure members that Ernst and Young's findings in relation to the limitations of the current version of the software application being used for Internet filtering will be addressed as a matter of priority. I am confident that the policies in place will ensure that in future Internet usage through the parliamentary computer network will be in accord with those policies. I now table the report of Ernst and Young entitled "Report on our Findings in relation to the Internet Filtering System in use by the New South Wales Parliament", dated 1 December 2010 and direct that the report be printed.

**Ordered to be printed.**

**PARLIAMENTARY PRIVILEGE BILL****Exposure Draft**

**The SPEAKER:** I would like to lay upon the table for the information of members an exposure draft Parliamentary Privilege Bill and make a brief statement on the matter. Members would be aware that New South Wales does not have comprehensive parliamentary privilege legislation. In 1997 the Parliamentary Precincts Act was enacted, and there are other protections and statutory powers in the Defamation Act, the Parliamentary Evidence Act and Parliamentary Papers Act. The Commonwealth enacted a Parliamentary Privileges Act in 1987. That Act has been in operation for more than 10 years, and its provisions are well known. At its heart is a fundamental restatement of Article 9 of the Bill of Rights, which grants legal immunity both wide and absolute.

The Commonwealth Parliamentary Privileges Act enacts precise legal language to codify freedom of speech. The exposure draft bill which I have tabled today goes further, in that it is tailored to reflect our Parliament's powers as established by the New South Wales Constitution, and the standing orders of each House. In each case, the test is still one of necessity, of what is required in contemporary times for the Parliament to be able to properly fulfil its role.

The exposure draft also attempts to address two current matters that have arisen in recent times that impede a member from freely exercising their role and function as a member. One matter addressed by the bill is the problem of "effective repetition" of an allegedly defamatory statement outside of Parliament, which has redrawn the boundary between privileged and unprotected speech to the detriment of Parliament. A second issue is the need to protect certain confidential communications contained in the records and correspondence of members from disclosure in response to pre-trial discovery or subpoena. Not only members, but also citizens, should know where they stand in relation to privilege, freedom of political communication, and the right balance between the role of the Parliament and the role of the courts.

While the exposure draft bill sets out procedures for dealing with breaches of parliamentary privilege and penalties, it does not attempt to incorporate the existing powers and penalties to be found in the existing Acts. I hope that by tabling the exposure draft now, during the life of the next Parliament the bill might be considered by a joint committee and the opportunity taken to fully review what powers and sanctions are necessary and warranted to enable Parliament to properly fulfil its function in our society.

I have noted that the exposure draft bill is not intended to cover the minutiae of procedures and administrative activities required to give purpose to the provisions. There is a regulation-making power within the bill and acknowledging the different practices and standing orders of our two distinct Houses in New South Wales the bill's provisions are intended to sit within the framework of standing orders, procedural resolutions and guidelines issued by the presiding officers.

This is an issue that goes beyond party political. My intention is for the bill to remain on the table, to commence a process whereby the two Houses can work towards a Parliamentary Privilege Act that will strengthen our Parliament and foster a common understanding by members and citizens about the work of the Parliament, the necessity for freedom of speech, and the extent of the privilege reasonably necessary for the Houses to properly fulfil their role and function in the twenty-first century.

## **PARLIAMENTARY MEMBERS' STAFF BILL**

### **Exposure Draft**

**The SPEAKER:** I lay upon the table for the information of members an exposure draft Parliamentary Members' Staff Bill and make a brief statement on the matter. In tabling the exposure draft bill on the employment of parliamentary members' staff, I wish to give all the stakeholders an opportunity for comment and consultation. It is an issue that I believe needs a legislative response. The bill will enable members of Parliament to make the decision to employ and dismiss their own staff. It covers both Legislative Council and Legislative Assembly members and, in schedule 1, parliamentary office holders who employ staff to assist them in those roles.

The current instrument of delegation to the Speaker of the Legislative Assembly and the President of the Legislative Council to employ staff of the Parliament is an order in Council issued in 1956. Members of Parliament did not have staff allocated to them in 1956 and the delegation did not envisage the employment of members' staff. Under the present arrangements there is a misalignment of the decision to employ or dismiss made by individual members and the power or authority to employ and dismiss of the presiding officer. The bill will provide for members to have the authority to give effect to their decision.

The bill provides for members' staff to be Crown employees, for electorate officers to continue to have their conditions of employment determined by an industrial instrument and for the presiding officers to be the employer for other industrial purposes, including making determinations on matters not included in the award or contract of employment. It is my hope in tabling the draft exposure bill that members, staff, unions and parliamentary management can be included in a consultation process and for the bill to be introduced in the next Parliament.

## **CRIMES (SENTENCING PROCEDURE) AMENDMENT BILL 2010**

**Bill received from the Legislative Council and introduced.**

### **Agreement in Principle**

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [12.05 p.m.], on behalf of Ms Carmel Tebbutt: I move:

That this bill be now agreed to in principle.

The bill was introduced in the other place on 23 November 2010, and the second reading speech appears at pages 57 to 61 of the *Hansard* galley for that day. The bill is substantially in the same form except for two amendments to schedule 2, which seek to refine the provisions in relation to aggregate sentencing in order to avoid complications. I commend the bill to the House.

**Mr GREG SMITH** (Epping) [12.06 p.m.]: I lead for the Liberals and Nationals in relation to the Crimes (Sentencing Procedure) Amendment Bill 2010. The bill amends the Crimes (Sentencing Procedure) Act 1999. The objects of the bill are to implement recommendations of the New South Wales Sentencing Council in its report, "Reduction in Penalties at Sentence", of August 2009, and to provide for the aggregation of sentences. The bill gives effect to recommendations made by the Sentencing Council in its November 2008 report on reduction in penalties at sentence and implements a system of aggregate sentencing to simplify sentencing for multiple offences. Now, a year later, and in what may be the dying moments of this Labor Government, the bill is presented seeking to implement the 13 legislative recommendations made by the council a year earlier.

The second part of the bill implements a form of aggregate sentencing to simplify sentencing for multiple offences. Currently, when sentencing for multiple offences, the sentencing court is required to set out in great detail the precise length, and the commencement and expiry dates of the non-parole and total periods of custody for each offence. This becomes a very complex exercise when some of those offences are to be served partly concurrently, which is done to ensure that the total period of imprisonment reflects the criminality of the offender's conduct. I must say that this amendment is a refreshing change.

Section 135 of the Crimes (Administration of Sentences) Act 1999 is amended to enable the parole authority to have regard to the nature and extent of the assistance provided by an offender after being sentenced, including the reliability and value of any information or evidence provided by the offender, and the degree to which the offender's willingness to provide such assistance reflects the offender's progress to rehabilitation in deciding whether it is appropriate in the public interest to release the offender on parole. The Sentencing Council felt that an appropriate way to encourage prisoners to provide assistance, notwithstanding the fact that they have already been sentenced, is to specify that such assistance, pending an assessment of its value and reliability, could be taken into account in determining whether to release the prisoner on parole. In the old days they were released on licence. Unfortunately, a former Labor Minister allowed his gambling habits to interfere with his duty and he took large amounts of money to permit the early release of prisoners who had money—that is the infamous Rex Jackson.

Section 22 of the Crimes (Sentencing Procedure) Act 1999 requires a court to take a guilty plea into account in passing sentence for an offence and enables it to impose a lesser penalty than it would otherwise have imposed. The section is amended to require a court to take into account the circumstances in which an offender indicated an intention to plead guilty in passing sentence. It will enable the court to take into consideration factors that may have affected the timeliness of the offender's offer or willingness to plead guilty.

The section is also amended to specifically require that any lesser penalty imposed by the court under the section must not be unreasonably disproportionate to the nature and circumstances of the offence. The Sentencing Council noted that there are a number of factors that are beyond the control of the accused in terms of entering a plea of guilty. Issues such as the number and type of charges entered on the indictment or circumstances where the fitness of the offender to plead is at issue may affect the decision to enter a plea to an appropriate charge. There are also circumstances where an offer to plead guilty to a charge is initially rejected but later accepted by the prosecution, or where the prosecution initially lays additional charges against the accused and at some later date indicates that it will amend the indictment to charge a more appropriate offence.

Section 22 is also amended to specifically require that any lesser penalty imposed by the court under the section must not be unreasonably disproportionate to the nature and circumstances of the offence. Item [2] of schedule 1.2 inserts a new subsection which requires that any lesser penalty imposed as a result of a guilty plea not be unreasonably disproportionate to the nature and circumstances of the offence. This reflects provisions elsewhere in the Act that ensure the reasonableness of discounts given. Item [3] of schedule 1.2 explicitly recognises the sentencing court's power to reduce penalties for facilitating the administration of justice. The Act currently provides for the court to impose a lesser penalty where the defence has made disclosure before the trial that facilitates the administration of justice. However, the council acknowledged that there is no point of difference between disclosure and cooperation pre-trial and cooperation during a trial. I do not know that I agree with that. Disclosure before the trial could lead to a number of other people being charged—there could be a joint trial and other types of situations may arise. As such, the latter will be included in the legislation as a basis upon which to impose a lesser penalty.

Cooperation may be in the form of admissions or disclosures in the course of the trial, but may also encompass behaviour such as agreement to limit the facts in issue during a trial, and hence reduce the number of witnesses required, where the court is of the view that such behaviour is sufficient to justify a reduction of the sentence. I note that this provision will not result in defendants being penalised for the poor performance of their counsel. It merely provides the ability to reduce a penalty where the course of justice has been facilitated. Moreover, the amendment is not made to simply reward the defence where it has complied with mandated disclosure requirements. Hence the court is provided with the discretion to impose a lesser penalty, which it may or may not exercise having regard to the degree to which the defence has facilitated the administration of justice.

Section 23 requires a court that imposes a lesser penalty than it would otherwise impose on an offender because the offender has assisted or undertaken to assist law enforcement authorities, to indicate to the offender, and to make a record of the fact, that the lesser penalty is being imposed for that reason, to state the penalty that it would otherwise have imposed and, where the lesser penalty is being imposed for both reasons, to state the amount by which the penalty has been reduced for each reason.

The amendments remove consideration of the effect of the offence on the victim or their family and the likelihood that the offender will re-offend upon release. The council acknowledged that these are both important factors in the sentencing task. However, they are not appropriately considered in terms of any reduction in penalty for assistance provided. The effect of the offence on the victim and their family is appropriately considered and does form part of the assessment of the objective criminality of the offending. It does not have relevance in assessing the value of any assistance the offender may have provided. Similarly, the likelihood of the offender committing further offences after release is properly taken into account when assessing the offender's prospects of rehabilitation, not in assessing the value of their assistance. The amendments do not reflect a diminution of the relevance of the impact of crime upon victims and their families; it merely clarifies that this issue should be given its full weight at the appropriate point in the sentencing task, rather than complicating an otherwise separate aspect of the sentencing process.

Schedule 1.2 [6] implements Sentencing Council recommendation 6. It requires a court that imposes a lesser penalty than it would otherwise impose on an offender because the offender has assisted or undertaken to assist law enforcement authorities, to indicate to the offender, and to make a record of the fact, that the lesser penalty is being imposed for that reason, to state the penalty that it would otherwise have imposed and, where the lesser penalty is being imposed for both reasons, to state the amount by which the penalty has been reduced for each reason.

An offender may promise, for example, to give evidence at a later trial. This promise is taken into account upon sentence. However, if the offender reneges on the promise, an appeal court should be able to deprive that person of the discount given when the person comes to be re-sentenced. Currently the Crown is allowed an appeal where somebody does renege, but this amendment puts in a provision for the court to nominate the amount so the appeal court can take that into account in increasing the sentence of somebody who does renege, if the court chooses to do that. It is discretionary, of course. Accordingly, this amendment will require the court to outline the amount the sentence has been reduced both for any assistance already given and separately for any assistance promised. This will assist courts in revisiting the sentence should the prisoner fail to provide the promised assistance. The fact that an offender is a prohibited person is to be disregarded in sentencing.

Section 24A of the Sentencing Act provides that a court must not take into account as a mitigating factor in sentencing an offender, certain matters relating to mandatory supervision of sex offenders. Section 24A is amended to prevent the court taking into account the fact that a person may be prohibited from working with children as a consequence of their conviction. A new section 24B prevents a court from taking into account, as a mitigating factor in sentencing, the consequences for the offender of any order of a court imposed because of the offence under confiscation or forfeiture legislation—for example, forfeiture orders, pecuniary penalty orders and drug proceeds orders under the Confiscation of Proceeds of Crime Act 1989. The council was of the view that these orders are imposed to deny offenders the fruits of their crimes and this action should not be considered extra-curial punishment that might lead to a sentence discount. However, we have received a submission from the Bar Association to which I will refer later. An amendment that was recommended by the Bar Association was defeated in the other place.

Section 32 is amended to make it clear that procedural errors made in relation to the filing of lists of additional charges to be taken into account by the court in dealing with a principal offence do not invalidate any sentence imposed by the court for the offence. This addresses concern raised by prosecutors regarding

procedural errors made when submitting a list of additional offences to be taken into account in sentencing and will ensure that where such errors are only procedural, the resulting sentence is not invalidated. Section 35A is inserted to require consultation with the victim and any police officer in charge of investigating an offence in relation to agreed statements of facts and lists of additional charges compiled as a result of charge negotiations. This is an important change and a controversial one. The provision acknowledges that at times it may not be possible to consult with the victim—they may be unwilling to discuss the matter or their whereabouts may be unknown. There are other considerations, such as the victim may be a child, a marriage separation may be involved and both parents may see themselves as spokespeople for the victim, or more distant relatives or even friends may speak for the victim. Sometimes there is also conflict between those people. The Government states:

Nothing in the new provision requires prosecutors to do anything other than that which they are ethically required to do and it should not have any impact on current practices with respect to charge negotiations.

However, the provisions also require that any statement of fact should represent a fair and accurate account of the objective criminality of the offender, having regard to the relevant and provable facts. Any diversion from this should be in accordance with the prosecution guidelines. At the moment there is no ethical duty for a prosecutor to certify anything of that sort. This is a further requirement. It took some time to get agreement on this provision. Initially, as I understand it, there was not going to be recourse to the prosecution guidelines which showed, in a sense, a naivety in what happens in the sentencing process. Having been through that process many times, often to approve negotiations that have been completed, the provision fails to recognise that in some cases the victim is unwilling to give evidence.

Sometimes an aggravated aspect of it will take away from the prosecution case. For example, it is much better to get a conviction and to put away someone who is dangerous when the main witness is refusing to give evidence and an acquittal or a no bill might result. One could negotiate a plea that protected the community for a time and that, to a great degree, represented the seriousness of the matter. However, one might have to take out, for example, any reference to a knife, a gun or some other aggravating factor. As I understand it, the original amendment did not take that into account. It could not be said that that represented a fair and accurate account of the objective criminality if the Crown case had been gutted in order to get a plea. I am pleased to say that that issue has been resolved. In a press release dated 24 November the Attorney General said:

The certificate will need to be signed by the prosecutor in charge of the case after consultation with the victim.

That does not resolve the issue as no mention is made as to whether the prosecutor and the victim need to reach agreement on the appropriateness of the agreed facts. Ultimately, it is a question for the prosecutor. The prosecutor has an ethical duty to ensure that accuracy and objectivity are maintained to assist the court. He or she does not represent the victim. The victim is an important member of the community but the Crown or the prosecutor represents the community. Ultimately, the decision has to be with the prosecutor. Sometimes this leads to significant conflict, in particular, when members of the media become involved and when there is disagreement amongst the relatives of the victims in homicide cases.

Family victims may not agree on certain things and, in a sense, the prosecutor has to be able to remove all that conflict from his or her decision in keeping with his or her duty to the court. This can be a difficult area, in particular, if the victim is a child, the victim is deceased, or where there are differing views from parents, carers or other relatives. We must allow recourse to the guidelines, in particular, guideline 20 that deals with charge negotiation and agreement. This detailed four-page guideline was achieved after Gordon Samuels conducted a review into a case involving girls who were abducted from Beverly Hills railway station, raped, held against their will and threatened. Since then further reviews have been conducted. The director and those advising him are conscious of this area.

Sometimes there is tension from the point of view of the public perspective, in particular, when only some of the facts are known to the media or to others and people try to vilify the prosecutor, which is most unfair and unfortunate. In these situations very few people stand up for the prosecutor. It is the duty of the Attorney General, just as he has to stand up for judges from time to time, to stand also up for prosecutors. Section 57 of the Sentencing Act provides that sentences for offences involving escape from lawful custody committed by inmates of correctional centres are to be served consecutively with sentences of imprisonment imposed on the offender for other offences. Apparently there has been some doubt as to whether the escape offence should be served before or after such sentences.

The amendment makes it clear that the sentence for the escape offence should be served after any sentence imposed in the same proceedings. The Crimes (Serious Sex Offenders) Act 2006 currently enables the

State to apply for an extended supervision or detention order in relation to offenders who have been convicted of serious sex offences and about whom there are grave fears that the offender may commit a further serious sex offence without further supervision or detention. However, the legislation is unclear as to whether such applications can be made when, for example, offenders served their serious sex offender sentence consecutively with a separate sentence and hence, whilst in prison, may not be serving a period for the serious sex offence at the end of their term.

Sections 6 and 14 of the Crimes (Serious Sex Offenders) Act 2006 are amended to make it clear that applications for extended supervision orders and continuing detention orders may be made in respect of sex offenders who are serving sentences of imprisonment for one or more serious sex offences or offences of a sexual nature, or other offences being served concurrently or consecutively, or partly concurrently and partly consecutively, with such offences, irrespective of which was imposed first. As previously mentioned, amendments to the Crimes (Sentencing Procedure) Act 1999 will enable a court, in sentencing an offender for more than one offence, to impose an aggregate sentence of imprisonment in respect of all or any two or more of those offences instead of imposing a separate offence of imprisonment for each.

A court that imposes an aggregate sentence of imprisonment in respect of two or more offences on an offender may set one non-parole period for all the offences to which the sentence relates after setting the term of the sentence. The term of the sentence that will remain to be served after the non-parole period set for the aggregate sentence of imprisonment is served must not exceed one-third of the non-parole period, unless the court decides that there are special circumstances for it being more, in which case the court must make a record of its reasons for that decision. These provisions are designed to remove some of complexity currently involved in sentencing a person for multiple offences.

This will enable a court simply to set one non-parole period for an aggregate sentence of imprisonment and will remove the current complexity of identifying the commencement and expiry dates of non-parole periods within an overall period of imprisonment, which ultimately adds little to anyone's understanding of the sentence as inevitably there is a focus for both the offender and the community on the expiry of the last non-parole period and the earliest release date. The new provisions simply allow a single non-parole period to be set, which will make it easier to identify the offender's earliest date of release. The provision also retains the existing requirement that the remainder of the term to be served after the non-parole period should not exceed one-third of the non-parole period, unless there are special circumstances.

Many errors have to be corrected under the current provisions dealing with multiple offences, the sentencing of multiple offences, and the current requirement to fix non-parole periods. It gets messy when we have partial accumulation and it gets even messier when appeals are allowed on some of the offences and not others. This seems to me to be a sensible change and one that I think will make things easier for judges. The responsibility of sentencing has become harder and harder as a result of changes to the law, and the law and order auctions that have occurred over the years. It has made things difficult for judges, defence counsel and prosecutors alike. Anything that will help to simplify that task is to be commended. Item [17] of schedule 2 sets out the new option of imposing an aggregate sentence for multiple offences. An amendment moved by the Government to new section 54B was adopted by the upper House. New section 54B (4A) states:

When determining an aggregate sentence of imprisonment for one or more offences, the court is to indicate, for those offences to which a standard non-parole period applies, the non-parole period (or a longer or shorter non-parole period), that it would have set ... for each such offence ... had it set a separate sentence of imprisonment for that offence.

New subsection (4B) states:

If the court would have set a longer or shorter non-parole period ... it must make a record of the reasons ... [and] identify ... each factor that it would have taken into account.

Again, this is a reasonable amendment that we did not oppose and certainly do not oppose now. Effectively, the new provisions will allow the court to choose to set one sentence for multiple offences, making the impact of the total sentence immediately clear. The court will retain discretion in setting the appropriate length of the overall sentence, taking into account the principle of totality. At the request of the judiciary, these provisions apparently have been drafted so that they are optional. There are good arguments in favour of the provisions in the bill. Aggregate sentencing makes it easier to adjust an overall sentence when one sentence is changed on appeal. The amendments are a small step forward in simplifying the sentencing process for the judiciary. The amendments will also allow the judge to approach sentencing for multiple offences in a simpler way and impose a sentence that is simpler and more easily understood.



It is a pity that in the dying moments of this Parliament work was not done to simplify section 21A of the Crimes (Sentencing Procedure) Act, which has caused much error in court sentencing. Some standard non-parole periods are less than 50 per cent of the maximum sentence that can be imposed under the Act—sometimes they are 40 per cent and 60 per cent. One wonders also why no standard non-parole period applies to some significant offences such as sexual assault—or, to use the old term, "rape"—without aggravating circumstances. However, the next Government can sort out that matter. I am sure that all governments have to take into account errors and problems in sentencing by courts. Before concluding I should like to commend the member for Miranda, Mr Collier, for his assistance in these matters over the time I have been in Parliament. I wish him all the best for the future.

**Mr Robert Coombs:** There hasn't been collusion, has there?

**Mr GREG SMITH:** No. It has been a pleasure to deal with him. I hope his retirement is fruitful. I note the requirement for the prosecution to certify any statement. I do not believe that is necessary, but obviously its inclusion is in response to media comment and public pressure—particularly from some people who were dissatisfied and disputed whether the prosecutor spoke comprehensively to the victim et cetera. This requirement places an extra burden on prosecutors, who do not get much praise for what they do. But let me praise them to the hilt and assure them that I will continue to do so. Submissions have been sought from the Law Society, the Bar Association, the Director of Public Prosecutions and Legal Aid. Mr Stephen Odgers, SC, the Chair of the Bar Association Criminal Law Committee, submitted that section 24B of the Crimes (Sentencing Procedure) Act is too wide and should be limited to apply only to the proceeds of crime legislation. Unfortunately, the Government could not see the wisdom of the Coalition's amendment to section 24B. I am a great admirer of Mr Odgers, having been his opponent on a number of occasions—and used his books as most criminal lawyers must—and been helped significantly by his clarity of thought and erudition. We do not oppose the bill.

**Mr ROB STOKES** (Pittwater) [12.35 p.m.]: I shall make a brief contribution to the Crimes (Sentencing Procedure) Amendment Bill 2010. Like other members in this place, I appreciate the importance, particularly for victims of crime, of having a clear understanding of the basis upon which sentences are determined. Legislatures around Australia, including New South Wales, have understood that approach much better since the arrival of the Crimes (Sentencing Procedure) Act in 1999. Most members in this place will have had constituents come to them in real pain and distress because they did not understand the reasons behind a sentence imposed in a case in which they were a victim or their child was a victim, for example. Recently a couple who approached me were terribly distraught at a sentence that had been imposed because they did not totally understand its basis.

I realised after talking to this couple that, following a series of cases on the issue, our Crimes (Sentencing Procedure) Act holds that things such as rehabilitation, deterrence, retribution and those sorts of matters be taken into account as objectives in sentencing. However, I believe sentencing should also afford a sense of respect or dignity to the victim. For example, I have learnt in this place that the victim of a crime can view an inadequate sentence as an insult—they think it means that their experience was not serious or significant enough to merit a serious penalty being imposed. I hold the view that people should not be sent to jail unless there is no alternative. However, having said that, I have learnt also that in determining a sentence respect needs to be accorded to the victim of the crime. It is important that, in addition to the crime, the dignity and worth of the victim be taken into account in sentencing decisions. Currently, that is not part of the objectives of the Crimes (Sentencing Procedure) Act.

Most of the amendments in this bill are common sense and relate to transparency in sentencing. Members can tell from my comments that I obviously believe transparency is absolutely crucial so the community can understand why a particular sentence is imposed. That is especially the case when a lesser penalty is imposed because of cooperation by the defendant. On that point, I shall make some brief observations about new section 23, subsections (4), (5) and (6). This new section relates to powers to reduce sentences for providing assistance to a prosecutor in respect of an undertaking to give evidence at a later trial. It also will make sure that the extent of the reduction is specified in the sentence to make it easier for an appeal court to determine the appropriate sentence, if the defendant later reneges. In that respect I note that new section 24B in item [8] of schedule 1 to the bill relates to the confiscation of assets and forfeiture of proceeds of crime being disregarded in sentencing. This is a very important amendment.

**Mr Barry Collier:** It makes sense, doesn't it?

**Mr ROB STOKES:** As the member for Miranda points out, it makes sense. There is no way that the loss of ill-gotten gains could be considered hardship for the defendant. There is no way that a court should consider that somehow a defendant deserves sympathy because of the loss of goods that, for example, have been stolen. That should not be a relevant consideration in imposing a sentence. In that regard, it is good to ensure that only relevant matters are taken into account by sentencing judges and to ensure that they do not have regard to completely irrelevant matters that could be insulting to a victim. In conclusion, I note new section 32 (6) in item [9], which relates to a failure to comply with the requirement to file a list of additional charges. It is important that a failure to comply with technicalities does not invalidate a sentence. In a reasonably recent case in which that was an issue, the sentence was overturned because technicalities were not satisfied. That is an example of a case in which the law is an ass. Failure to comply with technicalities should not invalidate a sentence and put the community to all the expense of a retrial.

I endorse the comments of the shadow Attorney General in respect of the member for Miranda. It is certainly the case that if members of the House were paid by the word, the member for Miranda would be a very wealthy man. He has made an enormous contribution to a huge number of debates. I join the shadow Attorney General in wishing the member for Miranda all the very best for the future.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [12.42 p.m.], in reply: I thank the member for Pittwater very much. He is very kind. I am rather touched. I thank the member for Epping and the member for Pittwater for their contributions to the debate. I note that the Opposition does not oppose the Crimes (Sentencing Procedure) Amendment Bill 2010. As this is my last speech in the House as the Parliamentary Secretary Assisting the Attorney General, I seek the indulgence of the House and members in a spirit of bipartisanship to make some comments. I have been the Parliamentary Secretary Assisting the Attorney General for the whole of this term of government. I have introduced, debated and replied to more than 120 bills on behalf of the Attorney General. Let me say how much I have enjoyed that role. I have enjoyed debates in which my opponent and learned friend, Mr Greg Smith, SC, participated. Those debates never degenerated into personal attacks and were always of high quality. I congratulate him. I must say once again how much I enjoyed the standard and quality of informed debate on the Attorney General's legislation.

The Attorney General's legislation is often very detailed, highly complex and very technical. In my view the standard of debate in this House particularly on that type of legislation has been very high indeed. On the one hand, that clearly reflects the learning and professional experience of my opponent and other members of the House. I thank all members of the House who contributed to many debates on the Attorney General's bills during the Fifty-fourth Parliament. On the other hand, the consistently high quality of contributions to informed debate also reflects the very hard work and dedication of the Attorney General's ministerial staff: Chief of Staff, Christine Black; Deputy Chief of Staff, Michael Bailey; Lee Corbett; Heath Ducker; Andrew Mellas; Lenda Oshalem; Damian Spruce, who is assisting me today; Janet Wagstaff; Adam Bell, Maria Iannotti; Teigen MacDonald-Kirby; Peta-Maree Stapleton, who is Mr Hatzistergos's private secretary; Naomi Clancy; and Jason Stuttle, who is the driver who picks up and delivers the large volume of files I am required to sign as part of my role. I also thank the Attorney General for the opportunity to appear, as it were, regularly in the role of Parliamentary Secretary Assisting the Attorney General. I thank him for appointing and reappointing me to that role. I wish him every success. I thank the House.

I return now to the leave of the bill. The provisions of the bill basically are designed to make the sentencing task more straightforward. The Sentencing Council undertook a very comprehensive review of the law in relation to discounts. The recommendations that will be implemented as a result of the bill will ensure that discounts will be applied only in circumstances in which they are warranted and on the basis of consideration of appropriate factors. Many provisions represent clarification of the current law and will promote consistency as well as provide the community with a better understanding of the processes that are undertaken in determining a final sentence. The amendments related to aggregate sentencing are deliberately designed to make the sentencing task easier when a court is imposing sentences for multiple offences.

The provisions allow the court to set one non-parole period and one overall sentence in such cases, while preserving a requirement to outline what sentences would have been given. That assists everyone involved in the sentencing process. The offender is able to know the time he faces in jail, and the indication given in relation to each sentence lets the victim know the level of criminality attached to the offence that concerns them. It will also allow the appeal court to understand the sentence and correct any errors that may have been made. The provisions may also be implemented as an option. The courts face an array of different sentencing scenarios every day. The bill will give judges a discretion to impose a sentence in whichever way they feel is most

appropriate. In response to a comment by my learned friend and member for Epping, I inform the House that the submission received was not from the Bar Association but in fact from Mr Stephen Odgers, SC, in a private capacity.

**Mr Greg Smith:** That is a mere technicality. He writes all their submissions.

**Mr BARRY COLLIER:** He writes all their submissions. He wrote a book that is constantly increasing in thickness, *Uniform Evidence Law*. It is becoming more voluminous by the minute and must have reached its fiftieth edition by now. Mr Odgers, SC, made the submission in a private capacity and not under the authority of the Bar Association. His submission should be regarded as a private submission. The Attorney General's office contacted the Bar Association to obtain confirmation of that fact. It should be noted that the Director of Public Prosecutions, and indeed all the legal stakeholders who constitute the Sentencing Council, agreed to the certification requirement obliging the prosecutor to state that the agreed statement of facts is a fair and accurate account of the objective criminality of the offender, having regard to the relevant and provable facts. The example cited by the member for Epping was when a witness is unwilling to testify. That has been taken into account already in the wording through use of the word "provable". If the prosecution's case is not provable in certain respects because a witness will not testify, that can be reflected in the agreed statement of facts. However, in addition to that flexibility, the Attorney General has also given the prosecutor the option of saying that it was settled in accordance with prosecution guidelines.

The member for Epping and the member for Pittwater referred to issues relating to consultation with victims. The Sentencing Council considered current practices with respect to charge negotiation and concluded that the existing Director of Public Prosecutions guidelines on the issue, which include a requirement to consult victims and police, are appropriate. Nevertheless, the council also felt it was appropriate to recommend the introduction of additional procedural safeguards to ensure that the community and the sentencing court can be confident that the guidelines have been followed and that the views of the police are properly taken into account when considering whether to accept a plea of guilty.

The provisions require the prosecution to certify that, in accordance with the guidelines, they have consulted with victims and the police regarding an agreed statement of facts as well as any additional charges to be taken into account, which is referred to among members of the legal profession as a form 1. The certification must also include, if fulfilment of the requirement is not possible, an outline of the reasons why that is the case. The prosecution will also need to clarify that any agreed statement of facts constitutes a fair and accurate account of the objective criminality of the offender, having regard to the relevant and provable facts, or has otherwise been settled in accordance with the prosecution guidelines issued by the Director of Public Prosecutions. This will ensure the transparency of this complex but necessary aspect of the criminal justice system.

In relation to the variation in standard non-parole periods and the different lengths for different offences, I point out to the member for Epping that the Sentencing Council was tasked with this by the Attorney General and has been working hard on this issue for some time. Because of the huge amount of legislative reform effected by this Government in this parliamentary session, especially in the areas of sentencing and criminal law, the Sentencing Council has not yet finalised this review. But we look forward to implementing its recommendations in the future. We will come back and do it.

**Mr Steve Whan:** So you should, Barry—come back and do it!

**Mr John Williams:** You'll be sitting in front of your post office.

**Mr Chris Hartcher:** Is that what they do in Broken Hill?

**Mr BARRY COLLIER:** That is what people do in Broken Hill, with the hats, the corks and the flies. The amendments will simplify the aggregate sentencing provisions of the bill to remove the requirement and make a record of the relative weight given to the objective seriousness of each offence in determining the aggregate sentence of imprisonment and adjust the way in which standard non-parole periods are to be recognised in setting an aggregate sentence. The provisions in the bill should make the sentencing task simpler while retaining transparency. This is a difficult task to achieve, but the reforms stem from careful consideration of issues relating to discounts by the Sentencing Council and a proposal on aggregate sentencing that was the subject of consultation with the judiciary and the profession. As I say farewell in my role of Parliamentary Secretary in this place, I commend the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

### **Passing of the Bill**

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

### **WORKERS COMPENSATION (DUST DISEASES) AMENDMENT BILL 2010**

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

### **Consideration in Detail**

**Consideration of the Legislative Council amendments.**

#### *Schedule of amendments referred to in message of 2 December 2010*

- No. 1 Page 3, schedule 1 [1], lines 3-5. Omit all words on those lines.
- No. 2 Page 3, schedule 1 [2], line 8. Omit "subject to paragraph (d)". Insert instead "one of the following amounts".
- No. 3 Page 3, schedule 1 [3], line 19. Omit "(d) and".
- No. 4 Page 3, schedule 1 [3], line 20. Omit all words on that line. Insert instead "Insert after section 8 (2B) (d):".
- No. 5 Page 3, schedule 1 [3], lines 21-27. Omit all words on those lines.

**Motion by Mr Barry Collier, on behalf of Mr Michael Daley, 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.**

### **YOUNG TALL POPPY SCIENCE AWARD**

**Ms SONIA HORNERY (Wallsend) [12.54 p.m.]:** I move:

That this House:

- (1) congratulates Associate Professor Philip Morgan of the University of Newcastle and the Hunter Medical Research Institute on their recent 2009 New South Wales Young Tall Poppy Science Award; and
- (2) notes that Professor Morgan's research focuses on the development and evaluation of programs to prevent and treat obesity across different settings and populations.

Obesity has become one of Australia's fastest developing health problems in recent years, with the Australian and New Zealand Obesity Society estimating that half of all Australian women and two-thirds of men are overweight or obese—that is, almost 60 per cent of the adult population in Australia are overweight or obese. I acknowledge the excellent research efforts conducted at our university, the Calvary Mater Hospital and the Hunter Medical Research Institute, which sits proudly within the hallowed and friendly walls of the Wallsend electorate. Members with hospitals in their electorates are well aware of the obesity phenomenon. Too many obese persons are patients in our hospitals; often they are recidivists because of the complications and diseases associated with being overweight. This is a great opportunity for us to acknowledge the special research that is done in our patch.

Associate Professor Morgan's research is focused on the impact of cost-effective, engaging and suitable interventions to prevent and treat obesity in children, adolescents and the adult population in various settings. He has designed and led internationally significant treatment programs for various groups in society, such as shift workers. Members who have industries and coalmines in their electorates are aware that the problem of

obesity among shift workers is a phenomenon. Associate Professor Morgan was honoured for his outstanding research at the 2009 Young Tall Poppy Awards, which recognise and support our young achievers aged 35 and under in the science and medical research sectors. We want to praise these people, especially our youngsters, because they are conducting research to make life better for us in the future.

A total of 16 New South Wales researchers were recognised in the 2009 awards in fields such as cancer, chemistry, climate change, engineering, physics and statistics. I acknowledge the Calvary Mater Hospital for its wonderful research into cancer, particularly breast cancer. Other winners included the joint 2009 Top Tall Poppies of the Year, Dr Michael Valenzuela from the University of New South Wales and Dr Kira Westaway from Macquarie University. Dr Valenzuela's research has shown that complex mental activity seems to protect the memory centre of our brain, possibly reducing the likelihood of developing dementia and Alzheimer's later in life. Dr Westaway uses bone evidence at archaeological sites to reconstruct and date the environments experienced by early humans to provide archaeologists with a better understanding of how our early ancestors lived and died. It is incredibly interesting research.

The New South Wales awards, which have been running since 1999, are sponsored by the New South Wales Government's Office for Science and Medical Research, and are supported by the New South Wales Department of Education and Training, as well as other partners. As part of the Young Tall Poppy Outreach Program, Associate Professor Morgan and his colleagues have spent significant time throughout 2010 giving presentations at schools, community forums, rotary clubs and corporate events to share their research, educate people about obesity and the ways to address health problems and promote to the community the importance of science and medical research. We all agree that science and medical research is important. Associate Professor Morgan has conducted interviews for radio, television and newspapers, both nationally and internationally, promoting healthy living and strategies to reduce obesity. He is a great ambassador for medical research and obesity prevention programs being delivered in New South Wales.

In 2010 Associate Professor Morgan has been leading a new research project in partnership with the Hunter Medical Research Institute and the Coal and Allied Company called "Healthy Dads, Healthy Kids". Launched in March this year, this community-driven program aims to reduce obesity levels in fathers by encouraging active family lifestyles. The program recognises that fathers are role models to their children and equips them with the knowledge and tools to improve their family's quality of life. Healthy Dads, Healthy Kids was piloted at Newcastle university in 2009 and is now being rolled out in regional communities in the upper Hunter with preliminary results indicating the program is a great success.

The program has also attracted international recognition winning Best Research in Public Health and Policy at the prestigious International congress on Obesity in July. The award is judged by an international scientific committee and peer voting with more than 100 international projects entered. The program also trains health and education leaders within communities to promote long-term health benefits and keep the program going in the future. Overcoming obesity can be life-changing for individuals who experience improved physical and psychological health, and the flow-on benefits for entire families and communities are also significant.

I congratulate Associate Professor Morgan on his ongoing research and work into preventing and addressing obesity in our community. Programs like his demonstrate the real and immediate health outcomes that medical research can enable. As the member for Wallsend and with the continued support of the Government, I am committed to supporting research being done at medical research institutes across the State, including the Hunter Medical Research Institute. I am pleased that the important work of Associate Professor Philip Morgan has been acknowledged with his Young Tall Poppy award. I am particularly encouraged that his research is reaching so many people in the Hunter region, and across New South Wales, through his schools visits, community outreach, and leadership of Healthy Dads, Healthy Kids. I congratulate Associate Professor Morgan, Dr Valenzuela, Dr Westaway and the other 2009 New South Wales Young Tall Poppy winners and wish them every success in their research careers.

**Mr DARYL MAGUIRE** (Wagga Wagga) [1.02 p.m.]: I join with the member for Wallsend and congratulate all those people who are part of the Tall Poppy campaign. The consensus around Australia is that we have a tall poppy syndrome but these fantastic awards will chop down the tall poppy syndrome and acknowledge and encourage people to be tall poppies in our community. I say to the initiators of this program, "Well done". I congratulate Associate Professor Philip Morgan on his outstanding work. Winners of these science awards were announced on 29 October 2009 but they have carried on their work in 2010. I will mention some of them.

Dr Scott Byrne, University of Sydney, Skin Cancer and the Immune System—The focus of Scott's research is on how sunlight suppresses the immune system, allowing cancers to develop. Dr Kylie Catchpole, Australian National University Solar Electricity—Kylie investigates how light interacts with semiconductors, so that better, cheaper solar panels can be designed. Those two initiatives give great benefits to the citizens of Australia and the world. Dr Marcus Cole, University of New South Wales, Organometallic Chemistry—Marcus conducts his research into two fields of molecular science: the methods for hydrogen storage for fuel-energy applications, and the discovery of applications for, and isolation of, heavy metals such as uranium. Dr Donna Green, University of New South Wales, Climate Change Impacts and Risk—Donna's research on climate impacts in northern Australia is focused on remote indigenous communities.

Dr Mary Kavurma, University of New South Wales, Atherosclerosis and Cardiovascular Disease—Mary's work is focused on understanding abnormal cell growth in arteries, which is a major factor in the blockages during cardiovascular disease. Dr Joshua Madin, Macquarie University Coral Reef Ecology and Biomechanics—Joshua's research looks at how storms and the waves they generate shape coral reef communities on the Great Barrier Reef. We can only praise these wonderful scientists and doctors who have been acknowledged in the Tall Poppy Science awards. Dr Penny Martens, University of New South Wales Biomaterials and Tissue Engineering—Penny develops polymers, or plastics, that can be used to replace worn out or defective body parts. Specifically, she looks at a class of polymers called hydrogels which are very similar to soft contact lenses.

Dr Matthew McCabe, University of New South Wales Hydrology—Matthew uses measurements from space based satellites, observations from ground-based instrumentation and modelling techniques to describe Earth's hydrological cycle. The honourable member for Wallsend has recognised the work of Associate Professor Philip Morgan, University of Newcastle and Hunter Medical Research Institute, on obesity prevention and treatment. Philip's research focuses on the development and evaluation of programs to prevent and treat obesity across different settings and populations. Dr Maria Nowotny, University of Western Sydney Photocatalytic Water Purification—Maria's work involves engineering and developing an efficient photocatalytic material for solar-driven water purification.

The list goes on: Associate Professor Sebastien Perrier, University of Sydney Macromolecular and Supramolecular Engineering; Dr James Rabeau, Macquarie University Physics, Quantum, Optical and Materials; Dr Julie Redfern, ANZAC Research Institute, Sydney Cardiovascular disease prevention; Dr Nicholas Robins, Australian National University Atomic Physics; Dr Timothy Schmidt, University of Sydney Molecular Spectroscopy; Dr Michael Valenzuela, University of New South Wales Regenerative Neuroscience; Dr David Warton, University of New South Wales Ecological Statistics; and Dr Kira Westaway, Macquarie University Geochronology and Quaternary Science. Australia should be impressed and delighted to have such wonderful scientists doing work on our behalf for the betterment of the people of the world.

The member for Wallsend paid tribute to the work of Associate Professor Morgan in relation to obesity. This morning I had the great pleasure of meeting with former Federal member Alan Cadman who is now the Chairman of the Life Education Centre. He very generously awarded me a Life Education Ambassador plaque, one of only 15 that have been awarded to members of Parliament. Life Education promotes defeating obesity in our community and encourages and educates young people to be healthy, eat the right things and look after their bodies to give them the best opportunities in life. I think it is rather fitting that there is another organisation that is raising money, promoting committees around the country, and trying to educate with a message of good health. That is certainly what Associate Professor Philip Morgan is doing with his research and evaluation of programs to treat obesity across different settings and populations.

Quite often we treat the disease and not the symptom, and I think educating at an early age is very important. Understanding the science, as the associate professor is doing, is a good investment, but the important message for me and for everyone in this House should be that we promote, acknowledge and encourage people to do well. It is not only scientists that we should be encouraging; people who do well invest in business, people who do well create employment opportunities, and people who take care of those less fortunate in our community should be encouraged and acknowledged. Rather than cutting them down—in other words, shooting the messenger—we should be promoting a culture of reward, whether in the form of a speech in this Parliament or publicly through a thumbs-up column in the local newspaper. They are the kind of things we need to do as a society to encourage people to do better and to acknowledge the work that they do. These prestigious awards do that, and the initiator of the program should be congratulated.

I say well done to the member for Wallsend for bringing this to the attention of the Parliament. I am sure all members have enjoyed listening to her presentation on the work that has been carried out by Associate Professor Philip Morgan and others for the betterment of our communities.

**Mr ALAN ASHTON** (East Hills) [1.11 p.m.]: I support the member for Wallsend and the comments made by the member for Wagga Wagga about last year's award to Associate Professor Philip Morgan of the University of Newcastle and the Hunter Medical Research Institute award in 2009, the New South Wales Young Tall Poppy Science Award in relation to treating obesity. As we know, obesity is a growing—and that is not meant to be a pun—problem in the Australian community. I think it is a growing problem not only for elderly people, people of sedate nature and lifestyle, which obviously leads to diabetes and heart problems and so many other problems as people put on weight, but also for young kids. When we visit our schools, as all members do, we see young kids getting heavier and heavier. Some cultures encourage and look favourably on young children who are big and fit, overweight but healthy, but that is more to do with cultural tradition rather than good health.

Australians are proud of how much sport they do and how good they are at that, but in science we lead the world, whether with inventions or cures for illnesses and diseases. It is a pity that despite the money that is invested in the Commonwealth Scientific and Industrial Research Organisation [CSIRO] and other organisations, there is a tendency not to properly support the work that our scientists do. They often struggle, do not earn much income, and sometimes have to go overseas to have an invention patented. Who could forget—and I cannot remember their names now—the two Western Australian doctors who discovered a new cure for ulcers? Previously treatment involved operations and lots of therapy and drugs, but they found the cause was probably more likely a bacteria that could be cured with antibacterial treatment, so that was very important.

**Mr Steve Whan:** What about the story last night on prostate cancer?

**Mr ALAN ASHTON:** That is right, prostate cancer. I want to focus briefly on this year's awards. In October this year a group of outstanding young scientists from across New South Wales were honoured at the 2010 Young Tall Poppy Science Awards held at the Powerhouse Museum. This year's group of young scientists were chosen for their groundbreaking research in fields including neuroscience and psychiatry, socio-ecology and climate change. The overall winner and Young Tall Poppy of the Year was Associate Professor Moulds, based at the University of New South Wales, who won the award for her research into depression and the effects of introspection, that is, when a person becomes stuck in a cycle of analysing their mood and how this prolongs depression. It is reasonably well accepted that people with symptoms of depression become more depressed when they recognise that they are depressed, and this just makes the problem worse.

**Mr John Williams:** Take the dog for a walk.

**Mr ALAN ASHTON:** No, it is not a matter of taking the dog for a walk or just getting over it or saying, "Everything will be alright"—that is trivialising a very serious problem—and it often cannot be solved by drugs. I know a fellow who suffered depression and ended up in Chelmsford hospital. The time of this Parliament was occupied for years in studying what went on there to fix patients who suffered depression. Many people in this Parliament have suffered it and are suffering it right now. Associate Professor Moulds' work has made an outstanding contribution to the understanding of the cognitive mechanisms that underpin depression. Her research is helping health professionals to better understand patterns of thinking that maintain depression and improve treatments. Currently she is testing whether the most effective treatment for reducing distressing memories in people who have experienced trauma is also an effective treatment of negative events for people with depression.

Young Tall Poppy awardees are also chosen for their passion to actively engage and educate the community about their work and promote the importance of science. Over the next 12 months, Associate Professor Moulds and the other 2010 Young Tall Poppies will play an important role as knowledge ambassadors to the next generation of scientists as part of the Tall Poppy campaign run by the Australian Institute of Policy and Science. I certainly wish them well. The Young Tall Poppies will visit schools around the State to encourage science students and talk to them about the diverse career opportunities available in the science sector. Last year's Tall Poppy Science Award winners engaged more than 20 schools and 1,200 students and teachers across New South Wales, from Dubbo to Coffs Harbour and from Wollongong to metropolitan and outer Sydney. I congratulate this year's winner, Associate Professor Moulds, and encourage further work in this area.

**Mr ROBERT COOMBS** (Swansea) [1.16 p.m.]: The New South Wales Government is dedicated to supporting science and medical research in our State. We recognise the importance of investing in buildings and laboratory equipment, and in our most important research asset—brilliant young minds trained right here in New South Wales universities and research institutes. That is why we are proud to sponsor the New South Wales Young Tall Poppy Awards. The awards provide recognition and reward for outstanding efforts in science and medical research by our best and brightest achievers aged 35 and under.

As a community, we need to recognise the great value that science brings to our lives, from finding better treatments for cancer and diabetes to minimising our carbon footprint and tackling climate change and rising sea levels. The Young Tall Poppy Awards provide such recognition. Past and present Young Tall Poppy winners have also been involved in a recent policy roundtable hosted by the New South Wales Government in October and attended by the Minister for Science and Medical Research and the New South Wales Chief Scientist and Scientific Engineer, Professor Mary O'Kane. The policy roundtable, which was brought together by the Australian Institute of Policy and Science, explored themes from the recent 2010 Business University Government Forum and looked at how Government can build on those themes through engagement with the Young Tall Poppy network with a specific focus on research.

Discussions included the motivators and disincentives to entering and staying in a research career; women in scientific research and how to make careers in science more attractive for mid-career and senior women scientists; and how to further support career pathways from academia to industry, and industry to academia, so that both flourish and maximise the great talent in the science sector. The New South Wales Government is committed to building a strong knowledge economy and it is crucial that we do all we can to inform the public about the role science plays in our society. Initiatives such as the Young Tall Poppy Science Awards further encourage our State's up-and-coming scientists and researchers.

**Ms SONIA HORNER** (Wallsend) [1.19 p.m.], in reply: I acknowledge the member for Wagga Wagga, the member for East Hills and the member for Swansea for their informative contributions and their interest in medical research in New South Wales and Australia, which I am sure we in this House all agree is very important. I thank and acknowledge the member for Wagga Wagga for joining with us in congratulating Associate Professor Morgan and the other professors in this field. He gave some interesting information about other eminent researchers and their ground-breaking work. I echo the comments he made: all Australians should be impressed with the research occurring here and now in our universities, medical research centres and institutes such as the Hunter Medical Research Institute. The only comment I want to take up is that if the member for Wagga Wagga has now received a Life Education award for promoting the problem of obesity I wonder why he has so many lollies in his office!

The member for East Hills talked about our eminent Associate Professor Moulds, who is this year's award recipient for her work on depression and the effects of introspection, which is really important research for the mental health sector. I also acknowledge my colleague the member for Swansea, who discussed the great value of science and medical research to the community and the importance of encouraging young, up-and-coming researchers to continue their work, and the encouragement that the Young Tall Poppy Science Awards give. I thank the member for encouraging researchers in their endeavours, which is also important. I appreciate the fact that the Opposition wholeheartedly supports this motion but I would have loved to hear from more speakers on the other side of the House. Apart from that, I thank all members for their contributions and congratulate all the award recipients, last year's and this year's. We look forward to more groundbreaking research in the future.

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

**Motion agreed to.**

### **EMISSIONS TRADING SCHEME**

**Mr JOHN WILLIAMS** (Murray-Darling) [1.21 p.m.]: I move:

That this House condemns the Government for not recognising the impact of the Emissions Trading Scheme on the fixed and low-income earners and small business owners of the electorate of Murray-Darling who face 60 per cent electricity price increases in the future.

There is absolutely no doubt in my mind that this motion, of which I gave notice in December last year, foreshadowed pretty much what everyone in this House would be experiencing at the moment. We have not yet seen the impact of an emissions trading scheme on electricity prices but we have certainly seen electricity prices reach a tipping point for most households. It became clear to me that Government members have probably been gagged on this matter, but last night in their valedictory speeches both Phil Koperberg and Paul Gibson referred to this as a major issue facing members of Parliament in the future. They also alluded to the Independent Pricing and Regulatory Tribunal recommendations and the fact that whilst the current Minister—who I might add calls



me a liar when I talk about IPART and taking its recommendations into account in other situations—this gold-plated socialist who shows absolutely no empathy for those poor devils who are struggling to cope with rising electricity prices—

**Mr Robert Coombs:** Point of order: The statements by the member for Murray-Darling are defamatory. It is not true that the Minister shows no empathy for people paying electricity bills throughout the State and I ask him to withdraw those comments.

**ACTING-SPEAKER (Mr David Campbell):** Order! The member for Murray-Darling has been asked to withdraw comments that caused offence.

**Mr JOHN WILLIAMS:** I do not think it causes offence. This is an ongoing blue that I have had with the Minister and he needs to recognise the fact that he has to show empathy. I do not wish to withdraw the comment.

**Dr Andrew McDonald:** Point of order: Rather than asking the member to withdraw and him refusing to withdraw, I raise the issue of Standing Order 73, which says that imputations of improper motives and personal reflections on members of either House are disorderly, other than by substantive motion. This is not a substantive motion against the Minister, it is discussing electricity prices. I ask that you uphold Standing Order 73.

**ACTING-SPEAKER (Mr David Campbell):** Order! The Parliamentary Secretary has a valid point of order under Standing Order 73. The motion before the House is about an emissions trading scheme, not about electricity prices. I ask the member for Murray-Darling to return to the leave of his motion.

**Mr JOHN WILLIAMS:** I might add that it talks about the impact on electricity prices. This is about protecting those people on the bottom of the heap. Welfare agencies have visited my office and I am well aware they would have visited the offices of many other members to indicate their concern about people they are supporting in their communities that are having real difficulty trying to pay their electricity bills. This situation has reached a tipping point and we have not even got to where we want to go in relation to emissions trading. We have not even been able to accommodate what is proposed under the emissions trading scheme in respect of electricity prices. We have not got there yet and people are struggling. I think this is the greatest challenge for every government in Australia. It is certainly going to be a challenge for whoever governs New South Wales after the next election. If we do not make plans to address these issues and make provision for them the fallout will be horrendous.

Even the new Premier of Victoria—Ted the toff, they called him, the gold-plated Premier—recognised social justice in his first act in Parliament. He tried to find a way of supporting people in difficulty. A Premier who has been accused of working for the upper class demonstrated true social justice and tried to find a way to help people who are battling to pay their electricity bills. That is a demonstration of social justice that has not been reflected in this place. We have a Premier who is chartering a Lear jet to fly around the electorate to have her photo taken and yet we have people who cannot pay their electricity bills.

**Mr Robert Coombs:** Point of order: It is my view that the member for Murray-Darling is misleading the House. There are a number of supportive mechanisms that have purposely been put in place in recognition of the increase in electricity prices. If the member is going to refer to this issue he should do the right thing and explain what has been done.

**ACTING-SPEAKER (Mr David Campbell):** Order! While that might be a comment on the debate, it is not a valid point of order in accordance with the standing orders. The member for Murray-Darling will confine his remarks to the motion he has moved.

**Mr JOHN WILLIAMS:** I suggest to the member for Swansea that he go down to the offices of St Vincent de Paul, an organisation that is close to my heart, and find out what is happening with the Energy Accounts Payment Assistance vouchers. The allocation of energy accounts payment assistance [EAPA] vouchers helps to support people in crisis. However, a three-month supply of vouchers is being used in only one month. Electricity prices are causing problems for fixed and low income earners in this State. This Government should respect those who are on the bottom of the heap—the true battlers. This Government has walked away from them, turned its back on them and shown them no regard. This Government's solution to the problem is to hide behind the Independent Pricing and Regulatory Tribunal [IPART].

**Mr Robert Coombs:** Point of order: I ask you to bring the member for Murray-Darling back to the leave of the motion, which relates to the impact of the emissions trading scheme on fixed-income and low-income earners.

**ACTING-SPEAKER (Mr David Campbell):** Order! I again draw the attention of the member for Murray-Darling to the fact that his motion refers to the emissions trading scheme and not necessarily to IPART.

**Mr JOHN WILLIAMS:** I accept that my motion refers to the emissions trading scheme. At the time there was a distinct possibility that the emissions trading scheme would be approved by the Federal Government. That would have occurred but for the fact that a group of people called the Greens wanted to decimate that scheme. We would have had an emission trading scheme but for the fact that the Greens would not buy into it; they wanted to decimate this country. The Greens wanted to ensure that they brought everyone to their knees, which would have left them burning candles at home. To date it has been demonstrated that only a small part of the 60 per cent increase suggested recently by the Independent Pricing and Regulatory Tribunal has come to fruition.

**Mr Robert Coombs:** Point of order: I draw your attention to the time. The allocated time for debate on this motion has expired.

**ACTING-SPEAKER (Mr David Campbell):** Order! I had intended to enable the member for Murray-Darling to speak for his entire 10 minutes. He has another 48 seconds available to him.

**Mr JOHN WILLIAMS:** I thank the member for Swansea for taking up my valuable time. Obviously, this is a sensitive issue. This Government knows it is a huge problem. People are visiting members' electorate offices and they are talking about electricity prices. This Government wants to bury the problem, forget about it, ignore it and lay the blame at the feet of the Independent Pricing and Regulatory Tribunal. This Government cannot continue to hide behind IPART. Somewhere along the line it has to find a solution to this problem. People on fixed and low incomes need to find a way to pay their electricity bills. *[Time expired.]*

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

*[The Acting-Speaker (Mr David Campbell) left the chair at 1.31 p.m. The House resumed at 2.15 p.m.]*

## **BUSINESS OF THE HOUSE**

### **Notices of Motions**

**General Business Notices of Motions (for Bills) given.**

### **QUESTION TIME**

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*[Question time commenced at 2.20 p.m.]*

## **GOVERNMENT PERFORMANCE**

**Mr BARRY O'FARRELL:** My question is directed to the Premier. After 15 years of Labor, which has been marred by repeated failures to deliver on promised improvements in infrastructure, such as the North West Rail Link and critical services, such as reduced hospital waiting times, in the final question time for this sitting of Parliament, will the Premier tell the people of New South Wales why on earth re-electing Labor for another four years would solve any problem across this State?

**Ms KRISTINA KENEALLY:** As we head towards the March 2011 election the people of New South Wales face a choice about the State's future. Those opposite hope that the people of New South Wales have forgotten what it is like to live under a Coalition government. Opposition members hope the people of New South Wales have forgotten. The Opposition wants to have small target strategies.

**The SPEAKER:** Order! Members will cease interjecting. I am sure no member wishes to be ejected from the House during the last question time for the year.

**Ms KRISTINA KENEALLY:** Opposition members are hoping that nobody will ask them too many questions. They are hoping that nobody will notice their lack of policies and lack of detail. They hope that nobody will notice.

**The SPEAKER:** Order! Members will cease interjecting.

**Ms KRISTINA KENEALLY:** They hope that the people of New South Wales have forgotten that 15 years ago when the Liberals were last in government and in their first year alone they downgraded, privatised or attempted to close 30 hospitals, that they cut the number of public hospital beds by 7,500, that they axed 2,500 teaching positions and 800 ancillary staff positions from the public education system. They axed 8,000 rail jobs and terminated 13 country rail services. We remember their record of shame when it comes to the 1,000 positions they cut from Family and Community Services, the closure of 23 Community Services offices, and 77 child protection workers' positions being axed.

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

**Ms KRISTINA KENEALLY:** Opposition members come in to this House time and time again but refused to rule out privatisation of Sydney Water, Sydney Ferries and public transport. We all remember the last rail line built by a Coalition government. They promised it would be constructed at zero cost to the taxpayer. What did it end up costing? Even the people in the gallery are nodding in acknowledgement. It was an \$800 million loss. People in the gallery are laughing because they remember what it was like when the Liberals were in government—six consecutive deficit budgets. That should be contrasted with seven consecutive quarters of economic growth delivered by a Labor Government throughout the most difficult economic period since the Depression. In spite of a global financial crisis, what did we deliver? We delivered seven consecutive quarters of economic growth and an unemployment rate that is lower than that of Victoria or Queensland. New South Wales has a \$62 billion infrastructure program that is supporting 165,000 jobs a year.

**The SPEAKER:** Order! I call the member for Hawkesbury to order. I call the member for Cessnock to order.

**Ms KRISTINA KENEALLY:** We have a light rail line under construction and public transport fares have been reduced under MyZone. New South Wales literacy and numeracy results lead the nation. A child in a New South Wales public school is not just getting the best education in Australia but the best education in the world. Our children's literacy and numeracy results are among the best in the world.

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

**Ms KRISTINA KENEALLY:** What about the Government's health system? Independent data released this week shows which State has the best performing emergency departments in the nation?

**Government members:** New South Wales!

**Ms KRISTINA KENEALLY:** That is exactly right! Even people in the gallery know that and that people are more likely to get elective surgery within the recommended time frame in New South Wales than in any other place in Australia. The people in the gallery also know that the Opposition ripped up the Council of Australian Governments health care agreement and that \$6 billion and 488 beds will be gone from our health system. That is the Liberals' promise. That is what they will do. Labor secured the triple-A credit rating. We are pushing reforms to the political party donation process.

**Opposition members:** Four, three, two, one!

**The SPEAKER:** We have established that Opposition members can interject and count.

**Ms KRISTINA KENEALLY:** That shows a big improvement for the Opposition!

## **CRIME AND POLICING**

**Mr ALLAN SHEARAN:** My question is addressed to the Minister for Police. How is the New South Wales Government assisting the Police Force to drive down crime across the State?

**Mr MICHAEL DALEY:** It is good to see all the members of the Opposition present in the Chamber for our last question time this year.

**Mr Barry O'Farrell:** This is question time, not preselection time.

**The SPEAKER:** Order! Members will cease interjecting.

**Mr MICHAEL DALEY:** The emptiest vessels make the most sound, and the Opposition's conduct is an example of that. Opposition members are going straight on the defensive—and well they might in relation to the Police portfolio over their absolutely abysmal record. When the Coalition government presided over the Police portfolio, the police were underpaid, diminished in number and crime rates were soaring. When the Coalition had a big opportunity to vote for a royal commission that was widely attributed with cleaning up a small but significant element in the Police Force that gave it a bad name, the Coalition voted against it. That is the final punctuation mark on the Coalition's efforts in policing when it was last in government. It is a sad indictment. No wonder they flap their gums in defence.

I thank the member for Londonderry for his question. The fact is that over the forthcoming holiday season most people in New South Wales will take a holiday. It is at that time they need confidence in our Police Force. Due to the efforts of the Government, they can have that confidence. As is usually the case over the summer period, the police will be particularly busy. They will be conducting operations to keep people safe, such as Operation Unite, which is a very popular operation designed to prevent alcohol-related violence through very high visibility policing in trouble spots; Operation Simmer III, which targets known hot spots for revelry that gets out of hand across inner Sydney and its beaches; and Operation RAID, which targets alcohol- and drug-affected drivers.

Operation Stay Alive, which is the New South Wales Police Force's usual Christmas and New Year road safety traffic operation, will result in deployment of police right across the State on backstreets and main roads to make sure that people are kept safe from those who are dumb enough to drink and drive and those who are dumb enough to take drugs and drive. This means that people can head off on their holidays with diminished fear about getting sideswiped by someone on a busy road or getting involved in an accident. I should say a word of caution to drivers, particularly when there is rain about: Be careful on the roads or when driving in swollen creek beds, because you might hit the Leader of The National's car!

When people go into the local club, pub or restaurant they can have confidence that the police will be out there dealing with antisocial behaviour. People can simply go about their life with increased confidence because of the continuing and marked-up police efforts against bikies, drug dealers and the like. Police are having a marked effect and huge impact on organised crime. Do not take my word for it: have regard to the June quarterly update from the Bureau of Crime Statistics and Research, which states that across New South Wales 17 out of 17 major crime categories are stable or falling. When the Coalition was last in government more than a decade ago, 17 out of 17 major crime categories were stable or rising. That is the turnaround that this Government has managed to achieve.

**Mr Adrian Piccoli:** Stop making it up!

**Mr MICHAEL DALEY:** I am not making it up. Members opposite should look at the Bureau of Crime Statistics and Research report. In the past 10 years property crime has halved. That means that thousands of people have not fallen victim to property crime. The key to modern-day policing is crime prevention, ensuring that people are not the victims of crime and preventing crime from occurring in the first place. The Police Force has been able to do this because the Government has backed police to the hilt with the resources, equipment, power and funding they need. And we have record police numbers. The Government has increased the strength of the Police Force by more than 20 per cent in the past 15 years, at a time when the population of New South Wales grew by 6 per cent.

In other words, the Police Force has grown at four times the rate of growth in the New South Wales population. The Coalition's efforts pale into insignificance. At an authorised strength of 15,806 from 1 January next year, with 33 per cent of those police working in rural and regional areas, the New South Wales Police Force is the fourth largest police force in the English-speaking world—the largest by far in the Southern Hemisphere. As I said, police salaries have doubled since 1995. Productivity is a huge factor. Strike forces such as Raptor are having an enormous effect on driving down crime by targeting the most serious criminals in our State.

**Opposition members:** Three, two, one—time!

**Mr MICHAEL DALEY:** If members opposite can count, they should look at the Bureau of Crime Statistics and Research report. Read it and weep! [*Time expired.*]

**The SPEAKER:** Order! Opposition members will not count down the time remaining to Ministers.

### GOVERNMENT PERFORMANCE

**Mr ANDREW STONER:** My question is directed to the Premier. After 15 years of Labor and a year of her Premiership, in which she has spent attacking the New South Wales Liberals-Nationals in the absence of any substantial policies, will she finally spell out her plans to fix the State, or is she still in denial about the problems?

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

**Ms KRISTINA KENEALLY:** I will answer that question but, as members know, in recent days I have spent a lot of time at my desk reading. I have an advanced copy—

**Mr Barry O'Farrell:** Point of order: I refer to Standing Order 129, relevance. In the spirit of the season, I have a book for the Premier with a few facts about Australia. It is the *Little Aussie Fact Book*; it has everything the Premier needs to know about Australia!

**The SPEAKER:** Order! Members will cease clapping. Members will come to order. I call the member for Lismore to order. I call the member for Wakehurst to order.

**Ms KRISTINA KENEALLY:** What a remarkable contribution by the Leader of the Opposition!

[*Interruption*]

Hear me out, because I am about to pay the member for Murrumbidgee a compliment. A few years ago the member for Murrumbidgee made a private member's statement about how people should value the contribution of those who have immigrated to this country.

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

**Ms KRISTINA KENEALLY:** In a private member's statement in this House the member for Murrumbidgee talked about valuing the contribution of people, regardless of what country they come from or with which accent they speak. I acknowledge him and his leadership in doing so. Often on weekends I attend functions with the Leader of the Opposition. Every time he stands in front of a multicultural community group he gives a speech about valuing the contribution of migrants to this country.

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

**Ms KRISTINA KENEALLY:** He attends functions, whether it is the Korean community fair, the Chinese New Year—

**Mr Andrew Stoner:** Point of order: I refer to Standing Order 129. I hate to interrupt the Premier's soliloquy, but this is a serious question to which the people of New South Wales deserve an answer.

**The SPEAKER:** Order! The Leader of The Nationals will resume his seat. The Premier has the call.

**Ms KRISTINA KENEALLY:** The point of order of the Leader of the Opposition deserves to be acknowledged and addressed, because he attends a number of multicultural community functions.

**Mr Andrew Stoner:** Point of order—

**Ms KRISTINA KENEALLY:** Members opposite can try to use my time, but I will get this out.

**The SPEAKER:** Order! I have ruled on the point of order. Does the Leader of The Nationals wish to take a different point of order?

**Mr Andrew Stoner:** No, it is still relevance.

**The SPEAKER:** Order! The Leader of The Nationals will resume his seat. I call the Leader of The Nationals to order.

**Ms KRISTINA KENEALLY:** I find it extraordinary. The Leader of the Opposition attends multicultural functions and makes speeches about valuing the contributions of migrants and the contribution they make to the people of Australia. However, when there is a cheap political point to be made in this Chamber he is willing to make it.

**Mr Adrian Piccoli:** Point of order: I refer to Standing Order 129, relevance. If the Premier uses a prop to make a smart alec point, then she is asking for it.

**The SPEAKER:** Order! The member for Murrumbidgee will resume his seat. The Premier has responded to the point of order taken by the Leader of the Opposition, but I remind her of the question before the House.

**Ms KRISTINA KENEALLY:** I will end on this point: Today we have seen a gross example of hypocrisy. The Leader of the Opposition stands condemned.

**The SPEAKER:** Order! I call the member for Epping to order for the second time. As today is the last question time of the year, I have extended a degree of latitude. However, members are pushing the envelope way too far. I will not tolerate further unparliamentary behaviour. Members who continue to interject will be removed from the Chamber.

#### ENVIRONMENTAL PROTECTION

**Mr PAUL PEARCE:** My question is addressed to the Minister for Climate Change and the Environment. Will the Minister update the House on recent environmental protections and achievements in New South Wales?

**Mr FRANK SARTOR:** While I was listening to all the raucous carrying on and interjections, I looked up the *Little Aussie Fact Book*—

[*Interruption*]

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

**Mr FRANK SARTOR:** I see at the back of the book a list of prominent Australians, people who have paid a contribution—Kerry O'Brien, David O'Brien, Carol O'Connor, Francis O'Connor, Johnny O'Keefe—there is no Barry O'Farrell!

**The SPEAKER:** Order! Government members will come to order.

**Mr FRANK SARTOR:** That was not entirely relevant to the question, but I am guilty. This week marks the tenth anniversary of the declaration of the World Heritage Area of the Blue Mountains.

**Mr Phillip Costa:** Which Government did that?

**Mr FRANK SARTOR:** The Labor Government. The United Nations Educational, Scientific and Cultural Organisation [UNESCO] World Heritage Committee describes the 1 million hectare Blue Mountains National Park as an exceptional representation of Australia's biodiversity. The Greater Blue Mountains is the jewel in the Crown of the New South Wales national parks system, a system that is the envy of the world and is now equal in area to Tasmania—without any genetic implications that might go with that. This Government has created more national and regional parks than any other in this State's history. It has reserved 7 million hectares of land under the National Parks and Wildlife Act, with 3 million hectares added by this Government. It has protected more than 2 million hectares of land as wilderness and created more than 840 parks and reserves, and protected nearly 40 per cent of our coastline for ongoing public use and enjoyment.

This year alone this Government declared 400,000 hectares, the same as the Coalition did in its last seven years in government. The conservation legacy includes: 1 million hectares of forest on the coast and

coastal ranges; 1.5 million hectares in the far west and the wheat belt of western New South Wales; and we established a virtually unbroken chain of reserved land from the Hunter Valley to the Victorian border. This is the International Year of Biodiversity and we have created the largest continuous River Red Gum forest in the world in the Riverina. We have secured protection of the largest privately owned Ramsar wetland in New South Wales—Old Dromana in the Gwydir wetlands. We have added more than 15,000 hectares of the historic Joulni Station to the Mungo National Park, protecting sacred burial sites dating back more than 40,000 years. Our national parks are refuges for more than 1,000 endangered species in this State.

What has the Opposition said about our national parks system in its policy statement on making New South Wales number one? I cannot find a mention of it. We do know that dogs are barking about its plans for our national parks. Catherine Cusack has been racing around at dinner parties around the State. Are they going to transfer the national parks into the Department of Industry and Investment to be managed along mining lands? Are they going to palm them off to State Property to be treated like a bit of vacant land in Parramatta? I know they do not want to hear this but the simple fact is that if this lot opposite control Treasury benches we will see revocation of national parks on a monthly basis. Every time Catherine Cusack wants a new hockey pitch, there will be a revocation. Every time the member for Coffs Harbour wants something for one of his mates, there will be a revocation. The national parks system will not be safe in their hands. The truth is out there. They intend to transfer national parks—

**Mr John Williams:** Point of order: Standing Order 129. This is about the achievements of that Government. It is not about launching a scare campaign.

**Mr FRANK SARTOR:** It is out there that they intend to take the national parks system off the environment portfolio and transfer it elsewhere. What are their plans? The three Andrews: Andrew Constance, Andrew Stoner, Andrew Fraser! Where is he? They all look the same to me. A bunch of morons, they all look the same. [*Time expired.*]

### HOSPITAL BEDS

**Mrs JILLIAN SKINNER:** My question is directed to the Minister for Health. Now that the annual report of NSW Health has reviewed that after 15 years of Labor New South Wales has fewer total hospital beds than when Labor first took office, despite our State growing by 1 million extra residents, why should the people of New South Wales trust Labor with another four years of government?

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

**Ms CARMEL TEBBUTT:** I thank the Deputy Leader of the Opposition for her question. Over the past four years, the Government has funded an additional 2,800 beds or bed equivalents as a major plan to lift the capacity in our public hospitals. The facts speak for themselves. We have increased the number of beds or bed equivalents over the past four years by some 2,800 beds or bed equivalents.

**The SPEAKER:** Order! Members will cease interjecting.

**Ms CARMEL TEBBUTT:** Because I know the Deputy Leader of the Opposition has some challenges with reading reports and understanding figures, I am happy to share with her and the House exactly what the annual report shows. It shows that the number of general hospital beds in 2009-10 was 19,662; in 2008-09, it was 19,585; in 2007-08, it was 19,486—we are still going up. In 2006-07, it was 19,170; in 2005-06, it was 18,952. The Deputy Leader of the Opposition likes to make all sorts of claims in this Chamber about all sorts of figures and what they demonstrate. It is always the same theme underneath it all: to run down the achievements of this Government in the health system and not recognise the great strides that we have made.

The House needs to be aware that the Deputy Leader of the Opposition does not always get it right, as we have just seen that bed numbers have increased every year. But it does not stop with bed numbers. Just yesterday we saw another example of how the Deputy Leader of the Opposition struggled to understand figures and exactly how the health system in New South Wales works. Today it is beds, yesterday it was money. Yesterday the Deputy Leader of the Opposition said in this Chamber that the \$6 billion, the so-called new money, that we are going to receive through the Council of Australian Governments agreement, is less than what it costs to run the hospital system in New South Wales for nine days per year.

**Mrs Jillian Skinner:** No, I did not! You get your facts right.

**Ms CARMEL TEBBUTT:** That is exactly what you said.

**Mrs Jillian Skinner:** It is not what I said.

**The SPEAKER:** Order! The member for North Shore will cease interjecting.

**Ms CARMEL TEBBUTT:** You check the *Hansard*.

[*Interruption*]

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

**Ms CARMEL TEBBUTT:** She thinks it costs \$6 billion to run the health system for nine days per year so that means on her calculation it would cost \$243 billion to run the health system. If members of the Opposition cannot get something as simple as that right, who can trust them with anything they say?

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

**Ms CARMEL TEBBUTT:** The reality is that since we have come into government we have increased the health budget by 192 per cent. We have increased the number of nurses by 10 per cent in the past five years, increased the number of doctors by 26 per cent, increased the health budget by 192 per cent, opened 2,800 beds and bed equivalents, opened 29 medical assessment units, and upgraded or rebuilt nearly every hospital or emergency department in this State. We have a strong record when it comes to delivering on health reform and on an improved health system to benefit the people of New South Wales.

**The SPEAKER:** Before I give the call to the member for Wollongong, I call the member for Lismore to order for the second time. Stealing the interjection that the member for Clarence has been using for four years is way out of order!

### WORKER PROTECTION

**Ms NOREEN HAY:** My question is addressed to the Minister for Industrial Relations. How is the New South Wales Government protecting workers' rights across the State?

**Mr PAUL LYNCH:** Protecting working families and ordinary workers is written into the DNA of those on this side of the House. During the 2009-10 financial year New South Wales industrial relations inspectors visited 14,900 workplaces—

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

**Mr Adrian Piccoli:** Point of order—

**The SPEAKER:** Order! The member for Bankstown will cease interjecting.

**Mr Adrian Piccoli:** We are very interested to hear the answer to this question. It has been very noisy, Mr Speaker, and I suggest that you ask members to be quiet. We are very interested to know what they are going to do for Gillian Sneddon, while we are talking about—

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

**Mr PAUL LYNCH:** During the 2009-10 financial year New South Wales industrial relations inspectors visited 14,900 workplaces covering approximately 41,000 workers, identified over 11,000 breaches and recovered more than \$3.6 million in lost wages from their mates. Since July this year New South Wales industrial relations inspectors have conducted 7,014 investigations covering 38,227 workers and recovered over \$800,000 in unpaid wages.

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

**Mr PAUL LYNCH:** In addition to that, there have been some recent significant initiatives. We have introduced legislation to ensure the clear and consistent determination of public holidays in New South Wales,



particularly for weekend-occurring days of significance, and we have made Easter Sunday a public holiday. The new Public Holidays Act delivers predictable and transparent provisions for public holidays. It will assist employees to understand their rights and duties. It will also assist families to plan to spend time together, particularly over the traditional holiday periods.

The Act means that the increasing numbers of weekend workers in shops, restaurants, hospitals and emergency services enjoy equal access to the public holiday entitlements, including the right to request not to work on those special days. By introducing amendments to the Shop Trading Act, we have recalibrated the balance between the reasonable expectations of shops to trade with the requirement for days of rest. From this year forward, retailers in a defined area of inner Sydney will be free to open for Boxing Day sales without special exemptions. We have also acted to shore up the rights of staff in exempt stores to freely elect whether they wish to work on a restricted trading day. We have prevented retailers requiring staff to work in a shop that is required to be closed for retail trade, taking deliveries, stacking shelves or conducting stock take of goods to be sold, so that shop assistants will not be forced to come to work on Christmas Day to stock shelves for Boxing Day.

We have legislated to establish a portable long service leave scheme for the commercial contract cleaning industry that will recognise service to the industry rather than a single employer. Cleaning workers who have faithfully worked in the same school, hospital or office building for a number of years will be able to seek extended respite from a labour intensive and demanding working environment that will enable them to better balance their work and family responsibilities. Workers will in fact be able to access an entitlement that in practical terms was denied them.

Another strong commitment to reform is pay equity and achieving equal remuneration for women. This commitment is shown by our participation and engagement within the equal remuneration test case brought by the Australian Services Union on behalf of workers in the social and community services sector currently before Fair Work Australia. The New South Wales Government has recently filed its contentions that reflect the Government's established position on closing the inequitable gender pay gap. They underscore the Government's commitment to an approach that can advance the principles of pay equity. Our contentions in the case promote the utility of the New South Wales equal remuneration and other conditions principle to assist Fair Work Australia's consideration of the evidence that comes before it in this important case. Significantly, New South Wales was the first jurisdiction in the nation to develop this sort of mechanism. Our submission provides insight into the broader dimensions and indicators of gender-based undervaluation, such as low unionisation, history of consent awards, and the increasing rates of women engaged in casual and part-time employment.

We have also amended the Building and Construction Industry Security of Payment Act to provide security of payment for subcontractor claimants, that is, those businesses at the bottom of the contractual chain that have the least cash flow and struggle to survive when they do not receive money owed to them for work undertaken. In an earlier time, most of those workers would have been day labourers. The bill establishes that a principal contractor can be required to retain sufficient money to cover the claim being made by the claimant against the respondent without requiring the subcontractor claimant to go through the courts under the Contractors Debt Act.

The Public Sector Employment and Management Amendment Act provided for amendments to the main employment legislation for the New South Wales Public Service. One amendment will remove the statutory bar prohibiting a public servant from challenging matters relating to either an appointment or indeed a failure to appoint to a public service position on discrimination or victimisation grounds. The amendment will only apply to future appointments. The amendment will ensure that an agency is not protected from a worker alleging discrimination or victimisation—they should have to justify their position. As is usual, those details have been ignored by the other side. The other side exploits and plunders; this side looks after workers!

### **CBD METRO**

**Ms GLADYS BEREJIKLIAN:** My question is directed to the Premier. Given the Auditor-General today found that most of the \$500 million wasted to date by Labor on the Rozelle Metro represents expenditure with no "future benefit to New South Wales", after 15 years of this type of waste and mismanagement, why should the people of New South Wales trust Labor with another four years of government?

**Ms KRISTINA KENEALLY:** Today's Auditor-General's report reveals that at least 96 per cent of trains, buses and ferries are running on time, which is a great result. The Auditor-General's report also found

that in 2009-10 State Transit operated an additional 21,979 services. This does not take into account the additional Metrobus services introduced since 30 June. The Auditor-General's report reveals that the new CityRail timetable introduced on 10 October has delivered faster, more frequent services on the Eastern Suburbs and Illawarra lines as well as service improvements on the south coast line, and I know that is welcomed by the members in those communities. The New South Wales Government, as the Auditor-General's report reveals, is delivering on-time running, additional services, more frequent and faster services. That is a good result and we welcome that.

In February, Cabinet made the difficult but right decision to stop work on the metro so that the money could be redirected into trains, into buses, and to growing the existing transport network. It was not an easy decision, but it was the right thing to do. As the Auditor-General's report shows today, the move has freed up more funding for buses, trains, bus corridors, and more rail infrastructure that reduces journey times, that improves services and that increases capacity on the public transport network.

### **PUBLIC HOUSING INITIATIVES**

**Ms TANYA GADIEL:** My question is addressed to the Minister for Housing. Would the Minister update the House on initiatives to assist the most vulnerable housing tenants?

**Mr Tony Stewart:** Point of order: Could I ask that the photographers desist from photographing members who are not participating in debate?

**The SPEAKER:** Order! Photographers are aware that they are to photograph only members speaking at the table.

**Mr Barry O'Farrell:** Photographers can't, but the cameras can. How stupid is that!

**The SPEAKER:** We will deal with the rules next week!

**Mr FRANK TERENZINI:** I thank the member for Parramatta for her excellent question. Only yesterday I was with the member for Parramatta to hand over the keys to the new Hope Hostel—a \$7.6 million facility that will be run by Parramatta Mission to make sure we look after homeless men. We have great things to celebrate, as Housing NSW will accomplish so much. I cannot imagine what it would be like to be unable to say at Christmas, "I have a place to call home". Because of this Government, 2,532 people will have a home for the first time this Christmas. Next year, it will be 10,000. The \$1.9 billion investment in the Nation Building—Economic Stimulus package is constructing 6,400 homes right across New South Wales to make sure we look after the needy and the vulnerable.

In addition, we are receiving awards for that process from the Australian Planning Institute, the Urban Development Institute of Australia, the Master Builders Association and the Housing Industry Association. Those awards have been given by independent bodies. Is it not funny that whenever we talk about homelessness, social housing and helping the needy we can see members opposite wriggling and squirming in their seats? They do not believe in any of that sort of thing. Members will not find any of these matters in their policy document.

**The SPEAKER:** Order! The member for Murrumbidgee will cease interjecting.

**Mr FRANK TERENZINI:** At Bonnyrigg and Minto there has been a \$1 billion investment to deliver 3,000 public and private homes to renew the estate. At the Gordon Estate in Dubbo and at Macquarie Fields this Government had to make tough decisions and renew those estates. There has been a \$230 million investment in upgrading 66,000 homes with smoke detectors and there has been a 60 per cent reduction in house fires, which means that we are saving lives. We are saving 2.5 billion litres of water every year as a result of reforms in Housing NSW.

For the first time in Australia, this Government announced a regional action plan right around New South Wales. We went to the non-government providers and asked them what the priorities were in their area. The member for Terrigal, the member for Murrumbidgee and the member for Upper Hunter benefited in their electorates from our ensuring that people had accommodation and services wrapped around them to make sure they do not fall back into homelessness. That is what this Government is all about. Every member in this House has benefited in their electorates from the homelessness action plans. Of course, members will not find any of this in the blue booklet. They will find nothing about people and homelessness or about helping them. For a group of people who believe in the trickle-down effect, the Opposition has nothing to say.

How interested are they in this topic? I have been a Minister since May and I have not had one question from any member over there. Not one question. No interest from anybody over there. I have been sitting here eagerly awaiting a question from members opposite and all they have been doing is making political hay by exploiting the unfortunate circumstances of others for their own political ends. Shame on every one of you! We will make sure that the people in the public gallery, everyone in this House and everyone in New South Wales knows that a vote for this Government is a vote to continue helping the vulnerable and the needy.

A vote for this Government is a vote for continuing to help people who are down and out. A vote for members sitting opposite would wipe all that away. There is nothing in their housing policy; they do not have a housing policy. There is nothing to help the needy. The only mention in their booklet is in the introductory paragraph relating it to the bottom line. The trickle-down effect is the principal members opposite espouse. The people of New South Wales have a clear choice—either continue the government services to help the vulnerable or vote for members opposite and see all that help wiped away. The people have a clear choice.

**The SPEAKER:** Before I call the member for Lake Macquarie I am going to place the member for Albury on a call to order. I cannot believe he did not interject during that answer!

### HUNTER WATER SUPPLIES

**Mr GREG PIPER:** My question without notice is directed to the Premier. Having rejected the Tillegra Dam as unjustified and having acknowledged the overwhelming community opposition to the proposal, can the Premier reassure interested communities that desalination is not the default fallback position and that she will establish a community water planning panel or similar body to consult the community on water security for the Hunter?

**Ms KRISTINA KENEALLY:** I thank the member for Lake Macquarie for his question. As he knows, on Sunday I visited the Hunter region to announce the Government's decision on the Tillegra Dam proposal. As I advised the House, this was a decision taken after an independent, robust merit assessment process and one that is perhaps the clearest demonstration ever of the independence and robustness of our major projects system and part 3A. It has led to the right outcome here. The cheapest option was examined thoroughly on its merits, was found lacking and was rejected. That gives the community certainty and we can say to the community that this option will not be revisited.

As I outlined to the House, of course we are returning the money that has been collected to Hunter Water customers and all buyback clauses are available to those who want to activate them. We will also grant a stamp duty exemption. On the issue of the future water supply in the Hunter, the merit assessment process showed that there is a need for a bulk water supply in the Hunter. With the NSW Office of Water we will now develop a Lower Hunter water plan that will be reviewed independently before it comes to Government, which will involve local water experts from the Hunter and representatives from the local Hunter community. This is a similar process to that used to put together the Sydney Metropolitan Water Plan. Options on the table such as water recycling and demand management and, yes, desalination will be an option on the table. However, there is no default option here. The options will be examined independently from Government and the NSW Office of Water will lead that work, as I said, with involvement directly from the local community as well as local water experts.

I again acknowledge the members from the Hunter region who have worked diligently to ensure their community's views were heard and understood. Those concerns about this proposal were examined on their merits through the independent process and they have now been put to rest given the Government's decision to reject this project. The other thing the community can be certain about is that there is only one side of politics in New South Wales that wants to continue a tax on Hunter Water families and users and that is the Liberals and Nationals. They want to continue collecting that tax and put the money into an unspecified infrastructure fund with an unspecified governance to fund unspecified projects. If they follow that prescription and establish that fund it will represent about \$1.7 million dollars a year.

However, this Government is already spending \$1.7 billion in the Hunter so not only is the Opposition promising to continue an unfair and possibly not legal tax, but also we would see a significant diminution of funds available to the Hunter for infrastructure. It is a confused plan and one that has best been described by the media in the Hunter as bizarre. Those are not my words; they are the words of ABC Newcastle and the Newcastle *Herald*. I think that sums it up. When it comes to the Opposition, their plans and policies are bizarre.

**GOVERNMENT LEGISLATIVE PROGRAM**

**Mr NINOS KHOSHABA:** My question is directed to the Premier. Will the Premier update the House on legislation passed this year?

**Ms KRISTINA KENEALLY:** I thank the member for Smithfield for his question. This year we passed 137 laws that will make real and practical differences to our families and communities—local health networks to deliver more beds, new police powers to tackle crime and protect the community, an increase in the number of national parks—

**Mr Adrian Piccoli:** Point of order—

**The SPEAKER:** Order! I will hear the member's point of order. However, if he is going to waste the time—

**Mr Adrian Piccoli:** Clearly this is a ministerial statement about the past year—

**The SPEAKER:** Order! The member for Murrumbidgee will resume his seat. The question and the answer are in order.

**Ms KRISTINA KENEALLY:** Other laws led to an increase in the number of national parks, protecting almost 9 per cent of the State. And, of course, we have led the nation on donation reform, the Parliamentary Budget Office and so much more. This is a fraction of what this Government has achieved over the past 15 years. Members opposite deeply hope that the families of New South Wales have forgotten what services were like 15 years ago. They are counting on it, but we have not forgotten. We have not forgotten that 15 years ago a child could struggle right through to primary school before anyone noticed that he or she had a hearing problem.

**Mr Adrian Piccoli:** Point of order: My point of order relates to relevance under Standing Order 129. The question that was asked related to laws that were passed last year. The Premier could not have been asked a clearer question than that. I ask you to bring the Premier back to the leave of the question.

**The SPEAKER:** Order! The member for Murrumbidgee will resume his seat. I have sought advice from the Clerk. The question is in order.

**Ms KRISTINA KENEALLY:** We began testing children at birth and getting them the help they need. That has changed thousands of young lives. We have not forgotten how 15 year ago we inherited a public school system that the Coalition had done its best to gut. Seventy schools were closed, 2,400 teachers were sacked and 50,000 parents and students demonstrated outside Parliament House. From that we have built a public education system that has the best literacy and numeracy results in the nation. We have not forgotten that 15 years ago this State had six consecutive budget deficits and net debt of \$12 billion.

**Mr Chris Hartcher:** Point of order—

**The SPEAKER:** Order! Does the member for Terrigal wish to take a new point of order?

**Mr Chris Hartcher:** I do.

**The SPEAKER:** I will hear the member's point of order.

**Mr Chris Hartcher:** I draw your attention to—

**The SPEAKER:** Order! The member for Terrigal will state his point of order.

**Mr Chris Hartcher:** The question was—

**The SPEAKER:** Order! I ask that the clock be stopped. The member for Terrigal will state his point of order.

**Mr Chris Hartcher:** My point of order relates to relevance under Standing Order 129. The question that was asked referred to the achievements of this Government over the past year. The Premier is talking about events that occurred 15 years ago.

**The SPEAKER:** Order! I will hear further from the Premier. I have sought advice in relation to the question and it is in order. The member was entitled to ask that question.

**Mr Adrian Piccoli:** We did not say that the question was not in order.

**The SPEAKER:** Order! The Premier's response is relevant to the question asked. I ask that the clock be started. The Premier has the call.

**Ms KRISTINA KENEALLY:** From that weak economic position we inherited in 1995 we have developed into being the economic powerhouse of the nation. This year, with our triple-A rating secured, we delivered seven consecutive quarters of economic growth through the period of the global financial crisis. We have not forgotten that 15 years ago caring for a family member with a disability was considered to be a private problem. Under Stronger Together it is now a public endeavour. We have not forgotten that 15 years ago we inherited 30 closed or downgraded hospitals and a country health system that had seen an exodus of doctors.

**The SPEAKER:** Order! Members on both sides of the House will cease interjecting.

**Ms KRISTINA KENEALLY:** From those ashes we built a health system that is leading the nation in elective surgery and emergency waiting times.

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

**Ms KRISTINA KENEALLY:** We have secured \$6.6 billion in new funding for the New South Wales health system and 488 new beds. Incredibly, those opposite will not commit to this, just as they will not commit to the western express line or to MyZone. We have not forgotten that they sacked 8,000 railway workers. From that decimated rail network we built a rail system that now has 96 per cent on-time running.

**The SPEAKER:** Order! Members will cease interjecting.

**Ms KRISTINA KENEALLY:** This gets to the nub of the choice that is coming. As always, it will be a choice between a government for the many or a government for the few. We are a Government for the many. One thing that the people of New South Wales will never tolerate is a government pretending to be something that it is not. That is what we have from the Leader of the Opposition. He is pretending to be a battler for those who are living in the western suburbs. But in his bottom drawer are plans to axe the western express, sell Sydney Water, and privatise public transport.

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

**Ms KRISTINA KENEALLY:** The Leader of the Opposition, who purports to support individual choice and the rights of parents, voted against the right of parents in New South Wales to obtain information about schools and ethics classes on the MySchool website, which says it all.

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

**Ms KRISTINA KENEALLY:** Opposition members have betrayed the best Liberal principles of freedom of choice because they are the party of the few. The community has not forgotten that the Leader of the Opposition, his parliamentary team and his candidates supported WorkChoices. It is in their DNA. They can say that they have changed, they can say that they stand for families and they can pretend that they will not slash services, sell schools and close hospitals. But these students of the Greiner years simply cannot help themselves. The people of New South Wales are smart and they always figure it out. Opposition members can pretend that they have changed but we know that they have not.

**Question time concluded at 3.15 p.m.**

## **COLLATERALISED DEBT OBLIGATIONS**

### **Personal Explanation**

**Mr MIKE BAIRD,** by leave: I wish to make a personal explanation.

**The SPEAKER:** Order! Government members will come to order.

**Mr MIKE BAIRD:** This afternoon in the other House the Treasurer, in his usual form, attacked my character and raised points relating to my involvement with collateralised debt obligations [CDOs]. In the speech to which he referred I was quoting someone else.

**The SPEAKER:** Order! A personal explanation is an appropriate forum to set the record straight.

**Mr MIKE BAIRD:** I was condemning CDOs. I have never sold or been involved with CDOs. If this is what this State Labor Government is about nothing has changed. Old Labor lies—

**The SPEAKER:** Order! The member for Manly will resume his seat. I call the member for Bathurst to order for the fifteenth time!

## **BUSINESS OF THE HOUSE**

### **Days and Hours of Sitting**

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [3.14 p.m.], on behalf of Ms Kristina Keneally: For the information of members I lay upon the table the suggested sitting dates for 2011. Whilst I recognise that it is the right of the next Parliament to set its own sitting dates, these dates are provided to enable members to initiate plans for 2011.

## **JOINT STANDING COMMITTEE ON ROAD SAFETY**

### **Report**

**Mr Geoff Corrigan**, as Chair, tabled the report of the Joint Standing Committee on Road Safety entitled "Vulnerable Road Users—Inquiry into Motorcycle and Bicycle Safety", dated December 2010, along with associated transcripts of proceedings.

**Report ordered to be printed on motion by Mr Geoff Corrigan.**

## **PUBLIC ACCOUNTS COMMITTEE**

### **Report**

**Mr Paul Gibson**, as Chair, tabled the report of the Public Accounts Committee entitled "Seventh Report on the Examination of the Auditor-General's Performance Audits: Sustaining Native Forest Operations; Grants Administration; Tackling Cancer with Radiotherapy; Helping Aboriginal Defendants through MERIT."

**Ordered to be printed on motion by Mr Paul Gibson.**

## **JOINT STANDING COMMITTEE ON THE OFFICE OF THE VALUER GENERAL**

### **Reports**

**Ms Marie Andrews**, as Chair, tabled the following reports:

- (1) Report on the Seventh General Meeting with the Valuer General; and
- (2) Report on the Inquiry into the provisions of the Valuation of Land Act 1916.

**Ordered to be printed on motion by Ms Marie Andrews.**

## **JOINT STANDING COMMITTEE ON ELECTORAL MATTERS**

### **Report**

**Mr Robert Furolo**, as Chair, tabled the report entitled, "Public Funding of Local Government Election Campaigns", dated December 2010.

**Ordered to be printed on motion by Mr Robert Furolo.**

**LEGISLATION REVIEW COMMITTEE****Reports**

**Mr Allan Shearan**, as Chair, tabled the following reports:

- (1) Legislation Review Digest No. 18 of 2010, together with minute extracts from digests Nos 17 and 18, dated 2 December 2010; and
- (2) Report on Public Interest and the Rule of Law—Report on the Responses to the Discussion Paper.

**Reports ordered to be printed on motion by Mr Allan Shearan.**

**PETITIONS**

**The Clerk announced that the following petitions signed by fewer 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**.

**Warriewood Redevelopment Conception Plan**

Petition opposing the current redevelopment conception plan and stage 1 project application at 14-18 Boondah Road, 23-27 Warriewood Road and Macpherson Street Warriewood under part 3A of the Environmental Planning and Assessment Act 1979, received from **Mr Rob Stokes**.

**Currawong State Heritage Register Listing**

Petition requesting that the entire Currawong site be listed on the State Heritage Register before being considered for redevelopment, received from **Mr Rob Stokes**.

**Mental Health Services**

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

**The Clerk announced that the following petitions signed by more 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**.

**Religious Education and School Ethics Classes**

Petition opposing the proposed ethics classes and requesting continuation of the scripture classes, received from **Mr Adrian Piccoli**.

**Burrill Lake**

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

**Pet Shops**

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

**Princes Highway Upgrade**

Petition requesting improved options for the re-alignment and upgrade of the Princes Highway, Berry, proposed by the Roads and Traffic Authority, received **Mr Matt Brown**.

### **Pacific Highway Upgrade**

Petition requesting funding for the upgrade of the Pacific Highway to complete unfinished sectors between Port Macquarie and Ballina, and to reduce the speed limit to allow right-hand turns onto or off the Pacific Highway between Links Road, Nambucca Heads, and Burkes Road, Valla, received from **Mr Andrew Fraser**.

### **Oxford Street Traffic Arrangements**

Petition requesting the removal of the clearway and introduction of a 40 kilometres per hour speed limit in Oxford Street, received from **Ms Clover Moore**.

**The Clerk announced that the following Ministers had lodged responses to petitions signed by more than 500 persons:**

The Hon. Carmel Tebbutt—Wagga Wagga Base Hospital—lodged 27 and 29 October 2010, and 9, 10, 11, 12, 23 and 26 November 2010 (Mr Daryl Maguire).

The Hon. Carmel Tebbutt—Mona Vale Hospital Maternity Unit—lodged 21, 27 and 28 October 2010 (Mr Rob Stokes).

The Hon. Frank Sartor—Burrill Lake—lodged 11 November 2010 (Mrs Shelley Hancock).

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing Orders: Routine of Business**

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [3.21 p.m.]: I move:

That standing orders be suspended:

- (1) At this sitting to permit:
  - (a) The moving of a motion "That the House take note of Christmas felicitations" prior to the commencement of private members' statements with the following speaking time limits:
    - (i) Leader of the House—10 minutes;
    - (ii) Leader of the Opposition—10 minutes;
    - (iii) Leader of The Nationals—5 minutes;
    - (iv) Member for Bathurst—5 minutes;
    - (v) Member for Wagga Wagga—5 minutes;
    - (vi) Member for East Hills—5 minutes; and
    - (vii) Member for Lismore—5 minutes.
  - (b) Private members' statements to be made at the conclusion of Christmas felicitations.
- (2) On Friday 3 December 2010 to provide for the following routine of business:
  - (a) General business notices of motions (for bills), including the notice given this day by the member for Sydney;
  - (b) Valedictory speeches at the conclusion of general business notices of motions (for bills);
  - (c) Consideration of committee reports at the conclusion of valedictory speeches;
  - (d) Private members' statements at the conclusion of the consideration of committee reports; and
  - (e) The House to adjourn without motion moved at the conclusion of private members' statements.

**Mr ADRIAN PICCOLI** (Murrumbidgee—Deputy Leader of The Nationals) [3.22 p.m.]: It is not for me to get in the way of parliamentary process, as dysfunctional as it is under this Government, but this is



probably the final opportunity I will have to speak on a motion to suspend standing orders in the life of this Parliament. Therefore, I sum up this Government in one sentence: never in the field of public service have so many been paid so much to do so little.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [3.23 p.m.], in reply: The motion was to suspend standing orders, it was not for seasonal felicitations. I take note of what the member for Murrumbidgee said, but as the Premier indicated today in answer to a question, the Government is very proud of the number of bills it has been able to put through this Parliament. The member for Murrumbidgee has been here long enough to know that in previous years, sittings have continued until the early hours of the morning trying to get legislation through. We have completed all of the legislation, despite the Government's lengthy legislative program. We have managed to provide everyone with time to debate the bills. In the spirit of seasonal felicitations and Christmas cheer, I thank the Opposition leader of the House and the Opposition Whip and Deputy Opposition Whip for their cooperation in getting through government business. I hope I have not damned them with too much praise.

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

**Motion agreed.**

### **CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**

#### **Election Funding Reform**

**Ms TANYA GADIEL** (Parramatta) [3.24 p.m.]: This Government is responsible for the biggest changes to election funding—

**Mr Chris Hartcher:** Point of order: The motion the member for Parramatta seeks to be accorded priority conflicts with Standing Order 154, which allows the Speaker to disallow any motion the substance of which has already been debated by this House. Last week the member for Macquarie Fields moved a motion that was almost identical in format and wording, and called upon the Opposition "to comply with the spirit of the incoming election funding laws." The motion that the member for Parramatta seeks to be accorded priority also asks the State Opposition to comply with the spirit of the incoming donations laws. It violates both the intent and purpose of Standing Order 154, which is to prevent the House debating the same motion over and over again and, therefore, is out of order.

**Mr John Aquilina:** To the point of order: Whilst the subject matter of the motion seeking to be accorded priority has been debated previously, its substance has not. The motion for which the member for Parramatta seeks priority is a motion that has never been debated in this House. Therefore, there is no point of order.

**The SPEAKER:** Order! I have received advice from the Clerk. The substance of the matter is sufficiently different. I rule it in order.

**Ms TANYA GADIEL:** Opposition members might have something to hide. This Government is responsible for the biggest changes to election funding in a generation. This Government responded decisively to community concerns regarding electoral funding and to recommendations in the recent report of the Joint Standing Committee on Electoral Matters. We brought legislation before the House to introduce caps on political donations and electoral expenditure as part of the fundamental changes to election funding laws. We made sure that New South Wales was the first State to cap political donations and expenditure. We made sure that New South Wales led the way. We have built on the Labor traditions of reform to ensure clarity, transparency and accountability within decisions.

I shall go over that record. We strengthened donation disclosure provisions and changed the way donations are handled. We banned donations of any kind from development companies. We brought new independence to planning decisions through the Planning Assessment Commission and joint regional planning panels. We brought new levels of declaration of interest and of freedom of information to government decisions. We then turned to another aspect of political reform: electoral funding. This issue is not just peculiar to New South Wales; it is across the country and, indeed, across the democratic world. Governments around the world have been seeking to get the balance right between giving people their legitimate right to support parties or candidates in whom they believe while at the same time giving the community confidence that supporting a

cause does not mean gaining special access. That issue is more important than the reputation of any particular party or the fate of any election. Nothing can be more important than discussing in this place today reforms that will lead to greater accountability in our Parliament. For that reason I urge all members to support my motion.

### Government Performance

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [3.28 p.m.]: My motion should have priority because the people of this State need to understand that unless there is a change of government, nothing will change in this State. I listened with great interest to the Premier's final whimper in question time today and waited to hear what Labor had done after 15½ years in office with the 13,000 children who come out of primary school each year struggling to meet basic literacy, numeracy and writing standards.

I have been waiting for the Premier to talk about the one in five students in year 9 who are struggling to meet basic standards—not the heights of the standards that we should expect in this day and age, but the basic standards. I have been waiting for the Premier to talk about the 27 social welfare groups ranging from Uniting Care and Burnside all the way through to Youth Off the Streets, which is the organisation that the member for Bankstown will be joining, and Marist Youth Services to tell us what the Government will finally do about fixing the Department of Community Services [DOCS] system, ensuring that we have enough caseworkers, and ensuring that people who have caseworkers are monitored to prevent people from dying in their homes from neglect.

I was waiting to hear the Premier talk about what the Government will finally do with the \$250,000 Labor received from Ron Medich, who is before the courts. Labor has put that money in escrow and simply is not prepared to give it back or give it to charity. Do we hear anything about those matters? No! That is the best evidence that nothing changes and nothing will change in this State unless there is a change of government. That is why my motion is urgent and should be given priority.

For this entire week the Premier has ignored the problems that exist across the State. I put it to the Government that if the problems are not acknowledged, how can we ever fix the State? If Government members do not acknowledge that in our hospital system we have the longest waiting times in the nation for surgery or that over the past three years, while Victoria recorded 24,000 additional operations, 3,000 fewer operations were performed in New South Wales. If they refuse to acknowledge the issues while pretending that all is well, patients in our hospitals will not receive the best service and people throughout the State have no hope of receiving the improvements that they deserve.

When the Government was asked a question by the Leader of The Nationals about the ongoing traffic congestion in Sydney, no attempt was made to address that issue. The Government simply ignored the issue completely. There is no hope of change for people who each day are stranded on the M7, the M2, the M5 and the M4. They can look forward to more of the same if the Government is re-elected. After more than 15 years of promising improvements to roads and after more than 15 years of promises and assuming office on the basis of improved public transport, as the member for Willoughby announced last week, 2.3 million fewer people used trains last year and that followed the smallest of all increases in public transporter patronage in 2008. Nothing changes, except who is the Premier, and the words out of the mouths of Government members. Nothing changes to increase the hope of people in New South Wales.

This is a Premier and Government that are obsessed with themselves. The Premier particularly is obsessed with herself and with the rich and famous. This week it was Bono and last weekend it was Becks. The Premier should not be a Beckham fan. She should be supporting Arsenal because she is the greatest gunna in this House: she is going to enable more surgery to be done, she is going to increase the number of hospital beds, she is going to improve reading, she is going to improve roads, she is going to improve public transport, she is going to improve the Department of Community Services [DOCS], and she is going to improve school buildings—but only if the Government is given one more term. Fifteen years of a Labor Government and it has not delivered on its promises.

In 1998 New South Wales was presented with the most comprehensive transport plan ever presented, but not for the future of the State. It was for the future of the Labor Party. It was all about the March 1999 election campaign. That has set the pattern: make promises before the election, pretend before the election that all is well but more could be done and promise improvements. But if the Government does that, nothing will happen at all. If the Government does not admit there is a problem, there can be no improvement. The

Government must understand that it is not all about Labor, it is not all about Government members in this House, it is not about Macquarie Street. It is about Lake Macquarie, Macquarie Fields and the Macquarie district. It is about the community of this State.

Members of the Opposition understand that we need real change. We want to increase opportunities by restoring economic growth. We want to improve quality of life by providing the infrastructure and improving services. We want to relieve the pressure of the cost of living by better managing utilities. We want to give people greater control over their lives by, for example, returning local planning powers to communities. We want the people of New South Wales to have a Government of which they can be proud—a Government that raises standards, a Government that is honest, open and accountable and focused on their needs.

*[Interruption]*

**The SPEAKER:** Order! Members will cease applauding.

**Mr Richard Amery:** Point of order: I think the cameras missed that. Could we have it again?

*[Interruption]*

**The SPEAKER:** Order! Members will resume their seats. That is one of the worst points of order I have ever heard!

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

**The House divided.**

**Ayes, 48**

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

**Noes, 38**

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

**Question resolved in the affirmative.**

**ELECTION FUNDING REFORM****Motion Accorded Priority**

**Ms TANYA GADIEL** (Parramatta) [3.45 p.m.]: I move:

That this House:

- (1) congratulates the Government for undertaking the biggest reforms to campaign finance in a generation, and
- (2) calls on the Leader of the Opposition to comply with the spirit of incoming laws and release full documentation of recent fundraisers.

I note that during the division the member for Port Stephens was holding up a Bundaberg Rum flag. I sincerely hope that that is not the shape of things to come should the Coalition assume the Government benches: This division was proudly brought to you by Bundaberg Rum.

**Mr Thomas George:** Point of order: I note that someone took a photograph in the House, too.

**Ms TANYA GADIEL:** That is right—I have the evidence. The Government stands proudly, presenting the greatest changes to election funding in decades. We must always be searching for ways to strengthen our Parliament. We have sought the balance between giving people their legitimate right to support parties or candidates they believe in and giving the community confidence that this support does not unduly influence their representatives. This goes to the heart of a community's confidence that when decisions are made, whether or not they are popular, they are made for the right reasons and on the right evidence. That being said, we should be proud that this Parliament has passed laws capping political donations and banning donations from certain sectors, such as tobacco companies. We should be proud that the Government has addressed the issue of campaign finance proactively and decisively.

On the other hand, the Coalition, at both State and Federal levels, does not have a good track record when it comes to campaign finance. In 2006 the Howard Government raised the disclosure threshold from \$1,500 to \$10,000. That enabled companies to donate \$10,000 to a party without having to declare it. Frankly, if the Leader of the Opposition is so against corporate donations why does he continue to accept them? Why does he not take a principled stand and draw a line in the sand on this issue? Instead of getting behind the spirit of incoming donation laws, the Leader of the Opposition and his party are blatantly flouting them. Frankly, the behaviour of the New South Wales Liberals is totally unacceptable.

Last week we saw reports of a \$10,000-a-head fundraiser held at the Point Piper home of banker John Symond. The icing on the cake was the fact that even Mr Symond was visibly uncomfortable about holding the fundraiser, claiming that he backs the incoming laws. Even the Leader of the Opposition's host was uncomfortable with his approach. It was the second time in a matter of weeks that News Limited media has reported that the New South Wales Liberals are rushing to hold fundraisers to beat the deadline of 1 January. The Liberals are desperate to collect political donations before they are capped on 1 January. Frankly, in this transitional period between the old system and the new reforms passed by the Parliament—between the laws being assented to and the caps coming into force—one would expect the Liberals to show restraint.

One would expect the Coalition to abide by the spirit of these major reforms prior to the 1 January start date. We recognise that some functions may have been planned months ago and cannot be cancelled. But the actions of the New South Wales Liberals in hosting fundraisers almost daily to beat the 1 January deadline do not pass the commonsense test. The Liberals try to find any excuse to resist campaign finance reform because they are simply addicted to donations. Now they have been caught out trying to have one last hit before being cut off. They simply cannot bring themselves to turn off the tap. While the Liberal Party is holding fundraisers in Point Piper for the measly sum of \$10,000 a head, that pales in comparison to what The Nationals are doing.

The Nationals are offering \$50,000 platinum access packages. I note that no Nationals members are in the Chamber. They probably ran away to hide because they knew that this would be highlighted. A glossy brochure from The Nationals entitled "National Engagement 2011: Vision/Dialogue/Growth" is offering \$50,000 pre-sale access packages for 2011. That is right. It will be illegal to pay \$50,000 for access to Coalition members in 2011 so instead The Nationals are telling people to buy now and get access later. As the Premier said, it is cash for access New South Wales Liberals-Nationals style. They will exploit any loophole to get every

last dollar out of Sydney's elite. The overwhelming image is of people being shipped into these fundraising functions and being picked up by their ankles and shaken to get every last dollar out of them. That is what The Nationals are onto.

[*Interruption*]

I notice the member for Hawkesbury does that very well; he has had good practice. He is a strapping lad and knows exactly how to hold them up by their ankles and shake the money out of them. The Coalition has demonstrated that it will exploit any loophole in order to get every last dollar from Sydney's elite. The New South Wales Coalition, as it always does, is representing the few. It is the party of Point Piper. The most disgraceful part of the flimsy excuse that those opposite used to try to justify their fundraising drive is, "It is not illegal—yet!" Give me chastity, but just not yet! These are the biggest changes to election campaign financing in a generation. But rather than embrace reforms supported by the people of New South Wales, the Liberals are embracing big donors and big money.

**Mr CHRIS HARTCHER** (Terrigal) [3.52 p.m.]: Madam Acting-Speaker [Ms Diane Beamer], any thoughts I had of taking a point of order on the member for Parramatta were ruled out by your excellent valedictory speech last night. The old charm comes out! I move:

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

this House:

- (1) notes the 22 Labor affiliated unions are effectively exempt from donation laws as they are each allowed to expend \$1.05 million on election campaigns; and
- (2) calls upon the Government to extend its donation reform laws to the trade unions and prohibit unions from donating, as they have prohibited developers and the liquor and tobacco industries.

The great flaw and the hole in Labor's attempts to paint itself as the party of anti-influence through donations is the trade union movement. The Australian Labor Party reaped millions and millions in developer donations. In 2007 Eric Roozendaal proudly announced in the *Sydney Morning Herald* that he netted \$16.3 million when he was General Secretary of the New South Wales branch of the Australian Labor Party. That money came not from widows and orphans but from the massive developer industry that Labor cornered and milked like a herd of dairy cows. Labor has now moved away from developer donations. But it has not reimbursed the community the \$260,000 that Ron Medich gave to the party. The Labor Party is still refusing to return that \$260,000 to the community. Ron Medich is innocent until proven guilty, but a stench hangs over the developer industry that is tragically exemplified by Mr Medich. If Labor were genuine, it would return the Medich money now.

But a bigger issue is the millions of dollars that flow to the Australian Labor Party through the 22 affiliated unions through affiliation fees and direct donations at election time. If the Premier were genuine she would have done something about that. When Morris Iemma was Premier he repeatedly told the House that he was going to reform the donation laws. He was asked on a number of occasions whether he would include trade unions, and each time he said, "Yes". It is in *Hansard*. Morris Iemma was a good man, a wonderful man, an honest man—and he paid the price for his honesty. He was too good for Labor.

**Mr David Harris:** The unions got him—those unions that you say love us so much!

**Mr CHRIS HARTCHER:** I place on *Hansard* the very pertinent remark by the member for Wyong that he was got by the unions. Morris was got by the unions! Nathan was also got—but let us not go into how that happened. Morris Iemma repeatedly said in this House that unions would be included in donation reform. Premier Keneally has not been prepared to honour that undertaking. She has introduced Clayton's donation reforms because she has allowed her biggest single source of donations, the trade union movement, to pour in money. Last Sunday there was the sorry sight of the Premier making it a choice between her and Bernie Riordan, President of the New South Wales Labor Party, because the Electrical Trades Union dared to suggest that it would not continue its generous support for the Australian Labor Party—support that is consistent with the laws but inconsistent with the spirit of preventing influence over government through donations.

The whole idea of donations reform law is to prevent anyone from being able to exercise undue influence over government. The speech of the member for Parramatta was most interesting—and I thank her for it—because she implied that the Coalition will be in government in 2011. She said that people were paying cash for access—and she used that term many times. Why would they want access to the Opposition in 2011? The

member for Parramatta implied that people are paying cash for access to what they think—as apparently she does—will be a Coalition Government in 2011. No-one will have undue, improper or unfair influence over a Coalition Government, should one be elected in March 2011. The only people we will govern for are the people of New South Wales. We will govern for the member for Drummoyne as much as we govern for the member for Pittwater.

**Ms Angela D'Amore:** Good. I will be coming to you with my list of demands.

**Mr CHRIS HARTCHER:** The member for Drummoyne says that she will come and see me. She is most welcome to do that because, like every other constituent, she will be treated fairly and justly. Madam Acting-Speaker, in your famous words—which were quoted so many times in the *Sydney Morning Herald* and before the Independent Commission Against Corruption—"Joe, I will judge it on its merits." Every application before a Coalition Government will be judged on its merits. It will not be judged according to influence, money or cash donations. Union members have extraordinary influence over Labor. The President of the Electrical Trades Union [ETU], Jim MacFadyen, was also the Mayor of Gosford.

He said publicly—I am not repeating a private conversation—"When I used to try to get onto Frank Sartor when he was planning Minister and I would ring him and say it was the Mayor of Gosford, I could never get through. When I finally stopped doing that and rang him and said it was the President of the Electrical Trades Union on the phone, the call was taken." His call went straight through. Gosford, with 200,000 people, meant nothing compared with a trade union with 26,000 members because the trade union had money, votes and influence. The people of Gosford were nothing compared with the ETU. That has been the hallmark of government administration for the past 15 years. Madam Acting-Speaker, I congratulate you once again on your retirement. I commend the amendment to the House.

**Mr ROBERT FUROLO** (Lakemba) [3.59 p.m.]: Madam Acting-Speaker [Ms Diane Beamer], it is appropriate that you are in the Chair for this debate given your contribution to the Joint Standing Committee on Electoral Matters and your support for a number of the reforms that have been introduced in New South Wales. I am proud of the reforms of this Government in regard to election funding and donation rules. I think the community and Parliament understand that these reforms represent a significant change from business as usual. They also accept that in the past there was a community perception that decisions had been influenced by donations. It is clear that these reforms have been working very effectively to reduce the potential for donations to be seen as influencing decision-making. That is why these reforms should be embraced by all sides of Parliament. They respond to the community's concerns.

I think it is a shame that those opposite have decided that the transition period between the existing rules and the new rules is an opportunity for them to rattle the pan in front of their business colleagues and friends at the big end of town and ask them for as much money as possible. That will continue the perception that access is available to those who are prepared to pay large sums of money. The purpose of the reform of donation rules, caps on expenditure, caps on donations and increases in public funding is to remove the nexus in the community's mind between donations and decision-making. As I said, it is unfortunate that those opposite see this time as an opportunity to go out and raise as much money as possible.

It is no coincidence that today I tabled the latest report of the Joint Standing Committee on Electoral Matters dealing with public funding of local government elections. The report is the result of an exhaustive examination of the issues around donations and decision-making. One of the key observations of the inquiry and report was that even at a local government level it is very important to break the perceived nexus between donations and decision-making. The Independent Commission Against Corruption was clear about its support for the introduction of caps on donations, caps on expenditure and public funding for local government, just as it was when the committee inquired into State elections. It seems that, despite the evidence of the Independent Commission Against Corruption, despite the overwhelming evidence in the reports of the Joint Standing Committee on Electoral Matters—regarding both State and local governments—despite the community's concerns about the perception of influence through donations, and despite all the protestations from those opposite about donations to the Labor Party, the Opposition is prepared to go out and raise as much money as possible. I think that is outrageous. It is a shame, and it shows gross hypocrisy on the part of the Opposition.

We have a new system of election funding and donations in New South Wales, which has been developed after a long period of consultation, significant inquiries and great work by the Joint Standing Committee on Electoral Matters. The new system will improve the perception of integrity in decision-making. It is a shame that those opposite are trying to use this time to undermine the intentions of the reforms. One of the

tenets of the new reforms is a significant increase in public funding. The intention behind that increase in public funding is to reduce the demand for donations. It is unfortunate that the Liberal Party and The Nationals want to have their cake and eat it too. They will go out and raise as much money as they can before the new rules come in and, after the new rules have been introduced, they will put their hands in the pocket of the taxpayer and say, "We want you to fund our election campaigns as well." That is a shame. The motion before the House should have our support. It is a shame that the Liberal Party and The Nationals are trying to raise as much money as they can at this time, in defiance of the spirit of the legislation that has been passed. I think the community will judge them harshly for their actions.

**Mr RAY WILLIAMS** (Hawkesbury) [4.04 p.m.]: I take this opportunity to congratulate you, Madam Acting-Speaker [Ms Diane Beamer], and wish you all the best in retirement. I speak to the amendment. It shocks me to have to back up this week and speak again about donations. The New South Wales Labor Government has been built upon a development-for-deals culture. That was very much its stock in trade: if you wanted to get a development approved, all you had to do was donate to the Labor Party. That was probably a turning point in the term of this government. The people of New South Wales will probably never forget the images of the member for Wollongong during the Wollongong scandal, when people gathered each day around the table of knowledge to plan donations to the local member, council, the Labor Party and Sussex Street in order to get developments through council. There was development for sexual favours, the phone call with the member of Wollongong—who will ever forget that phone call!

**Ms Angela D'Amore:** Point of order: I refer to relevance. The member for Hawkesbury should be drawn back to the substance of the motion.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! I am certain the member for Hawkesbury will return to the leave of the motion or the amendment.

**Mr RAY WILLIAMS:** I am pretty sure the motion is about donations and the donations culture. I thought I was just laying the ground rules. It is pertinent to point out what happened because I think it was a turning point in the term of this government. The people of New South Wales saw the grubbiness and realised that there was a stench surrounding the Government created by the donations-for-development culture. The member for Wollongong spent many hours around the table of knowledge in Wollongong. I do not know whether it did her any good. I do not know whether she improved her IQ. I think the member for Wollongong could be on an internal drip from the *Encyclopaedia Britannica* and it would not improve her IQ—

**Ms Tanya Gadiel:** Point of order: That personal reflection on a member of Parliament is completely out of order and the member for Hawkesbury knows it. He should withdraw.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! The member for Hawkesbury has been asked to withdraw his comments.

**Mr RAY WILLIAMS:** I will not withdraw. Turning to the amendment, it points out that the Government will not stop donations from the 23 unions affiliated to the Australian Labor Party. That is what we have called for; that is what we have pushed for. We have worked very effectively throughout this term until we have shamed the Government into introducing what it believes are reforms. Scandals have plagued the Government during this term. Hundreds of thousands of dollars is gifted to the 23 affiliated unions of New South Wales by the Government. The Labor Party funds its campaigns by giving public funding to those unions by way of educational grants—under whatever guise. Many hundreds of thousands of dollars in government donations to the unions are returned not to the people of New South Wales or to the New South Wales Government, but to the Australian Labor Party and to Sussex Street.

Consider the facts. Between 2002 and 2008 the New South Wales Government gave \$750,000 in grants to the Transport Workers Union. Amazingly, during the same period \$750,000 was gifted to the Australian Labor Party. That is factual information; it has been proven. It is an absolute fact; it has never been discredited. Public funding of Australian Labor Party campaigns has been going on for years because the unions fund its campaigns. The unions fund Labor's campaigns because the New South Wales Government gives the unions so many hundreds of thousands of dollars from New South Wales taxpayers.

I will read again from New South Wales Labor's Business Dialogue, which outlines the packages that people can receive if they would like to donate to the Labor Party and spend time with the Premier. There is a premium package of \$110,000, or you can be an event partner for \$60,000. You can be a business partner for \$37,000; an associate partner for \$22,000; or, right down the bottom, an executive partner at the bargain

basement price of just over \$13,000. They are all donations to this grubby Labor Government—the worst government ever in the history of this country. A stench surrounds it, and it will surround Labor for years and years to come. The New South Wales Liberals will gladly clean up after 26 March next year.

**Ms TANYA GADIEL** (Parramatta) [4.09 p.m.], in reply: I am so pleased that the speech of the member for Hawkesbury is over! There are a few issues that I have to address that were raised by both the member for Hawkesbury and the member for Terrigal. Their sensitivity about trade unions is obviously to be expected. We know that they are opposed to protecting workers and to workers having any kind of voice. We firmly believe, and the advice we had received was, it would have been unconstitutional— [*Quorum called for.*]

[*The bells having been rung and a quorum having formed, business resumed.*]

This is the typical union bashing we are used to hearing from the member for Terrigal and the member for Hawkesbury. They do not want to talk about that great shakedown, the \$10,000 a head functions at Aussie John Symond's house. Aussie John must have been saying "We'll save you" to the Liberal Party that night. Then, of course, he got worried the next day and said, "I support those reforms." That is because Aussie John is a fairly decent fellow. Let us talk about the \$50,000 platinum membership packages that the National Party is offering. When the Coalition was last in Government there was a revolving door at the Independent Commission Against Corruption. The white shoe brigade—

**Mr Ray Williams:** Point of order: I need to correct the record, Madam Acting-Speaker. The package for the Premier is actually \$110,000—

**ACTING-SPEAKER (Ms Diane Beamer):** Order! That is not a point of order. The member for Hawkesbury will resume his seat. The member for Hawkesbury should read the standing orders.

**Ms TANYA GADIEL:** The reality is that this is what happened under New South Wales Labor: Morris Iemma was the first Premier to talk about the need for donation reform. Then Nathan Rees banned developer contributions. Then Premier Keneally acted on this report. We have debated this matter today and asked Opposition members to put their views on record and to say how much money they have received in the last couple of weeks.

**Mr Ray Williams:** Lots.

**Ms TANYA GADIEL:** Thank you. The Opposition has received a lot of money. There are no surprises there when it is holding \$10,000 a head functions. The Opposition has refused to comply with the spirit of the legislation. There is a shakedown happening in Point Piper. They do not like us putting this matter on the record again because it is a very sensitive subject. It demonstrates how completely dodgy the Opposition is.

**Question—That the words stand—put.**

**The House divided.**

**Ayes, 48**

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



**Noes, 36**

Mr Aplin	Mr Hazzard	Mrs Skinner
Mr Ayres	Ms Hodgkinson	Mr Smith
Mr Baird	Mr Humphries	Mr Souris
Mr Baumann	Mr Merton	Mr Stokes
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 Dominello	Mr Page	Mr R. C. Williams
Mr Draper	Mr Piccoli	
Mr Fraser	Mr Piper	
Ms Goward	Mr Provest	<i>Tellers,</i>
Mrs Hancock	Mr Richardson	Mr George
Mr Hartcher	Mr Roberts	Mr Maguire

**Question resolved in the affirmative.**

**Amendment negatived.**

**Motion agreed to.**

**The SPEAKER:** Debate on the motion accorded priority having concluded, the House will now consider General Business Orders of the Day (for Bills).

**CHARTER OF BUDGET HONESTY AMENDMENT (INDEPENDENT ELECTION COSTINGS) BILL 2010**

**Agreement in Principle**

**Debate called on.**

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [4.23 p.m.]: I move:

That this debate be now adjourned.

**Question put.**

**The House divided.**

**Ayes, 48**

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

**Noes, 37**

Mr Aplin	Mr Hartcher	Mr Roberts
Mr Ayres	Mr Hazzard	Mrs Skinner
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Mr Baumann	Mr Humphries	Mr Souris
Ms Berejiklian	Mr Merton	Mr Stokes
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 Dominello	Mr Page	Mr R. C. Williams
Mr Draper	Mr Piccoli	
Mr Fraser	Mr Piper	<i>Tellers,</i>
Ms Goward	Mr Provest	Mr George
Mrs Hancock	Mr Richardson	Mr Maguire

**Question resolved in the affirmative.**

**Motion for adjournment of debate agreed to.**

**Debate adjourned and set down as an order of the day for a future day.**

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing Orders: Bills**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [4.29 p.m.]: I seek leave to move a motion to suspend standing orders to restore to its relative position on the *Business Paper* the lapsed order of the day for the University of Technology (Kuring-gai Campus) Bill.

**Leave not granted.**

**ACTING-SPEAKER (Ms Diane Beamer)**: Before I call on the next item of business, I wish to thank members for their behaviour during my term as an Acting-Speaker. I have served as an Acting-Speaker twice in the past eight years. By and large, members are well behaved. I have enjoyed it. Thank you very much.

**Mr Daryl Maguire**: Madam Acting-Speaker, you were very fair-minded in your rulings.

**ACTING-SPEAKER (Ms Diane Beamer)**: Thank you.

### **CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT (HOMELESSNESS REPORTING AGE) BILL 2010**

#### **Agreement in Principle**

**Debate resumed from 24 November 2010.**

**Mr STUART AYRES** (Penrith) [4.31 p.m.]: I shall make a brief contribution to the debate on the Children and Young Persons (Care and Protection) Amendment (Homelessness Reporting Age) Bill 2010. The object of the bill is:

... to amend the *Children and Young Persons (Care and Protection) Act 1998* to require the Director-General of the Department of Human Services to act on reports on the homelessness of young persons who are 16 years old and to enable such reports to be made without the consent of the young person concerned. At present, reports on the homelessness of young persons (namely 16 and 17-year-olds) may only be made with the consent of the young person and the Director-General is not required to act on any such report.

The member for Goulburn made the valid point in her agreement in principle speech that the law change last year relating to school attendance left many young homeless people in somewhat of a bureaucratic limbo, given that the link has been broken between the school leaving age and the responsibilities of parents and guardians, including the Minister for Community Services in the role of guardian, and the importance of stable housing for

young people. The amendments in this bill help to correct some of those changes. Youth homelessness is a serious issue across New South Wales. The Youth Accommodation Association has provided interesting data on this issue to many members in this place.

Youth homelessness is not isolated or focused in one region; it stretches across all of New South Wales. In 2006 the number of young homeless people aged 12 to 24 years in New South Wales totalled 7,672, representing 28 per cent of the State's homeless population. In the 12-year to 18-year age group, females outnumbered males 56 per cent to 54 per cent, not including the thousands of young people at risk of homelessness. The association expressed its view that homelessness is not just about rooflessness; it is also about missing a stable connection with family networks, friends, broader community groups, sporting clubs and areas where they find the love and support they so desperately need for a strong upbringing.

The majority of homeless young people are often categorised as secondary homeless. Many experience long periods of couch surfing and moving from house to house, with no stable environment in which to work. On Monday I hosted a mental health forum in the Penrith electorate. I thank the member for Barwon, Senator Marise Payne and Senator Concetta Fierravanti-Wells, who has Federal responsibilities for mental health, for attending the forum. A number of organisations also attended, particularly those that look after youth accommodation across the Penrith and Nepean regions. The link between mental health and youth homelessness came through clearly in our discussions. A number of organisations operate with Youth Accommodation Interagency Nepean. Tomorrow I am attending a meeting of that organisation to hear more about youth homelessness across western Sydney.

A leading advocate on youth homelessness is the Nepean Youth Accommodation Service [NYAS]. David Keegan, who is the chairman of that organisation, was at Monday's mental health forum and raised a number of issues. In its 2010 annual report the Nepean Youth Accommodation Service spoke about accommodating 395 young people and families from a total of 607 inquiries. However, for that service the biggest demand is for the crisis youth refuge, which accommodated only 89 young people from more than 316 inquiries across the Nepean region. Youth homelessness continues to be a major challenge, particularly in the Penrith electorate, where rental accommodation is extremely scarce. This pushes many people into homelessness because they are unable to get into any form of shared accommodation.

Some of the things that the Nepean Youth Accommodation Service has achieved over the past year and some of the programs it runs include a supported independent living program for young people who are leaving State care. This group of young people is one of the most disadvantaged in our community. Research shows that these young people often end up suffering from chronic mental health, drug abuse problems and homelessness. One by one, we are facilitating the successful transition to young adulthood through holistic case management, which includes education support and employment outcomes. Other areas where the Nepean Youth Accommodation Service has been able to work is targeting vulnerable teenage mothers and young families. It works with approximately 30 young families on any given day to support them when they face homelessness or rental crisis.

The Nepean Youth Accommodation Service responds to the challenge with a strong sense of enthusiasm, and is also working towards developing a head lease program, which is proving to be successful as an important strategy for keeping families together. Another fantastic initiative on which the Nepean Youth Accommodation Service has embarked is the Nepean Youth College, which is run from the Penrith Police and Community Citizens Youth Club. The college offers a second chance to young people who have dropped out of school. It is interesting that this bill targets that group of people who often leave school at an age when they might fall through the cracks. The college will enable those who have dropped out of school to undertake a program for their year 10 study or other accredited courses through TAFE.

More than ever we see that attaining a positive education outcome is linked to solving homelessness. Giving opportunities to people to obtain employment is important in recognising that there is no better welfare than a job. The Nepean Youth Accommodation Service also runs a crisis accommodation program. In respect of one of its individual cases, the service states in its annual report:

Stephen (17 years old) was accommodated at the youth refuge after spending most of his teenage years in different refuges. Stephen is illiterate, there are indications that he has a mental illness and his teeth are in a very poor condition.

Stephen had a couple of short stays at the refuge, leaving each time without a forwarding address. He was referred to our Dulkara service but did not stay long enough to go through the referral process.

He is that one person for whom we need to work just that little bit harder to see whether we can offer support. The Nepean Youth Accommodation Service is achieving excellent results. Across its client base, 21 per cent of its clients have found independent housing, 18 per cent have found their way into supported accommodation, 13 per cent have been returned to their families, 21 per cent have graduated from programs and only 8 per cent are falling into an unknown category, with 16 per cent going into other services. It is important to acknowledge the governance of the Nepean Youth Accommodation Service and the achievements of the board constituted by directors Siegfried Kunze, David Keegan, Michael Rosano, Gary Askwith, Cliff Foley, George Rabie—who is a very strong contributor to the local Penrith community—Carole Kelaher and Ken Buttrum, AM.

The bill that has been introduced by the member for Goulburn is excellent. It goes a long way to overcoming shortcomings that may have come about as a result of a change in the age at which students may leave school. I commend the member for Goulburn for introducing the bill. I commend the bill to the House.

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [4.40 p.m.]: I lead for the Government in debate on the Children and Young Persons (Care and Protection) Amendment (Homelessness Reporting Age) Bill 2010, which proposes to amend the Children and Young Persons (Care and Protection) Act 1998. On behalf of the Minister for Community Services, the Hon. Linda Burney, who is responsible for law and policy that is aimed at protecting each and every one of our children and our young people, I state for the record that the Minister takes a deep and personal interest in any issue affecting child protection in the State, including the impact of homelessness on young people.

The bill has been introduced as a private member's bill by the Opposition spokesperson, and the Minister thanks her for drawing attention to this most difficult issue. At some point many members are likely to come face to face with this issue in their own electorates. For some others, such as me, it is likely to be a frequent and at times a constant problem. However, all members would be aware that supporting young people who face multiple challenges and risks, which may include homelessness, is one of the most fraught areas of child protection. Very relevant to this debate is the fact that in addition to any one or more of the factors placing a young person at risk, young people are also likely to be struggling to understand and define themselves in relation to their environment and the world in which they live. Young people are more likely than younger children to understand the relationships between the challenges they face, their circumstances, those of their family and the people whose responsibility it is to care for them and keep them safe.

It is clear—and certainly the Opposition spokesperson attempted to set out some of these issues in her agreement in principle speech—that the myriad issues that may result in young people leaving home and remaining homeless for an extended period are many and complex. Without a doubt, family conflict, when it is present, is likely to be a trigger. Certainly abuse, neglect, violence, and mental illness affecting either the young person or their parent or guardian may also be a factor; so too poverty, social disadvantage, isolation and unemployment. All have the potential to heighten tensions within families and that may lead to a young person needing or feeling that they have no choice but to leave their home. There are no quick fixes to this issue. When I was a member of the Child Death Review Team, the team examined the mortality rates of children who are of a higher risk, and the words "enduring difficulty" come to mind—and that is a term applied in the reports.

During this debate, it is worth considering the intention of compulsory school attendance amendments to the Education Act that commenced in January this year. It is the implementation of those amendments that has spurred the Opposition spokesperson to, in turn, seek amendment of the child protection legislation. The Act does not set out to penalise parents who are trying their best to ensure that their child or young person satisfies a certain level of school attendance, nor the parents of a child who is living independently. The Act explicitly makes this a defence to prosecution. The Act seeks to address the issue of parents who are simply not prepared to make the effort. Whatever aspersions the Opposition spokesperson might wish to level at the Minister for Community Services regarding the Minister's responsibility for the parenting of many of the young people under her control, not caring—that is, failing to engage with, constantly seek and direct every resource available towards supporting young people, especially those in her care—should not be one of them.

The amendments to the care Act proposed by the Opposition spokesperson have a number of problems. I will address each in turn. First, the proposal flies in the face of the recommendation of the special commission of inquiry that statutory child protection services should focus on children and young people who are at risk of significant harm. That cannot be emphasised strongly enough. If a homeless young person is thought to be at risk of significant harm, the matter should be immediately directed to the helpline. However, forcing a statutory response, when there are no other risk issues and the young person does not want Community Services involved, is inappropriate, inefficient and almost certainly will be ineffective. What is certain is that such a response

would place greater pressure on the statutory child protection system. It would mean both an increase in reports coming through the helpline and an increase in reports going out to the field, thereby affecting community service centres and particularly the crisis response team that is responsible for after-hours matters. They are the very outcomes that the special commission of inquiry found needed correction and which the Keep Them Safe reforms have been correcting. This bill would undo that work.

The second and even more persuasive case against this bill focuses on the related issues of participation and consent by young people in decision-making about their lives. It is assumed that children and young people have the right to participate in decision-making about their lives in the context of the New South Wales child protection legislation. In the care Act, this right is enshrined in section 10, which outlines the principle of participation by the child or young person. Beyond the right to participation is that young people in particular should, and do, have both the ability and the right to consent to many of the actions that affect their lives. This is supported by longstanding child development research findings and accepted at law. For example, it is widely accepted that a child, and certainly a young person, may independently consent to medical treatment. This legal principle, which is enshrined in the High Court case *re Marion*, affirms that when a child or young person sufficiently understands what is being proposed, they are capable of giving informed consent to medical intervention. The care Act also recognises that principle in section 121. It is one of the sections that the bill seeks to amend.

Section 121 of the care Act facilitates the reporting of a young person, which is defined as a person between the ages of 16 and 18 years, who is homeless but only with the consent of that young person. Acting on a report involving a young person who is unwilling to participate is, quite frankly, pointless and indeed is likely only to further isolate that person from support services and those who may be able to assist them in the medium to longer term. Those who are in touch with young people understand that participation is the crucial element to successful engagement with all young people, particularly those who have neither the immediate nor the ongoing support of their family. Participation and consent are vital components in developing trusting relationships with services and the workers who are seeking to engage with and support the young person. It is those relationships that in the longer term will lead to improved engagement and better outcomes for the young person, including locating and maintaining suitable housing.

This Government is more than aware of the devastating impact that homelessness can have on anyone, but particularly on the life of a young person. Young people constitute the largest group among all homeless people. Given their age, life experience, life skills and lack of resources, that is hardly surprising. Through specialist homelessness services, the State and Commonwealth governments fund services for people who otherwise would be living on the streets. In New South Wales, 150 of those services are targeted to young people. Together with youth support services, family counselling services, specific services for young offenders, youth drug and alcohol services, and support services for victims of abuse, the Government seeks to be able to offer the range of services that a young person who is vulnerable and homeless might need to access.

While doing our best to support young people who enter homelessness services, New South Wales also has a strong early intervention strategy to ensure that as many young people as possible receive help before they become homeless or before they become entrenched in the cycle of homelessness. The New South Wales Government's Keep Them Safe action plan to improve child wellbeing has a number of actions that improve services for vulnerable young people and aim to prevent the disengagement from family and community that leads to homelessness. Under Keep Them Safe, the Government has committed to examining the current evidence base and establishing an early intervention program for children and young people aged nine to 15 years.

A business case is currently being considered for the trial of a Vulnerable 9 to 15s Early Intervention Services model. The purpose of this project is to establish a time-limited trial of the service model in three sites across the State. The trial will be evaluated to determine the effectiveness of the model and enrich the evidence base about effective integrated early intervention programs for this age group. This trial model will target nine- to 15-year-olds who are at risk of continuing disengagement from family, friends, school or their community. They may be at risk of entering or escalating in the child protection or juvenile justice system. Priority access will be given to Aboriginal children and their families. Homeless young people who still have a viable connection with their families will be eligible for the program.

More broadly, the South West Sydney Youth Hub, funded by NSW Housing and operated by Mission Australia, integrates social housing with education and job-readiness support for young people who are at risk of homelessness. The youth hub also provides links with drug and alcohol assistance, counselling and life skills

development. Other New South Wales Government initiatives assist children and young people who are homeless and include specialist services to help young people reconnect with the community. For example, the Illawarra Youth Homelessness project is a Foyer-type program that provides accommodation and support services for young people with low-level support needs. Support includes assessment, referral, training in living skills, and help with education, training and employment.

The Nepean Youth Homelessness Service provides housing and intensive case management for high-risk young people from 12 to 25 years who are homeless or at risk of homelessness. Young people who engage with this service are assisted to access accommodation and services through an interagency coordination group that will case manage their support for up to 16 weeks. Under an accord framework, Housing NSW provides some tenancies for homeless young people with high and complex needs. As I noted earlier, youth homelessness is one of the most difficult issues faced by Community Services. It is rare that a young person finds themselves homeless because of a single contributing factor. And so our response needs to be sophisticated. The strategies I have outlined reflect this and, I believe, demonstrate a commitment to an holistic approach to supporting young people who are homeless.

More than anything else, though, the response needs to be respectful of the young person's developing autonomy. I know the amendment before the House would seem to entirely dismiss this idea; but to help young people grow in maturity and take their place in society as adults, they must be taught to make their own decisions. However, as a community and as elected representatives we still have the clear responsibility to care for them, provide for them, protect them and guide them. We need to make available the support services they need to heal and develop. But this will only happen and it will only be successful if young people choose this path. If I have learned one thing from 30 years of paediatrics it is that at this age, unless there is buy-in from the affected adolescent, it does not work. In a nutshell it is this simple: when it comes to supporting homeless young people, coercion will not and does not work.

To think that removing consent requirements for 16- and 17-year-olds before reporting them to child protection services will make all the difference, or indeed any difference, to the outcomes for these young people is naive at best and destructive at worst. The Government rejects the amendments to the care Act proposed in this bill. They undermine the direction of child protection services in light of the special commission of inquiry, they undermine the participatory rights of young people who come into contact with the child protection system, and they undermine the right of a young person to consent to being drawn into the system, without other factors that place that young person at risk of significant harm. The Government will not support the amendments.

**Mr GEOFF PROVEST** (Tweed) [4.54 p.m.]: The private member's bill of the shadow Minister for Community Services makes important amendments to the Children and Young Persons (Care and Protection) Act 1998. The purpose of this bill is to amend the Children and Young Persons (Care and Protection) Act 1998 to make provision for the annual reporting to Parliament by Community Services of all deaths of children known to the department. It will also require a change to the legislation to include children who are currently excluded due to the change in the definition of "known to Community Services".

In her agreement in principle speech the shadow Minister referred to several pertinent Acts and said that the changes left homeless young people in terrible limbo because of the link between the school-leaving age and the responsibilities of parents and guardians, including the Minister for Community Services in the role of a guardian, and the importance of a stable home for young people. There is some background to this legislation. Prior to the Wood special commission of inquiry the definition of "known to Community Services" included children and their siblings who had been reported to Community Services in the three years prior to their death. The definition also included children's deaths where the cases had not met the threshold for assessment and Community Services was not involved with the family in the long term.

The legislation is important, and the Government's response to the issue is disappointing. I have a special interest in homelessness, particularly in the Tweed. The latest census report shows that 184 people are living on the streets of the Tweed, many of whom are young people. I have been working with a number of aid agencies, and I support those aid agencies, such as the St Josephs Youth Service. John Storey has been a dedicated worker over many, many years. The service does a great job, and it has turned around the lives of many young people. John Lee from the Make a Friend Association goes out on the streets and feeds many young homeless people and offers guidance. Unfortunately the success of the association is limited due to the lack of facilities. It is fine for the Government to say that there has been a record amount of funding, programs and so on.

I acknowledge those good programs. I have had a meeting with Father Chris Riley of Youth Off the Streets. I applaud his great work. I also honour the commitment and great work of the previous Minister for Juvenile Justice. It is disappointing that we have not been able to get a project in the Tweed called Square One, which offers emergency accommodation for youth, and facilities for guidance and early intervention. I have made a number of submissions to various Ministers; unfortunately the Ministers keep changing. It is frustrating when one goes back and sees the pain and suffering. This issue goes beyond politics. I have been out on the streets. I think my turning point was about two years ago when aid workers and I found two young girls under the age of 12 years who had been living in a tent for a month.

At 3.00 a.m. I walked away and thought, "We've got to be able to do better." We have heard a lot of rhetoric from the Federal and New South Wales governments about extra funding and so on. Recently I had a meeting with senior staff of NSW Housing. In terms of funding for homelessness on the North Coast, \$4.5 million will be applied between Port Macquarie and the border. That is disappointing because we are talking about kids who are the future of Australia. We could make a difference. Tweed Heads, where it is estimated that about 80 young people live on the streets, will get two workers who will assist in finding some form of accommodation for them. Last year alone we spent \$600,000 through the Department of Housing on emergency accommodation.

On the other side of the coin we have only 30 Department of Community Services officers and last year alone 2,300 category two cases were reported in the electorate of the Tweed, which has one of the highest incidences of child neglect, abuse and homelessness among young people. This is way beyond politics: it is about talking to people at the grassroots level. The Government rejects this bill and we keep moving amendments. People need to get out there and see the people on the street. I have not given up on Square One, which is a great proposal. It is the result of government agencies such as St Joseph's Youth Service, On Track and the Family Centre, all of which work at the coalface, forming a collective. We can pass differing legislation but once funding trickles down through the bureaucratic nightmare not much of it ends up on the street.

Some \$4.5 million has been allocated to deal with youth homelessness from Port Macquarie to the border, yet all the Tweed gets is two extra workers. It is not good enough. These young people deserve our help and our support. I speak to a lot of young homeless people on the street, some of whom are suffering and continue to suffer sexual, physical or verbal abuse when they go home. I know of one 13-year-old girl whose mother gives her \$100 on Friday and tells her to come back on Monday because the mother's boyfriend does not like her. What type of mother is that? The girl is keen, but just needs a friend and some support. There is nothing in the Tweed for the youth—no emergency accommodation. A few non-government organisations do a fabulous job and I support them, but they are desperate. They have to rely on using volunteers.

Recently John Lees organised a number of students to sleep out overnight to highlight homelessness. He is frustrated by the lack of funding and services. I am led to believe that in the past month two young women in the Tweed committed suicide because of the hopelessness of their situation. It is fairly trying for my electorate staff to have to deal with young mothers who have been sleeping in cars for many months. There is nowhere for them to go. They can get access to Department of Housing emergency accommodation, but that lasts for only 28 days. What happens after that? They are back in their cars. Predators are out on the street. It is a travesty that decent resources are not allocated to the homeless.

While I acknowledge the parliamentary process in relation to debate on these bills, the real issue is not what occurs in this place or who scores political points; it is about putting serious resources out on the streets to turn the lives of young people around. I was lucky to have a mum and a dad, a nice warm bed to sleep in, meals and clothing, but these kids have nothing. The Government has not supplied them with any resources. The not-for-profit organisations have to beg for free food from Woolworths. I congratulate Woolworths on providing food for the homeless. If John Lees, John Storey, On Track, and the Family Centre were not out there the kids would starve.

The number of young homeless children on the streets in the Tweed is increasing. Unfortunately, the Tweed has the highest percentage of unemployment among young people in the State. It is a travesty that we do not do more to look after these young people. They are at risk. Young girls and young boys are being raped on our streets. Earlier this year the large number of gangs and the high level of youth violence, as well as the lack of government resources in the Tweed, were highlighted on *Stateline* and *Today Tonight*. I have been talking about Square One for two years in this place. I have mentioned it probably 30 times. I have approached countless Ministers. I have been hurt personally because of the \$4.5 million the Tweed will get only two extra officers. It will get no more money for other resources or emergency accommodation—nothing! Zero! zilch!

How can I look a 12, 14, or 15-year-old girl or boy in the eye and say, "I'd really like to help you, but I can't. I have nothing"? About 1½ years ago a father came into my office with three young children under the age 15. He abandoned them at 4.30 on a Friday afternoon. He said, "I can't keep these kids any more. I'll probably do them physical harm", and he left. Those young kids had been sleeping in a tent at the back of a showground at Mullumbimby. They were devastated that their natural father walked out and abandoned them. I know a lot of our Department of Community Services workers in the Tweed. They are hardworking men and women who fulfil a role that I certainly could not. I do not think I am emotionally strong enough to deal with the misery they see. However, they responded quickly and the three children abandoned in my electorate office were returned to their natural mother.

I applaud the efforts made in Nepean, Penrith and the central business district, but further out, particularly in regional New South Wales, no government resources are being applied to youth homelessness. The Tweed got two extra workers out of \$4.5 million, yet up to 80 kids are on the street in the Tweed. A lot of stakeholders in Square One are not government associations but local businesses, schools and organisations. A clear way to resolve homelessness is for the community to take control. I hope the Government reconsiders its position because youth homelessness is tangible, but at the moment it is not being given priority or resources. Any money that is spent on early intervention will save a lot of money and pain in our communities later. As the old saying goes, "You reap what you sow." I see a lost generation who will get into trouble as a result of antisocial behaviour. It behoves us on both sides of this Chamber to do all we possibly can to look after the homeless.

**Mr MATTHEW MORRIS** (Charlestown—Parliamentary Secretary) [5.07 p.m.]: I speak to the Children and Young Persons (Care and Protection) Amendment (Homelessness Reporting Age) Bill 2010, introduced by the member for Goulburn. The legislative effect of this bill is that 16- and 17-year-olds who are homeless can be reported to the State child protection agency without the young persons' consent. The member for Goulburn and Opposition spokesperson for Community Services introduced this bill because she is concerned that New South Wales has legislation in place requiring parents to ensure that children and young people up to 17 years of age attend a government or registered non-government school, or participate full time in an approved education or training program and/or paid work.

Under section 23 of the Education Act 1990, failing to do this is an offence, carrying a penalty of between \$2,750 and \$11,000. I have read and re-read the agreement in principle speech, yet I remain at a loss as to how the proposed amendment is likely to address the member's concerns. The bill is particularly worrying because the proposal demonstrates a clear failure to understand young people and how government and support services can effectively work with them to keep them safe and support them into adulthood. As anyone who understands young people will know, the one strategy that will fail every time is coercion. At this time in their lives nothing is more important to young people than their emerging capacity to make their own decisions. This is what growing up is all about. Young people have the right to express opinions on those things that directly affect their lives, to be involved in decision-making when the outcomes affect their lives, and to consent—when they have the capacity to do so—to actions that will affect their lives.

Reporting young people who are homeless without their consent is flawed in both law and in practice. Section 10 of the Children and Young Persons (Care and Protection) Act 1998 sets out the principle of participation when working with children and young people and making decisions under the Act. It emphasises the need to provide the child or young person with information, to provide the child or young person with an opportunity to express their views, and to be advised how their views may be taken into account in any decision-making. This is also reflected in section 121 of the Act, which recognises the rights of young people to freedom of expression, privacy and participation by requiring the consent of a young person who is homeless before a report is made to Community Services. That is the legal problem, but the practical problem is even more compelling. It is simply not possible to work with a young person who refuses to engage. No program or support service will be effective unless the young person consents to participation, and indeed unless some part of them wants to be helped. This is the heartbreaking and frustrating part of working with young people. If we do not recognise this, we set ourselves up to fail. But, more importantly, we set the young person up to fail either in the immediate or the longer term.

The concerns I have raised I know are shared by many. Importantly, they have also been identified by the Legislation Review Committee. The committee reported on the bill on 8 November 2010. The report raises concerns that the proposal may be in conflict with article 12 (1) of the United Nations Convention on the Rights of the Child and may undermine article 16. Article 12 (1) relates to the privacy rights of a young person and article 16 relates to their right to express their views freely. In considering these possible infringements on the



rights of young people and balancing those rights against the State's responsibility for their care and protection, the committee has referred the question of whether the amendment may constitute undue trespass on the rights of young people for Parliament's consideration. Those concerns, together with the fact that this proposal will in practice undermine services engagement with vulnerable young people, leave me with no option but to oppose the bill.

There is no doubt that more needs to be done to support young people who are homeless. More often than not, the issues they face are many and complex. As a Government, we need to ensure that young people are able to access the range of services they need at any one point in time. This of course includes education and training as part of a holistic, inclusive response to the needs of the young person. Most importantly, we need to work in partnership with young people. Only with their consent will we be able to help them achieve the very best outcomes for their lives. The problem with the bill is that it undermines the autonomy of young people and, more tragically, it will not work. Some members have illustrated cases that are pertinent to their electorates—and I could certainly do similar—but it is very clear that the challenge is, and I guess always will be, engaging young people, planting the seeds of ideas, and helping them to make good decisions that will assist them immediately and in the future in terms of where their lives go, and how they participate in and become part of our community. We all have an obligation to reach out and support those in need, particularly young people. They are our future; it is an investment. We have an obligation at all times to be there to support those in need.

**Mr ROB STOKES** (Pittwater) [5.14 p.m.]: The New South Wales Liberals and The Nationals support the Children and Young Persons (Care and Protection) Amendment (Homelessness Reporting Age) Bill 2010. We think it is a sensible bill that introduces consistency into the treatment of young people in relation to the reporting of homelessness, bringing it into line with what is now the school leaving age. I noted with interest some of the comments by the member for Charlestown. He talked about the right that young people have to aspire to individual freedom and to explore approaching adulthood, and I agree that those things are important. But so is the right to have a roof over your head and the right to food—the basic human rights that we all rely on to survive. We do not believe that any notion of a young person's personal privacy should trump their rights to a place to live and food to eat, and that is what this bill fundamentally seeks to address.

The object of the bill is to amend the Children and Young Persons (Care and Protection) Act 1998 to increase to 17 years the age at which the Department of Community Services is required to investigate claims of homelessness and consider providing services and accommodation, thus aligning the reporting of child and youth homelessness with the new school leaving age. Currently, if a child under 16 years of age becomes homeless, a person may report this to the Department of Community Services and the department is obliged to investigate that report. However, a person may only report a homeless young person over the age of 16—that is, still at school in year 11 or completing the higher school certificate or in full-time training—with the young person's permission. Moreover, the Department of Community Services is not obliged to conduct an investigation and need not provide services for homeless young people as it does for children defined as being under the age of 16. A child is a child. A young person under the age of 18 is still a child, and he or she deserves the support and the protection of our society.

I support the legislation because I believe it tidies up the existing legislation and brings it in line with legislative changes passed by the House last year—namely, the Education Amendment (School Attendance) Bill 2009 and the Education Amendment Bill 2009. Those legislative changes provided that before being eligible to leave school a child must have attained the age of 17 years or have completed year 10 of secondary education, whichever occurs first, and aim to ensure that children of compulsory school age attend school or full-time training. With these changes in mind, it appears entirely appropriate that if a child is required to attend school or full-time training until at least the age of 17 years, then legislation that attempts to ensure their protection and wellbeing should not cease at 16 years of age. The bill will ensure that if the Department of Community Services becomes aware of a homeless young person between the ages of 16 and 17, and they are required to be at school, the department must investigate and provide services, including accommodation, where appropriate.

My immediate observation when looking through this brief bill is that it is incredibly important for schools to help students in their care who are encountering personal hardship, including homelessness. The current problem is that if a child at school has attained the age of 16 years, teachers, principals and staff are unable to step in and seek help and support for that child unless the child gives their consent to do so. This is an issue that I believe needs addressing. In light of this, I acknowledge the efforts of the shadow Minister for Community Services, the member for Goulburn, in identifying this issue and bringing it to the attention of the House. Her passion and interest in seeking to improve the lives of those members of our community in greatest need is admirable, and her commitment should be recognised.

One of the most effective things we can do in this place is introduce legislation that assists our society's most vulnerable, and I congratulate the shadow Minister on doing so. It is commonsense legislation that aims to address an increasing concern in all areas of New South Wales. The reality is that no community is immune to youth homelessness. It is an issue that is not spoken about enough and the extent of the problem is, by most accounts, unknown and only speculative. It is non-discriminatory. It is not defined by socioeconomic background, family structure or location. In my area of Pittwater one aspect of youth homelessness is children being left without parental care—they may have somewhere to live but their parents do not support them on a daily basis.

Recently the minister at one of my local churches in Pittwater found a bunch of 14-year-old boys living in a space under the church. They had been living there for some time. This is happening everywhere—it is happening in all members' communities. I conclude by mentioning some wonderful people in my community who are doing great work in relation to the care of young people. Tony Bates is doing great work with Point Zero, which has been set up on the northern beaches with volunteer workers. I note that at the Pittwater Business Limited breakfast on Wednesday morning local businesses banded together to support the wonderful work of Point Zero. I also mention Mike Kewley, who is a youth worker in my community and a strong advocate for the need for better accommodation options for homeless youth on the northern beaches.

Finally, the Legislation Review Committee suggested the bill might somehow undermine Article 16 of the United Nations Convention on the Rights of the Child in relation to the privacy rights of young people aged 16 years. I reiterate that privacy is an important right, but so is having a roof over your head and food to eat. I note in that respect that Article 20 of the same convention states:

A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

It is important that we provide the assistance required by the United Nations Convention on the Rights of the Child, and this bill does that.

**Ms PRU GOWARD** (Goulburn) [5.21 p.m.], in reply: I express my deep disappointment that the Minister for Community Services has not seen fit to be here. That is a terrible mark against her. It is all very well to send the member for Macquarie Fields into the Chamber to read a speech that has presumably been written in the department, but this is an issue of such import to the Australian community—increasingly youth homelessness is the pathway into crime and to another generation of extraordinary disadvantage—that one would think the Minister, even in the dying days of this Government, might have been interested in making some comments about it.

The Children and Young Persons (Care and Protection) Amendment (Homelessness Reporting Age) Bill 2010 is very simple and, as a number of members have pointed out, is essentially in two parts. The first requires the director general to act on reports of homelessness involving children who are 16 years and older. At the moment the department is not required to do that. Secondly, the reports can be made without the consent of the young person concerned. It is my view—and I suspect if we went back through *Hansard* over the years it would be confirmed—that the age of 16 was specified originally because that was the age at which a kid could reasonably be expected to leave school and get a job. If they were "homeless" and supporting themselves it was really nobody else's business but theirs. They were able to function and they had a reasonable opportunity to be economically self-sufficient.

But, as we know now, with compulsory education to the age of 17 that capacity no longer exists for a person between the ages of 16 and 17 years. The bill does not say that the young person has to compulsorily enter housing provided by the department. The bill merely says that the report may be made to the department without the consent of the young person. As many members have already noted, at this age we have to engage with young people quite differently from the way we engage with 8- and 10-year-olds. It is much more about negotiation and gaining their trust and consent. I would have thought that would apply as much to a child of 15 years and 9 months as it does to a child of 16 years and 9 months. When you are working with young people under the age of 16 for whom consent, under the existing law, is not required, you effectively have to negotiate in order to get that young person into the services they need because they can get out the window or they can go and sleep at a friend's place. They can "take off", as we say.

It is an absolute nonsense and a disappointing piece of sophistry that the Government should decide not to support the bill because of the issue of consent, when we know that from the age of about 12 the same conditions apply: we are dealing with young people with whom negotiation, trust building and relationship building is very important if they are going to cooperate with an agency or the Government's proposals for their

future wellbeing. I think the Government's argument is just a piece of sophistry and an excuse to oppose the bill. The reason the Government is so anxious to oppose a bill that brings the Act into consistency with the new school leaving age is the terrible shortage of services for kids in this age group.

We know how few youth shelters there are and we know how few support services there are either in those youth services or in agencies aligned to youth homelessness. The Bowral youth service, for example, comprises a youth shelter that basically runs on the smell of an oily rag and a lot of donations from people such as the Springetts. But it is closed between 9.00 a.m. and 3.00 p.m. when kids are supposed to be at school. We all know they are not, but the shelter cannot afford to run a day program for those kids during school hours. They are expected to go to school—as they now will be up to the age of 17—but they can do what they like. They do what they like because there is no-one to build a relationship and work with those kids during the day and encourage them to go back to school or find a training course that would be suitable for them, and to address the trauma. We are inevitably talking about kids with post-traumatic stress disorder for whom going to school is clearly a bridge too far and something they are not able to manage.

The Government's decision to oppose this bill is a shocking excuse. It does not want any further spotlight on the appalling lack of services for teenagers and the fact that there is a growing crisis in the number of teenagers hanging out on the streets, prostituting themselves, going in and out of other people's houses, and sleeping in bus shelters, and in the very small amount of accommodation that is provided for them. There are no backup services. As the member for Tweed noted—and as all members representing coastal electorates know—teenagers often sleep on the beach, which is why they are in those members' electorates. I commend the bill to the House.

**Question—That this bill be now agreed to in principle—put.**

**The House divided.**

**Ayes, 37**

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

**Noes, 47**

Mr Amery	Ms Gadiel	Ms Megarrity
Ms Andrews	Mr Gibson	Mr Morris
Mr Aquilina	Mr Greene	Mr Pearce
Ms Beamer	Mr Harris	Mrs Perry
Mr Borger	Ms Hay	Mr Rees
Mr Brown	Mr Hickey	Mr Sartor
Ms Burney	Ms Hornery	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	<i>Tellers,</i>
Ms D'Amore	Mr McLeay	Mr Ashton
Ms Firth	Ms McMahan	Mr Martin

**Question resolved in the negative.**

**Motion negatived.**

**Bill not agreed to in principle.**

**CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT  
(HOMELESSNESS REPORTING AGE) BILL 2010**

**Personal Explanation**

**Ms LINDA BURNEY**, by leave: I wish to make a personal explanation. I understand that the member for Goulburn, when replying to debate on the Children and Young Persons (Care and Protection) Amendment (Homelessness Reporting Age) Bill 2010, said that I did not care about children. I inform members that in the Speaker's Garden I have 30 young people who are care leavers who have completed their education. I invite members to come and say hello to these delightful young people.

**LOCAL GOVERNMENT AMENDMENT (CONFISCATION OF ALCOHOL) BILL 2010**

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

**SEASONAL FELICITATIONS**

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [5.39 p.m.]: I move:

That the House take note of Christmas felicitations.

Mr Speaker, I take this opportunity to wish you and your family all the best for Christmas. Thank you for the way in which you have guided this Chamber over the past 12 months, for the fair decisions that you have made and for the way in which you have administered the parliamentary precincts so far as the Legislative Assembly is concerned. We are all indebted to you for your impartiality but also for your good-natured humour. You have provided leadership and direction in this Chamber. I note also that many innovations have been introduced in this Parliament over the past 12 months.

From my perspective—and I will elaborate later on this point—those innovations have not always endeared themselves to members; they were introduced for the more efficient running of the Parliament. I am sure many people would agree with that statement. I will touch on that a little later. Nonetheless, we thank you for your contributions. We thank also your staff, Margaret, Lucy and Joe, who have done an excellent job in maintaining communication with the rest of us, particularly with keeping my Leader of the House office informed about what is going on—hopefully, the communication was reciprocated appropriately. I extend my thanks also to the Deputy-Speaker, the Assistant-Speakers and the Acting-Speakers for the way they performed their tasks.

Often members attend many functions in this Parliament that do not receive much public recognition or, indeed, may not even be understood by members of the public. Without members giving themselves selflessly to those tasks this place could not function. I take this opportunity to thank members for the way they have undertaken their work. I have noted the way the Temporary-Speakers, especially those with a political conviction opposite to that of the Government, have been particularly judicious and fair in undertaking that role, sometimes being driven to distraction by members of their own party and sometimes giving rulings that from time to time perhaps not so much amused but certainly astounded their party colleagues. Of course, being a Speaker is about being impartial at all times and making sure that the standing orders are complied with.

*[Interruption]*

Let it never be said that the member for Lismore particularly was anything but totally honest and fair at all times. I take this opportunity also to thank the Whips. I extend my thanks as Leader of the House particularly to the Government Whips, the member for Bathurst and the member for East Hills. The member for Bathurst will not recontest his seat at the next election and has already made his valedictory speech in this place. He has given outstanding service to the Parliament and to the people of Bathurst. Not only has he always been efficient and robust in his representations, but he has also had a keen sense of humour. For those of us who from time to

time may become a little concerned at the pressures of this place, he always provided the sort of relief we looked forward to. His assistance has been very much appreciated and very well received. His deputy, the member for East Hills, we should note, is a history teacher, not a mathematics teacher.

**Mr Alan Ashton:** Obviously—it took me eight years to learn!

**Mr JOHN AQUILINA:** He interjects "obviously". Perhaps my only one regret as the Leader of the House for the past four years is that if our Deputy Whip had been a former mathematics teacher instead of a former history teacher, we might have been able to get through more legislation because it would not have taken so long to count all the divisions. Nonetheless, I thank him sincerely for his commitment. Today the Opposition Whip tried to assist the member for East Hills by handing him an abacus, but I think he left the instructions behind! I do not know whether the member for East Hills would have been able to get his head around that abacus! Thank you to the member for Bathurst and the member for East Hills.

Thank you also to Jan Clifford, who works in the office of the member for Bathurst. She has been outstanding in assisting him in the ordinary work of a Whip, particularly in organising private members' statements and ensuring that Government and Opposition members and the Independents had appropriate access to make those statements, and making sure that everyone is on time.

I make particular mention of the staff in our electorate offices. They are the silent faces of parliamentary duty because they are not seen. We all know that this Parliament could not function without them. As I have said on previous occasions, they are the front-line troops and do remarkable work on our behalf. As members of Parliament we have to be mindful that when we are in this place debating legislation, our electorate staff are dealing at the front-line with our constituents, quite often taking the brunt of most representations made through those offices. I mention particularly Sandra Caldwell, who last Thursday was recognised for 10 years' service with me, after a long tenure in excess of 20 years' service with Federal members who were previously located in my electorate. Sandra has a long history as a public servant, firstly, looking after Federal members for a long time and, secondly, for 10 years as my electorate secretary. I thank also Janine Drury, who came to work for me when she was 17 back in 1987. I am the only boss she has ever had. She has been my electorate officer for all that time.

Ruth Apps, who will be here tomorrow fulfilling yet another day as an additional temporary staff member, will turn 85 in May next year. She was a relief secretary for me when I was the Mayor of Blacktown in the late 1970s. She was my first electorate secretary in 1981. She has retired a number times, but she continues to carry out relief secretarial work and assists as an additional temporary staff member. Ruth is an absolute stalwart. I will have more to say about Ruth Apps tomorrow when I make my valedictory speech. I thank also Leticia Robinson, who has been coming to my office as an additional temporary staff member from time to time.

The attendants in Parliament House do a wonderful job, as do the cleaning staff, the library staff and everybody else. Of course, as I have on past occasions, I will single out the Hansard staff, who do an extraordinary job. I know there have been attempts in the past to make this place totally electronic and do away with Hansard. When I was Speaker I was subjected to those attempts, as I know that you, Mr Speaker, also have been pressured to take that course. That has to be totally resisted at all costs. We have had too much in this place of human beings, the faces we know and respect, being replaced by technology. As I said earlier, technology may help in the so-called efficient running of this place, but it removes the human element, the human soul of this Parliament, and completely changes the whole culture of this place, and definitely not for the better. I thank also the Clerks, Russell Grove, Mark Swinson, Les Gonye, Ronda Miller and Greg Kelly, for the outstanding work they do.

Finally, I thank my personal staff here: Priscilla Armstrong-Guirguis, who, as my assistant as Leader of the House, does an outstanding job for the Government and Opposition by making sure that everybody is aware of what is happening. I know that she is universally popular with everyone. Danielle Kolodziej, who is my executive assistant, was absent for a substantial part of this year to have her baby, Xavier. Danielle is now back working full time. During her absence, Sheena Barbe capably filled in. I conclude by once again extending my best wishes to everyone. I wish a Merry Christmas to the Premier, to the Government, to the Leader of the Opposition and, indeed, to all members of Parliament. I thank them for the job they do.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [5.49 p.m.]: I extend Christmas felicitations to all, including the 29-year veteran of this House, the Leader of the House. I am pleased that the

Leader of the House finally has listened to his good wife and will retire next year. I am sure that will make both of them happy. Mr Speaker, I want to tell you and your staff, Lucy and Margaret, how grateful I am for everything that you and they have done, not just this year but throughout the term of this Parliament. I think you have been the fairest Speaker we have had in the time that I have been a member of Parliament.

*[Interruption]*

I hear interjections that for a change are coming from behind me. Mr Speaker, I am not sure I have paid you as great a compliment as the members who interject may think because I make those remarks in the context of your two predecessors who were the first and second Speakers I encountered. I am grateful for the assistance of Lucy and Margaret and for the occasional cup of coffee I have had. I am grateful that Margaret, unlike a couple of members of this House, never engaged in the histrionics of either crutches or wheelchairs and just got on with her lot in life. I am grateful to the Chamber officials and to the Clerks at the table, including "Queen" Ronda as we refer to her, the Clerk and the Serjeant-at-Arms. The attendants do a magnificent job, not just by serving the members of this place but by inspiring and entertaining young people who visit Parliament and who, as school students, are informed of the way in which Parliament operates.

I thank the Hansard staff. I agree with the Leader of the House that if we went electronic, we would simply make parliamentary proceedings incomprehensible. The great skill that the Hansard staff has, like Charles Dickens and Peter Carey, is to make the incomprehensible intelligent and interesting.

**The SPEAKER:** They are the only ones who understand us!

**Mr BARRY O'FARRELL:** Mr Speaker, you and I have sat through speeches when we have not understood a word, but the next day when we open the green, there appears in the most magnificent English the most informative piece that we have ever seen. When we look at the name against it we think, "How on earth did that happen?" We know that it was the skill of Hansard!

I thank Information Technology, who sit on level 6 and who at times cause me enormous frustration. I am grateful that finally that laptop, which now seemingly has to be stoked with coal and kickstarted, is about to be retired. I thank the Parliamentary Library staff, who do an enormous amount of work for all members. I also thank the staff members of security, cleaning, catering and all the people outside the Chamber who help this place to function, in spite of its crazy hours of operation.

I thank the Whips, including the member for Bathurst, who will retire from Parliament next year. I thank the member for East Hills, with whom I debate the odd issue from time to time. I particularly thank the member for Lismore, the member for Wagga Wagga, Erin Stott and Maryann Winterflood for all their efforts, including when all four of them have put up with me. I thank them for the tremendous job they have done over the past four years in keeping the Liberals and Nationals in this place as united, focused and disciplined as I have asked them to be every time I have ever met with them.

I do not quite know what the member for Sydney and what the member for Upper Hunter were doing to end up on crutches and in wheelchairs, but the only advice I have is that they should stop doing it together! One wheelchair evokes sympathy, two wheelchairs evokes laughter, and when one is Clover and one is George, it is just a mystery that is unfathomable—even to Hansard!

I acknowledge members who intend to retire next year from politics. For years there have been confused emails, letters and phone calls between the member for Myall Lakes and the member for Orange. Both their careers overlap and it is extraordinary that both the Turners are leaving Parliament—I am not quite sure whether the fitters are as well! Both of them have been excellent members of this place. Russell Turner's tribute to his career in this place is that he managed, through dint of hard work and representations, to deliver a new hospital in Orange—a Nationals electorate—when Labor has constantly sought to ensure that the adjoining marginal electorate of Dubbo remained out of the hands of The Nationals. Consequently the good people of Dubbo continue to await upgrades to the Dubbo, Forbes and Parkes hospitals. That speaks volumes about the work that Russell Turner has done. As a shadow Minister, committee member and parliamentary representative for Myall Lakes, John Turner in his own way has been extraordinary.

I acknowledge my Liberal colleagues, many of whom already have given their valedictory speeches. Malcolm Kerr is the Liberals' longest-serving member. He was elected in 1984 and has made a significant contribution. As a young fresh-faced member who at times was outspoken in the party room, he reminded me of

that old truism that in a political party, backbenchers have the capacity to back their judgement because they cannot be sacked from the back bench. On many occasions under a number of leaders, a number of deputy leaders and a number of Speakers, I tested that.

I acknowledge Wayne Merton, who made a fine contribution in this place last night. He should make no apology to Joan Andrew of his office for mentioning Robert Menzies, because Joan and Wayne are not only the same age but also are wonderful and great individuals. Joan Andrew has looked after Wayne for the entire time he has been a member of Parliament. Bob Menzies, who was a great person, reminds us of what we as Liberals are about. At the apex of the trinity is Wayne Ashley Merton—a man who entered Parliament by beating a former New South Wales cricket captain by one vote in preselection and who has made a significant contribution to Parliament.

The member for, first, The Hills and subsequently Castle Hill and the member for Vacluse both are leaving Parliament. Both of them have held frontbench positions and one, as leader, made significant contributions to the Liberal Party. For their contributions, I thank them. My colleague and neighbour Judy Hopwood, the member for Hornsby, has been an outstanding member of Parliament. She can hold her head high. She sits among the best parliamentarians who ever have occupied a seat in this House. She is a saint within her electorate because of the effort she puts in, day in and day out, and irrespective of the hour, in constructive representational politics.

I thank my personal staff, volunteers and interns who have worked in my office this year and who have assisted me and my staff as well as the Liberal-Nationals Coalition in our operations. I thank Peter Shmigel and my current Chief of Staff, Peter McConnell. Both of those Peters have kept me sane and both have put up with me. I thank my Deputy Chief of Staff, Brad Burden, who also gets to deal with level 6, which at times is a challenge for him, for me and for all of us in the office. I thank all my staff, including Gayle Mitchell, who is either in hospital or has just left hospital and who is recovering from a triple or quadruple bypass. I just hope, Gayle, that when you come back, it is without the cigarettes. I thank my electorate staff, Janet Newing and Deanna Turner, because a party leader, a Leader of the House, a Speaker or a Minister increasingly relies on their electorate staff to assist with our work.

I thank members of my broader teams. I thank the Leader of The Nationals, Andrew Stoner, the member for Murrumbidgee and The Nationals team. One could not ask for a closer or more cooperative Coalition and one could not ask for a greater effort than I receive from those colleagues. I thank the member for North Shore, Jillian Skinner, and the Liberals who are members of this House. I particularly single out my two favourite Liberals because they both entered Parliament during this term—the extraordinary member for Ryde, Victor Dominello, and Stuart Ayres, who did the extraordinary and topped Victor's result. Both of them have shown—one in two years and one in just a few months—just how strong is their advocacy for their electorates and just how much that enthusiasm, intelligence and an understanding of the political process can deliver in results for electorates.

At the conclusion of this session, we leave to engage in what is critical to the democratic process. We leave here to engage in that regular ritual that has been occurring for the past 154 years since we attained responsible government in 1856. Of course, democratic elections are central to responsible and accountable government. They are reaffirmation of the fact that the public, not politicians, are meant to control the parliamentary process. They are meant to remind us, and they serve to remind us, that what we do in this place, and on whose behalf we do it, is not meant to be about us. It is meant to be about the public and the community.

Mr Speaker, you know that government is a delicate contract between citizens and those of us who get to sit in assemblies like this when citizens delegate, in limited ways, certain functions to us to perform in trust on their behalf. Government is meant to be something that lives with the member or the public, not something that the public or the member has to live with. We go from here and enter the season of election campaigning.

I know that not all current members will return. Over the past 70 years since McKell was elected as Premier of the State there have been four elections in which government has changed from one side to the other. I am attempting, for the third time since my political party was founded, a change and to win from Opposition. The first time it occurred was in 1965, the next time was 23 years later, and next year is 23 years since 1988. Mr Speaker, like you and every member of this place, I am aiming to win, locally and statewide, so that I fulfil the obligation of every member who is elected to this place—to serve their community and to serve their State to the best of their ability, and to use their energy to renew opportunity, restore services that are critical to the lives of people we represent and to ensure that everyone, regardless of how they vote, has a better future.

**The SPEAKER:** I ask members for their indulgence while I make my contribution from the chair. I join with the Leader of the House and the Leader of the Opposition in wishing everyone a merry Christmas. As the Speaker I thank you for the courtesies that have been provided to me and my office in the past 12 months, and indeed throughout my time as Speaker. I acknowledge my family. They have had to endure another 12 months of the ups and downs of public life and the amount of time that one spends away. I thank my wife, Rosemary, and our children, Leah, Angie and Joel, who continue to strongly support me. All members require the support of those close to them.

I thank my staff in the Speaker's Office. I thank the Leader of the House and Leader of the Opposition, and I am sure others in anticipation. My staff—Margaret, Lucy and Joe—have served members and others, regardless of who they are and on which side of politics they come from. They have continued to uphold that view, and I thank them very much. I openly and warmly acknowledge their support of this place and of me, and I thank them for their outstanding efforts to support this place and all who serve in it. I thank my electorate office staff—Di, Lisa, Kylie, Alison, Steve and Rosemary—who assist me as well. They do an extraordinary job of looking after the front line when I undertake a range of duties, as well as my additional duties as the Speaker. They have been an incredible support throughout all the time I have been in public life, and I thank them dearly for their continued support of me and the community in the work they do.

I thank the Deputy-Speaker, the Assistant-Speakers and the panel of Temporary-Speakers for their support. During my time as the Speaker I have had Temporary-Speakers from both the Government and the Opposition serving in the chair. It is the first time that has occurred in this place and it has been a resounding success. I particularly thank the member for Baulkham Hills, the member for Lismore, the member for Keira and the member for Mulgoa for serving in the chair, often at short notice, when required. It is an important function that they have continued to perform.

From the Opposition's perspective, the member for Baulkham Hills has been fantastically entertaining during his time in the Parliament, especially when he has been in the chair. I will never forget his ruling that BlackBerries were indeed papers able to be tabled or used on the floor of the Parliament. He managed to make that ruling on the run! I thank the member for Lismore for his continued efforts. More recently, the member for Keira has been incredibly reliable and supportive of this role, as has the member for Mulgoa throughout my time as the Speaker. They have been incredibly impartial. The member for The Entrance and the member for Menai have always been available as Assistant-Speakers—some better looking than others!—and I thank them for their continued support of this place.

The Parliament is a special place, and I have taken every measure to support the institution of this Parliament. While there are many forces trying to undermine that proposition, our democracy and our State have been a successful institution that has served the people for a long time, and we need to continue to support the institution of the Parliament. To that extent, I thank the Clerk, Russell Grove, and Mark, Ronda, Les and Greg, the Clerks at the table. I also thank the attendants and all who work so hard to support this place and what we believe this place is and should be to the people of New South Wales.

I thank all the staff of the Department of Parliamentary Services. Other members have mentioned the Hansard staff, and they should be mentioned for the work they continue to do. I thank the staff of the Department of Parliamentary Services for performing all the functions that are vital and valuable to the Parliament. I appreciate them. I want to single out—I know this is dangerous—the Education Office, which does an outstanding job not only for members but also for this place in respect of opening the Parliament to students and the people of New South Wales. They do an outstanding job with various initiatives in their budget. I congratulate Graham Spindler and his team on the work they do.

I join with other members in acknowledging the members of Parliament who are retiring. As Speaker and as a member of Parliament, it goes beyond associations and acquaintances; we become friends. Friendships are forged here, despite how members behave in question time. Friendships are forged, on both sides of the House in my case. I wish the members who are retiring a long and happy retirement with their family, friends and loved ones. I openly acknowledge their contribution to their electorates, their communities and this Parliament. We all make a contribution and sacrifices—as our families make sacrifices during our public life—and we thank them for that.

In conclusion, there is an election coming up in March—although one would not have known that during question time today! I thank the Premier and her staff, the Leader of the Opposition and his staff, and the Leader of The Nationals and his staff for the constructive and supportive way that they have operated with my



office. That is important. I thank them for their leadership as we all support the Parliament. It is necessary to support members of Parliament and the wider community. I thank the Chamber staff who have worked hard and done some amazing things. Many changes have been afoot—some of them are obvious, such as the cameras, the standing orders and so on—and many of them have benefitted members and others.

Finally, I thank the Whips. I will not miss the interjections of the member for Bathurst. He has been a great character of this place, and he deserves congratulations on his contribution to this place in his role as Government Whip. I also thank the Opposition Whip, the member for Wagga Wagga. I thank the Deputy Whips, the member for East Hills and the member for Lismore, for their tremendous efforts. I thank the Government Leader of the House and the shadow Leader of the House for the courtesies and support they have shown to my staff in terms of the operation of the House. It is much appreciated. I wish everyone a very merry Christmas and a happy New Year.

**Mr ADRIAN PICCOLI** (Murrumbidgee—Deputy Leader of The Nationals) [6.10 p.m.]: I apologise that the Leader of The Nationals cannot be here to offer Christmas felicitations, but as the Deputy Leader of The Nationals it gives me great pleasure to do precisely that. We have had an interesting four years in this Parliament. It has been a great pleasure for me as the Deputy Leader of the New South Wales Nationals and as the shadow Leader of the House. The House can be an exciting place at times, but it can also be boring. It has been a great pleasure to be part of proceedings in 2010, despite our differences.

I thank The Nationals members of this place and the Legislative Council who are part of the Fifty-Fourth Parliament. Like all members of Parliament, we act in the best interests of the people we represent and the broader community in New South Wales and Australia. While we disagree on various issues, I think it goes without saying that we always act in what we think are the best interests of the community. I pay my respects to the member for Orange, Russell Turner, and the member for Myall Lakes, John Turner, who are retiring after many years of great service to their communities and to the Parliament. As we all know, being a member of Parliament can be difficult, and personal sacrifices have to be made. Both of the Turners in this place have made sacrifices but they have also made great contributions. They will be remembered in the Parliament and in their electorates for the contributions they have made.

I thank the Speaker, the Deputy-Speaker, the Assistant-Speakers and the Temporary-Speakers. It has been great to spar with the Leader of the House, especially during debate on motions to suspend standing orders. I thank the Government Whip and the Deputy Government Whip, the Clerks, the attendants and the diligent and patient Hansard staff. I heard the Leader of the Liberal Party talking about how they manage to decipher what is said in the Chamber. When I read my speeches the next day I do not recall being so coherent. They do a good job of making us sound good, for which I am eternally grateful. I also thank accounts and building services staff who help our office. I thank the staff of catering; security; the special constables, who often undertake a thankless task; the library staff, who are very helpful and do terrific work for us given our limited resources; and the information technology staff, given my lack of knowledge in that area.

I thank my personal electorate staff—Lyn, Sally, Jan and Karen—and all the New South Wales Nationals electorate office staff. Without them I do not think we could do a fraction of the work that we do and satisfy a fraction of the people we ultimately satisfy. They do an incredible amount of work in sometimes quite difficult circumstances. They are the front-line troops and I thank them on behalf of all of us for their work. I also thank Barry O'Farrell, the member for Ku-ring-gai, the Leader of the Liberals and the Leader of the Opposition who does a great job representing the Liberal Party and the Coalition. I thank him for his great work over the past four years, particularly this year. I thank Andrew Stoner, the Leader of The Nationals in New South Wales. He has been the Leader for eight years and, having a large family, he has certainly given up a lot to represent his community.

I thank The Nationals staff at Parliament House: the Leader's chief of staff, Rod Bruce; our media and policy advisers, Lis Davies, Ben Shine, Alex Bruce, Ilse van de Meent and Edward Yabsley; the NSW Nationals office manager, Bree Price; and the upper House staff, Emma Logan, Alice Hardy, Jonathan Moore, Aidan Cromarty, Sean O'Connell and Josh Hatten. I also thank Jane Standish in Geoff Provest's office, Jinesh Patel in George Souris' office, and Jim in Kevin Humphries' office for doing a great job on sitting days. I acknowledge all of the Liberal staffers, in particular, Barry O'Farrell's chief of staff, Peter McConnell, who does a great job for both the Liberals and The Nationals. I put on record The Nationals appreciation for Natasha Luschwitz, the secretary of shadow Cabinet, and the great work she does.

Finally, I thank my wife, Sonia, and my son, Finn, who is too young to appreciate it at the moment, for their forbearance and for their sacrifices to enable me—a husband and a father—to be a member of Parliament. I wish everybody a happy, holy and safe Christmas and all the best for the New Year.

**Mr GERARD MARTIN** (Bathurst) [6.15 p.m.]: This is my last speech in this famous Chamber and I am pleased to have the opportunity to say "Thank you" on a happy note. Not in any order, but I will start with thanking the Speaker and his staff, particularly Margaret and Lucy, the Deputy-Speaker, Assistant-Speakers and Acting-Speakers for keeping the place running over the past four years, particularly this year. I thank my good friend and colleague John Aquilina, the Leader of the House, who has done a magnificent job under difficult conditions. About a week ago he was being heckled because he had a heap of legislation and it looked like the reserve week would have to be used, but he has managed to pull it off. I think this is the quietest final sitting week that I can remember. Normally at this time we are sitting around waiting for legislation. I congratulate John and thank him for being a very good mentor to Alan Ashton and me.

All members appreciate the competence and professionalism of Priscilla Armstrong-Guirguis from John Aquilina's office in what is a very difficult and stressful job. She does her job with great grace and quite often under very difficult circumstances. Priscilla is well respected on both side of the House and has an ability for one so young to be able to mix it not only with her peers but also with people at any level from the Premier down. I thank the House attendants: Ian Delahunty, who is not present but I have sat next to him in the corner and we have shared many confidences in question time, in particular, and got ourselves out of a number of jams from time to time; Danny Heldal; April Lowndes, who is away on secondment and always brought great cheer; and of course Jeremy Travers, the newest member of the team who is sitting here very quietly. He is a very quiet and diligent young man, but I am sure that he is learning the ropes pretty well. He does not want to take too much notice of the member for Blacktown, who asks him every day whether he has finished riding track work for the day. He thinks he looks like one of our top-line jockeys. Welcome to the show.

We are very well served with front of the House staff. Peter Tuziak is a great Collingwood supporter who likes the Canterbury Bulldogs. He is involved with tours and education at Parliament House. It would be remiss of me not to mention Jan Clifford, who is a rock in the Whip's office—members on both sides of the House understand that. The Clerks are very important to us. Russell Grove and his very talented group dispense great advice to us, sometimes under difficult conditions. I also mention my colleague Alan Ashton, the Deputy Government Whip. Some people liken him to a terrier dog as he charges around rounding up people. I have done a quick calculation, and after eight years in our positions we have counted more than 4,000 divisions and we have not lost one, although one night earlier this week I thought that record may have been blemished—there was the first hint of a panic attack, but we made it. Thank you, Alan.

I thank the catering staff. Members know of the dramatic changes in the way catering is dispensed in this place and, to be honest, I am not happy about the way it has developed. But having said that, the catering staff do a magnificent job, particularly the staff who look after the members and that is Charlotte, Maria, Anoun and Gary in the bar, the world's best barman. They are very dedicated and work particularly hard with the young and very inexperienced staff from the agencies. They do a great job and they make us feel a part of a family in the dining room. I thank Premier Keneally who has been a great boss, and very supportive of me and my Labor colleagues. Some of them think I am grumpy but that is the role of Whips. I also thank Daryl Maguire and Thomas George. Daryl, in particular as the Opposition Whip, has been very compassionate and understanding. I wish everyone a very merry Christmas, and from me, that's it!

**Mr DARYL MAGUIRE** (Wagga Wagga) [6.20 p.m.]: How quickly a year passes. This time last year when giving felicitations south-east rural New South Wales was suffering the worst drought in our written history. Today it is far different. A number of weeks ago floods affected some 1,500 homes in the Wagga Wagga and Albury electorates. It has now been raining for a week—the rain is torrential—and the river has already broken its banks at Gundagai. We can expect a flood again. It is history repeating itself. After every terrible drought, Mother Nature brings enormous floods. As someone mentioned earlier, Dorothea Mackellar got it correct, but I would suggest that in the next days and weeks there will be many challenges for communities across regional and rural New South Wales, particularly in the north, where they are sandbagging towns and villages to protect them from floods, and in the south-east we can expect that in the next week or so. The water is welcomed; however, it appears that the quantity of it will be the problem.

I offer my warmest wishes for the festive season to all of those that make up the Parliament. In particular, I acknowledge the Speaker. I acknowledge his staff, both Margaret and Lucy, and the very professional way that they go about their work. I acknowledge also the Leader of the House. After 29 years, I wish him well. We have always had a very professional relationship and, dare I say, a very good friendship. While we have a little bit of a row in the Chamber, we have always walked out and put our differences aside—that is the mark of a great man. I wish the member for Riverstone well in his retirement or whatever he chooses

to do. Priscilla Armstrong-Guirguis has a very difficult job, as we have seen. Dealing with a heap of ministerial officers and not having legislation or amendments ready is difficult. She has done it, to her great credit, and I thank her for her cooperation.

The Government Whip, Gerard Martin, said some very kind words and I wish him well in his retirement. I have to say that he has been very cooperative. The public looks at the Parliament during question time when we agree to disagree, but there is genuine participation and cooperation in the hall that I call the rogues gallery—the executive hall—which there has to be if this Parliament is to function. I also acknowledge the man who rides shotgun with me all the time, Thomas George. He is a great mate, a great friend. Without Thomas I could not do this job. He has always stepped into the breach. He is the most trustworthy and loyal offside and I thank him, and his sidekick, Erin Stott, who is a great staff member and absolutely devoted to the job.

I acknowledge also Barry O'Farrell, Jillian Skinner, and the leadership team, as well as all of my Liberal work colleagues. I wish them all well over the Christmas break. We have a lot of work to do in the lead-up to the election and I want to say to my colleagues that I am very proud to serve with them, along with my National Party colleagues. They are toiling with us and they are indeed great people that I am pleased to serve with. There are so many people to be thanked, the Clerks, the cleaners—most people have mentioned them; they are all important—Jan Clifford, who we work with, Maryann Winterflood, and my staff in the Wagga Wagga office, Margaret, Paula, Brenda and Sue. I am pleased to say that there will be an addition to the Wagga Wagga office—Sue's baby is due in about April—and we are all looking forward to that event.

Many things have occurred over what has been a sometimes difficult but often very challenging and exciting 12 months, but time does not permit me to relay them. I wish you all well, those who are leaving this Chamber, the many friends that I have made in the Chamber and those from our side of the House, particularly Michael Richardson, Wayne Merton, Judy Hopwood, Peter Debnam, Malcolm Kerr, Russell Turner and John Turner. I thank them for their genuine friendship and the way that they have worked with us and been part of our team. I wish each and every one of you a very merry Christmas. Drive safely and, whatever you do in life, I hope that the wind is always at your back and the sun is smiling on your face.

**Mr ALAN ASHTON** (East Hills) [6.25 p.m.]: As Deputy Government Whip, I thank the Government Whip, Gerard Martin, for his leadership and friendship in the eight years that we have worked together. We sat together for our first four years in this Parliament, and that makes 12 years of cooperation, so it is with great regret that I note that Gerard is leaving the Parliament at the 2011 election. I do not doubt that if he had run again he would have won the seat.

I thank Jan Clifford, whose efforts in the Whip's office are untiring and respected by all government and non-government members alike—and it is not just because Jan hands out the lollies. Jan is a very professional and much-loved lady by our side. Her experience and advice was always worth listening to; I wish a few more of our members would listen to it more often. I also thank Fran, Gerard Martin's other offside when he is here at Parliament.

I thank the Opposition Whip, Daryl Maguire, the Deputy Opposition Whip, Thomas George, and Adrian Piccoli, shadow Leader of the House, for their cooperation. Much of what happens in this Chamber is a result of secret whips' business that helps the Chamber to operate diligently most of the time. I acknowledge also the role and support of Russell Grove, the Clerk, and Mark Swinson, Les Gönye, Ronda Miller, Helen and the other officers at the table who do so much in assisting us and telling us what we should be moving and what we should be saying.

I congratulate the Speaker, the Hon. Richard Torbay, on his four-year stewardship in the Chamber. He is a very intelligent and very humorous man who has been able to mix the right degree of gravitas and humour in his role. I also thank the deputy, assistant and acting-speakers, Tanya Gadiel, Alison Megarrity, Grant McBride, Diane Beamer, David Campbell, Thomas George and Wayne Merton.

I acknowledge the dedication, experience and support I have received from John Aquilina, the Leader of the Government in the House. He is a class act—unflappable and polite—with real dedication to the Australian Labor Party and to the Parliament. I am not sure I could have worked for him if he was a school principal and I was on his staff. I always was, and remain, a little bit too much like the class clown and he may not have appreciated that, but we have both taught those sorts of kids.

I thank Priscilla Armstrong-Guirguis, and Danielle who has returned, for their help with John Aquilina and especially with Gerard Martin. Priscilla is a rare person in many ways. She gets the job done brilliantly and she brightens your day with her sense of fun and enthusiasm. For someone who is young—let's be honest—she does a great job and I wish her all the best for what may lie ahead.

I briefly thanked the librarians the other day, but I will do it again. Any requests I have made for books or research were always met promptly and enthusiastically. I acknowledge Joe, the Speaker's assistant, Margaret and Lucy. I also place on record my appreciation for the attendants in the Chamber who move around quietly assisting us all, Greg Kelly, the Deputy Serjeant-at-Arms; Peter Tuziak, Ian Delahunty, Danny Heldal and others over the years, like Terry Parker and others that I could think of if I had a little more time.

I thank Kerrie O'Brien and the IT people. Just last week I connected a computer in my office. I am still looking for the "press any key" to turn it on. Thanks to the catering staff, people like Charlotte, Maria and Anong, Gary in the bar. Cathy, who worked with the members for many years, should be thanked as well. Thanks to all at Hansard, who faithfully record my history lessons delivered here under the guise of parliamentary debate—and I appreciate the reindeer ears. They remind me of the dog in *Wallace and Gromit*.

I thank Kristina Keneally for her premiership over the past year or so. It is no secret that there have been other Premiers on the Labor side in the past couple of years. Learning under Bob Carr was a great experience. Morris Iemma is still a good friend of mine. Nathan Rees is certainly still here and will be here after the election. I congratulate those on both sides of the Chamber who are leaving and wish them all the best. It has been a privilege to serve as Deputy Whip, but more importantly to be a member of this Chamber.

This, I hope, is not a valedictory speech, but one has to remember that there is an election coming up. I have often had to be fairly aggressive in this place but, as most people know, it is a bit of an act; I am well able to get on with people outside this Chamber. In conclusion I mention Richard Amery, whose ALP politics is so different to mine it is unbelievable. It has been a laugh a minute for us for the eight years we have sat together. Merry Christmas, best wishes and I hope to see many members back here again in April 2011.

**Mr THOMAS GEORGE** (Lismore) [6.30 p.m.]: I stand here this evening with great honour, pride and appreciation for what happens in this place each year. Despite our differences everyone acts very professionally and that is appreciated by all. First I acknowledge my staff in Lismore, Bronwyn Mitchell and Christine Marshall, and two people I welcomed on board this year, Annie Armstrong and Nerida Woolley. They certainly do a very professional job in my electorate office. Every member would agree that our electorate staff make us look good and handle a lot of difficult situations when we are not in the office. A big thankyou goes to them.

I thank the Leader of the House, John Aquilina. It is sad to see him retire, but there is life after politics. You have only to look at the people who have left over the past few years to see that they have got younger. Thank you, John, for what you have done not only while I have been Deputy Opposition Whip and Acting-Speaker but also for your support during the whole time we have been here together. Priscilla Armstrong-Guirguis has probably gone home, but I thank her because she has had to put up with a lot. The other night highlighted what she has to put up with.

I thank the Government Whip, Gerard Martin, who is also retiring and who is a classmate of mine from 1999, and the Deputy Government whip and member for East Hills, Alan Ashton. I also thank Jan Clifford, their office assistant. She does a tremendous job. We all represent a side of politics but we work together and I thank Alan and Gerard, and trust that Gerard will have a great retirement. The Opposition Whip, Daryl Maguire, complimented me, but he is the bloke who has provided the guidance and directions, and made the decisions. I have just been there to back him up. He has been well and truly supported in his office by Maryann Winterflood. I thank Maryann; she does a tremendous job in making life easier for both Daryl and me. This year I had the pleasure of having Erin Stott come to work with me. She has done a great job and has supported me and all members on the Nationals team. I sincerely thank her for that. Ben Dougherty has been assisting her in the past few days and learning all about the job. Well done, Ben.

While I have been Deputy Opposition Whip I have also been an Acting-Speaker, and in that position you see another side of people you associate with day in and day out. I thank Russell Turner for relieving me as Deputy Opposition Whip and enabling me to take on the Acting-Speaker position. I thank Andrew Stoner, the Leader of The Nationals, for the leadership he has provided not only this year but over the eight years he has held that position. He has been well and truly supported by Cathy, his family and staff. The Deputy Leader of the Nationals, Adrian Piccoli, has also been well supported by Sonia and his family. I thank them both. I thank The Nationals staff team led by Rod, and Ben Alex, Bree, Else, Lis and Edward for their support.

I thank also the Leader of the Opposition and member for Ku-ring-gai, Barry O'Farrell, and it is not because he has just walked into the House. He and Jillian Skinner have led the Coalition not only this year but throughout this term of Parliament. His dedication, leadership and direction have always been greatly appreciated. To his chief of staff, Peter McConnell, and Brad, Natasha and the team I give sincere thanks for their support.

I thank the staff in the House. In Hansard I thank Judith, Lisa—I have to single Lisa out because she comes from my home town—and the team. I thank all staff who provide services to members of Parliament—security, accounts, information technology, library, cleaners and catering, and none of us would survive without the catering team on levels 6 and 7, and the education unit. Your efforts are greatly appreciated.

As an Acting-Speaker I see another side of this place. I thank the Clerks, Russell and Ronda, and Mark, Les and their whole team, the Deputy Serjeant-at-Arms, Greg Kelly, attendants Dan, Ian, Peter, Lynne, and young Jeremy who has joined the team. He is like a breath of fresh air. He keeps us all on our toes. I thank Joe, Margaret and Lucy from the Speaker's office. Joe hurries us up all the time and although every one of us has an excuse for being late Joe is awake to that and gets us down to the House. To the Speaker, the Hon. Richard Torbay, and the Deputy-Speaker, Tanya Gadiel, the Assistant-Speakers, Alison and Grant, and my fellow Acting-Speakers I say thank you.

I stand here with mixed feelings because many of my friends are retiring. I refer especially on this side to John Turner, the member for Myall Lakes, and Russell Turner, the member for Orange. I thank John and Ann and Russell and Diane for their friendship. All the retiring members have been mentioned, especially those on the Liberal side, but I want to single out Malcolm Kerr. He has been a great support to me. I know he will miss this place. He has been a special friend and I certainly will miss him. All I can say is that regardless of which side members are on I wish them every success in the future. I ask God to bless them with good health and happiness in their retirement from this place. Last but by no means least I thank my lovely wife, Deb, and our family for their support. I take this opportunity of wishing everyone a merry, safe, happy and holy Christmas and let us be blessed with good health for 2011.

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

**Motion agreed to.**

### **SPECIAL ADJOURNMENT**

**Motion by Mr John Aquilina agreed to:**

That the House at its rising on Friday 3 December 2010 do adjourn until Tuesday 1 March 2011 at 1.00 p.m.

**The DEPUTY-SPEAKER:** Christmas felicitations having concluded, the House will now proceed with private members' statements.

### **PRIVATE MEMBERS' STATEMENTS**

#### **KU-RING-GAI ELECTORATE PARKS**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [6.35 p.m.]: My electorate of Ku-ring-gai is blessed to be surrounded on two sides by national parks—Ku-ring-gai Chase National Park on the east and Lane Cove National Park on the west. It is blessed with many national park, State Government and local council fingers of bushland. I will refer to one of those in particular tonight but before I do so I want to say that one benefit of representing my electorate is that because of its natural beauty and the national parks that surround it there are many people engaged in bush-care regeneration, both within the national parks and the municipality. I pay tribute to all of those people for their efforts in Ku-ring-gai to try to maintain and preserve the wonderful bushland amenity that so many of us enjoy.

The second benefit that those who live in such surrounds have is that we can enjoy the bushland, whether walking in Ku-ring-gai Chase National Park and Lane Cove National Park or cycling through those parks, which is allowed on designated roads. It is a wonderful thing to do and a wonderful way to spend spare

time, either on your own or with your family. Certainly the O'Farrell family have done that on more than one occasion. There is at least one story about being lost, or at least taking the wrong fork in the road in the Lane Cove National Park, which the family still laughs about.

Today I want to talk about Little Blue Gum Creek at Lindfield. On the corner of Lady Game Drive and Grosvenor Road at Lindfield, not far as the crow flies from where I live, is Little Blue Gum Creek. For many years that area has been subject to bush care regeneration by a group of dedicated volunteers, led by my friend Rymill Abell—the man who got me involved in bush care regeneration not just locally but as far away as Lord Howe Island. Rymill Abell, who is dedicated to his work, epitomises the energy and vigour of many others involved in bush care regeneration. Rymill is involved not only with one site; he is involved with a number of sites and he is there weekly and fortnightly doing his share.

Madam Deputy-Speaker, you would appreciate that not everyone is able to access these wonderful natural landscapes. Some people cannot access them because they have a disability. Tomorrow, on the International Day of Disability, I will be participating in a Ku-ring-gai Council initiative at Little Blue Gum Creek. A wheelchair track is being opened to enable those people who have a disability to experience for themselves, through the use of a constructed boardwalk, if you like, that wonderful beauty and those wonderful sounds, smells and sights in areas such as this that one can enjoy just metres from a road. Lady Game Drive takes a fair bit of traffic: it is one of the secondary road routes on the North Shore. Grosvenor Road has its issues, which, as the local member and as a local resident, I well understand. This is a unique finger of bushland.

I congratulate Ku-ring-gai Council on its efforts in putting together an opportunity for people with a disability to experience what those without a disability in Ku-ring-gai and in other areas across this city and this State are able to experience. The track alongside Little Blue Gum Creek in Phillip Game Reserve is wheelchair accessible. It passes through areas populated by eucalyptus and casuarina alongside Little Blue Gum Creek, where cormorants can be spied drying their wings in the sun. The boardwalk has been designed to accommodate wheelchair access directly from the parking bays on the corner of Lady Game Drive and Grosvenor Road. This is a great example of local government identifying and responding to a need. I congratulate Ian Cross, the Mayor of Ku-ring-gai, on all his efforts. I congratulate his staff on their foresight and vision, and on the delivery of this project, which I have watched with interest as I have driven past on many occasions, going one way or the other. This is another example of what we need to be doing—making sure that we include everybody and understanding that we all have abilities.

### TRADE UNION MOVEMENT

**Mr PAUL GIBSON** (Blacktown) [6.42 p.m.]: Tonight I will make my last speech in this Chamber.

**Mr Barry O'Farrell:** I will stay then.

**Mr PAUL GIBSON:** It will not be that good, but I will do my best. There are many thousands of trade unionists in my electorate. At a meeting two weeks ago they asked, "Will you say something about the trade union movement before you leave?" I gave them an undertaking that I would do so on behalf of my electorate of Blacktown. Last night I was going to say something about the unions in my valedictory speech but I thought it was more important to refer to this important issue in isolation. I have been a trade unionist nearly all my life. The greatest debt I owe is to my electorate and to the union movement. I joined the Commercial Travellers Guild many years ago. It then amalgamated with the Storemen and Packers Union and became known as the National Union of Workers.

Back in those days the union boss was Frank Belan. Frank Belan was the best mate I have ever had or ever will have, and I loved him dearly. Frank, who was from the old school, was the most honest and straight-shooting person that you could ever meet. Frank probably was not everybody's cup of tea. One day I invited Frank to lunch at Parliament House. I said to him, "Frank, no matter what, you are not allowed to swear." It was the worst thing I could have said because the first thing he did when he gained possession of the microphone was swear. Frank turned that union into a great organisation. After Frank's death his son, Derrick, took over. Derrick, who is like a little brother to me, has always been there for me in the good times and the bad. The unions collectively have worked for me at every election that I have contested. Weeks before an election union members worked the railway stations and did doorknocking and fundraising. On election day they manned and looked after the booths. In addition, I have their true loyalty and friendship, which is something to behold.

Derrick Belan, the union boss, has shown great leadership. I am certain that Frank would be proud of the way in which Derrick has looked after the union and union members. Wayne Meaney is second in charge and Marilyn Issanchon is the president. Those great organisers, including Ronnie, care for the workers and everyone else. Over many years they have been good friends and colleagues. The Australian Workers Union [AWU], under State Secretary Russ Collison, is another union that looks after me. Russ Collison is a lovely man who would do anything for anyone. Stephen Bali, the second in charge, is a close friend of mine. Russ and Steve, who have both given amazing service to the AWU, are great supporters and friends. When it comes to giving support they never flinch; they always stand toe to toe and they put it on the line every time. Russ and Steve epitomise what unionists are all about.

I joined the union because I did not believe in young kids working in coalmines. I believed in a worker getting a fair day's pay for a fair day's work. I believed in equal pay and equal opportunity and I believed in safety in the workplace. That is what the unions have helped to provide. They have also provided flexibility and have fought for better conditions in the workplace. They have homed in on those issues and they have done the best they can. It would be remiss of me if I did not say something about my mate—and a mate to many people in this Chamber—Bernie Riordan. Over the past week or so we have read a bit about Bernie Riordan—a former president of the party and boss of the Electrical Trades Union.

Bernie Riordan, a great bloke, is an amazing family man and lovely gentleman. During the week I was saddened when I realised that Bernie had decided to stand down. Whether it is the union movement, the Labor Party or any other party, we cannot afford to lose people of the calibre of Bernie Riordan. One of the greatest pleasures in my life is to be part of the union movement and to have such great mates. I imagine that I will be mates forever with the people I mentioned who have mentored me. I say to them: Thank you. It has been an amazing ride—and the trip is not over yet!

**The DEPUTY-SPEAKER:** I thank the member for Blacktown and, as a former unionist, I concur with his comments.

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [6.47 p.m.]: I thank the member for Blacktown for his contribution. Over many years the member for Blacktown has represented his electorate well and with a great deal of respect. He has always been a strong advocate in this Chamber for his local community. This afternoon he put on record his heartfelt warmth for the trade union movement, for which I thank him. The Deputy-Speaker, Ms Tanya Gadiel, and I come from the union movement. We thank him for recognising the great work that the union movement has done in our communities. Often in this place the trade union movement does not get its just desserts, especially from Opposition members. However, I will not address that issue today.

The member for Blacktown, probably in his last speech in this Chamber, acknowledged and recognised the great work done by the unions, and particularly the work of the Belans. I knew Frank Belan well and remember meeting him at Trades Hall on a number of occasions. Frank was a great individual. It is a credit to the member for Blacktown that he acknowledged the work done by that individual in the trade union movement. I acknowledge the work done by the member for Blacktown: he will be sorely missed. We will keep in touch with the member for Blacktown, who is forever etched in our minds.

**The DEPUTY-SPEAKER:** I note the acclamation for the member for Blacktown—although it is possibly outside the standing orders. I congratulate him.

## FOOD AND GROCERY PRODUCTION

**Mr DONALD PAGE** (Ballina) [6.49 p.m.]: I offer my congratulations to Brookfarm, a business in the Byron Bay area that was recently named the winner of the Rural Enterprise Award at the National Australia Bank 2010 Agribusiness Awards for Excellence. Last Friday I attended the tenth anniversary of the commencement of the Brookfarm business and noted the many other excellent awards it has received in its 10 years of operation. Brookfarm produces quality macadamia products that are sold nationally and also exported to more than 10 countries, including the United States, the United Kingdom, New Zealand and Germany. Brookfarm is an outstanding example of a regional business that succeeds on both a national and an international level. Pam and Martin Brook's vision of taking a top-quality raw product and, by value adding, turning it into a sought-after, highly recognised brand of muesli and other products has led to their well-deserved success. The diversity of their products is a great example of what can be done in the North Coast region and beyond.

Despite Brookfarm's success, as a member of Parliament with strong ties to the land I am concerned about the recent findings of a report that provides an economic snapshot of the food and grocery manufacturing sector. The report by the Australian Food and Grocery Council and KPMG, entitled "State of the Industry 2010", found that for the first time in many years the food and grocery industry's international net trade position fell dramatically, from a \$4.5 billion surplus in 2004-2005 to a \$1.8 billion deficit in 2009-10. Put simply, when it comes to the international trade of food and groceries, our total imports exceeded industry exports by \$1.8 billion. In a food-producing country such as Australia most people would be surprised, even staggered, to learn that we have gone from being a net exporter of food and groceries to a net importer. Exports of grain and live animals are not included in the export figures because they are not directly consumed. However, the figure includes manufactured food and beverages, grocery manufacturing and fresh food production.

The real value of exports in 2009-10 decreased to \$21.5 billion while the real value of imports for that period was \$23.3 billion, despite the wonderful efforts of local businesses like Brookfarm. Of course, the global financial crisis and Australia's relatively high dollar have had an impact on these figures. The food and grocery manufacturing sector employs 288,000 people in Australia. The report recognised the importance of protecting the future job growth and investment needs of the industry as well as meeting the nation's future food supply needs. Geoff Starr, the Chairman of the Australian Food and Grocery Council, said he hopes the report will provide the impetus for a national debate on the future role of food and grocery manufacturing in Australia. I agree that it is a national issue, but it is also a State issue and, in the end, a local issue. The State Government needs to recognise the economic and social value of our food and grocery industry. We must recognise the great food production potential of places such as the Northern Rivers area and beyond.

The sustainability and growth of our agricultural sector in New South Wales should be a major issue for the State Government. Statistics compiled by the National Farmers Federation show that approximately 82,000 people in this State are employed directly in farm jobs. That number does not include indirect jobs created as a result of the agricultural industry and related value-adding industries. New South Wales is also home to the largest number of farms, at 31.2 per cent of the Australian total. Farming is a part of our heritage: this country and this State were built on agriculture. The United Nations predicts that the world's population will grow to 8.9 billion by 2050. It is incumbent on the New South Wales Government to ensure that we have a viable and productive agricultural sector that will continue not only to provide food and fibre for Australia, but also to export to the rest of the world.

The future looks like it will be challenging for the agricultural industry on many fronts. Water allocations in the Murray-Darling Basin no doubt will have a significant impact on production. Also, climate change is expected to impact on production systems in Australia and overseas. New South Wales therefore needs enterprises such as Brookfarm, an organisation that not only uses a fresh, quality, locally grown product, but also adds value to it and exports it. I support the strong push in the Northern Rivers for people to buy local, eat local and support local producers. Local farmers markets and weekend markets are well patronised, which shortens the distribution chain and reduces greenhouse gas emissions by reducing transport distribution distances.

What is the New South Wales Labor Government doing to assist our local food production effort? In late 2008 the New South Wales Government announced in its mini-budget that it would be closing the Horticultural Research Centre at Alstonville. Since then the 23 staff and producers on the North Coast have heard precious little about what is happening with that facility. In a country as rich as Australia and a State as abundant as New South Wales the Labor Government needs to protect our agricultural industry and ensure that our food and grocery manufacturing sector continues to grow.

#### **M4 EAST EXTENSION**

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [6.54 p.m.]: Providing major road infrastructure is an important issue for residents in my local area. The M4 is a 40-kilometre motorway that extends from Concord in my electorate to Lapstone at the foothills of the Blue Mountains. For some time now as the State member for Drummoyne I have been advocating the extension of the M4 by an underground tunnel from Concord Road, where it now ends, all the way to the Anzac Bridge. Seven days a week my local residents are confronted with thousands of cars spilling off the M4 onto our local roads. The State seat of Drummoyne is surrounded by major roads such as Victoria Road, Parramatta Road, Concord Road and Homebush Bay Drive. The electorate also has 38 kilometres of foreshore, which places additional traffic pressures on our suburbs. The



M4 East extension is a major infrastructure project in the inner west worthy of funding from State and Federal governments. It makes sense to channel traffic underground into a tunnel from the current exit at Concord Road, North Strathfield, to the Anzac Bridge.

There is widespread local community support to prioritise this project. To ensure the highest possible air quality, the tunnel must also include state-of-the-art air filtration. In-tunnel filtration must be an integral part of the M4 East extension project. The building of the M4 East extension could play an important role in enhancing the public transport network through our local suburbs. We secured great outcomes in the recent bus review by delivering better bus services to my local community. The bus review delivered, to name a few, the 439, L39, 415, extension of 466 to Strathfield and 502 services, and introduced Metrobus routes M41, M50 and M52. These three new bus routes via the Metrobus have delivered an additional 2,165 services. Building the M4 East extension would reduce the amount of traffic in the local electorate, thereby freeing up our local roads and significantly enabling buses to get through traffic.

If the M4 is to be extended, it needs to be done properly. That means building the M4 East extension to the Anzac Bridge. My local residents have had enough of the traffic travelling through their area. Completing the M4 project by building a tunnel to the Anzac Bridge is an important solution to relieving traffic congestion in the inner west. Let me make it clear that building the M4 tunnel will also have a good public transport outcome by freeing up our local roads so that bus services can run on time. Mums and dads are always telling me about the gridlock they face in the morning peak when dropping children off at school and child care. We all know what it is like on a Friday or Saturday night when there is a game on at Olympic Park—all our main roads are full of traffic and often it can take more than 40 minutes to get out of our suburbs. That is why, as the local member of Parliament, I have joined with the NRMA to drive a grassroots community campaign with my residents to get a commitment to construct the M4 tunnel.

The M4 East tunnel would reduce traffic congestion by removing trucks and cars from our local streets, improve public transport by ensuring that buses are not stuck in gridlock, improve air quality and reduce our carbon footprint. Since 2005 an additional 1.9 million vehicles have been registered with the Roads and Traffic Authority in New South Wales. We know the importance of car ownership in Sydney and throughout New South Wales. That is why it is important to look at road infrastructure, particularly in the inner west suburbs. In the 2007-2008 New South Wales State budget the Government allocated \$500,000 towards the M4 East extension planning.

The Federal Government allocated \$300 million towards the analysis and scoping work for the M4 East extension. This demonstrates some commitment to the project. The State and Federal governments need to work with our community to ensure that we can explore this much-needed road infrastructure. In 2002 consideration was given to a short tunnel option, which my community felt was unsatisfactory. We have always advocated that the tunnel should be extended to the Anzac Bridge. I thank the thousands of residents who have supported our community petition, completed our online petition and joined our street stalls to get the petition signed. I assure my community that I will pursue this issue vigorously.

**The DEPUTY-SPEAKER:** I thank the member for Drummoyne. I am sure the constituents of Parramatta would be very happy with that outcome.

### **PITTWATER EDUCATION FACILITIES**

**Mr ROB STOKES** (Pittwater) [6.59 p.m.]: I extend my thanks to teachers who serve the school communities in Pittwater. The Pittwater electorate is served by three wonderful government high schools, the Barrenjoey High School, the Pittwater High School and the Narrabeen High School. There is also one Catholic high school, the Mater Maria Catholic College. There is also the Northern Beaches Christian School, the German International School, Galston College, the Japanese International School and a huge variety of primary schools, such as the Narrabeen Lakes Public School, the Narrabeen North Public School, the Elanora Public School, the Mona Vale Public School, the Newport Public School, the Bilgola Plateau Public School, the Avalon Public School, the Terrey Hills Public School, the Loquat Valley Anglican Preparatory School, St Joseph's College, the Sacred Heart Parish School, the Maria Regina Catholic Primary School, the Alexander primary school in Terrey Hills as well as many other schools that students from Pittwater attend, notably the Mackellar Girls High School, the Manly Selective campus, Stella Maris College, St Luke's Grammar School at Dee Why, Oxford Falls Grammar School, and Brigidine College at St Ives. There are many admirable schools in my electorate.

Schools have maintained their status as a focal point of our communities and have retained their importance as other community groups such as the Boy Scouts and groups associated with churches, et cetera, have lost a little of the prominence they once enjoyed. I take this opportunity to applaud the wonderful work done by parents and citizens groups in Pittwater. They offer incredible support and commitment to their schools. The groups consist of parents who commit not only to their own children but to all children at their school. The parents have mortgages, jobs and children of their own yet still find time to be supportive of children of others in their school communities.

Education is the key to wealth, to understanding, to moderation, to tolerance and, in many ways, to peace. Those who are better educated are both healthier and wealthier. Well-educated societies have enormous advantages over those societies that are not. As the famous British reformer of the nineteenth century, Henry Peter Brougham, once said, "Education makes a people easy to lead, but difficult to drive; easy to govern, but impossible to enslave." A contemporary liberal reformist of his, John Adams, noted—somewhat anachronistically these days but the sentiment is right nevertheless—that laws for the liberal education of youth, especially for the lower classes of people, are so extremely wise and useful that to a humane and generous mind, no expense for this purpose would be thought extravagant.

Since those battles of the nineteenth century subsided, the universality of education has become well established and accepted in liberal democracies such as ours. But the value of continuing education still is not entirely understood. Still there are those who seek to separate education and work between those who learn and teach and those who do and act. One of the most obnoxious statements I have heard applied to people in the education professions is: those who can, do, and those who can't, teach. That statement is a fallacy. The reality is that if people are not learning and not growing, and if they are not constantly keeping up with change in their job, profession or workplace, they will be left behind. In our workplaces there has been a real shift towards lifelong learning. Most professions currently require continuing professional education throughout a career. That is why the Russian mathematician, Grigori Perelman, stated, "Learning is what most adults will do for a living in the twenty-first century."

While many professions are in decline as technologies change, the need for educators and teachers will only increase. The need for more educational facilities will increase also on the Northern Beaches. I highlight the wonderful work of the Northern Beaches TAFE College, community colleges and the University of the Third Age. That also highlights the opportunities that may exist for an expansion of tertiary institutions on the Northern Beaches. For example, take a country such as the United States of America. Its continuing growth and success is fundamentally linked to its constant focus on education, research and innovation. As soon as an economy begins to neglect education, it starts to atrophy and deteriorate. That is why our teachers are so vital and need our support.

I want the teachers of Pittwater to know that their contribution, their dedication and their commitment is valued and admired. Sometimes I think that teachers do not realise just how special they are. Teaching is a gift and a vocation. The ability to inspire a love of learning and inquiry is innate; it cannot be learned or acquired. Teachers are among society's most valuable professionals. They shape our future. They have a role and responsibility that is absolutely awesome in its impact and gravity, and they require our support. As all members leave this place to attend as many speech nights and presentation days as is humanly possible over the next week or two, I know they value the contribution of teachers who guide and inspire our young people. I wish all the teachers of Pittwater the best of luck in the remaining weeks of the year and a relaxing, regenerating and peaceful Christmas, knowing that they have the support of a grateful community.

#### **CHARLESTOWN ELECTORATE SERVICES AND FACILITIES**

**Mr MATTHEW MORRIS** (Charlestown—Parliamentary Secretary) [7.04 p.m.]: During the time allowed for my speech, I will attempt to draw the attention of the House to as many successful outcomes for the Charlestown electorate as possible.

**Mr Andrew Fraser:** That will only take you 10 seconds.

**Mr MATTHEW MORRIS:** I preface my remarks by pointing out that I will provide only a small sample from a very long list. I wish to draw attention to significant grants that have been provided for pensioner organisations and the stroke and disability support service. Significant funding has been allocated to the John Hunter Hospital for the purchase of equipment for the treatment of children and waiting lists for elective surgery at that hospital have been reduced. The Wallsend aged care facility has been retained in public ownership and

there has been a \$200 million development of the Newcastle Mater hospital development proposal. I was able to argue in this place against reforms that would have allowed pharmaceutical products to be sold in supermarkets. I have witnessed the delivery of the Royal Newcastle Centre at the John Hunter Hospital.

In the area of education, schools in my electorate that have received security fencing include the Warners Bay High School, Belair, Kitara South and Kotara schools, the Whitebridge High School, the Cardiff Public School and the Cardiff High School. A new administration block has been built at the Warners Bay Public School. Air-conditioning for demountable classrooms has been provided at Mount Hutton, Charlestown East, Dudley, Garden Suburb and the Kahibah primary schools as well as at the Whitebridge High School. Almost \$700,000 has been allocated for projects under the Priority Action Schools Program at Gateshead, Gateshead West and Windale Public schools and the Hunter Sports High School.

Air-conditioning has been installed at the Warners Bay High School. A whole raft of work has been undertaken in all schools in the Charlestown electorate. A new preschool has been opened at the Windale Public School. A shade structure has been provided for the Hunter Sports High School. An additional 19 teachers have been employed in Charlestown as part of a class-size reduction program and we have spent \$3.2 million on a comprehensive new gymnasium at the school. The Government prevented closure of the Lakeside Special School, and \$29 million has been provided for a science laboratory upgrade at the Whitebridge High School, Kotara High School and the Warners Bay High School.

In relation to government expenditure on the environment, we have invested approximately \$100,000 in restoration works at Flaggy Creek. We have secured and delivered the Belmont Wetlands State Park. We have contributed to the development of a Charlestown master plan. I was pleased to launch a petition opposing nuclear power generation in Australia. We have invested funds through local councils to assist in weed eradication. I personally have opposed the privatisation of New South Wales energy generators. We have invested \$100,000 in floodplain management plans, upgraded the water supply at Windale, and we have spent \$6 million on upgrading the sewerage system for Dudley-Charlestown.

A new Roads and Traffic Authority office has been opened in Warners Bay. Under the last Community Building Partnership Program, we delivered \$400,000 to 13 organisations to assist with projects. We have opened a new fire station at Tingira Heights and contributed \$27,000 to Business Charlestown for the supply of WiFi services to the central business district. We have maintained our triple-A credit rating and introduced 4,000 new apprenticeships as part of New South Wales Government projects. We have achieved absolute success in implementing and delivering the Federal stimulus package for schools and social housing. We have delivered on every occasion the requisite funding to complete Fernleigh Track. We have funded a sports program through the Windale Public School. We are yet to announce more fantastic projects as part of the Community Building Partnership Program. We have provided funding for Ice Hockey New South Wales to host the world championship division at Warners Bay.

We have upgraded many traffic intersections, including the intersection at Charlestown Road and Peatties Road. We have improved access and pedestrian safety along Charlestown Road and spent \$4.6 million on Hillsborough Road. We have spent \$350,000 on pedestrian safety along the Pacific Highway at Gateshead and funding has been provided to commence work in February on the Cardiff rail station's easy access upgrade. We have introduced new legislation to provide better services in relation to wheelchair-accessible taxis. We have installed pedestrian signals on the Esplanade and King Street, Warners Bay, as well as at Myall Road at Cardiff and traffic signals at the intersection of King and John streets at Warners Bay. We have allocated funding for a pedestrian refuge on Hillsborough Road and currently we are undertaking a bus interchange scoping study at Charlestown costing \$50,000.

In addition, we have put more police into our local area command and have provided two fire engines for the Charlestown fire station, a fire engine for the Cardiff-Tingira Heights fire station, and a mobile police station. We have relieved first home buyers of stamp duty and introduced section 94 reforms to improve the delivery of local infrastructure. The Government has allocated \$70,000 for The Shed project, \$52,000 for the Charlestown Caring Group and has redeveloped a number of social housing properties. We have also provided support for the Eastlake Family Support group to provide services for people who are disadvantaged.

#### **COFFS HARBOUR BASE HOSPITAL EMERGENCY DEPARTMENT**

**Mr ANDREW FRASER** (Coffs Harbour) [7.09 p.m.]: On 9 September I raised the issue of emergency department doctors and the level of doctors at Coffs Harbour Base Hospital. Later we received a leaked

document that confirmed all the figures in that. I have now received a letter signed by six senior staff specialists in the emergency department at Coffs Harbour Base Hospital. The letter, which is addressed to Mr Crawford, states:

We write to you to express our deep sense of frustration at the continued lack of action on the part of the North Coast Area Health Service (NCAHS) to address our concerns regarding the exceedingly high level of clinical risk that we believe exists on a regular basis in the Coffs Harbour Base Hospital (CHBH) Emergency Department (ED). It is our expert opinion that patient safety and the level of clinical care provided in the CHBH ED is being significantly compromised on a daily basis due to the inadequate level of funded medical staff positions. There exists a major discrepancy between the level of medical staffing at CHBH and the medical staffing that is in place at the other major base hospitals EDs ... This is a situation that has been highlighted to the NCAHS executive for a prolonged period of time. The recent introduction of the Firstnet EMR in April 2010 with its predictable negative impact on the ability of our medical staff to provide face-to-face patient care has rendered this ongoing situation untenable and fraught with an unacceptably high level of clinical risk for our patients.

It is now six months since our Director Dr. Alan Tankel, advised the NCAHS executive of the need for a re-evaluation of the funded medical FTE to ensure the delivery of safe patient care in the CHBH ED. This correspondence highlighted the imbalance in medical staffing that exists across the base hospital EDs of the NCAHS in relation to their level of activity. The data unequivocally shows that we have a relative shortfall of some 8.05 FTE in comparison to the average level of medical FTE across the other NCAHS base hospital EDs. It is the NCAHS executive alone that has the authority and responsibility to redress this imbalance in medical staffing and subsequent inequality of clinical service provision that exists for different populations on the North Coast. We do not accept any argument pertaining to total funding levels as a valid comparison measure unless it also includes in the model VMO payments made to specialists in the other base hospital EDs. To continue with this flawed budgetary analysis excluding these VMO payments only perpetuates the shortfall in FTE available to provide front line staffing of the ED at CHBH. Through failure to act on our expert advice, the executive is giving tacit approval to an inequitable emergency medical service provision solely on the basis of geographical location. We find this exceedingly disheartening and unacceptable.

We believe we have followed due process in our attempts to put forward the need for further medical staff positions to be funded in the CHBH ED where the safe delivery of quality emergency medical care has, and always will be, our goal.

Unfortunately this has been greeted by inaction from the executive of the NCAHS. Therefore we feel we have been left with little option but to notify the NCAHS executive that we can no longer accept the sole responsibility for the consequences that flow from the inadequate hour to hour level of medical care provided in the CHBH ED. Whilst, as a group of Emergency Specialists, we accept our pivotal role in providing the overarching clinical governance in the ED, we feel strongly that our ability to do so is seriously compromised in the setting of a staffing situation that is grossly inadequate and carries a high level of clinical risk that would not be defensible to any external scrutiny. We can no longer accept personal or professional responsibility for a situation that is clearly beyond our control to influence. As a consequence of the lack of management of this overt major clinical risk it is our opinion that the NCAHS executive must also accept a portion of the responsibility for any adverse outcomes that occur in the CHBH ED. We would strongly encourage you to review the position of the NCAHS executive on this matter.

As always we would be happy to meet with you to discuss these matters further and we look forward to your response to the concerns we have raised in the near future.

The letter was signed by Dr Cathy Constantine, Dr Paul Spillane, Dr Malcolm Robertson, Dr Lorna McLeod, Dr Tony Woolford and Dr Jon Dryburgh, who are emergency specialists. The situation is serious. The doctors have said that they will not be held responsible for any adverse problems in the Coffs Harbour Base Hospital emergency department, and that the Government must wear that. It is up to Chris Crawford and the Government to provide a level of care not only to the people who use the emergency department but also the doctors who provide services on a daily basis. They are a great group of people and they get fantastic assistance from the nurses and other medical staff. However, they are not getting the assistance they sorely need, and they will not get it under the new arrangement. We need a commitment from the Government now.

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [7.14 p.m.]: I thank the member for Coffs Harbour for his private member's statement. I expect that he will bring this letter to the Minister for Health for investigation and reply, and I urge him to do so. I note that members opposite have made no election commitment to any increased funding for any area health service. The doctors involved have a right to expect from the member for Coffs Harbour a firm commitment definitely to increase staffing, which includes funding and numbers, after the next election.

## **ST GEORGE TAFE METAL FABRICATION AND WELDING SECTION**

**Ms CHERIE BURTON** (Kogarah) [7.15 p.m.]: Tonight I raise an issue of great concern in my local area—the news that the metal fabrication and welding course will no longer be offered at St George TAFE in 2011. First, I put on record my thanks to the member for Rockdale, the member for Oatley and, in particular, the member for Wollongong for their support, concern and lobbying efforts. Last week I was informed that the course would no longer be offered in 2011. St George TAFE has a proud history of being a skills-based TAFE. I have had the honour of having a close working relationship with the teachers, and I have watched them deliver first-class training and education, helping students further their skills and gain accreditation for their careers.

WorkCover-standard welding courses are in high demand. I have been advised that there are waiting lists for this course at St George TAFE, which is the only metropolitan TAFE that offers Engineering-Metal Fabrication Certificate II to school students as part of the successful year 11 and year 12 TAFE-delivered vocational education and training [TVET] program. This is at a time when it is well documented that we are suffering a skills shortage. Many of my constituents are unable to travel to an alternative TAFE, and forcing them to do so means that they would be unable to complete the course. Further, I have been advised that the welding courses at Chullora and Ultimo are running at capacity. If the course is no longer offered at St George TAFE, more people will miss out. I put on the record comments from some of the students. Glen Gamble said:

I Glen Gamble have been enrolled in St George TAFE with my son for the last two years to advance our welding skills to use in my business. I have now been informed that this course and all of the welding courses have been axed. Whether or not you know, nearly everything made from steel is welded, from cars, mining equipment, tables, chairs and buildings. And it is ludicrous as there is a shortage of skills. For 2011 approximately 16 students on the list, part of the school and higher school certificates. There are 8 apprentices finishing second year day class for unemployed students. This section will be deprived of funding. No pre-application course of the past two years as no funds, reducing teaching hours. This course has been set up to fail.

Another lady in my electorate, who calls herself chainsaw woman, said:

I am writing to you all to voice my concern about the imminent closure of the welding and metal fabrication section of St George TAFE, Kogarah, in Sydney's south. The section currently caters for apprentices, the unemployed, evening students trying to increase and update their skills to make them more employable. Pressure vessel welding qualifications, the equivalent of Lloyds of London certification, and the only TAFE in Sydney catering for the T-VET program, training of secondary students in this field. The ages of the students range from school students up to late 60s and early 70s. The welding and metal working trades have been identified as being skills in short supply, especially in the southern region. The closure of this does not make sense.

I ask you to contact the Minister for Education and Training to find out why the reason this is happening and to see if there is any way that this decision can be reversed.

Mark Hague wrote:

Dear Ms Burton

I'm a student at St George TAFE currently studying steel fabrication welding for the past three years and have just found out that it will be closing down this semester in three weeks which means like the other 80 students I'll have to either travel to the 'Gong or Ultimo TAFE. After working nine hours a day is impossible for a trade, which is so skilled that we have to get people in from other countries due to the lack of tradesmen. I would like you to look into this matter personally because to me it is not right.

Kind regards,

On behalf of my constituents and those students, I request the Government to reconsider its position and continue the welding course at St George TAFE. I understand that there are other issues concerning the course and funding. Tonight I give the students my undertaking that I will meet with St George TAFE to determine any outstanding issues. As the local member I will continue to fight to resolve those issues on their behalf.

**Ms VERITY FIRTH** (Balmain—Minister for Education and Training) [7.20 p.m.]: I thank the member for Kogarah and the member for Rockdale for bringing to my attention the concern over the proposed closure of this welding course. I am pleased to say that, having heard these concerns and after the advocacy of both members, a decision has been made to continue to offer this course at St George TAFE. Apprentices in the St George district will continue to have access to this course at their local TAFE.

## TEACHER WORKLOADS

**Mr JONATHAN O'DEA** (Davidson) [7.21 p.m.]: The Minister for Education and Training is leaving the Chamber. I was hoping that she might listen to my speech on education, but I know we will work constructively on the Killara High School issues. On Monday of this week I hosted a delegation of local primary school principals and teachers in my Davidson electorate office in Lindfield. The delegation was led by Andrew Stevenson, the principal of East Lindfield Public School. The delegation mainly wanted to raise the issue of how assistant principals and deputy principals have a full teaching load with no time to support quality teaching and learning in other classrooms, despite the increasing number of children with disabilities being enrolled in government primary schools.

It was pointed out to me that whilst assistant principals in New South Wales receive no release days or pupil-free days per week, the comparison with other States is interesting. For example, I understand that the number of release days received by assistant principals weekly in other States are as follows: Australian Capital

Authority, one day per week; Western Australia, between one to 2.5 days per week; Victoria, between one to 2.5 days per week; South Australia, 0.5 day for each 15 students over 190; Tasmania, two days; and Northern Territory, 2.5 days.

Catherine Williams, the principal of East Roseville Public School, provided me with material demonstrating the growing range of roles and responsibilities performed by her school leadership team. Those are extensive and should be appropriately supported in our primary schools, including through release days for assistant principals and potentially deputy principals. The New South Wales Liberals-Nationals Coalition has been working with the executive of the Primary Principal Association, as well as the chair of the Teaching Principles Reference Group of the New South Wales Primary Principal Association, on the issue of teaching principal release time.

We have received various communications from principals outlining their concerns about workload and the effect it is having on their ability to properly manage their schools, as well as mentor and support teachers. Members would agree that we need to properly nurture and foster teacher strength. Whilst the Liberals-Nationals Coalition have not yet finalised a position on this issue, we do want to offer more release time. We are working through the numbers made available by the Department of Education and Training to determine what can be done within a tightly constrained budget. I am pleased to note this matter is high on the Coalition's priority list, and we will continue to work with the Primary Principal Association to make our public schools even better.

Other issues highlighted by the delegation included class sizes for years 3 to 6 and special education policy. Indicative of the unselfish, inherent nature of primary school teachers, they also highlighted the biggest local issue for my area as being the inadequate resourcing of Killara High School. I have spoken about this matter numerous times before. I will not go into detail again now, except to say that I hope all stakeholders can work cooperatively for the balance of the electorate term to create better access to open space for Killara High in 2011—particularly while Koola Park is out of action. I note that Killara High School continues to outperform other schools in academic results but its lack of facilities is an issue that needs addressing. Part of it can be addressed in the balance of the current electorate term, but the remainder will be in the longer term, including through initiatives such as use of the University of Technology Kuring-gai campus site as proposed by the Leader of the Opposition.

During his earlier private members' statement the member for Pittwater spoke about education in his electorate. I also wish to place on record my strong appreciation for the excellent work done by the teachers in my area to further benefit the local children and broader community. Before entering the Chamber I was reminded by Scott Lennon and Tom Callachor, formerly of PricewaterhouseCoopers and now working here, of the value of lifelong education. I always hope to be open to learn from others. I have certainly learnt a lot during my first term in this Parliament. Much of that learning has been from the example of older and wiser members on both sides of the House, many of whom are retiring at the next election. I take this opportunity to thank them for their contribution, their example and their education. I wish them well for the future.

### **TORONTO ABORIGINAL CHILD AND FAMILY CENTRE**

**Mr GREG PIPER** (Lake Macquarie) [7.25 p.m.]: I am pleased to report progress towards establishing the Toronto Aboriginal Child and Family Centre, which is to be constructed at Toronto West. The centre is to be built under a \$74 million joint Commonwealth and State plan to establish at least 35 such facilities across Australia by June 2014, with nine of them being in this State. The New South Wales Government is proceeding with the Aboriginal Child and Family Centres under the National Partnership Agreement on Indigenous Early Childhood Development. The initiative is consistent with the Closing the Gap National Indigenous Reform Agreement of the Council of Australian Governments [COAG]. The facilities to be developed will bring together a range of early childhood health and family support services to improve the overall health and wellbeing of children, and support for their families.

It is important to provide a supportive and nurturing environment to help early childhood development, and the proposed centre is being purpose-built for this role for up to approximately 50 children at any time. The strategic platforms adopted by the Council of Australian Governments for overcoming Indigenous disadvantage are early childhood, schooling, health, economic participation, healthy homes, safe communities, governance and leadership. The Toronto Aboriginal Child and Family Centre will clearly target a majority of those objectives. It will be consistent with the other objectives with local Aboriginal people providing leadership and a reference group established by Community Services to develop the project.

The centre is being implemented according to a comprehensive set of requirements that will not only be culturally appropriate for Aboriginal children but will also be open to non-Aboriginal children. Aboriginal child and family centres are intended to deliver parent and family support services appropriate to the community to complement or link with existing services, including parenting programs, playgroups, family worker case management, family literacy initiatives, community development, adult education, peer support, outreach services and health services. The project's reference group, with the assistance of Lake Macquarie City Council, is planning facilities that will meet these requirements and will incorporate public meeting spaces and spaces for leisure activities that reflect local Aboriginal culture and connection to the environment.

Approximately \$3 million has been allocated for the design and construction of this centre, with a further \$1 million per year for four years to fund the employment of staff and the running of programs. The funding does not allow for the purchase of land and Community Services has asked Lake Macquarie City Council to assist by identifying possible sites for the centre, and if the most suitable site is council-owned, making this land available. A comprehensive set of site selection criteria was developed, leading to the selection of a 3,500 square metre council-owned site at Toronto West. The site is central to the community, has good access and is close to schools and other services. It also meets a number of other requirements for size, orientation and gradient.

It is envisaged that design and construction of the centre will be undertaken in 2011, with the centre to become operational in early 2012. The pieces are coming together for this valuable project that will benefit not just the Aboriginal community but also the whole of the greater Toronto area. I am particularly impressed with the efforts of Community Services in bringing together the reference group, and I am pleased to see the constructive and united input of the community representatives. I have been pleased to be able to assist the local Aboriginal community with this project and, most importantly, I note the very constructive working relationship between council's staff and the reference group. A proposal is now before Lake Macquarie City Council to make the site available for a nominal rental while considering options for securing its long-term use. This may include gifting the land.

Most importantly, I acknowledge and thank the members of the Aboriginal community who have stepped forward to give this project impetus through participation in the reference group. I particularly thank Jason Edwards and Auntie Zelma Moran, who are chair and deputy chair respectively. I also thank all members of the reference group including Anita Barker, Keith Cochrane, Glen Boyd, Tracey Walpole and Uncle Gerald (Jerry) Edwards. Problems over many years surrounding the Koompahtoo Local Aboriginal Land Council and its eventual dissolution have been very trying for this community. The way in which this project has been led is a clear statement that community leaders will lead regardless of bodies such as land councils. The results also bode well for the time when a local Aboriginal land council is re-established. I congratulate and thank all involved, including the Minister and the Government for providing this opportunity for our local Aboriginal community.

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [7.29 p.m.]: As one who has worked as a paediatrician in Aboriginal health for many years, and continues to do so, private members' statements such as this give me enormous joy and hope for the future. The Toronto Aboriginal Child and Family Centre is a fantastic win for the Indigenous community of Lake Macquarie. This one-stop shop which is culturally appropriate and will engage the young people in early intervention is the most important thing we can do in closing the gap in indigenous disadvantage which is Australia's greatest challenge.

I pay tribute to everybody who has been involved in the centre. I also congratulate the member for Lake Macquarie, who has hidden his light under a bushel: he has played a very significant part in helping his community gain this wonderful centre. We are put on this earth to make the world a better place and the community leaders have done that. I can only say: Well done!

**Private members' statements noted.**

**The House adjourned, pursuant to standing and sessional orders, at 7.30 p.m. until  
Friday 3 December 2010 at 10.00 a.m.**

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