

LEGISLATIVE ASSEMBLY

Thursday 4 August 2011

The Speaker (The Hon. Shelley Elizabeth Hancock) took the chair at 10.00 a.m.

The Speaker read the Prayer and acknowledgement of country.

SUMMARY OFFENCES AMENDMENT (INTOXICATED AND DISORDERLY CONDUCT) BILL 2011

Agreement in Principle

Debate resumed from 3 August 2011.

Mr NATHAN REES (Toongabbie) [10.00 a.m.]: I oppose the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011. The rationale for our opposition to this bill has been well canvassed by Opposition members who have spoken in this debate already, most notably the member for Liverpool. Only moments ago we acknowledged the traditional owners of this land as we commenced today's proceedings. In that regard I suggest that this bill, if it proceeds unamended—as is currently the Government's intention—will be a very real threat to the wellbeing and welfare of indigenous Australians in New South Wales. A letter that was prepared at the request of the member for Liverpool from the New South Wales Aboriginal Land Council is worth reading into *Hansard* because as recently as 1991 the Commonwealth Royal Commission into Aboriginal Deaths in Custody recommended that public intoxication not be regarded as a criminalised offence because of the huge impact such an offence has on the detention rates of Aboriginal people and, consequently, the deaths of Aboriginal people in custody. The letter states:

Dear Mr Lynch,

I am writing in response to your request for our organisations views on the *Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011* ... that was introduced into the NSW Parliament on 21 June 2011 by the NSW Government. Your correspondence indicates that the ... Government is proposing to debate this legislation when Parliament resumes in early August.

Aboriginal peoples continue to be disproportionately represented in the criminal justice system, and the rate of imprisonment of Aboriginal people has increased since the Royal Commission into Aboriginal Deaths in Custody in 1991.

It is essential that criminal justice initiatives have a strong focus on addressing and improving the social wellbeing of Aboriginal peoples, rather than narrowly focusing on the rhetoric of 'law and order crackdowns'.

As you are aware, the New South Wales Aboriginal Land Council is the peak non-Government Aboriginal representative body in NSW, representing more than 20,000 members and 119 Local Aboriginal Land Councils ... Under the *Aboriginal Land Rights Act 1983* (NSW), NSWALC has responsibilities to improve, protect and foster the best interests of all Aboriginal persons in NSW. NSWALC's core areas of business include land rights, culture and heritage, and economic development. As elected bodies, NSWALC and [Local Aboriginal Land Councils] represent not only the interests of their members, but of the wider Aboriginal community.

The ... Bill proposes to expand police 'move-on' powers, with the NSW Government suggesting that this will deter alcohol related violence. It is proposed that intoxicated individuals who engage in disorderly conduct within six hours of being given a move-on direction will be committing an offence.

The Attorney-General, in his 'Agreement in Principle' speech on the 22 June 2011, noted that: *'This policy is not about targeting the homeless, the mentally ill, the Aboriginal community or the disadvantaged in our society. It is to manage the excessive intoxicated behaviour seen in the entertainment districts on weekends.'*

While the Attorney-General has stated that the intention of this legislation is not to disproportionately affect Aboriginal peoples, the published research and data, as well as anecdotal reports indicate that: Aboriginal people continue to be disproportionately affected by and represented in the criminal justice system; that 'move on' powers disproportionately affect Indigenous people; and that broad ranging 'move on' powers have been misused by police.

Those assertions are supported by citations of the relevant research, to wit, the 1999 New South Wales Ombudsman report entitled "Policing Public Safety" and the report of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs entitled "Doing Time—Time for Doing", which was published in June this year. The letter continues:

Significantly, this year marks 20 years since the Royal Commission into Aboriginal Deaths in Custody. It is of great concern that the NSW Government, in proposing this legislation, is failing to take into account recommendations made by the Royal Commission in relation to diverting Aboriginal people from police custody. (Recommendations 79—85).

These recommendations include:

Recommendation 79. That, in jurisdictions where drunkenness has not been decriminalised, governments should legislate to abolish the offence of public drunkenness.

Recommendation 80. That the abolition of the offence of drunkenness should be accompanied by adequately funded programs to establish and maintain non-custodial facilities for the care and treatment of intoxicated persons.

Recommendation 81. That legislation decriminalising drunkenness should place a statutory duty upon police to consider and utilise alternatives to the detention of intoxicated persons in police cells. Alternatives should include the options of taking the intoxicated person home or to a facility established for the care of intoxicated persons.

The Royal Commission into Aboriginal Deaths in Custody made disturbing observations about the abuse of 'disorderly behaviour' offences by police, noting that:

'In spite of the move towards decriminalisation of public drunkenness in Australia, the continuing high rate of detentions of Aboriginal people suggests something short of success in achieving reduced police custodies. The possibility exists that decriminalisation results in fact in the search for alternative means of criminalising public drinking, either through the operation of laws which restrict or prohibit public drinking in specified areas, or through the use of alternative charges such as disorderly behaviour and other 'street offences'.'

A recent report released by the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, 'Doing Time—Time for Doing', in June [this year], fails to indicate that such misuse has been abolished, stating that: 'research shows that young Indigenous offenders are less likely than their non-Indigenous counterparts to receive a police caution and more likely to be referred to court'.

Furthermore, the ... report highlights that 'The perceived over-policing of Indigenous communities is further exacerbated by the use, or lack thereof, by police of their discretionary power to divert youth from the criminal justice system.'

Between 2001 and 2008 the imprisonment rates of Aboriginal peoples increased by 48% in NSW, while the non-Aboriginal imprisonment rate increased by 7%. Further research into these trends has outlined that this is not due to the Aboriginal offending rate increasing, but the way that the criminal justice system deals with Aboriginal people.

That is, Aboriginal people are not committing more crimes ... but that 'tougher law and order campaigns' are bringing more people into contact with the criminal justice system.

NSWALC does not support legislation that does not aim to reduce Aboriginal peoples contact with the criminal justice system, or take a holistic approach to improving early intervention, prevention and diversion programs for Aboriginal peoples from the criminal justice system.

NSWALC urges the NSW Government to work in partnership with Aboriginal communities and peak Aboriginal organisations in NSW to address these issues.

...

Regards,
Geoff Scott
Chief Executive Officer

For obvious reasons I have read that letter onto *Hansard*. Clearly 20 years on from the Royal Commission into Aboriginal Deaths in Custody the introduction of this bill is a regressive move. I understand its intent and the potency of a tough-on-law-and-order theme in an election campaign. I take the Attorney General at his word when he says that he does not want to engage in law and order auctions and that he is about a more restorative rather than punitive approach to the justice system. But this legislation does precisely the reverse. This promise made by the Coalition during the election campaign should be broken. This regressive legislation does not address the social justice issues about which the Attorney General has repeatedly made public claim; it takes them backwards.

I am not going to be a shroud waver and speak about what could happen, but the implications are clear. No-one knows the history of these issues, or their effect on the ground, better than the NSW Aboriginal Land Council—a body of men and women of extraordinary passion and capability for their cause. They take this seriously. The issues outlined in the council's letter are legitimate and should be addressed by the Government in

this bill. The Opposition opposes the bill for the reasons outlined by my colleagues. My prime argument against this bill is that the steps that have been made over recent decades—as modest as they may be to the welfare of the Aboriginal people—are under threat. The potential exists for people to misuse this proposed legislation, and that could result in serious adverse impacts on the welfare of the Aboriginal people in New South Wales. The bill will take back to square one the progress made over recent decades. The report on Aboriginal deaths in custody was a watershed in Australian history on the relationship between Aboriginal people and the broader community. I am sure it is not the intention of the legislation to wind back that progress but, ultimately, that will be its practical effect. Those factors make it too great a consideration for the Opposition to support the bill.

Mr KEVIN CONOLLY (Riverstone) [10.12 a.m.]: I support the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011. I do not doubt the sincerity of the argument of the member for Toongabbie but it fundamentally misrepresents the bill and it does not present a balanced account of what is proposed. What is proposed is a modest incremental step to recalibrate the balance within the legal system in how we deal with offensive, antisocial and, at times, intimidatory and unreasonable behaviour of some people towards others. We are all due for and deserving of protection from such behaviour.

If a person is charged with the offence of being intoxicated and disorderly within six hours of being moved on by police, it means that that person has already been given one free pass. The person has been given the opportunity to take heed of the warning and do something about his or her behaviour to avoid coming into contact with the legal system. If that person chooses to heed that warning, or hopefully his or her friends and associates impress upon that person the need to heed the warning, then there need be no further contact by that person with the legal system. Certainly there need be no further intimidatory, antisocial and unwelcome behaviour towards others who are trying to go about their daily business without this behaviour being imposed upon them.

If that free pass is not taken, then the police, who act on our behalf to protect us from such behaviour, should be able to do something further about it. If that opportunity does not exist, the police may well take further action if and when a further offence is committed. The bill will create the opportunity for police to be proactive and to intervene before a more serious offence is committed such as alcohol-related violence, robbery, damage to property or the other crimes that often correlate with intoxication. I do not believe that the dire consequences spoken about by the member for Toongabbie exist. If they do, they exist as a result of the behaviour of intoxicated persons, not because of the law or the powers proposed to be given to police to deal with intoxicated persons.

Evidence shows that every Friday and Saturday night of the year intoxication leads to contact with the criminal justice system, not the power of the police to do something about it. Because intoxication leads to offences every Friday and Saturday night of the year, particularly in some known hotspots around entertainment areas—but more generally across the community—the community has the expectation, loudly expressed over many years, that the New South Wales Government should do something about it. Police should be given balanced, calibrated power to take appropriate action to minimise any disruption, harm, intimidation or antisocial behaviour caused by intoxicated people to others.

The bill provides for the police to have the discretion to issue an on-the-spot fine or a court attendance notice, among the other discretions police officers already have in this sort of situation. It is simply adding another tool to the toolkit that police should have to determine on the ground, with their professional judgement, how to respond to intoxicated and disorderly people. It will give them the necessary tool to take one step further than they can presently take to ensure that disorderly behaviour as a result of intoxication does not unreasonably impact on others. Police will be able to detain an intoxicated person for his or her own protection. Police have the power to release that intoxicated person into the care of a responsible person. The Government is adding another useful, interim step before we get to the arrest of people for violent crimes or causing damage to property, or for any of the other consequences that result all too frequently from intoxication.

The likelihood of people coming into contact with the criminal justice system in the way the member for Toongabbie was concerned about will be reduced by police being given the opportunity to intervene before that level of seriousness is achieved. This reasonable interim step makes the fears of the New South Wales Aboriginal Land Council less valid, less reasonable and less likely to come to fruition. Police need to be able to exercise their professional judgement and training in dealing with a range of situations on our behalf, while representing people in the community who wish to go about their business without intimidation, without being affronted or, in some cases, without being put in physical danger as a result of the behaviour of people intoxicated by either alcohol or any of the illicit drugs at large in our community.

Each concern expressed by the Opposition is undermined by a reading of the text of the bill. What is found there is balanced, reasonable and sensible. It means that police can intervene before the disorderly

behaviour reaches the levels of seriousness that might otherwise occur primarily as a result of intoxication, not because of the acts of police acting on our behalf to protect people from the consequences of other intoxicated people.

This is but one part of a suite of measures that the Government has been introducing to address those same consequences. We have already debated an amendment to the Act to give police move-on powers. We are considering a three strikes provision for venues that sell alcohol, at the other end of the transaction if you like, to deal with the consequences of intoxication in our community, and other measures will be coming forward. Each of them is incremental, small, reasoned and measured—an attempt to create the right balance so that members of our community are protected from the consequences of the unreasonable behaviour of others. Therefore I commend the bill to the House.

Mr RICHARD AMERY (Mount Druitt) [10.21 a.m.]: Before commenting on the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011 I wish to welcome our guests in the gallery, particularly those from Italy. My apologies; I know only a few words of Italian. Some would say I am still working on English. The objects of the bill have been read into *Hansard* by a number of members, but I think it is important to refer to just two of them. One is:

to make it an offence for a person who has been given a move on direction by a police officer for being intoxicated and disorderly in a public place to be intoxicated and disorderly in that or another public place at any time within 6 hours after the direction is given.

The second is:

to require the Ombudsman to prepare a report on the operation of, and the issue of any penalty notices in connection with, the offence after the offence has been in operation for 12 months.

That is one of those cautionary statements such as, "We'd better have a quiet look at this after a year or so to see whether we have gone too far, or gone in the wrong direction," following the Government's zeal to implement a so-called promise it made when in opposition, before the last election. The reasons that the Opposition opposes the bill have been outlined by the shadow Attorney General. Having listened to his speech yesterday and read it again today, I thought his approach was most appropriate. That is because the bill clearly represents the breaking of a promise made by the Liberal Party and The Nationals before coming to government.

In a debate last year on a motion accorded priority the Labor Government attacked Liberal Party policy regarding what it said was the reintroduction of the offence of "drunk and disorderly under the Summary Offences Act". Coalition members said then that a Liberal-Nationals government would reintroduce the offence of drunk and disorderly under the Summary Offences Act, et cetera, et cetera. I contributed to that debate. Many issues were raised yesterday and today in debate on this bill by the shadow Minister for Police and shadow Attorney General. There was discussion about the drinking culture and drinking habits. I was told, only in the past 24 hours, that nowadays young people get themselves completely stoned before they go out of a night, and drink more when they do go out.

Drinking hours are different from those of years gone by, when the Summary Offences Act was in operation; the whole culture of entertainment and alcohol consumption has changed. Of course, this has horrified many of us in the community, and we have been looking for perhaps some legislative solution to address this unfortunate change in human behaviour. It is interesting to reflect on the promise made by the Liberal-Nationals Coalition: "We are going to reintroduce the offence of drunk and disorderly under the Summary Offences Act." I might note that two former police officers are seated across the Chamber from me at the moment. They, like me, served in the Police Force at different times over the past 40 years.

I would like to remind them of one small fact. The offence of drunk and disorderly was never in the Summary Offences Act. The Summary Offences Act was introduced into this Parliament by the Liberal Minister Eric Willis in November 1970—around about the same time I joined the Police Force. There is not one reference in the Summary Offences Act that provides that a person can be charged with being drunk and disorderly. The charge of drunk and disorderly was provided for in the Police Offences Act, which goes back to 1901—a period of time just before I was elected to this Parliament! Many amendments were made to that Act, and it was repealed by the Liberal-National Government in 1970, when the Askin Government introduced the now infamous Summary Offences Act.

The drunk and disorderly offence was replaced by a number of legislative provisions. Section 6 of the Summary Offences Act provided for an offence of drunkenness: if you were drunk in a public place, you were charged with being drunk in a public place, taken to a police station, charged, put in a cell and released after four

hours. If you had \$1 in your pocket, that was taken as the bail payment. Then you were released on bail to appear at the "drunks court" the next day, the bail being retained by the police. If you did not appear—and the understanding was that you would not appear—the \$1 was forfeited, and no further action was taken on that charge.

A conviction was not recorded on police records, other than at the police station where the person was charged. The only time that a serious charge was issued against a drunken person was when the person was charged on a number of occasions over a period of time—and I do not remember the exact number, but something like 13 times—when the person was charged with being an inebriate. At no time could a person be charged under the Summary Offences Act with being drunk and disorderly. Disorderly behaviour or offensive behaviour was a separate offence introduced by the Liberal Government.

So the promise made by the Coalition last year was misleading and a nonsense. However, there is no doubt what the promise related to. Whether it was under the Police Offences Act or the Summary Offences Act, the Liberal-Nationals Coalition promised one thing that was very clear to those of us who are members of this House and very clear to the audience that listened to them: that they would introduce a charge that being drunk in a public place and behaving in a disorderly manner—the good old Police Offences Act offence—was to be reintroduced by a Liberal-Nationals Government. That was the clear understanding. I understood it, every member of the Coalition understood it, the Labor Party understood it, and the audience that listened to that promise understood it.

The bill before us, the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011, seems to suggest that the Government is reintroducing an offence that was provided for in the Summary Offences Act. The title of this bill does not fit its contents. The shadow Attorney General, Mr Lynch, clearly outlined what this bill is all about. First, it is about masquerading as keeping a promise. The promise was clear. You do not have to be an investigative journalist, a law student or a lawyer to understand that the Coalition's clear promise to introduce legislation to address this problem is not delivered by the bill. However, the title of the bill purports to do so. The shadow Attorney General said in the House yesterday that this is a tweaking, an extension of the move-on powers introduced by the Carr Government just a few years ago.

This bill is about adding some extra components to the move-on powers that were introduced in this Parliament by the former Labor Government under Premier Bob Carr, along with other strong pro-police enforcement powers introduced by the Labor Government, such as the knife laws, which have proved to be a very good operational tool for the New South Wales Police Force. The member for Myall Lakes attacked the Labor Government. I listened to the speech that he made yesterday. As a matter of fact, I could almost recite his speeches by heart now. He makes virtually the same speech again and again. He has, I think, a pro forma speech in his room, and as each new bill is introduced he adds a few components to it. It is almost like one's reaction to those old Elvis songs: I'm getting to like them more every time I hear them.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Myall Lakes will remain silent. He will have plenty of opportunities to make another speech.

Mr RICHARD AMERY: The member for Myall Lakes made an interesting attack on the Labor Party and Frank Walker, who was the Attorney General at the time. The member said that the Labor Government repealed the Summary Offences Act. He gave us a flawed history lesson. He said that Labor repealed the Summary Offences Act and we are still feeling the effects of that. Obviously, he was insinuating that all of those matters will be corrected by the bill now before the House. That is not the case. In about 1978 the Labor Government—Frank Walker was the Attorney General at the time—repealed the Summary Offences Act and replaced it with several other Acts.

Mr John Williams: Soft options.

Mr RICHARD AMERY: If they were soft options, why has the Coalition Government not restored the Act that was repealed in 1978, as it promised last year? If we took a soft option in 1978, why has the Coalition Government not reintroduced sections 6 and 7 of the Summary Offences Act or, more accurately, section 6 of the Police Offences Act prior to 1970? If what Labor did was wrong and it was a soft option, the Coalition Government should restore the section that was repealed as it promised to do. The Coalition was simply being dishonest. As we know, one cannot unravel a cardigan and put the wool back on the sheep, and the same applies to intoxication laws and the like. The member for Toongabbie highlighted that we have moved along with the measures such as the Royal Commission into Aboriginal Deaths in Custody. The whole structure has changed, and restoring legislation that was repealed in 1978 is neither practical nor desirable.

I agree that an effort must be made to curb the drinking and vulgar behaviour that is now occurring in the late hours of a night. The 1978 changes, to which the member for Myall Lakes alluded, resulted in the Offences in Public Places Act. The wording of that Act virtually caused the police to go on strike. I know—I was a serving police officer at the time. A big public rally was held at the Redfern football oval, and I remember a New South Wales Police Association spokesman giving the then Attorney General a good serve. He made a comment I will never forget, although it was made about 30 years ago. He said that Frank Walker had done for law and order in New South Wales what Jack the Ripper had done for blind dating.

I did not necessarily agree with the comment but that was the feeling of the police force at the time. It showed that the first attempt to amend the Summary Offences Act proved to be unworkable, and in 1983 the Wran Government changed the wording to make it more comprehensible. Indeed, it restored some of the operational aspects of the Offences in Public Places Act. So in effect the 1978 problem, if it is to be accepted, was corrected in late 1983. I recall making my maiden speech during debate on that legislation. The promise made by the Liberal-Nationals Coalition was flawed from the start; it was inappropriate and it was not based on historical fact. The promise was to restore an offence under the Summary Offences Act—of course, "restore" means "to return to"—which was not there in the first place. If the Coalition had been accurate it would have said the Police Offences Act prior to 1970.

As the member for Toongabbie and the member for Liverpool, the shadow spokesman, said, while we are criticising the Government for breaking a promise, in reality the promise had to be broken because it is unachievable in the current system of police operations with cells, police stations, transport arrangements and so on. Since the 1970s charge rooms and cells throughout the State have been decommissioned. However, before then people who were drunk in the eyes of a police officer could be charged with simply being drunk. They did not have to do anything else. They could be unconscious and commit the offence. They were generally woken up and charged with the offence, then put in a cell for four hours. However, the structure simply does not exist now.

The Coalition's promise was nonsense—it was dishonest, misleading and not based on historical fact—and had to be broken. However, when Government members continue to claim that the Government is keeping its promise by introducing this legislation, that is as dishonest as the promise it made in the first place. I agree with both shadow spokesmen that the Government had to break its promise. It was inoperative, unnecessary and simply a political statement made to appease the community, which feels that there must be a legislative solution to the alcohol consumption and antisocial behaviour of young people these days. There is nothing wrong with this bill.

I will conclude with a comment I made earlier to the member for Liverpool: There is nothing wrong with the former Summary Offences Act, the Police Offences Act or the changes made to it. There is never anything wrong with rules and regulations; it is how the people charged with enforcing them operate and work them. As with all legislation, there are police officers, lawyers and so on who misuse regulations and so on and discredit the legislation itself. But, in effect, all legislation is workable—as are all the bills to which I referred—as long as it is applied with goodwill and honesty by those who are charged with enacting it. I oppose the bill for the reasons I have outlined.

Mr BRYAN DOYLE (Campbelltown) [10.36 a.m.]: It gives me great pleasure to support the bill. I speak as a former police officer of 27 years. At the rank of chief inspector, I am the most senior police officer—

Mr Richard Amery: He omits to tell us that the senior constable is the backbone of the police force.

Mr BRYAN DOYLE: That is true. It is reassuring to know that so many members of Parliament have a police background in terms of community service and awareness and knowledge of how legislation is applied on the street. In that regard, I listened with some surprise to Opposition members who generally defended the right of people to behave in a disorderly and drunk manner on public streets. That is at odds with what the community wants. Indeed, I note that yesterday members opposite claimed to support and trust the police. Today, however, they are saying they do not trust the police to implement this legislation. It is outrageous. When I became a police officer I swore an oath of office to act without fear or favour, affection or ill will. All police officers swear that oath. They take an oath to look after their community and enforce the laws of the land, which are enacted in this House.

Parliamentarians also swear an oath of office. Given that Labor does not support the community in that regard, it is no wonder it has been reduced to an insignificant rump, having been given a move-on direction by

the people of New South Wales. It is important to consider the aspects and importance of the legislation and some of the fundamental drivers that underline it. The mission of the New South Wales Police Force is to work with the community to reduce violence, crime and fear. The underlying ethos that I always applied during my policing career was that policing was always best done for and with the community, not to and against the community.

In this regard, community engagement with police is vital. When I was chief inspector at Campbelltown local area command, that was one of the major roles of our police. As a commissioned police officer, living in the community in which one serves is a great privilege. Recently I attended a community forum at the Campbelltown Catholic Club, one of the leading clubs in Campbelltown, the opal of the south-west. At the forum we discussed an issue that is uppermost in the minds of the community, that is, the perception of public safety and concern about drunken loutish behaviour in general. Drunken loutish behaviour on our streets, in our shopping centres and restaurant precincts and at our railway interchanges is not acceptable to the community. Such behaviour often goes in hand with alcohol-fuelled violence, graffiti, malicious damage and other offences.

Policing is all about public perception and community feeling. When parliamentarians speak with members of the public, as I encourage Opposition members to do, they discover that people are concerned about alcohol-fuelled violence and hoodlums. To combat this problem requires integrity, which this Government has in abundance. It requires the adoption of a multilayered approach to meet the community's needs. In addressing these issues in Campbelltown, the opal of the south-west, it is vital to work with the community. The local media—the *Macarthur Advertiser*, the *Macarthur Chronicle* and local radio station C91.3 FM—strongly reflect community concerns. The community values and supports the work of their local police and they want them to have the appropriate powers to do their job.

It is important to remember that policing requires the exercise and control of powers. Police do not use their powers in an arbitrary fashion. Often the best and most effective policing tool goes unreported. That tool is police presence on our streets. Members of the public love to see their police well presented in uniform walking on streets, through shopping centres, on buses and trains, in restaurant precincts and places where youth gather. They also love to see them on pushbikes. Campbelltown has a very effective bicycle unit that gets out and about in our community. Police are the community and the community are the police. Policing is best done by boots on the street, and that has been the case for a long time.

Sometimes police presence does not do the trick. That is why we must support our police by providing them with the appropriate powers. Often police deal with people misbehaving by way of a conversation. In my experience, sometimes a quiet word is all that is required for people to see the light and change their behaviour. I say sometimes, but not always. That is why this Government is supporting our police by providing them with effective powers and deployment so that they are able to do their job and protect our community. This legislation will create an offence in the case of a person who, having been found intoxicated in a public place and behaving in a disorderly fashion, has been given a move-on direction to leave the area and has failed to comply. A penalty of six penalty units will apply.

This approach will prevent and reduce antisocial behaviour, without necessarily drawing people into the criminal justice system, as opined by the Opposition. A person is drunk and disorderly and has engaged with police. The police have spoken to the person and given the person the opportunity to pull up stumps and go home. Having failed to do so, the person will have breached the law. It is important to remember that decisions have consequences. If people persist in disobeying the law, there will be consequences. This legislation will improve the perception of public safety in our community and decrease the incidence of alcohol-fuelled violence and drunken hoodlum activity on our streets. That is important to the community, your worship.

Mr Paul Lynch: You're not the first member to have done that.

Mr BRYAN DOYLE: In my policing career I was a police prosecutor. Over many years I have seen the consequences of criminal behaviour in the court. The term "your worship" is now outdated. I feel a bit like the member for Mount Druitt. The term "your honour" is now used in the Local Court.

Mr Paul Lynch: They are there to be honoured, not to be worshipped.

Mr BRYAN DOYLE: That is correct. As my father was a magistrate for 30 years I was used to the term "your worship", but not necessarily at home. Shopkeepers know the value of effective policing in reducing

alcohol-fuelled violence. Shopkeepers have been burdened by the prospect of a carbon tax. They try to make their way and provide jobs for young people, then they come to work and find that their shopfront has been smashed by drunken hoodlums with a trolley. They know the true cost of not implementing this law. Alcohol-fuelled violence has a powerful and negative effect on our hospital emergency departments. If alcohol-fuelled violence is not nipped in the bud by the use of licensing restrictions and move-on directions, a situation can develop very quickly into a nasty crime scene on our streets.

The adverse effect of alcohol-fuelled violence upon our hospital emergency departments and triage facilities is well documented. It is a most unpleasant task to have to explain to parents why their youngster, who went out for a quiet night on the town, became a victim to alcohol-fuelled violence and is now lying in hospital seriously injured or in a coma. This legislation is designed to prevent such a situation and to provide a safer community and environment. The Opposition seems to be upset that the legislation may be reviewed by the Ombudsman's Office. I do not see any problem with that. In any government that is open to learning and improving, reviews should be made of the effective use of legislation. It leads to proper and effective government. This Government is committed to continual improvement. We have listened to the concerns of our community and we have responded and we will continue to respond and ensure good governance for the people of New South Wales.

Mr GEOFF PROVEST (Tweed) [10.48 a.m.]: I feel quite honoured to follow the member for Campbelltown in debate on the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011, considering his distinguished career in the local Police Force. This amending bill, like much of the legislation that has been introduced by the Government, reflects the Government's approach of listening to people in the community and workers on the front line, understanding their concerns, and acting on those concerns as soon as possible. This is very important legislation. I appreciate the contributions made by members who preceded me in this debate, particularly the history of this legislation given by the member for Mount Druitt, which was indeed informative. But the reality is that it is 2011 and from time to time our streets are plagued by alcohol-fuelled antisocial behaviour.

My contribution to this debate is based on personal experience. For approximately 18 years before I was elected to Parliament, I was a licensee in Revesby. From time to time I witnessed alcohol-fuelled violence at the great Revesby Workers Club. I was the licensee during a period of entertainment provided by various rock bands and saw a great deal of antisocial behaviour, particularly on the streets, and consequently became aware of the limited powers of police who were attempting to deal with it. Since my election, at intervals of approximately four months I have been accompanying local police on a Friday or Saturday night shift, either in a general duties car or a Highway Patrol vehicle, to gain an appreciation at firsthand of the issues faced by police officers.

The majority of alcohol-fuelled incidents occur at closing time. Believe it or not, the Queensland police have far greater powers than do the police in New South Wales. I witnessed Queensland police moving on intoxicated people. This legislation is partly the result of extensive discussion with police officers and representatives of the Police Association in the Tweed electorate, who support this legislation. They want increased police powers to be able to protect the community. They do not want to have to mollycoddle people who engage in antisocial behaviour on the streets. In common with many other members of Parliament, I consult the community, attend a number of community rallies, and talk to people in local supermarkets and on the streets.

People tell me they want the police to have adequate powers to protect them. They want to be able to walk down the streets and feel protected. They want to see uniform police officers active in the community and in keeping their streets safe. Unfortunately a number of fairly serious alcohol-fuelled incidents have occurred in the cross-border region. A young fellow who lives in my electorate, Sam Ford, had a night out in Coolangatta, which is just over the border in Queensland. He was king hit. For approximately seven months he was semi-comatose. Currently he is dealing with a large number of issues. Although it is doubtful that he will fully recover from that incident, he is surrounded by a very caring and loving family and community.

Before the incident, Sam Ford was a young man in the prime of his life. He was a member of the local surf club and an active football player. He was minding his own business outside the Coolangatta Pie Shop when he was king hit for no apparent reason. Alcohol-fuelled violence also has been the cause of a number of deaths in my electorate. I applaud the Tweed Liquor Accord, which meets regularly. In the Tweed-Byron Local Area Command there are approximately 170 licensed venues. The Tweed is regarded as a holiday destination so the consumption of alcohol is fairly high on people's list of priorities. Another event that occurs annually is the

famous Schoolies Week when a large amount of alcohol is consumed. It involves the Toolies—those who have left school but who still hang around—and they probably create more drama than the Schoolies. The police and the community have been asking for additional powers during Schoolies Week to be able to keep our streets safe. In common with the member for Campbelltown, I have no problems with the Ombudsman's role and reviewing this legislation in 12 months.

I am a relative newcomer to this House, having been elected approximately 5 years ago, but during the term of the former Government I sat on the Opposition benches when many amending bills were introduced. As situations change in our local communities, our laws should be changed to respond to those needs. I regard the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011 as another part of the process of responding to community needs. What I like about this legislation is that it has been prepared as a result of consultation taking place with front-line people. Being in the back of a general duties police car that has been called to a domestic violence scene or a disturbance outside a nightclub at four o'clock in the morning is very different from debating legislation and putting one's best foot forward in Parliament on behalf of our communities. It is an eye-opener to see what our police officers and local communities have to put up with. At times there is fear and terror on the streets.

As members of Parliament, we bear a very heavy onus of protecting our communities. Our prime objective is to listen to our local communities and try to protect them. To do that, we must provide hardworking men and women in the Police Force and in the public service with all the tools and resources they require to do the job. We cannot send them out onto the streets with one hand tied behind their back. Over the past three years, front-line police officers have told me that in some instances the legislation effectively ties their hands behind their backs and prevents them from acting to protect people. As the member for Campbelltown and the member for Mount Druitt pointed out, police officers take an oath of office to serve and protect the people of New South Wales. We take an oath of allegiance to the people of New South Wales. Part of our oath is to provide front-line police with powers and prescribed duties that will protect our local communities. This legislation is not targeted towards the vulnerable and disadvantaged people of our community. The bill provides a number of safeguards: Suffice it to say that they are included in the bill to ensure that this legislation does not lead to unjust outcomes.

For the past five years our communities have been calling for Parliament to provide greater police protection. All electorates in the State want more police and stronger police powers. Every time antisocial behaviour occurs on our streets, every member of Parliament receives deputations from local communities who ask for more police and stronger laws. They ask members of Parliament, "What are you guys doing? Part of your job is to protect us." I am quite excited about this amending bill because it represents another significant step towards providing police with adequate powers. By doing so, we also empower our local communities. That proves to me that the O'Farrell Government is listening to New South Wales communities and is connected through the Police Association and senior citizens groups. Members of the Government continuously elicit opinions and we are constantly listening. We turn what people tell us into legislation that is reflective of what the community wants, not what some minority groups want. The Government is addressing the issues that affect the community as a whole.

Our communities want police officers to have adequate powers to look after them and crack down on antisocial behaviour. In a number of incidents, such as those I have described, I have noticed the anguish on the faces of the parents of young people who have been physically assaulted and who have suffered injuries as a result of glassing or having been king hit. I have seen the anguish on the faces of the many of the senior citizens of my electorate when they find that their letterbox has been trashed, their garbage tin has been overturned and the paint on their car has been scraped. At times they have been too scared to go out. A year ago in this place I took particular offence when the Minister of Police in the former Government accused me of scaring little old ladies in their houses by making strong calls in the media for greater police resources and police powers through legislation. Those little old ladies were already scared.

Unfortunately approximately 18 months ago a senior citizen who had been repeatedly harassed by drunken youths finally had had enough and he took his own life. He walked down the street and shot himself with a revolver. That is an extraordinarily sad case and we can only wonder how a situation could ever escalate to result in such an outcome. It happened because the local police did not have sufficient powers to address the issue. This legislation is all about giving police the powers they need and us responding to community needs, which is what members of Parliament must do. I am proud to be a member of a Government that is delivering. The Government is not dillydallying. It is getting stuck into the task by talking to people, listening to community concerns and listening to the hardworking men and women of our local Police Force.

Our new superintendent Stuart Wilkins is a fine policeman. One of his chief priorities is to get the boys and girls in uniform out on the streets, and he has done that. We have seen a dip in a number of different crimes, but we still experience a criminal backwash from over the Queensland border. At times one feels like putting up a fence to stop the Queenslanders coming over, but of course that is not possible. I strongly support this legislation, my community supports this legislation and, more importantly, my local police support this legislation. Once again, I am 100 per cent for the Tweed and I am 100 per cent for our local police officers.

Mr RYAN PARK (Keira) [11.00 a.m.]: In this debate on the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011, I find it astonishing that Government members talk about how they have been listening to the Police Association and to the community. Two months ago I did not see them listening when there were 10,000 people out the front of this place, many of them New South Wales police officers. That lot opposite turned their backs on them. Within the Government's first 100 days it has cut vital front-line services, it has cut the wages of front-line police and it has scrapped the Industrial Relations Commission. If that is listening to the community I would hate to see it when the Government is not listening, because it would be pretty frightening. Later this month I will spend a night shift with my local police patrolling the electorate of Keira in the broader Wollongong local area command.

[Interruption]

Unlike you, I will not be locked up. I will get a firsthand understanding.

ACTING-SPEAKER (Mr Lee Evans): Order! Government members will come to order.

Mr RYAN PARK: I will get a firsthand understanding of some of the issues that police face. Everyone agrees that drunks in our community cause problems. Every single one of us in this place understands that alcohol-related violence is a real issue. Having worked for a former police Minister and having spoken to the current police commissioner many times about this issue, I acknowledge and applaud the work that the New South Wales police do to try to reduce antisocial behaviour, particularly when it is exacerbated by alcohol. This is a bipartisan issue in this place. We understand the problem must be resolved, but this bill will not do that.

From a local perspective, I am most concerned about how the legislation will affect my community, a large section of which contains a higher than average number of Aboriginal people. In an email Mr Gerry Moore, the chief executive officer of the Aboriginal Legal Service, raises some concerns about this issue. He outlines a recommendation made by the Royal Commission into Aboriginal Deaths in Custody—not a witch-hunt, not a minor inquiry and not one of the Government's little inquiries that it carries out to get a predetermined outcome, but a royal commission, which is surely a reasonably robust inquiry in anyone's terms. Mr Moore points out that the Royal Commission of Inquiry into Aboriginal Deaths in Custody recommended the following:

That, in jurisdictions where drunkenness has not been decriminalised, governments should legislate to abolish the offence of public drunkenness.

Mr Moore goes on to say:

This is absolutely clear and unambiguous. The offence should not return to the statute books. It will have an adverse effect on the Aboriginal Community in NSW.

This is not the view of the Labor Party or of a couple of people; it is reflective of a royal commission finding. I urge the Government to be very careful in relation to this issue. We all agree that when drunkenness causes harm to the public it should be addressed and dealt with. I have heard about the experiences of a number of former police officers in this place, and I acknowledge those experiences. However, there is a big difference between someone being drunk and someone being drunk and disorderly, and causing problems and a public nuisance. We have to be honest and recognise that fact.

An important and bipartisan issue in this place is Aboriginal affairs, including Aboriginal welfare and health matters. As a community, we know—as do those on both sides of politics who have been debating these issues over many decades—that we have let down that part of our community. Whilst it may be legitimate to address the issue of drunk and disorderly behaviour—and we share the Government's desire to ensure that people behave and do not harm others in our communities—I do not want to see a particular part of the community, which I represent in the Keira electorate, completely ostracised and criminalised. I want the Government to understand that the broader Aboriginal community has significant concerns about this legislation.

The Aboriginal community agrees that people who behave in a way that offends the public, that causes harm to the public and that impacts on citizens' rights to go about their business should face the full force of the law. But those of us who have significant Aboriginal populations in our electorates know that we have a great deal of work to do on the issue of alcoholism in Aboriginal communities. I do not want to see that part of our community hung out to dry simply because of our desire to do something in this place that we think will make a difference to antisocial behaviour. I reiterate that I support the police completely. There is no doubt that the job they do in the early hours of the morning, particularly on weekends, cannot be pleasant. But we should also consider the important differences and the important challenges facing our local Aboriginal communities.

I want this House to realise that, through its legal service, the Aboriginal community has made clear its concerns about this legislation. In alerting the Government to our concerns about the bill I do not want to be seen as not representing an important part of our community in this debate. If the Government intends to proceed with this legislation I urge it to ensure that there are adequate safeguards and protections in place. We do not want this legislation to turn into a tool for ostracising important sections of our community. I want to ensure that the House understands my concerns about this issue, and I urge the Government to exercise caution with this legislation.

Ms CLOVER MOORE (Sydney) [11.08 a.m.]: The Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011 will make drunk and disorderly behaviour an offence. It will give police the power to direct someone who is drunk and disorderly in a public place to move on. If that person is found drunk and disorderly in the same place within six hours police can issue a \$200 on-the-spot fine and/or detain the person. However, police currently have the power to move on someone if they are behaving in a drunk and disorderly manner and if they risk harm to themselves or others. The bill will extend that power. I share the widespread community concern that these powers could target homeless and Aboriginal people. I welcome the Government's commitment to issue a ministerial directive on the use of this power so that it affects only drunk patrons on the weekend and not homeless people, and that the police commissioner will issue a similar direction to the Police Force. I seek an assurance from the Government that it will closely monitor the use of these powers.

City of Sydney data recorded 80 violent incidents between 1 a.m. and 2 a.m. on Bayswater Road in Kings Cross on a Saturday night last year. Police say that that happens every weekend. It puts the lives of young people, emergency workers and police at risk every weekend—as well as our reputation as an international and sophisticated city. I welcome the Government's acknowledgement that this is a serious problem that needs to be addressed. However, I believe we need to tackle the situation at the source and develop long-term solutions. Currently night-time culture is geared towards alcohol. Rather than arrest people when they are drunk, we should ensure that people who want to go out, socialise and have fun have a range of opportunities to do so.

We must offer more than a choice between staying at home or getting trashed. The Council of the City of Sydney has commenced an unprecedented consultation program regarding what sort of night-time economy we want for Sydney in the future. We are asking the Sydney community how we can attract a wider range of people into the city centre. We are open to new ideas and began the process with no pre-written policy. The first round of public consultation involved an online conversation, which attracted more than 6,000 visitors and 679 ideas and comments. Five community forums for local residents and businesses were held in Kings Cross and Potts Point, Surry Hills and Darlinghurst, the central city and Pyrmont, Glebe and Newtown, and Green Square and Rosebery.

We got feedback from 400 people visiting the city at night and we held three targeted focus group sessions involving industry innovators, New South Wales police and leading academics. We had discussions with 60 government and retail, liquor, food, cultural outlets and events industry leaders. We are asking what kind of nightlife people want in Sydney. The thousands of people we talked to and received suggestions from made it clear that they want more interesting things to do at night. We have already begun acting on some of the best ideas. Roving high-quality food trucks, incentives for pop-up events, activating spaces not used at night, portable urinals, late night tourist information, and the return of the highly successful precinct ambassadors will be trialled in the spring-summer period.

In addition to our consultation, we are conducting research to ensure that the final policy is guided by the evidence. We are looking into how many people use Sydney's night-time areas, what attracts them there and what transport they use, as well as the levels of economic diversity and of antisocial behaviour. The city wants to encourage more late-night options such as museums, cafes, galleries and retail stores. Having more options that do not revolve solely around alcohol creates a safer and more balanced late-night economy. The boom in

small bars and the success of initiatives such as the Australian Museum's Jurassic Lounge shows us that the night-time economy can be prosperous, lively and civilised. Indeed, I was very pleased to launch the second series of the Australian Museum's Jurassic Lounge just this week. There were hundreds of young people in the museum, glass of wine in hand, getting involved in the interactive exhibits, listening to music and having a very civilised and quite fantastic night. The series will run for 12 weeks on Tuesday nights, and I urge all members to go because it shows what we can do in our city that does not involve getting drunk and bashing someone up.

The small bar renaissance has attracted national and international media attention, with feature articles in the *Guardian*, the *Financial Times*, *The New York Times*, *Style Magazine* and *Voyeur*. That is helping to attract tourists to our city, which of course is what the Government wants. Indeed, we can now boast that we have at least 40 small bars in the city and this has led to a renaissance in the live music industry, which is quite fantastic and provides opportunities for young people to be involved in the cultural life of our city and not just the alcohol-related activities. I believe that to get the night-time economy right we must provide a choice of activities for people across a range of age groups. We must ensure that people feel safe and that the city is easy to get around and easy to leave when people want to get home. We have to provide infrastructure and transport services that keep pace with growth and we must carefully manage its development.

The Council of the City of Sydney is also researching the economic value of our night-time economy. This has not been done before in Sydney. When New York researched this in 2005 it found that the night-time economy was worth \$12 billion to the city. The United Kingdom has just conducted similar research and found that its night-time economy is worth \$66 billion. It is going to be very interesting for us to see exactly what our night-time economy is worth—or could be worth—to the State's economy. We all know that improvements need to be made to make Sydney the city it can, and should, be. The city council and I, as Lord Mayor and member for Sydney, look forward to working with the Government to get the mix right.

Ms GABRIELLE UPTON (Vaucluse—Parliamentary Secretary) [11.15 a.m.]: I support the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011. I bring to the attention of the member for Keira that in fact the bill is about intoxication and disorderly conduct, not just intoxicated behaviour. It is important to understand that these amendments to the Summary Offences Act have come about because our communities expect a safe neighbourhood in which to live. They made that loud and clear when they voted for a Coalition Government on 26 March this year. The Government intends to honour that trust and to give the community a voice on safety. Our work in this area goes back a long time. In September 2009 the New South Wales Liberals and The Nationals launched a statewide consultation on our social policy framework called "Smarter, Stronger, Healthier, Safer".

Amongst the principles guiding our consultation was the need for early intervention in social behavioural problems before they become a serious issue for the whole community. During the campaign we released the "Making Our Streets Safe Again" policy in which we set out a plan to tackle alcohol-related violence. Unlike Labor, which had a long time to put some thought and effort into these issues, we intend to keep tackling alcohol-related violence and indeed making our streets safer again. Already in the first sitting of Parliament we introduced move-on powers for police to use on individuals, not just groups of three or more people as previously was the case. The move-on power is used just to disperse groups of intoxicated people in a public place. This new bill provides that intoxicated people who engage in disorderly conduct in any public place after being given a move-on direction will be committing an offence. It is an additional tool for police, and it is a modest and incremental tool.

Residents in the Vaucluse electorate have expressed time and again their concern about alcohol-fuelled violence. They are concerned not only for themselves, but for young adults being caught up in areas where alcohol-fuelled violence is prevalent. They want reform. They want more certainty that our police, who do such a stellar job, have the necessary power to ensure that troublemakers get moved on. The police in my local area bring this to my attention during my regular meetings with them. They say that alcohol-fuelled violence is a major management issue for them and they welcome having new tools at their disposal that are modest and incremental to return safety to the community. All residents of New South Wales also want reform. They want the police to be able to reduce violence on our streets, particularly alcohol-fuelled violence.

The people of New South Wales rightly expect to be able to go out, to socialise and to not be upset, confronted or threatened by drunken and disorderly conduct. Yes, people are entitled to have fun and relax, but not at the expense of the safety and comfort of others. This bill amends the Summary Offences Act 1988. It provides the police with further tools to give a measured but escalating response to intoxicated and—

I reiterate—disorderly conduct. Specifically, the bill makes it an offence for a person who has been given a move-on direction by a police officer for being intoxicated and disorderly in a public place to be intoxicated and disorderly in that or another place within six hours after the direction is given.

The bill amends the Law Enforcement (Powers and Responsibilities) Act 2002 to allow police to issue move-on directions for disorderly behaviour and to detain an intoxicated person otherwise than for the purpose of taking proceedings for an offence, and it amends the Criminal Procedure Regulation 2010 to provide for the issuing of a penalty notice in connection with the offence. Sensibly—and again I draw the attention of the member for Keira to this point—there are protections. The bill requires the Ombudsman to prepare a report on the operation of, and the issue of any penalty notice in connection with, the offence after the bill has been in operation for 12 months. A copy must be given to the Attorney General and the Commissioner of Police, and the report must be laid before both Houses of Parliament.

There are other protections in the bill that make it a reasonable piece of legislation. First, six hours is the maximum period for which a person can be directed under the Act to leave a public place and not return. It is also a defence to a prosecution for the new offence if the defendant satisfies the court that they had a reasonable excuse for conducting themselves in the manner alleged. It requires a police officer who gives a move-on direction to a person on the grounds that the person is intoxicated and disorderly in a public place to warn the person that it is an offence to be intoxicated and disorderly in that or any other public place at any time within six hours after the direction is given. This requirement applies in addition to the other requirements in section 201 of the Law Enforcement (Powers and Responsibilities) Act 2002.

In addition, it is necessary to prove a move-on direction was given within six hours before the person was found to be intoxicated and disorderly in a public place, but it is not necessary to prove that the person contravened the move-on direction by being so intoxicated and disorderly in the public place at the time concerned. The bill also provides that a police officer may detain an intoxicated person under the Law Enforcement (Powers and Responsibilities) Act even if behaviour constitutes an offence under section 9 of the Summary Offences Act 1988 if the detention is not for the purposes of taking proceedings for the offence. This will ensure that police officers can continue to detain intoxicated people under that part for the purposes of their care and safety.

We have seen recently the success of some of the existing move-on powers. The Premier announced in question time yesterday and in a media release with the Minister for Police and Emergency Services, Mike Gallacher, and the Commissioner of Police, Andrew Scipione, a crackdown on violence and antisocial behaviour in the entertainment strip on George Street. The Premier said that a special police operation had been trialled over four weekends in June and July to clean up the area and it had proved successful. The Premier said that the commissioner had now agreed to continue the police operation, which will cover the entire George Street link from Chinatown to The Rocks. The Minister for Police and Emergency Services, Mr Gallacher, said the New South Wales Government's recent amendments to allow police to move on individuals engaging in threatening and antisocial behaviour, as opposed to groups of three or more, had been a success. He said the legislation allowed police to deal effectively with single intoxicated persons and as a result this operation moved on 53 people in the first fortnight, 42 per cent of whom were individuals.

These are low-cost measures that give police the powers they need to get the key person or people who are behaving in an unacceptable and antisocial manner away from an area and to help dispel any threat to people who may simply be enjoying a night out. The added tool the police will have is that it will be an offence for someone who has been moved on from an area to simply find another place, maybe even close by, to carry on their antisocial behaviour. It is a sensible approach to trying to get a person who is intoxicated to go home and sleep it off. It is essential for the safety, and indeed the enjoyment, of our neighbourhoods to be able to move antisocial behaviour out of the public domain and these amendments give our police, who are asking for tools, the ability to remove problem people from a community environment.

The majority of people go out to enjoy themselves. This amendment gives more certainty to our community that they will be able to do just that and that the police can easily handle situations when intoxicated and disorderly people can be moved on with ease. Visitors to New South Wales as well as the community will benefit. Students on gap years and young travellers visiting our famous ocean beaches, particularly those in my Vacluse electorate, will not have to be subjected to an individual who is causing problems by being intoxicated. The Bondi area in the electorate of Vacluse is a really popular area for visitors and residents alike and they will be better off because troublemakers can be moved on by police and effectively sent home to sleep off their alcohol. In bringing this bill before the House this Government is sending a strong message to those

who disturb public places with their antisocial behaviour. The community will not tolerate it, the police will not tolerate it and the Government will not tolerate it. The community does not want intoxicated and disorderly behaviour to be the norm. Our Government is taking action by introducing this bill, and I commend the bill to the House.

Ms MELANIE GIBBONS (Menai) [11.25 a.m.]: I support the Government's Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011. The bill was introduced into the Parliament by the Attorney General on Wednesday 22 June 2011 and, as stated in the Attorney's agreement in principle speech, the bill is the first stage of the Government's commitment to address alcohol-related violence and antisocial behaviour by extending police move-on powers to intoxicated individuals. It is available to police as a low-cost and effective enforcement tool. The bill represents the implementation of the second stage of the Making Our Streets Safe Again policy.

The objects of the bill are: to amend the Summary Offences Act 1988 to make it an offence for a person who has been given a move-on direction by a police officer for being intoxicated and disorderly in a public place to be intoxicated and disorderly in that or another public place at any time within six hours after the direction is given; and to require the Ombudsman to prepare a report on the operation of, and the issue of any penalty notices in connection with, the offence after the offence has been in operation for 12 months. It will also amend the Law Enforcement (Powers and Responsibilities) Act 2002 to allow police to issue move-on directions for disorderly behaviour and to detain an intoxicated person otherwise than for the purpose of taking proceedings for an offence.

The bill also amends the Criminal Procedure Regulation 2010 to provide for the issuing of penalty notices in connection with the offence. It is not the intent of the bill to target the homeless, the mentally ill, the Aboriginal community or the disadvantaged in the community. However, it is designed to provide an enforcement tool for police to move on and control those who drink to excess or who are involved in substance abuse. It is an unfortunate fact that some individuals who drink to excess or abuse drugs then become unruly. These individuals often do not obey reasonable requests by the police to move on and go home before an incident occurs and, more commonly than not, these are violent and definitely antisocial incidents.

Unfortunately, many of these incidents result in injury to the offender, an innocent bystander or the police while they are just trying to do their job. The public are entitled—in fact, it is their right—to go out and enjoy themselves without the threat of an overly intoxicated person or people spoiling what should be a good night out. It makes no difference where people are—at the football, a club, a hotel, a community event or a friend's party—they have the right to feel safe. Those who cross the line of what society sees as acceptable need to be held to account for their actions, and this bill will assist the police in keeping the community safe.

The media continues to feature a growing number of alcohol-fuelled violence stories about young men who have been severely injured and even permanently disabled by a drunken altercation. The Victorian not-for-profit body Step Back Think was formed in 2006 following an assault that left 20-year-old James Macready-Bryan with catastrophic brain damage from a single punch. His friends, wanting to stop others from having to go through a similar ordeal, rallied together and formed Step Back Think. The sole mission of Step Back Think is to educate people on the catastrophic consequences that one punch can have and, from this, reduce levels of street violence.

For James, his future—his life—has changed forever. This is why we need to change the way we handle intoxicated and disorderly behaviour. Giving the police the power to arrest an offender could ultimately avoid life-altering incidents. James is not the only person whose life has changed overnight due to alcohol-fuelled violence, and unfortunately his will not be the last. I received inquiries by mail, email, phone, walk-ins—by every means except carrier pigeon—concerning drunken and loutish behaviour. These concerns are not restricted to the Menai electorate; they are also the concerns of society in general.

A bus operates in the Sutherland shire to take people safely and easily between each night spot—from Northies, Stingbar, 2230 and Fusion in Cronulla to Carmens in Miranda, AKA in Sutherland and all in between. It is easy to move from venue to venue. This legislation means that someone who is intoxicated or disorderly would not be able to hop between venues. Councils have often been forced to go to exhaustive lengths and to add quite draconian conditions of consent to deal with the problems created by a minority of patrons who behave badly. Sutherland council, in conjunction with the police, now has two safe zones where people can wait safely for a taxi; these zones are supervised to minimise the chance of disorderly behaviour occurring.

The provisions in the bill will help to further alleviate the concerns of our local councils, nearby residents, patrons and their families. I really feel for parents in this day and age, especially if they have children over the age of 18. Every weekend, countless parents must lose sleep—I know mine did—while their children are out enjoying the night life that Sydney and their local areas have to offer. Parents are happy for their kids to be out having a great time but at the same time dread a call from the police to inform them that their children have been involved in an incident. This bill offers additional legislative power to the police to protect the public from excessive intoxicated behaviour that occurs in entertainment precincts on weekends.

I do not think the bill will protect the entire community from antisocial behaviour, but it provides an additional tool for the police to deal with this problem. As stated by the Attorney General during his agreement in principle speech, this is but a stage in the Government's policy and commitment to address alcohol-related violence and antisocial behaviour. The police must find it frustrating to have to move on intoxicated and disorderly persons, only to have them reappear at a nearby venue and create a disturbance. The confrontation between the police and the persons concerned then starts again with the persons being moved on for a second time. Recent figures have shown that alcohol-related violence accounts for about 70 per cent of all police engagements while other figures suggest that more than 70,000 Australians are victims of alcohol-related assaults each year. If they are spending so much time dealing with this issue, we should do what we can to help them do it better.

The police need to be given the legislative tools to perform their job to the standards expected by the community and, furthermore, to make people accountable for their actions. I know the Sutherland local area command has been working closely with licensed venues to help reduce the number of alcohol-related incidents, but the changes outlined in the bill will definitely make it easier for police to deal with intoxicated patrons. By our enacting this legislation, police will be able to direct disorderly persons to move on. If these persons are intoxicated and disorderly in a public place at any time within six hours after the move-on direction is given, they will be committing an offence.

The direction to move on is not limited to the area in which the order was given; that is to say, if the order to move on was outside a local club and the person moves on to another local public place, be it a hotel or railway station, and continues to create a disturbance, that person will have committed an offence. The maximum penalty for this offence is six penalty points, which is currently equivalent to \$660. As with all changes to legislation that require a change in procedure, the police will have to develop comprehensive standard operating procedures to guide officers in the implementation of this new law. To put it quite simply, people are allowed to go out and enjoy themselves and have fun. After all, we live in one of the best cities in the world with world-class venues, including those in the Menai electorate. I commend the bill to the House.

Mr GREG APLIN (Albury) [11.33 a.m.]: The Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011 introduces a key new power to help manage behaviour in public places, and that is the focus for this debate. The issue at hand is how best to deliver a clear message that people should not be out on public streets, beaches and parks when intoxicated, whether by alcohol, drugs or a combination of both. It is many years since the Summary Offences Act was amended to remove the traditional offence of being drunk and disorderly. In essence, public drunkenness, per se, was decriminalised.

In its place we have had, in more recent times, an offence of failing to move on when directed by a police officer. This bill gives power to a police officer to issue a move-on direction to an individual in certain circumstances and includes new provisions to cover disorderly conduct. That person, so directed, must leave the public place and not return for a specified period. The maximum period prescribed by the bill is six hours. Section 198 of the existing legislation, the Law Enforcement (Powers and Responsibilities) Act 2002, states that a police officer may give a direction:

to an intoxicated person who is in a public place to leave the place and not return for a specified period if the police officer believes on reasonable grounds that the person's behaviour in the place as a result of the intoxication (referred to in this Part as "relevant conduct"):

- (a) is likely to cause injury to any other person or persons or damage to property, or
- (b) otherwise gives rise to a risk to public safety.

This is to be amended by replacing subsections (a) and (b) with the following:

- (a) is likely to cause injury to any other person or persons, damage to property or otherwise give rise to a risk to public safety, or
- (b) is disorderly.

The change flows on to section 198 (2), which states that a direction given by a police officer under the section must be reasonable in the circumstances for the purpose of preventing that injury or damage or reducing or eliminating that risk. The amendment to section 198 (2) clarifies that it is reasonable to issue a move-on direction for the purpose of preventing the continuance of disorderly behaviour in a public place. We are progressing beyond harm to others and general public safety to also include behaviour that is disorderly. Parliament must always exercise due care when granting new powers to the police force. A properly functioning democracy scrutinises police powers at all times so that its citizens do not have their legitimate freedoms placed in peril. I am pleased that this Government takes that responsibility seriously. It is a defence to a prosecution for the new offence if the defendant satisfies the court that they had a reasonable excuse for their alleged behaviour. Guidance is provided in the bill, specifically by new section 9 (6). For the purposes of this section, a person is intoxicated if:

- (a) the person's speech, balance, co-ordination or behaviour is noticeably affected, and
- (b) it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of alcohol or any drug.

A reasonable excuse in defence to a prosecution might be, for example, that the person was affected by medication or suffered from a mental health problem. Schedule 1 [3] to the bill requires the Ombudsman to prepare a report on the operation of new section 9, and the issue of penalty notices in respect of the new offence under new section 9 once this offence has been in operation for 12 months. The Ombudsman must furnish a copy of the report to the Attorney General and the Commissioner of Police. This is accountability. I would not want to see this new power—or for that matter the existing powers under the legislation—used unfairly to target particular people or groups in our society who are already downtrodden, doing it tough or marginalised. These people might have few alternative places to gather in their local and familiar surroundings. A person should not be charged with an offence or placed in gaol simply because that person is intoxicated and out in a public place.

This policy is not a simplistic regurgitation of the old drunk and disorderly offence; here the focus is on the behaviour. Nevertheless, these powers must be used responsibly by authorities and with sensitivity when dealing with people or families living in distress or hardship. I understand that the police will be directed to focus the use of the new power on entertainment precincts where there is an existing problem with antisocial and criminal behaviour fuelled by drunkenness or drug use. It will be unacceptable if this power is channelled in ways to achieve inappropriate objectives related to particular attitudes to mental health or ethnicity, or is based upon highly personal or extremely proscriptive moral codes. We are looking for genuine balance here. Alcohol consumption was once something done indoors or on private premises. It was not commonly seen on the streets.

The dining revolution of the past couple of decades has brought about significant change. Restaurants and cafes now spill out onto footpaths. Alcohol is served at conferences and festivals, and in public parks and reserves. While, as a society, we are now more relaxed about public consumption of alcohol, there is nevertheless no doubt that we are troubled when the result is bad behaviour that is abusive or violent, or that carries with it the threat of turning abusive or violent. Attitudes change and we should seek to fairly accommodate positive social changes. By the same measure, Parliament must also act to ensure that one person's definition of a good time does not unfairly restrict the freedom of others to be on our streets, parks or beaches without fear of verbal or physical attack or intimidation. Three years ago a magistrate in Albury shocked the community when, while presiding over a bail application, he expressed his frustration at ongoing acts of late-night violence. In the *Border Mail* he is quoted as having said:

I am getting heartily sick and tired of acts of gratuitous drunken violence on Dean Street. After what I have seen in this courtroom [over the last month] there is no way I'd be in Dean Street after dark on a Friday [or] Saturday night.

Albury has a local Liquor Accord that meets regularly to monitor these issues and to work cooperatively on solutions. But, as all members will know, our response must be informed and flexible. It is not all bad news, and we should not forget the positive improvements to dining and outdoor living that have resulted from sensible adjustments to trading laws. No doubt there is a direct link between alcohol consumption and assaults. This is particularly prevalent in major entertainment precincts. While significant measures have been introduced by licensed venues, drunk and disorderly conduct still results in assaults, injury and damage to property.

Police reports to our local crime prevention committee advise that alcohol is being brought from homes in cars and taxis rather than from hotels in the central business district. The resultant behaviour has given rise to the introduction of this bill. The New South Wales Liberal-Nationals Government was elected with a policy to

work to stem the tide of assaults and disruptive behaviour in public, where alcohol and/or drugs are a factor. This bill delivers on a key stage of this platform. Police will have new powers held subject to important qualifications of legal justification and public review. For these reasons I support the bill.

Mrs LESLIE WILLIAMS (Port Macquarie) [11.41 a.m.]: I support the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011. This bill is a direct response to statewide consultation on our social policy framework Smarter, Stronger, Healthier, Safer, which clearly identified the need for early intervention and prevention of antisocial behaviour before it escalates and becomes more serious. The object of this bill is threefold. The first object is to amend the Summary Offences Act 1988. This involves making it an offence for a person who has been given a move-on direction by a police officer for being intoxicated and disorderly in a public space to be intoxicated and disorderly in that or another public place at any time within six hours after the direction is given, and to require the Ombudsman to prepare a report on the operation of, and the issue of any penalty notices in connection with, the offence after the offence has been in operation for 12 months.

The second object is to amend the Law Enforcement (Powers and Responsibilities) Act 2002 to enable police to issue move-on directions for disorderly behaviour and to detain an intoxicated person otherwise than for the purpose of taking proceedings for an offence. The third object is to amend the Criminal Procedure Regulation 2010 to provide for the issuing of penalty notices in connection with the offence. The community and the police are pleased to have this legislation in place because it provides yet another enforcement tool to deal with intoxicated individuals and is another step forward in making our streets safe again. This bill is the second stage of delivering on our pre-election commitments to ensure that police have the powers to deal with drunk and disorderly individuals. The first stage was the introduction on 10 May of the Law Enforcement (Powers and Responsibilities) Amendment (Move On Directions) Bill 2011, which enables police to move on individuals as well as groups.

Let it be very clear: communities and police are not prepared to put up with offensive, threatening and obnoxious behaviour. Every citizen has a right to expect that when they go out to enjoy community activities, local events and special celebrations such as Australia Day and New Year's Eve they can do so without having to contend with and witness offensive and distasteful behaviour. People have every right to expect that they will not have their outing soured by drunk and antisocial people. Like many people in my electorate of Port Macquarie, I enjoy the opportunity to take in the many community events that often are centred around our scenic foreshores, particularly on Town Green and Westport Park, and adjacent to the beautiful Camden Haven River in Laurieton and the Manning River at Harrington.

Unfortunately, on occasions community events are tainted by the disruptive conduct of some individuals. People being intoxicated or causing offensive behaviour can ruin a social occasion. The Port Macquarie electorate has nowhere near the number of offences as many other areas, but during the past 18 months 838 offences of intoxicated persons and street offences were recorded in the Port Macquarie and Camden Haven areas. The introduction of the new "intoxicated and disorderly" offence means that police will have the power to deal with those individuals who fit this criterion after being directed to move on. The offence applies to disorderly conduct in a public place within six hours after the direction is given. It must be made clear that this provision applies to public spaces in addition to where the direction to move on took place. The process for police to deal with people behaving badly in public places is simple and the community would expect nothing less.

When police encounter an intoxicated person acting in a manner that is considered disorderly they will ask the person to move on. The definition of "intoxicated" is clearly defined in the Law Enforcement (Powers and Responsibilities) Act—if the person's speech, balance, co-ordination or behaviour is noticeably affected and the police believe this is the result of the consumption of alcohol or any other drug. The term "disorderly" is wider in scope and may vary according to time, place and context of behaviour. Rightly, it is for the police to determine if the behaviour is serious enough to warrant intervention. When the police issue the move-on direction they also will advise the person that failing to comply with the direction will be an offence and, additionally, that to be intoxicated and disorderly in the same or any other public space within the next six hours also is an offence.

If the offender asked to move-on continues to act in a manner considered disorderly, the police will have the option to issue a criminal infringement notice or a court attendance notice. The third part of our commitment to make our streets safe again involves a pilot of three sobering-up centres in New South Wales. Police can remove from the streets intoxicated people who have escalated beyond drunk and disorderly and take

them to a centre where they can sober up under supervision. This commitment for sobering-up centres and the amendment to the Summary Offences Act demonstrate real change for New South Wales that will finally make our streets safe again. I commend the bill to the House.

Mr NICK LALICH (Cabramatta) [11.46 a.m.]: I speak to the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011. It did not take long for the newly minted Premier to resort to policies on the run. He is very experienced at it after many years of throwing up garbage policies on the run in Opposition. This bill is classic O'Farrell Government policy-making on display once again. For 16 years Coalition members talked it up, talked big and talked tough, but when they finally find themselves in government they go weak at the knees and just go to water. Before the March election the Coalition said it would bring back the offence of drunk and disorderly in its supposed Making Our Streets Safe Again policy. This bill does not make good on that promise. This bill does not reinstate the offence of drunk and disorderly.

The new law being debated today will apply only to people to whom police have given a move-on direction. The O'Farrell Government has reneged on an election commitment—no surprise there. This bill is a weak law from a weak-at-the-knees O'Farrell Government. It represents weak leadership from Barry O'Farrell and weak legislation from his Attorney General, Greg Smith. The only offence in this bill is failing to obey a move-on direction, which already exists. All this bill does is tinker with existing move-on powers. For the O'Farrell Government to blatantly renege on its election promise is a disgrace. On 9 May the Premier told Parliament, "We intend to put meaning back into the summary Offences Act ... a new offence of drunk and disorderly will include drunk under the influence of alcohol or intoxicated under the influence of drugs."

All this bill does is give police the power to issue a \$200 fine to people found to be drunk and disorderly in a public place, but only six hours after they have been given a move-on direction. How does a \$200 fine six hours after the event act as an effective deterrent? This legislation is nothing more than smoke and mirrors. The two explanations for this sheep in wolf's clothing bill are that the Premier either wanted to sound tough prior to the election to falsely boost his law and order credentials—of which he has none—or the Coalition made a mistake and is now furiously backtracking to avoid embarrassment. The lesson to the Premier and his Attorney General is that embarrassment will find you when you display weak leadership.

Policy on the run is not the way to run this great State. Prior to the election the Premier talked big on law and order, but has tripped over at the first hurdle. He has done more than that; he has tripped over his Attorney General and knocked over the hurdle on his way down. The ferocious posturing on law and order before the election has quietened to barely a squeak just a few months later. Cheap headlines do not translate to good policy, something that I am sure the Premier is becoming abundantly clear on. It is probably one of the few things that he is clear on. The offence of "drunk and disorderly" was wrongly used by the Coalition as a plausible solution to the relevant conduct.

Better and more sound approaches could have been taken, such as giving police the power to either move on drunk and disorderly persons, or release them into the care of good organisations such as St Vincent de Paul. New South Wales laws give police broad powers to detain people who are intoxicated and who are behaving in a disorderly manner or who are likely to cause injury to themselves or others, or to damage property. As I said previously, the bill does not reintroduce the offence of "drunk and disorderly"; all it does is renege on a bad election promise. The Opposition opposes the bill.

Mr JOHN WILLIAMS (Murray-Darling) [11.50 a.m.]: I will make a contribution to the debate on the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011. I have listened to the debate so far. There can be no doubt that any legislation carries a degree of risk. Some comments made by Opposition members in this debate indicate clearly to me that because some of the decisions the Labor Government should have made involved risk, it chose not to legislate those decisions. Consequently, we are in this shape as a result of what has been left by the previous Government. Any legislation that a government puts forward carries a degree of risk. What the Government is doing with this bill is trying to fix one of the biggest problems that exist in society today.

One consequence of drunk and disorderly behaviour is, unfortunately, violence. In the electorate of Murray-Darling, far too many young people have been seriously injured in street brawls that are the result of drunkenness. If we do not address this matter, and simply stay with the current law, then it is clear we will not fix the problem. The laws that exist today are not correcting the problems we are facing out on the streets. The fact is that society has changed, and behaviour has changed in a manner that is unacceptable to the majority of the people of this State. We have to take action. If someone is out on our streets causing stress to our

communities, we must address that. I suspect that none of our laws or regulations has been perfect. The fact is that the Government is putting in place something that the community of New South Wales has been demanding for years.

Far too many young people have had their lives cut short because on a night out they have been confronted by drunken louts who have decided to use physical violence against these good young people who had so much to offer. Young people have been killed, or have suffered brain damage or other serious injury as a result of this drunken behaviour. That is unacceptable. The O'Farrell Government is doing something about the problem. This bill might not be perfect; time will tell. The operation of this new law will be reviewed, and that is some insurance. It should be recognised that there is some risk with this legislation. The fact is that the Government is putting this measure in place in the best interests of the community of New South Wales, and for no other reason. I suggest that we will see a lot more legislation that is considered risky by the Opposition. Those opposite did not make the courageous moves; they were not prepared to do this. Within the Labor Cabinet there were far too many people like the member for Liverpool.

Mr Paul Lynch: Your so-called courageous legislation makes no change to the law.

ACTING-SPEAKER (Ms Melanie Gibbons): Order! The member for Liverpool will come to order.

Mr JOHN WILLIAMS: He says that every action the Government has taken is absolutely unacceptable.

Mr Paul Lynch: You have not read the bill.

Mr JOHN WILLIAMS: It has got nothing to do with reading the bill. Your interpretation is wrong.

ACTING-SPEAKER (Ms Melanie Gibbons): Order! The member for Murray-Darling will direct his comments through the Chair. I call the member for Liverpool to order.

Mr JOHN WILLIAMS: Being critical of any legislation that the Government introduces in this House is his standard response. It is exactly as the member for Mount Druitt says. We know what will come out of the mouth of the member for Liverpool: the standard answer and the standard criticism.

Mr Paul Lynch: The standard answer is: Read the bill. You have not done that.

Mr JOHN WILLIAMS: I have read the bill, and I am very familiar with it. I suggest there is a degree of risk in it. The fact is that the measure will be put into place.

Mr Paul Lynch: There is no risk in a bill that makes no change. There is no risk in the bill.

Mr JOHN WILLIAMS: There is risk in the bill. You have already announced that by your comments.

ACTING-SPEAKER (Ms Melanie Gibbons): Order! The member for Murray-Darling will address his comments through the Chair. I call the member for Liverpool to order for the second time.

Mr JOHN WILLIAMS: I am not here to debate the matter with the member for Liverpool. We know that he will oppose anything that is before this House. The proof will be in the pudding. I suggest that we will see some very good results from this legislation.

Mr JAMIE PARKER (Balmain) [11.55 a.m.]: I speak on behalf of the Greens on the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011. The bill inserts into the Summary Offences Act 1988 a new Section 9, which specifies that it is an offence for a person who has been given a move-on direction by a police officer for being intoxicated and disorderly in a public place to be intoxicated and disorderly in that or another public place at any time within six hours after the direction is given. The bill also preserves an existing power to detain an intoxicated person. Further, the bill amends the Criminal Procedure Regulation 2010 so that a criminal infringement notice can be issued for this offence, that is, a \$200 fine. Although these can be appealed to a court, often they are not.

Members will be aware that this bill follows on from the recent Law Enforcement (Powers and Responsibilities) Amendment (Move on Directions) Bill 2011, which increased police move-on powers to apply

to individuals. Members will know that I did not support that bill. The Greens in the other place do not support it. We acknowledge and are supportive of the great work that police do within our communities. In my seat of Balmain I am particularly pleased with the positive relationship that I have had with the local area command, both as a councillor and as a member of the community, and I can see the excellent work that police have done in our area to ensure that our communities are safe and welcoming places.

We also acknowledge that in many communities around New South Wales, in Balmain as well, alcohol abuse is associated with a range of very distressing issues, including violence, as well as a number of other social problems, such as drink-driving. The consequences of alcohol abuse can be very destructive for our communities. But The Greens believe that those problems will not be solved by marginalising and criminalising individuals in our society. Quite simply, the powers that the Government has talked about to address those matters are strong, and they already exist. We already have the powers to deal with people who are drunk and disorderly in public. The evidence does not support this approach as an effective way to deal with the problem. I am disappointed that the Government has not come forward with any evidence to support this measure.

Quite frankly, the evidence is scant. This type of approach, a \$200 fine for an offence that occurs six hours after someone has been asked to move on, will not provide any type of deterrent. There is evidence, however, that actions of the type that the Government is proposing can bring about consequences that are not desirable or our community. The Law Society of New South Wales has raised concerns about the bill. It has noted that the Law Enforcement (Powers and Responsibilities) Act 2002—which I discussed in a previous address on a bill—already contains an offence provision that is more than adequate to deal with people who do not obey move-on directions. This also covers people who return to a public place after having been directed to leave and not return for a certain period of time.

It is important to note that police have the power under section 197 of the Law Enforcement (Powers and Responsibilities) Act to give a move-on direction to a person who is in a public place and is obstructing another person or traffic or whose conduct constitutes harassment. Government members have said that this new legislation will allow police to move on a drunk person in the street. The provisions in the 2002 Act already provide such powers to the police. In our view, the provision of further powers to allow police officers to undertake the actions outlined in the bill is unnecessary. In fact, it is more than unnecessary. If the Government introduces these powers it should provide evidence that demonstrates they will be effective. Inquiry after inquiry has shown they are not effective. If the proponents do not provide evidence to support their case, it is difficult for me as a local member or members of my community to support this legislation.

Evidence shows that police move-on powers are most often used against the most vulnerable in our society: the homeless, Aboriginal and Torres Strait Islander people and young people. We remain broadly concerned about these police move-on powers, particularly in relation to an unjust application of these laws. We also are critical of the bill because it includes provisions that history has shown us to be ineffective. The offence of drunk and disorderly was removed in the 1970s because it was clear that criminalising drunkenness had failed to address alcohol abuse. Instead, police resources were used to target already marginalised groups in our community. The Coalition claims that police will use the proposed move-on powers to encourage intoxicated individuals to go home.

However, most of those who have experience with the exercise of these laws say that it can lead to an increase in hostility and a breakdown in relationships with police and can waste a great deal of precious police time. When we look at these laws in context, similar provisions already exist. The provision of even more powers can only lead to negative consequences. The criminal infringement notice is currently used for offences such as offensive language. The Ombudsman's review of criminal infringement notices highlighted the risks of new increases in sanctions. Where previously offenders would have been warned or cautioned, they now may be issued with criminal infringement notices. The Ombudsman review states that the new increases in sanctions:

... risks that recipients might not court-elect or request an internal review despite having strong grounds to do so, and risks that recipients may simply ignore the penalty notice system and become entrenched in the fines enforcement system.

The Ombudsman's report highlights that these pitfalls are particularly acute for Aboriginal people, with Aboriginal suspects at the time accounting for 7.4 per cent of all criminal infringement notices issued. Nine out of 10 Aboriginal people issued with a criminal infringement notice failed to pay in the allowed time. That means that many of them became entrenched in the fines enforcement system. That is hardly the solution proposed by the Government. More than three decades ago the Royal Commission into Aboriginal Deaths in Custody recommended the abolition of the offence of drunk and disorderly because it disproportionately impacted on

Aboriginal citizens. Now the offence will be reintroduced. The member for Toongabbie, in his contribution, noted that the peak non-government Aboriginal representative body in New South Wales, the New South Wales Aboriginal Land Council, noted that this legislation fails to consider the recommendations of the Royal Commission into Aboriginal Deaths in Custody, particularly in relation to averting Aboriginal people from police custody. The royal commission reported the misuse of disorderly behaviour offences by police.

Mr Troy Grant: You are talking about ancient history.

Mr JAMIE PARKER: I will talk about the report of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs in June 2011. That is recent. That report noted that the broad-ranging move-on powers have been misused by police and that young Indigenous offenders are less likely than their non-Indigenous counterparts to receive a police caution and are more likely to be referred to the court. When young people come into contact with the criminal justice system, the engagement is not conducive to ensuring that they do not move on to a life of crime or commit crimes. The evidence demonstrates that a diversionary approach is more effective. I acknowledge that the Attorney General is present in the Chamber to listen to my speech. The Law Enforcement (Powers and Responsibilities) Act 2002 includes provisions that allow police to adequately deal with people who do not obey a move-on direction.

We acknowledge the concerns raised by the Law Society of New South Wales that police already have adequate powers in this regard. The criminal infringement notice is an ineffective way of sanctioning people. As I said earlier, the Ombudsman's report indicated that nine out of 10 Aboriginal people issued with a criminal infringement notice failed to pay in the allowed time. It is not an effective deterrent. The Government can undertake a range of measures—and I acknowledge the Government is looking at some of these measures—to ensure that people do not become drunk in the first place. Those measures include enforcing the responsible service of alcohol. The reduction in assaults and violent crime that has taken place in some communities in New South Wales has not been as a result of criminalising people, it has been as a result of enforcing conditions on trading hours and the responsible service of alcohol.

Mr Troy Grant: What about personal responsibility, instead of flick passing responsibility all the time?

Mr JAMIE PARKER: Taking personal responsibility is important. The police have powers under the 2002 Act to move on people who are obstructing traffic.

Mr Troy Grant: The police are playing shuffleboard with these people because they do not have adequate legislation to support them.

Mr JAMIE PARKER: I acknowledge the interjection of the member for Dubbo.

Mr Troy Grant: You only read about this from some hairy armpit report.

ACTING-SPEAKER (Ms Melanie Gibbons): Order! I call the member for Dubbo to order.

Mr JAMIE PARKER: If that is the quality of debate it is a very sad day. Police already have the power to give a direction to a person in a public place who is obstructing another person or traffic or their conduct constitutes harassment. Police currently have the power to deal with those who are under the influence of alcohol or act in a drunk and disorderly way. I have experience in this area. I have worked closely with our local area command in relation to voluntary lockouts in our pubs and clubs. The Unity Hall Hotel now has a voluntary midnight lockout.

Mr Troy Grant: Have you accompanied police to see what they are facing?

Mr JAMIE PARKER: I have. I have worked closely with our local area command, not only in Darling Street but also in Norton Street, Leichhardt, where there are many 3.00 a.m. late-night venues. It is important for us to deal with these issues in an evidence-based, cost-effective manner. I encourage the Government to deal with these matters in such a manner and focus on implementing a range of measures, not just criminalising people in our community. We have to deal with the causes, not just the symptoms. That means enforcing the responsible service of alcohol and conditions on trading hours. We must implement a range of measures in order to improve the safety and vibrancy of our local community and late-night economy.

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [12.07 p.m.], in reply: I thank the members representing the electorates of Liverpool, Mulgoa, Shellharbour, Camden, Myall Lakes, Baulkham Hills, Toongabbie, Riverstone, Mount Druitt, Campbelltown, Tweed, Keira, Sydney, Vaucluse, Menai, Albury, Cabramatta, Murray-Darling and Balmain for their contributions to the debate. The shadow Attorney General and Opposition members complained that, one, the bill duplicates powers that police already have; two, the bill creates a different offence than that which was promised pre-election; and, three, the bill will be detrimental to the Aboriginal community. I take the opportunity to briefly respond to the issues raised by the Opposition.

During debate the Opposition suggested that this bill duplicates powers that police already have under the Law Enforcement (Powers and Responsibilities) Act, known as LEPR. This is, of course, nonsense. This bill provides complementary powers and enhances the existing move-on powers. At present, the move-on powers in section 198 of the Law Enforcement (Powers and Responsibilities) Act do not encompass disorderly conduct. This bill will include disorderly conduct in the move-on powers, thereby adding an additional ground on which police can give a move-on direction.

The intoxicated and disorderly offence provision complements the enhanced move-on powers and provides another enforcement tool for police to deal with those intoxicated individuals who choose not to cease their disorderly conduct. The offence provision will provide police with options as to how best to respond in the circumstances by allowing for the issue of a court attendance notice or a criminal infringement notice. The offence is targeted at deterring specific behaviour and carries a higher maximum penalty of six penalty units, or \$660, than that applicable to the section 199 offence of failing to comply with a move-on direction, which is two penalty units, or \$220. The availability of this higher maximum penalty reflects the seriousness of the intoxicated and disorderly offence. The Opposition further suggested that the bill creates a different offence than that which was promised, effectively saying that we had broken one of our election promises on this issue. However, I remember, after attacking us, the member for Liverpool said that he was glad that we had.

The bill creates an intoxicated and disorderly offence with appropriate safeguards, including the requirement that the move-on direction is reasonable in the circumstances, that the person is warned about the offence at the time of the direction and that the disorderly conduct must occur "without reasonable excuse". The Government promised to introduce an intoxication and disorderly offence, and that is what this bill is about, but with the appropriate safeguards. The bill is not weak, nor is it draconian. Simply put, this bill has the element of reasonability built into it, making it a measured response and providing police with the right powers to address this social problem. We should remember whilst Labor was in government scenes of the riot squad having to attend regularly at various entertainment venues because the crowds there—often young people—were out of control.

I will now deal with the Opposition's claim that this bill will adversely impact the Aboriginal community. The Government has repeatedly stated that this new policy is not aimed at disadvantaged groups—and the Opposition knows that—including the Aboriginal community. The Government has also emphasised that the intention behind the offence is that it will be directed at antisocial behaviour at night-times in entertainment hubs, which the Opposition also knows. Police will develop appropriate standard operating procedures—SOPs—for the offence, which will reflect the Government's policy goals.

The new offence also gives police options as to how best to proceed in relation to intoxicated and disorderly conduct. They may issue a court attendance notice or a criminal infringement notice. Alternatively, they may detain the person pursuant to section 206 of the Law Enforcement (Powers and Responsibilities) Act either with a view to releasing them into the care of a responsible person or until they sober up. Police will use their discretion, in conjunction with the SOPs, to respond appropriately to the circumstances, including when dealing with Aboriginal people. The bill requires the Ombudsman to prepare a report on the new offence and the issue of criminal infringement notices for it after a period of 12 months. The Ombudsman's report is to be laid before both Houses of Parliament and will provide a transparent review of the operation of this new section and its impact, if any, on vulnerable members of society.

In conclusion, I refer to submissions received by the Law Society of New South Wales and the Aboriginal Land Council. I thank the Aboriginal Land Council for its submission and I have noted its concerns, which I have addressed in this speech in reply. I thank the Law Society for its submission and its careful consideration of the issues raised in the bill. The Law Society has expressed concern in relation to the effect this bill might have on vulnerable people in the community, including homeless people, people with mental illness

and Aboriginal people. Although it was mentioned throughout this debate I take this opportunity to say once again that this Government has publicly stated that this new policy is not aimed at vulnerable members of the community, and that remains the case.

Police will develop standard operating procedures to guide them in the appropriate use of the move-on directions and the offence. It will be clear that the offence is directed at antisocial behaviour at night-times in entertainment hubs. Of course, if intoxicated and disorderly behaviour that is sufficiently serious to warrant intervention by the police occurs at other times and places, police will still be able to use the powers, if appropriate. The bill provides police with another enforcement tool to deal with intoxicated persons engaging in disorderly conduct after being told to move on. Those who engage in antisocial behaviour will be made accountable for their actions. The bill represents the second step in honouring the Government's election commitment to make the streets of New South Wales safer. 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 transmitted to the Legislative Council with a message seeking its concurrence in the bill.

GRAFFITI LEGISLATION AMENDMENT BILL 2011

Agreement in Principle

Debate resumed from 3 August 2011.

Mr KEVIN CONOLLY (Riverstone) [12.16 p.m.]: I speak in support of the Graffiti Legislation Amendment Bill 2011. This bill delivers on a commitment by this Government to get tough on graffiti vandals. As a result of the range of amendments that this bill will introduce, courts will now have a range of sentencing options for graffiti offenders. One of the most significant powers that the courts will have is the ability to disqualify graffiti vandals from driving. This bill will require young offenders to appear before a court when charged with graffiti offences. The public is sick and tired of finding trains, schools, fences, public buildings and private homes vandalised by graffiti. The community has made it clear that graffiti is to be treated as a serious matter, not an offence that is dealt with by a slap on the wrist.

The bill amends a number of pieces of legislation: the Children (Community Service Orders) Act 1987, the Crimes (Sentencing Procedure) Act 1999, the Graffiti Control Act 2008 and the Young Offenders Act 1997. Schedule 1.1 [4] to the bill amends section 11 of the Children (Community Service Orders) Act by requiring a court to impose a condition that the work to be performed by a person found guilty of a graffiti offence includes the removal of that graffiti and the restoration of the appearance of public property that has been vandalised. The community will accept nothing less. Whatever penalties are imposed the penalty must include, at the very minimum, making good the damage that has been done. Making offenders spend the time to clean up the damage that has been done will make them appreciate the effects of their act in the first instance. The amendments in relation to the Crimes (Sentencing Procedure) Act 1999 enable a court to impose community service orders that require the removal of graffiti and the restoration of the appearance of public property. Schedule 1.2 [2] to the bill amends section 90 of the Crimes (Sentencing Procedure) Act 1999 in order to apply to persons over the age of 21.

The amendment in relation to the Graffiti Control Act 2008 omits section 15 of the Act and inserts part 4A, which provides the court with an additional power to make an order extending the period of an offender's learner's permit or provisional driver licence for a period of six months or, alternatively, to suspend an unrestricted licence and require the driver not to equal or exceed a specified threshold number of demerit points. That is at the centre of the commitment made by the Liberal-Nationals Coalition before the last election that we would add to the penalties in relation to graffiti something that mattered to the people who typically commit that offence, something that will strike at things important to them, because they are striking at things that are important to the rest of the community. By defacing our property, private or public, they are taking away the sense of security and safety in the community that people rightly expect.

People have an entitlement to feel that the place in which they belong—their community, their neighbourhood, their street, and even their own property—is something to be valued and respected by others; not defaced and attacked. So the penalties in relation to driver licences are in fact putting the ball back into the court of the offender by telling them that because they have struck at something important to the community, the community will impose a penalty on something that is important to them. This will underline the seriousness of this crime.

The amendment in relation to the Young Offenders Act 1997 amends the Act so that formal cautions and warnings cannot be used in relation to offences relating to graffiti vandalism. This again underlines that the community is saying loudly and clearly to all of us in this place that graffiti is not a minor or trivial matter that can be treated with a slap over the wrist. Graffiti is something serious that has gone on far too long and has been tolerated too lightly. The community says it is now time that we take this seriously, so offenders need to appear before a court once they are apprehended.

Graffiti is both an offence and an affront to residents whose home place, whether public or private property, is defaced. We feel that our place is important to all of us. It is part of us being part of the community. We have the right to stand up and say no more and if people do transgress their actions will be treated as something significant and serious. Graffiti is a costly problem as well. Expenses associated with the crime exceed \$100 million per year in New South Wales. This figure includes approximately \$50 million from RailCorp. In 2010 the Standing Committee on Public Works reported that 11,691 graffiti incidents had been reported to New South Wales Police in 2009. In all likelihood this number vastly underestimates the total number of graffiti incidents since so many people have given up on reporting them because they feel that so little has been done. This is an issue which requires urgent action and the Government is providing just that.

The cost is more than just the dollars themselves. It is the opportunity cost of this money spent by public authorities, whether by RailCorp or by local councils or various State agencies, that could have been put to good public use. I come from a local council in the Hawkesbury district which at times has effectively retired public assets from service—that is, not replaced them—because they have been so frequently vandalised and damaged that it becomes simply too costly to keep putting money into them. So the community misses out on those facilities. It is wrong. We have to find ways to restore the balance, to ensure that people do not damage public and private property to the detriment of all of us. That money could be spent on so many things. It could be spent on more footpaths, on playground equipment for children, on all sorts of services that councils provide. If RailCorp had \$50 million extra, the rolling stock and the plant that our railways rely on could be in much better condition than it has been able to be.

In my own electorate of Riverstone graffiti is an issue which residents have consistently raised with me. The people of Riverstone, like the people of New South Wales, want to see action taken to curb the ongoing problem of graffiti vandalism. The New South Wales Bureau of Crime Statistics and Research has released figures to show that over two-thirds of graffiti offenders identified by police were under the age of 18 and over 50 per cent were young males. This particular profile is why the strategic decision has been made to suspend rights to driver licences. It closely targets the predominant group comprising graffiti offenders.

I want to talk about a response to graffiti in my own electorate of Riverstone and elsewhere in the north-west of Sydney that has been initiated and implemented by a group called VandalTrak under the guidance of Anthony Krkac, a resident of my electorate. This is a private initiative that has set up a website that allows for easy online and real-time recording of graffiti incidents and to pinpoint the location of them. The reason for this is quite simple: in order to catch graffiti offenders and to ensure that they are proportionately punished when caught we need to have an accurate record of where the graffiti is, its frequency and its kind and whose tag is involved. The technology that Mr Krkac and VandalTrak have set up has allowed that to occur.

VandalTrak is offered free to the community, to the police and to other agencies who deal with graffiti removal from public property and it has been used to great effect. It is being used in tandem with graffiti action being taken by other groups in our community too. The Rotary Club of Windsor is just one Rotary club that has begun an initiative of working with the local council to clean up graffiti in a quick and timely manner. Hawkesbury City Council has provided the materials that the volunteers from the Rotary Club of Windsor need to do the task. The Rotary Club has organised a roster so that for at least half a day a week two teams are out on the road attacking graffiti sites as soon as they become aware of them. The graffiti vandal is being denied the satisfaction of seeing their tag, their graffiti, remain in public view for an extended period of time. As we all know, the sooner the graffiti is removed and that satisfaction is taken away the less the incentive for the graffiti vandal to continue that activity.

I commend both the Rotary Club of Windsor whose members have undertaken this work on a voluntary basis and are doing it so effectively and so well for their local community. In particular, I commend VandalTrak and Anthony Krkac for the initiative shown in setting up a system that supports private and public agencies in their work of attacking graffiti. I am advised that this has assisted police, particularly in my electorate in the Quakers Hill local area command, in identifying specific graffiti vandals and taking action against them. Once they have been apprehended the court can now take into account all of the incidents of graffiti that can be traced to that particular individual, which was not previously possible. I commend both of those groups working in the public interest in the community of Riverstone to address this persistent problem.

In conclusion, the primary effect of these amendments to the bill is that the pre-court diversion for a graffiti offender will no longer be an option. The bill will still allow a court to refer a young offender to a youth justice conference as per schedule 1.7 [11] of the bill but only after they have appeared in court, the child has admitted the offence and the court is of the opinion that a conference should be held. The other significant amendment that I have discussed relates to the rights to driver licences and the period of qualification related to driving.

That will specifically target an issue that matters to those people who are most commonly identified with graffiti and it will ram home the message from the rest of the community that this is an important issue, this is a significant matter and it should be treated as such. These amendments will work towards achieving the Government's objective of making young offenders realise the seriousness of their offences while continuing to give the court discretion to deal with the offender as appropriate. I commend the bill the House.

Mr DARREN WEBBER (Wyang) [12.28 p.m.]: I support the Graffiti Legislation Amendment Bill 2011. Throughout the Wyong electorate the problem of graffiti has been getting worse. It is interesting to note some of the comments of those members from the other side in recent days who are not supporting the bill. What is very clear, particularly in Wyong, is that Labor's efforts have not worked, so anything put forward on a positive note is a step in the right direction.

I invite every member to come and tour the electorate of Wyong. Along Sparks Road three new suburbs have popped up in recent decades, being Hamlyn Terrace, Woongarra and Warnervale. These are areas with a lot of Colorbond fencing which is becoming absolutely covered with graffiti and it looks disgusting. In doorknocking these suburbs, many of the people living there said they had moved to the area from Sydney. They said they moved to sunny Wyong on the Central Coast to get away from the problems of Sydney such as the problem of graffiti. Unfortunately those problems have started to come to areas such as Wyong. Families like mine are starting to feel as though they live in Sydney because the problem of graffiti was never as apparent as it has become recently.

The problem is worst in the suburb of Toukley, where these young criminals have started tagging cars parked in the street outside people's homes. What a horrid thing to wake up in the morning and find that your car is tagged. The community is fed up, as I am. The problem has been made very clear in representations to me as the member for Wyong and also when I was doorknocking through the suburbs as a candidate prior to the election. The two biggest problems raised with me were local and main arterial roads and graffiti. There seems to have been a spike in graffiti in Wyong in recent years, and the community feeling is that enough is enough.

I helped clean several fences during the election campaign and it became apparent to me then that it was not the first time some of the sites had been vandalised. It was the sixth or seventh time that some sites had been cleaned. To clean a fence, or in some cases your car, and remove graffiti at great personal cost in money and time and then have it vandalised the following week—particularly in Toukley, where the cars seem to be tagged every Saturday night—is very demoralising. People in the Wyong electorate are looking for a new approach and some guidance to stop these people reoffending because the message is not getting across.

Mr Bryan Doyle: That's why they have elected a new member.

Mr DARREN WEBBER: Hear! Hear! It is the first time they have elected a Liberal.

Mr Nathan Rees: Give yourself a rap.

Mr DARREN WEBBER: Why not? You won't. Vandalism cost Wyong Shire Council \$450,000 in 2010. Wyong Shire Council covers the electorates of Wyong and The Entrance, but the member for Swansea noted yesterday that the council has been highly proactive in dealing with graffiti in both those electorates and

in the southern parts of his electorate. I will refer to some of the initiatives that Wyong Shire Council has implemented to deal with the problem. The council has distributed an easy graffiti removal chart. I pay tribute to the former member for Wyong who put the information in his last newsletter before the election. I will be doing the same in my next letter. The chart outlines the different substances and cleaning agents that need to be used depending on the type of material that has been sprayed with graffiti. It is very helpful because the problem with surfaces such as wood is that normal cleaning agents will not work.

Residents are also able to borrow the graffiti beater trailer, which is an initiative of the Northern Lakes Regional Business Chamber. I have seen it in action and it is fantastic. The trailer has everything people need and guides for use. They can take the trailer to the location of the graffiti, see what the surface is, follow the flow chart and clean off the graffiti. It is a great initiative and one that we are trying to replicate through council itself. It is also equipped with a high-pressure washer, a water tank and chemicals for cleaning. It is ready to go. Wyong council has launched a graffiti kit, which includes a bucket and equipment to remove graffiti. It is free and each resident is entitled to collect a graffiti kit for personal use at any time from the council chambers.

As members know, 15 June was Graffiti Action Day, and all Coalition members across the State tried to be involved. Wyong Shire Council rates pay for one full-time employee to go around and clean up graffiti in the council area. The problem is so bad we have a full-time council officer cleaning up graffiti. That is absolutely ridiculous when that person could be fixing roads in the shire—provided they were properly trained of course. That full-time employee predominantly removes graffiti from council property such as playgrounds and public toilets, with a view to cleaning off offensive graffiti within 48 hours and general graffiti within two weeks. In a briefing with council it was explained to us that the sooner the graffiti is removed the less time the offenders have to brag about the graffiti and their tag and so, hopefully, they will be less likely to reoffend. Unfortunately, because the graffiti is so prevalent it often takes weeks for it to be cleaned up.

The tagging of cars seems to indicate that these young offenders are getting more confident and more arrogant. If it was property yesterday and cars today, we all fear what they will vandalise next. I am aware of one case in which not only did they put graffiti on a Colorbond fence—which we cleaned up—but the following weekend they skipped the fence and put graffiti on the front door of the house, which is an absolutely disgusting personal attack on someone's property. Some people argued when I was doorknocking that graffiti is an art but that is absolutely not a cause I would support. It is illegal and a problem that we need to stamp out. As has been mentioned, two out of three offenders are under 18 years of age, which is part of the problem and part of the reason that this amendment bill is before us today.

Young offenders seem to brush aside the laws of the day and think they are invincible. Because of their age they just do not understand the concept of personal landholdings or ownership of a car and that it costs money to clean up personal property after it has been sprayed with graffiti. They buy another spray can and go out and do it again. They have no comprehension of what it is costing the community. Another problem that needs to be looked is that they are still getting hold of spray paint cans. A local distributor in the Wyong electorate—whom I will not name—has been outed for openly and blatantly selling spray cans to people under the age of 18, which is illegal. That is half the problem: if offenders get their hands on spray cans they can obviously commit the crime.

Removing or placing restrictions on young offenders' learner or provisional driver permits hits home with them. If they are taken to court and get a slap on the wrist they feel as though they have done nothing wrong and can go out and do it again. But if you hit a young male where it hurts, by taking away his driver's licence, he will get the message. That is particularly the case in the Wyong electorate, where there are suburbs with people from the lower spectrum of society who struggle to get ahead. Issuing a fine will not solve the problem. If anything, it will continue the downward spiral in their criminal apprenticeship and lead them to the higher tiers of crime. We need to support not only the amendment that restricts or removes learner and provisional driver licences but also the power of the courts to implement community service orders. That provision is already in place but this legislation will expand the court's powers in that regard.

One of the matters that concerned me when I was doorknocking is that landholders, particularly those who had been repeated victims of graffiti, said what they would do to those "little so-and-sos" if ever they got their hands on them. While I could not support what they said they would do to the offenders, they agreed with my suggestion that a community service order should not only make them clean up the graffiti they created but also make them pick up litter in parks—rather like the old chain gangs by the side of the road in the United States; basically perform community service. However, they still said they would rather get their hands on the offenders and give them "what for". That is not something we can support, and I do not support it. But it shows how frustrated people are both in the electorate of Wyong and right across New South Wales.

As I said, the problem is not getting any better, it is getting worse. I wholeheartedly support any legislation that the Coalition Government can implement, hopefully with the support of members opposite, to get the message across to young offenders. I encourage members opposite to get behind us. I also support our police in their attempts to catch the offenders. About a month ago, before the winter recess, a shop owner in Wyong near the train station caught a young offender in the act of spraying graffiti on the back of her shop. She called the local police station to say, "I've got him here" and put fear into him. She said she had caught him red-handed with the spray can and was holding him in her shop. The response from the local police station was, "Sorry, all the police are out at the moment. We can't send someone to the shop." After two hours she had to let him go because she was basically holding the offender unlawfully.

The young offender was caught with the spray can in his hand and was let go. We need to support our local police by increasing their numbers and by prioritising the problem of graffiti. Obviously, if there is a domestic violence call or a car accident and a report of graffiti, the graffiti problem will be a very low priority. The problem of graffiti has to be prioritised, particularly when there is the potential to catch repeat offenders. A small minority of kids in the Wyong community are vandalising the area, not every young kid. The legislation does not seek to slap everyone across the wrist and restrict all drivers licences. We are trying to catch the repeat offenders who have no respect for the law, no respect for private property and, unlike the majority of us, no respect or love for their local community. I wholeheartedly support the legislation, and I hope those opposite will also.

Mr TONY ISSA (Granville) [12.39 p.m.]: I support the Graffiti Legislation Amendment Bill 2011. The bill implements the Government's election commitment on graffiti by requiring juvenile graffiti vandals to appear before the court for repeat offences; giving the courts power to extend the time that graffiti offenders spend on learners permits or provisional licences; suspending a drivers licence of any class or, as an alternative to suspension for unrestricted licence holders, imposing a limit on the number of demerit points they are able to accrue over a specified period; and requiring courts imposing community service orders on graffiti offenders to make graffiti clean-up a condition of the order.

Requiring juveniles to appear before a court for a graffiti offence emphasises the seriousness of the offence and that damaging or defacing property is not a trivial matter. The bill will still allow the court to issue a caution to the offender, or refer a juvenile charged with a graffiti offence to youth justice conferencing if the juvenile admits committing the offence and the court is of the opinion a conference should be held. Retaining the power to refer a child accused of a graffiti offence to a youth justice conference reflects the view of many stakeholders, and of the New South Wales Law Reform Commission, that conferencing is not a soft option.

Conferencing requires offenders to consider more fully the consequences of their actions. This provision will not alter the ability of the court to sentence a repeat offender to a term of imprisonment for offences contrary to the Graffiti Control Act 2008. Nor will the proposal affect the operation of common law sentencing principles when taking into account an offender's record in determining the sentence to be passed. The bill fulfils the Government's commitment to ensure that when graffiti offenders receive community service orders they will carry out graffiti clean-up if that is reasonably practicable. Amending both pieces of legislation creates a uniform approach to children and adults.

As Lord Mayor of the City of Parramatta, I had the privilege of securing funding for Parramatta City Council to purchase a truck fully equipped with a soda blaster, which is friendly to the environment, to help clean up graffiti. We all know that graffiti has enormous social and financial impacts on the community. Graffiti vandalism has become a significant concern, costing our community money and resources that could be better used to enhance our city—on roads, parks or children's playgrounds. In 2009-10 council removed more than 3,200 square metres of graffiti from brick walls and concrete surfaces on council property with the purpose-built graffiti crime removal blasting unit.

Parramatta City Council is committed to providing a clean, vibrant, safe and open atmosphere for all residents, workers and visitors within the Parramatta local government area. As part of that commitment we seek to maintain a network of infrastructure to support the community to ensure that the local government area presents in good repair and condition. The infrastructure is regularly subject to vandalism and graffiti. The city has addressed the issue in many different ways. For example, it assists residents to remove graffiti from property by providing a free graffiti removal kit and offers advice to business people on how to reduce the likelihood of their property being targeted by graffiti vandals.

It has been of great concern to the city that in 2008-09 the cost to council was over \$480,000. In 2010 the cost increased to more than \$600,000. That money has come from ratepayers and, instead of being

spent on activities relevant to the community, it has been spent removing graffiti from fences, garage doors, playgrounds and park equipment throughout the local government area. I commend the Government for introducing this bill. It is time we hit graffiti vandals hard to prevent them from doing the wrong thing in the community. We should be working to give police more power to put pressure on graffiti vandals and help to maintain a safe community environment.

Mr ROB STOKES (Pittwater—Parliamentary Secretary) [12.45 p.m.]: I support the Graffiti Legislation Amendment Bill 2011 on the basis that it gives effect to a major commitment given by the O'Farrell Liberal-Nationals Government to target graffiti vandals and rid our communities of this unsightly and costly crime. Effectively, the bill strengthens the penalties available for courts when sentencing graffiti offenders. It provides courts with an increased range of sentencing options for graffiti offenders and ensures that young offenders have to appear before a court when charged with graffiti offences.

The costs and impacts of graffiti vandalism are felt across communities throughout the State. Residents, shopkeepers, police officers and local councils in my community are well and truly sick of it, as are those in other electorates. Local councils are the primary agencies for combating graffiti. For example, Pittwater Council currently spends around \$150,000 per year on combating graffiti. Costs have been rising steadily in recent years. Neighbouring Warringah Council spends around \$260,000 per annum. I am aware that in many local government areas across New South Wales the costs are even higher. This represents a huge burden on councils' funding and resources. Money that could be better spent elsewhere on genuine community needs is being spent on tackling graffiti and cleaning up after graffiti vandals.

In this context, I congratulate everyone at Pittwater Council on their ongoing efforts in tackling graffiti, on encouraging residents to report graffiti, on cataloguing incidents, on helping to ensure speedy graffiti removal and on working closely with local police to identify offenders. Pittwater Council operates so effectively that the graffiti removal people have often done their work and restored the community to order before residents get up in the morning. I also note the work of our local chambers of commerce and business communities—the Mona Vale Chamber of Commerce, the Narrabeen and Districts Chamber of Commerce, the Avalon Beach Chamber of Commerce and the Newport Beach Chamber of Commerce—in working closely with councils to try to identify where graffiti is occurring, where the hot spots are, and developing strategies to combat it.

I also note the work of our police in the Northern Beaches Local Area Command. Their support for these initiatives has been outstanding. Everyone pays a price for this selfish crime—ratepayers, taxpayers, visitors and local businesses. Even conservative estimates put the cost of removing graffiti from our State at around \$100 million per year. Local councils are forced to clean footpaths, surf clubs, bus shelters, libraries, bins, picnic benches, street signs and shopping complexes, and private owners are left to clean up damage to their properties and fences. The tragedy is that, given the huge burden placed on our police, officers are diverted from other duties to deal with graffiti incidents.

Small businesses have to clean and repair their premises. That involves clean-up costs and loss of business, with that expense ultimately passed on to customers. State-owned corporations such as Sydney Buses, CityRail and Sydney Ferries have their own cleaning costs for their depots and other facilities. In an alarming incident on the northern beaches earlier this year, a young male who had been waiting for a bus outside Warringah Mall during peak hour stepped forward in front of commuters and started tagging the side of the bus when it arrived. This type of attitude among young offenders must change.

Local councils are just giving up on providing public amenities due to the enormous financial costs of clean-ups. For example, graffiti walls in some communities are being pulled down. Rather than being a channel for graffiti art, they have become honey pots for a proliferation of graffiti. In my community the council is unwilling to install bus shelters in some areas due to constant vandalism. I was told recently that if council installs a bus shelter with safety glass often it lasts only two weeks before it is smashed, scratched or covered in graffiti. Graffiti affects everyone in our communities—either directly or through having to pay for it to be removed. This bill seeks to respond accordingly by introducing tougher deterrents.

As mentioned, the bill ensures that young offenders charged with graffiti offences are not diverted away from the court system. All offenders will be made to appear before a magistrate. This Government is committed to ensuring that when a graffiti offender is sentenced to a community service order, the court must impose a condition requiring graffiti clean-up work to be performed as part of that order. When the court does not impose such a condition it must make a record of its reasons for not doing so. Graffiti clean-up is an

important lesson for young people to learn, especially when they find out it takes much longer to come off than it does to put on. Importantly, this bill also expands the sentencing options available to a court by creating a new penalty option in the form of drivers licence orders.

Courts will have the ability to suspend a drivers licence of any class, extend the time a graffiti offender has to spend on a learner or provisional licence, or impose a limit on the number of demerit points an offender is able to accrue over a certain period. The member for Toongabbie said that in debate on another bill I talked about ensuring that penalties linked to drivers licences must be relevant to the reason for which a drivers licence is issued. The drivers licence option in this bill is particularly relevant to young offenders. We know that approximately two-thirds of graffiti offenders are aged under 18 years, and that more than half of that number are young males. We know also that it is this category of society for whom the freedom of a drivers licence is important. This new deterrent is relevant because it strikes at the heart of their desires and sends a strong message to anyone involved in graffiti that his or her freedom to drive will be placed at risk by their actions.

Importantly, courts will retain the power to refer a young offender to a youth justice conference, to undertake graffiti removal work or other community service work, or to participate in personal development programs, but not before appearing in front of the community before a magistrate in a local court. These amendments achieve the Government's objective of making young offenders realise the seriousness of their offences while continuing to respect the court's discretion when issuing punishments. The bill delivers on this Government's commitment to tackle graffiti in local communities and provide relevant sentencing options for courts to deal with offenders. The bill helps to ensure that those who commit graffiti crimes are brought to account for their actions. This is why this bill and these changes are important.

Going to court, and facing a magistrate, is a real deterrent for a young person. Graffiti vandalism on public or private property is not art; it is a crime. By nature, art is constructive, sharing and open. In contrast, graffiti vandalism is destructive, hateful, malevolent and spiteful. Art, including graffiti art, is admired but graffiti vandalism is abhorred. People certainly do not enjoy or admire something scribbled on their shopfront, their business, their car or their backyard fence. The O'Farrell Government is responding to the concerns and wishes of the community and delivering on another election commitment. These changes will be welcomed by the Pittwater community. I commend the bill to the House.

Mr CHRIS SPENCE (The Entrance) [12.53 p.m.]: I am pleased to support the Graffiti Legislation Amendment Bill 2011. I am reminded of a quote about graffiti:

Italy gave the world the word "graffiti", but it does not always like to be reminded of what that can mean.

I congratulate the Attorney General on delivering on the Coalition's election commitment to tackle graffiti vandalism in local communities by requiring juvenile graffiti vandals to appear before the court for a graffiti offence; requiring courts to impose community service orders on graffiti offenders to make graffiti clean-up a condition of the order, unless it is not reasonably practical for such work to be performed—but the court must give reasons if this is the case; and giving courts the power to extend the time that graffiti offenders spend on learner or provisional driver licences, suspend a driver licence of any class, or impose a limit on the number of demerit points that drivers are able to accrue over a specified period as an alternative to suspension for unrestricted license holders.

The bill highlights that graffiti vandalism is a serious offence. Unlike the Labor Party, the Coalition Government will not lie down on this issue and play possum. Graffiti is a serious issue and graffiti vandalism is one of the first signs of civic disorder. Graffiti has been, and continues to be, a major problem across the world, and New South Wales is no exception. My electorate of The Entrance is not immune from the scourge of graffiti vandalism, with significant problems experienced in Wyoming, Bateau Bay and Tumby Umbi. The cost of graffiti vandalism is staggering. It is difficult to estimate the true cost because graffiti is not always reported, but as far back as 2002 the then Minister for Local Government estimated that graffiti vandalism cost New South Wales communities up to \$100 million each and every year.

My two local councils, Gosford and Wyong, spend an estimated annual \$100,000 and \$110,000 respectively in their efforts to combat graffiti vandalism. Graffiti vandalism results in enormous costs to society, and not just in monetary terms. The costs also include destruction of public amenities, increased fear of crime, loss of services and a general reduction in the quality of life in communities. Removing unsightly graffiti on a timely basis not only restores community pride in the area, but also robs the graffiti artist of the satisfaction of being able to review his or her work. If graffiti is left, it encourages other graffiti artists as it sends a message that their graffiti will not be removed.

In New South Wales the problems associated with graffiti vandalism have been exacerbated by the previous Government's practice of closing police stations. This practice and the resulting cost shifting has seen more council funds required to curb vandalism, prevent and remove graffiti, and hire security guards to patrol local areas. Service clubs take an active role in graffiti removal. New South Wales has 14 rotary clubs that participate in graffiti removal projects, aided by sponsorship from local councils. The Rotary Club of Turramurra, which originated the program in 2008 and is supported by Ku-ring-gai Council, is very active in graffiti removal.

On the Central Coast, both the Terrigal and Kincumber rotary clubs also participate in the graffiti removal program. Gosford City Council provided a trailer and blaster for their joint use. Service clubs are not the only community groups involved in graffiti removal. Launched in 2010, Graffiti Action Day, an initiative of Keep Australia Beautiful NSW in partnership with the New South Wales Government, is beginning to achieve some momentum across the State, including on the Central Coast. Graffiti Action Day 2011 concentrated its efforts and resources in the top 40 local government areas with the highest incidence of reported graffiti vandalism. The Central Coast featured prominently in the top 40, with Wyong at fifth place and Gosford at thirteenth.

On Sunday 15 May, Graffiti Action Day, community groups and volunteers worked on graffiti clean-up sites in the Gosford central business district, Kincumber, Umina and Wyoming. The equipment for the clean-up was supplied by the Graffiti Action Day organisation, and paint, roller kits et cetera were supplied by Gosford City Council. Projects were also undertaken in the Wyong shire at Mannering Park, San Remo, Toukley and Warnervale. Currently, graffiti offenders under the age of 18 are entitled to be given a warning, caution or counselling pursuant to the provisions of the Young Offenders Act 1997. They can be given multiple warnings before being required to attend before a court, because graffiti has not been recognised as a serious offence.

As a result of this proposed legislation would-be offenders will know that graffiti is a serious crime and that if they are caught, they will be required to appear before the court on the first occasion. It will be for the magistrate to determine whether to issue a warning, caution or some other sanction. The bill mandates that the courts impose a community service order to clean up graffiti unless exceptional circumstances exist. The court is also required to give reasons if a community service order is not imposed on a graffiti offender. The bill allows a court to issue a caution or refer a graffiti offender to a youth justice conference when this action is considered appropriate. When someone commits the senseless act of graffiti it is a sure sign that something is wrong with that person's sense of social responsibility. Society should take every opportunity to rehabilitate offenders and teach them to take responsibility for their actions.

Society should insist that an offender remove his or her graffiti. The best way to translate this with graffiti is to ensure that the offender be ordered to remove his or her graffiti, or some other graffiti, as part of a community service order. A community service order is undertaken under the supervision of responsible members of our community or community elders. Spending time with community elders will also assist in the rehabilitation of the offender. By making offenders repair the damage caused by graffiti not only will the cost to taxpayers be significantly reduced but convicted offenders will think twice before committing graffiti-related crimes again. This will discourage the use of fines as a sentencing option for young offenders, who may not be in a financial position to adequately pay back what they owe in a timely manner.

In addition, the court will be empowered, at its discretion, to suspend or delay issuing a drivers licence to offenders for up to six months or, rather than suspend unrestricted licence holders, impose a limit on the number of demerit points that they are able to accrue over a specified period, for up to six months. Most graffiti vandals are males and most of them have just entered or are about to enter the age where they become eligible to drive. Obtaining a drivers licence for most young males is a focus in their lives and becomes to them a rite of passage. If young males are aware that they could be delayed from obtaining their driver licences or suspended from using it, then this may act as a greater deterrent than the prospect of having to pay a fine or perform community service orders.

This innovative approach of licence penalties for graffiti vandalism has already been adopted in a number of States in the United States of America. In Indiana and California, property vandalism offences that involve graffiti can attract penalties including the suspension of a drivers licence. The jurisdictions differ on whether the revocation of a drivers licence is for juvenile offenders only or whether it applies to all offenders. In Arizona, the suspension of drivers licences of juvenile offenders is mandatory until they reach 18 years of age. No State in Australia has yet adopted this concept; however, with this legislation the New South Wales

Coalition will again lead the direction for other States to follow. Without doubt, this bill will result in a reduction in the incidence of graffiti vandalism on the Central Coast and across New South Wales. I commend the bill to the House.

Debate adjourned on motion by Mr Stuart Ayres and set down as an order of the day for a later hour.

[The Acting-Speaker (Mr Geoff Provest) left the chair at 1.01 p.m. The House resumed at 2.15 p.m.]

MEMBERS CODE OF CONDUCT AND ETHICS AWARENESS BRIEFING

The SPEAKER: I would like to take the opportunity to remind members of the briefing on the Members Code of Conduct and Ethics Awareness that is to be held tomorrow, Friday 5 August 2011, in the Macquarie Room commencing at 1.15 p.m. This briefing will include presentations from Dr Robert Waldersee, Executive Director of the Corruption Prevention Division of the Independent Commission Against Corruption, and Mr Ian Dickson, the Parliamentary Ethics Adviser. I would strongly encourage all members to attend.

REPRESENTATION OF MINISTER ABSENT DURING QUESTIONS

Mr BARRY O'FARRELL: I inform the House that for the remainder of the week I will answer questions in the absence of the Minister for Health, and Minister for Medical Research, who is at the Health Ministers Conference.

The SPEAKER: Order! The House will take a short break before we proceed with the next item of business. I am sure that people in the gallery are appalled by the behaviour of members this afternoon, which I will not tolerate.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (for Bills) given.

QUESTION TIME

[Question time commenced at 2.23 p.m.]

URANIUM MINING AND EXPLORATION

Mr JOHN ROBERTSON: My question is directed to the Premier. Is the Government considering repealing the longstanding ban on uranium mining and exploration in New South Wales?

Mr BARRY O'FARRELL: No.

CARBON TAX AND ELECTRICITY PRICES

Mr ANDREW CORNWELL: My question is addressed to the Premier. What impact will the Commonwealth's carbon tax have on the New South Wales economy and household electricity bills?

Mr BARRY O'FARRELL: I thank the member for Charlestown for his question and for the great job that he and his colleagues, including the member for Swansea, are doing in representing the Hunter. The debate about the carbon tax has been raging for almost a year. I remember vividly when it started in Penrith. We know where just about everyone stands on the issue—everyone except the Leader of the Opposition, who still cannot be pinned down on whether he supports our campaign to reject a carbon tax or whether he wants a tax that will cripple business and lead to massive price hikes in New South Wales. All we know is this gem from the Leader of the Opposition on 24 March when he said, "I think there is a general view that everybody wants some certainty around the price on carbon." We now have received a full Treasury review of the impact of the carbon tax on the New South Wales economy. The Leader of the Opposition has finally got his wish. We now have certainty. We now have certainty that a carbon tax will be a disaster for the State's economy.

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

Mr BARRY O'FARRELL: The Treasury review shows that the carbon tax will cause the loss of 31,000 jobs in New South Wales. It is a disgrace that the party that is supposed to represent workers and stand up for jobs wants to impose a carbon tax that will put at risk tens of thousands of jobs and affect working families across the State. Where will those jobs be lost? The majority will be lost in areas that used to be Labor heartland. In the Hunter an estimated 18,500 jobs are slated to go under Federal Labor's carbon tax. In the Illawarra 7,000 fewer jobs will be created because of this destructive tax. It is no wonder that voters in areas such as the Illawarra and the Hunter deserted Labor in droves at the last State election, and they will do the same to the Prime Minister and the Federal Labor Party at the next Federal election. The major employers in those areas, the coal-fired generators and the aluminium industries, will see their output slashed by 50 per cent by 2050 because of the Labor-Greens carbon tax. It is beyond belief that a Labor Party can even contemplate a tax that will tear the heart out of so many industries and rob those regions of so many jobs.

Mr Richard Amery: That is a bad sign—believing in Treasury already.

Mr BARRY O'FARRELL: It may be well for Dumbledore's brother, the member for Mount Druitt, at his stage of life to mock the loss of jobs. But in the Illawarra and the Hunter there is a crisis in youth unemployment. It will be made worse by Federal Labor's carbon tax.

Ms Carmel Tebbutt: What about renewable energy?

Mr BARRY O'FARRELL: The damage does not stop there. I note the interjection from the part-time member for Marrickville. These are net job figures. They include jobs that may be created by a green industry. I say "may" because how many times have we been told that if we lock up an area, tourism and environmental jobs will be created and nothing occurs? These are net job estimates, jobs that may be lost and may be created, and the result is net 31,500 down.

Mr Richard Amery: According to Treasury.

Mr BARRY O'FARRELL: The damage does not stop there. According to Frontier Economics—I inform Dumbledore's brother—the carbon tax will force up electricity prices in New South Wales to the tune of \$500 a year for the average family. Power prices are already too high. That is the clear message we got from the State election campaign. They have been forced up by 16 years of mismanagement by those opposite, by the raiding of dividends from the electricity generators and a government that did not care. Federal Labor is determined to push those prices up by another \$500. It is a heavy impost on families across the State who are currently struggling with bills.

Ms Linda Burney: What about the compensation?

Mr BARRY O'FARRELL: The member for Canterbury must understand that in this city fewer families will be compensated because our salaries are higher than national averages. The national average electricity price quoted by the Prime Minister and the Minister for Climate Change will not satisfy families in Greystanes, Campbelltown or Marrickville when they get a power bill showing a \$500 increase. The increases for business range from \$2,000 to \$5,000. That is money they have to either absorb or pass on to taxpayers. This is a disaster. Is the Leader of the Opposition going to join us in opposing it? He asked a question of me yesterday about taking on the Federal Leader of the Opposition. Will he oppose it or not? Does he oppose it or does he want to destroy jobs, families and the State's economy?

URANIUM MINING AND EXPLORATION

Ms CARMEL TEBBUTT: My question is directed to the Minister for Resources and Energy. In light of the Minister's recent statement that he has no plans to overturn uranium bans, why has he sought a Cabinet minute on allowing uranium mining and exploration in New South Wales?

Mr CHRIS HARTCHER: I thank the member for Marrickville for her question and for her interest in this matter. I remind the member that there is a Labor Government in Canberra and that it has a Minister for Resources and Energy. Had the member for Marrickville read the newspaper she would know that the Federal

Minister for Resources and Energy has asked the New South Wales Government to reconsider its ban on uranium mining. That Minister made that request of the New South Wales Government, and the New South Wales Government, being polite, naturally received the Federal Labor Government's request.

Mr John Robertson: We listen to Federal Labor.

Mr CHRIS HARTCHER: The Opposition does not listen to Federal Labor. If somebody makes an intelligent request we consider it.

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

Mr CHRIS HARTCHER: When we consider matters we do it with all the information before us. Were The Greens asked to consider the matter, they would sit around a reflective pool, hold hands and wait for the great earth spirit to move. Were Labor, in government, asked by Federal Labor to consider the matter, it would make one phone call to its general secretary in Sussex Street and ask, "How much money do they donate to the Labor Party?" It is very easy for Labor: it make one phone call while sitting around a reflective pool.

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

Mr CHRIS HARTCHER: The O'Farrell Government consulted. It consulted the Australian Workers Union. What a terrible crime. The Australian Workers Union, of course, welcomed the election of the O'Farrell Government—

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

Mr CHRIS HARTCHER: —and did not the members opposite squirm when I read a letter to the House stating that the Australian Workers Union backed the election of this Government. We consulted the Minerals Council and the minerals section of the Australian Nuclear Science and Technology Organisation. We consulted all responsible bodies. Having had full consultation and deliberated fully, we made the decision—

The SPEAKER: Order! Opposition members will come to order. The member for Marrickville has asked the question and the Minister is answering it.

Mr CHRIS HARTCHER: The Leader of the Opposition does not like being told that he is incompetent. But he was not called incompetent by us; he was told by the members of his own shadow Cabinet when they rolled him on the pre-commitment to the gaming tax.

The SPEAKER: Order! The Minister will return to the leave of the question.

Mr CHRIS HARTCHER: I am simply replying to the interjection, Madam Speaker, but I will come back to the question asked so well by the member for Marrickville. I note that the member for Marrickville has not asked any questions of me since asking me about Marrickville Council and the boycott of Israel. She got caught out on that one.

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

Mr CHRIS HARTCHER: Having consulted the Australian Nuclear Science and Technology Organisation, having consulted the Minerals Council and having consulted the Uranium Association—

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

Mr CHRIS HARTCHER: —we made a deliberate announcement, which the Premier has repeated here today in answer to a question from the Leader of the Opposition: We do not propose to change the law on uranium mining in New South Wales.

CARBON TAX AND NEW SOUTH WALES BUDGET

Mr GLENN BROOKES: My question is directed to the Treasurer. How will the New South Wales budget be impacted by the Commonwealth's carbon tax?

Mr MIKE BAIRD: It is great to have the member for East Hills in the Chamber. He cares about his community and the economy of New South Wales. The Premier outlined some real issues earlier in question time today, unlike the conspiracy theories that run rampant on the other side of the House. Opposition members obviously go to Dr Who to find out where to get their next question. Earlier the Premier detailed the impact that the carbon tax will have on our economy and on jobs. We have heard that it will hurt the economy, that it will slash jobs and that it will damage vital industry. It is a nonsense that Australia should introduce such a tax in the absence of similar action by the United States of America, Canada, Japan and other major global emitters such as Brazil, Russia, India and China. The reality is that the impact on emissions from the proposed carbon tax will be globally insignificant.

Of course the people of New South Wales will take absolutely no comfort from the fact that those who will implement the tax are those who gave them the Pink Batts fiasco and the Building the Education Revolution—and the list goes on and on. We have heard that the carbon tax will impact on jobs and investment, but it will also impact on the State budget—and not just in a small way. The carbon tax will have a \$1-billion impact on the State budget. That will come in various forms: lower distributions from New South Wales electricity generators, which will result in about \$700 million not coming to the State; reduced payroll tax receipts, which will account for about \$100 million; higher electricity prices for New South Wales government agencies, which could cost up to \$71 million each year; other indirect agency costs, which could amount to \$50 million; and funding the Greenhouse Gas Abatement Scheme, for which Kevin Rudd—we all remember Kevin—was promising to compensate New South Wales in the order of \$130 million. All that money will be gone—\$1 billion will disappear from the State budget.

While pretending to compensate households across this State, the Federal Government is ripping money from this State's buses, trains, schools and hospitals. Every single part of our community is being ripped off by the Federal Government because of this carbon tax. We will be seeking compensation. We will be going to Canberra and saying that we deserve the money that the Federal Government is ripping away from our communities. The carbon tax will also transfer the value of our electricity assets. Modelling done by New South Wales Treasury indicates that we can expect to lose \$4 billion in value across Macquarie Generation and Delta. The Federal Minister for Resources and Energy, Martin Ferguson, claimed that the increase in value of the Snowy Hydro scheme would more than compensate for that loss. However, modelling shows that its value will increase by around \$380 million, which is only 10 per cent of what we are likely to lose.

Treasury advice today confirms that under the compensation arrangements next to no assistance will be coming to New South Wales compared to that which will be given to Victoria. The proposed assistance is also biased towards foreign ownership. In particular, Treasury has advised that, according to Victorian Government analysis, Hazelwood and Loy Yang B power stations in Victoria will receive \$2.3 billion in assistance. Given that France has a 36 per cent share in these power stations, more than \$800 million will be given to the French Government while New South Wales will receive nothing. Federal Labor in Canberra may be saying "Oui, oui, oui", but we are saying, "Non, non, non." That is about as good as my French gets. France may be a great place to visit—and I am reminded that the member for Heffron had a chance to duck over there recently—but it is an absolute outrage that \$800 million will be given to France while this State gets nothing. We have heard nothing from the Opposition about that.

I hope that we start to see some courage from members on the other side of the House. The member for Wallsend has already shown that she is willing to stand up to the Labor machine; I hope she continues to do so. The member for Toongabbie stood up to the faceless men before; maybe he will do it again. What have the member for Wollongong and the member for Keira to say about the loss of 7,000 jobs in their region? What are they going to do about that? What is the member for Cessnock going to do for his community? This is a test for members of the Opposition. Are the Leader of the Opposition and the shadow Treasurer interested in standing up for this State, this economy and these jobs, or are they just a subset of Canberra? Are they just doing the bidding of Canberra and the Labor machine? The O'Farrell Government will stand up for this State—*[Time expired.]*

DRUNK AND DISORDERLY OFFENCE

Mr PAUL LYNCH: My question is directed to the Attorney General. Is the Attorney General's recent decision to abandon his election commitment to reintroduce the offence of drunk and disorderly an admission that he failed to consider the royal commission's recommendations about the effect of that offence on Aboriginal people?

Mr GREG SMITH: We have not failed in any election commitment on that subject. The member for Liverpool said yesterday that we had not stuck with our commitment and he was glad that we had not. I am glad we did and I am not going to entertain any further matters from the member for Liverpool on this issue.

EDUCATION QUALIFICATIONS

Mr JAI ROWELL: My question is directed to the Minister for Education. What has the Minister done to modernise leaving credentials?

Mr ADRIAN PICCOLI: I thank the member for Wollondilly for his question and his interest in high school education. This morning I had the pleasure of visiting Randwick Girls High School, together with the terrific member for Coogee. We saw a great comprehensive high school in New South Wales doing a terrific job for their students. It was fitting that we should visit that school to make an announcement about the School Certificate given that this week is Education Week. It was an opportunity to showcase the performance of students across all of our public schools in New South Wales. I have had the pleasure this week of attending a number of functions, but nothing is quite as good as actually visiting a school and seeing all of the great work it does.

I am sure that every member of this Parliament enjoys the experience of visiting schools in their electorates. I hope they have all taken the opportunity—probably on Monday given that it is a sitting week—of visiting a school during Education Week. The announcement that we made today was that the School Certificate will be discontinued as of this year. As I said to the Year 10 students at Randwick today, unfortunately for them they still have to do the test—there was a little bit of booing from the Year 10 students, but the Year 9 students were thrilled that they do not have to do the test next year. That is not to disparage the test in any way. It has been operating since 1965 and it has been an important part of the high school curriculum and the high school process in New South Wales, but its day has passed.

We now administer National Assessment Program—Literacy and Numeracy tests in Year 9 for all students across New South Wales and, of course, New South Wales has the world-renowned Higher School Certificate. For those who do not know, students in about half a dozen countries across the world, including China, sit the Higher School Certificate. New South Wales has a terrific system, but it does need to be modernised, and part of that is to discontinue the School Certificate. Today we begin a consultation process to find a replacement for the School Certificate credential. Although some students choose to leave school before the end of Year 12, our great desire—which I know is shared by members on both sides of the Chamber—is that we get a 100 per cent participation rate to the end of the Higher School Certificate. That is our goal in New South Wales and it is very much a bipartisan goal.

However, we know that some students leave school when they turn 17, which could be halfway through Year 11 or halfway through Year 12, before they sit for their Higher School Certificate. The new credential will ensure that students get recognition for every day they are at school. If a student leaves halfway through Year 12 and does not complete the Higher School Certificate, that student will get a credential the day they leave school in recognition of everything they have done in Year 11 and/or their half year in Year 12. We had to advise schools that the School Certificate would be dropped at the end of this year so that they could plan for next year's group of Year 10 students. The consultation process will involve parents as well as students, because parents want to know how their children are performing at high school. It will also involve teachers and principals because of their obvious importance in the education process.

We will consult with industry and business to find out what they would like to see in a credential. If a student leaves school before completing the Higher School Certificate, we want to ensure that whatever credential that student leaves with on the Friday is relevant and meaningful to business or to a training provider on the Monday when the student applies for a job or to a training provider. The credential may include the fact that the student has a drivers licence, that the student has completed a First Aid certificate, or that the student has done some volunteering work in the community. The credential will be a meaningful document and will include details about a student's academic performance, which is of enormous importance to parents and to potential employers. However, members should be assured that the consultation process will start from today. The decision to drop the School Certificate is very much supported by the education sector and I notice this afternoon that it is also supported by the Opposition, which we certainly appreciate.

Mr JAI ROWELL: The Minister has raised a number of important issues in relation to leaving credentials and I ask that his time be extended.

The SPEAKER: The member is seeking additional information. The Minister may continue for a further two minutes.

Mr ADRIAN PICCOLI: I take this opportunity to acknowledge the Board of Studies, the critical role it plays in this consultation process and the impartial and important advice that it gives to this Government and the advice it gave to the previous Government. I also acknowledge its important role in the process that has led to the discontinuation of the School Certificate. We have an internationally renowned Board of Studies that provides terrific advice to the New South Wales Government, irrespective of which political party may have the numbers in the lower House. We know that we can make these kinds of decisions with enormous amounts of confidence. The Board of Studies has an important role to play in the evolving debate on the national curriculum and to some degree that may play a part in our deciding whether to adopt the national curriculum and, if so, when we might do that. For those reasons I pay particular tribute to the Board of Studies.

I take this opportunity, given that it is Education Week, to pay tribute to high school teachers, especially those involved in the School Certificate, or who have been involved in the School Certificate and those who are involved in the Higher School Certificate. As I said, New South Wales has a world-renowned education system and, as it is Education Week, I pay tribute to all of our teachers. It would be remiss of me not to acknowledge primary school teachers and I want to make sure that I do that. The future of this State is in the hands of our school students, and the future and the performance of those school students is almost entirely dependent on the performance of the wonderful teachers we have in our classrooms. [*Time expired.*]

COUNCIL AMALGAMATIONS

Ms TANIA MIHAILUK: My question is directed to the Minister for Local Government. In light of calls by both the Hon. Catherine Cusack and the member for Kiama that councils be merged, can he confirm that the Liberal-Nationals election commitment to not force council amalgamations has not changed?

Mr DONALD PAGE: I thank the member for her question and I repeat that the Coalition's policy is no forced amalgamations of councils. Having said that, I think there is a recognition across the sector that we need reform in local government. As I said, we have a policy of no forced amalgamations, but if several councils wish to amalgamate, we will view that very favourably. We are about driving efficiencies for ratepayers and we are about getting the right structures to ensure that the local government sector produces results for its constituency. A number of councils have been involved—

The SPEAKER: Order! I am finding it very difficult to hear the Minister's answer. Members will come to order.

Mr DONALD PAGE: A number of councils have been involved in resource sharing and collaborative arrangements. I particularly commend the councils of Gosford and Wyong, which have 20 collaborative arrangements covering water supply and various other activities that involve local government. We are also interested to hear from local government authorities about their views on future reform. To that end we are organising Destination 2036 in Dubbo in a couple of weeks. The event will bring together all the mayors and general managers across the 152 councils in the State to seek their input and their positive ideas about the future of local government over the next 25 years.

We need to address the structures in local government in this State. Our Government is very proactive in addressing some of the issues that are crying out for attention. I repeat that our policy is to have no forced amalgamations. If councils want to come to us with a view to amalgamation we are very keen to talk to them. Indeed, we are also very supportive of collaborative arrangements and resource sharing. I am really glad to get this question on local government because it gives me the opportunity to contrast this Government's position on local government with that of the previous Government. I would like members of the Coalition to pay attention because I am going to give them a little quiz and see whether they can get the right answers. The first question is: Did the Labor Government treat local government with contempt?

Government members: Yes.

Mr DONALD PAGE: Did the Labor Government deny local communities a say over what developments happened in their own backyard?

Government members: Yes.

Mr DONALD PAGE: Members opposite are not listening; they will get their chance to answer a quiz. Did the Labor Government allow the local government infrastructure backlog to blow out to an estimated \$6 billion?

Government members: Yes.

Mr DONALD PAGE: Did the Labor Government take four years to sign the intergovernmental agreement with local government and allow cost-shifting to occur between it and local government?

Government members: Yes.

The SPEAKER: Order! The Minister will return to the leave of the question.

Mr DONALD PAGE: By contrast, has the Liberal-Nationals Government given back to communities a say over what happens in their backyard by abolishing part 3A?

Government members: Yes.

Mr DONALD PAGE: Has the Liberal-Nationals Government restored democracy in Wollongong and Shellharbour?

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

Mr DONALD PAGE: Have we given local councils the right to run their own local government elections?

Government members: Yes.

Mr DONALD PAGE: Has the Liberal-Nationals Government restored faith in decision-making at the local level?

Government members: Yes.

The SPEAKER: Order! Opposition members will come to order. The quiz is over.

Mr DONALD PAGE: This contrasts vividly with the neglect of the previous Government. We are about reforming local government. We are open to hearing from the sector about how it wants to be involved in the changes ahead. Destination 2036 will be held in two weeks and I am delighted that all councils will be represented, including the member for Sydney and Lord Mayor of Sydney— [*Time expired.*]

PLANNING REFORMS

Mr JONATHAN O'DEA: My question is directed to the Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW. How is the Government engaging with the community to reform the New South Wales planning system?

Mr BRAD HAZZARD: I thank the member for Davidson for his excellent question. He has shown real dedication to his community since he was elected 4½ years ago. He has fought the good fight, particularly when Labor was destructive of his local community. Both the member for Ku-ring-gai and the member for Davidson felt the full brunt of the attack that the former State Labor Government mounted upon communities across the State; it was very focused in Ku-ring-gai. The simple fact is—

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

Mr BRAD HAZZARD: The member does not spend much time in his community. He should look out. At the last election communities in this State sent a very clear message to Labor. Some of our newer colleagues here may not realise that there were 52 Labor members on this side. Where are they now? There are only 20 left and they are on the other side. A few of them do not know the first thing about local issues; they are just lucky that they had the margin. At the next election they will have another chance to lose their seats and

some of them are already doing a very good job of ensuring that occurs. The reason Labor numbers went from 52 to 20 was that communities in 152 council areas across this State knew that State Labor had stopped listening to what local communities wanted to do in their areas.

One of the major opportunities to see just how bad things were came through the part 3A process. It took the Labor Party six years to bring this State unstuck; it took the Labor Party six years to destroy the State through the use of part 3A and it took the Coalition fewer than 100 days to get rid of part 3A. We made sure communities across the State knew they had a government that was going to listen to them. At the same time we got rid of absolutely horrific provisions under the State Environmental Planning Policy (Affordable Rental Housing) that were destroying communities across the State. In addition to that, and I am sure members will be interested to know this, whilst the former State Labor Government felt it necessary to try to push every local environmental plan, and in a sense every local community, into a very straitjacketed approach to local planning instruments—

Mr Greg Piper: Shame.

Mr BRAD HAZZARD: It was a shame. It was actually shameful. I should have said we also have four Independents in the Chamber who reflect the fact that Labor cannot represent local communities anymore. Through the local environmental plan process Labor said everybody would fit within a template plan.

[*Interruption*]

The member for Canterbury does not know the first thing about planning. She should be very quiet and she will learn something. LEP stands for local environmental plan, okay? I will send the member an acronym—DOPEY Linda.

The SPEAKER: Order! The Minister will return to the leave question.

Mr BRAD HAZZARD: What Labor sought to do was to constrain the local environmental plans into a very straitjacketed approach.

[*Interruption*]

They are complaining in the member's area too. I will start reading out the details relating to the council in the Leader of the Opposition's electorate.

The SPEAKER: Order! Opposition members will come to order. The member for Maroubra will come to order.

Mr John Robertson: Read them out. Go for it.

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

Mr BRAD HAZZARD: What we did—

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

Mr John Robertson: You've got no courage. You threaten us but you won't do it.

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

Mr BRAD HAZZARD: We identified that each of the councils and communities needed more flexibility and they needed the opportunity to have their say. State Labor cut off the community's voice and we are returning the community's voice. As a result, on 16 July— [*Time expired.*]

The SPEAKER: Order! Opposition members will come to order. Members will listen to the answer in silence.

Mr Jonathan O'Dea: In light of the comments from the Minister and the interjections from the Opposition I ask him to elucidate further information.

The SPEAKER: Order! The Minister's time will be extended by two minutes to enable him to provide additional information.

Mr BRAD HAZZARD: Opposition members should take note because each of the councils in their areas has received a letter from the Department of Planning on my instruction, the instruction of the Government, to seek their input. Members opposite should be involved in the process instead of behaving like twits in here and listen to what is going on. As a new Government we have written—

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

Mr BRAD HAZZARD: —to each of the councils across the State and asked them to consult their communities.

[Interruption]

Linda, you have nothing to say and you do so in the noisiest possible way.

Mr Adrian Piccoli: Shrill.

Mr BRAD HAZZARD: She is shrill and dopey.

The SPEAKER: Order! The Minister will refrain from making those kinds of comments.

Mr BRAD HAZZARD: I withdraw the word "shrill". We have written to councils and asked them to get back to us to tell us how the local community would like to have their template local environmental plans made more flexible. Councils in many electorates have had problems with translation of their previous plans to the new local environmental plan. A suite of more than 3,500 zonings has been reduced to a suite of no more than 15. That has created problems; problems that Labor put in place. We have determined that as a new Government that is going to consult the community we are going to listen to the community voice.

I have put in place a panel, which will consist of equal numbers of local government representatives and Department of Planning representatives. A chairperson will be appointed. That person will be appointed in consultation with the Local Government and Shires Associations. Over the next few months we will look to see how we can make our planning system more flexible and more responsive to community concerns. I encourage all members—even the remaining 20 rump of Labor—to talk to their councils and to talk to their communities, and to make sure that that flexibility reflecting community concern is allowed back into the New South Wales planning system.

CORRECTIVE SERVICES BUDGET

Mr RICHARD TORBAY: My question is to the Attorney General and Minister for Justice. Will the Minister advise the House of the impacts proposed budget cuts to New South Wales Corrective Services will have on services currently provided in the Northern Tablelands, namely the Glen Innes Correctional Centre and prisoner escort services?

Mr GREG SMITH: I saw the member for Northern Tablelands in Armidale recently when I was inspecting the site of the new courthouse in that fine city. It was a memorable day; we had our picture taken for the local newspaper.

The SPEAKER: Order! Members will come to order. I call the member for Maroubra to order. The Premier will come to order.

Mr GREG SMITH: I am glad I am so provocative in talking about Armidale. I am not talking about Long Bay jail—the member for Maroubra's time will come. It is looking for more customers.

The SPEAKER: Order! The member for Northern Tablelands has asked a question. I am interested in hearing the answer.

Mr GREG SMITH: As I have previously advised the House, negotiations are currently taking place in relation to budget savings within Corrective Services. No final decisions have been made and I do not wish to

jeopardise those negotiations, and I am sure the Opposition would not want to jeopardise things that might save the State a lot of money. But members, including the member for Northern Tablelands, can be assured that the decisions will take into account the likely impact on the communities that might be affected.

Mr John Robertson: He won't rule it out. Rule it out.

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

Mr GREG SMITH: Like many of the prisons in New South Wales, the Glen Innes Correctional Centre makes a significant contribution to the community. The centre is on the Community Consultative Committee, the Local Emergency Services Committee—

Mr John Robertson: Rule it out.

Mr GREG SMITH: Do I hear a bird or some noise, some grasshopper, or is it one of those little creatures that crawl around Central Court—rats in the ranks? The Glen Innes jail is also a member of the local chamber of commerce.

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

Mr GREG SMITH: It runs its own charity group and also takes part in community celebrations and projects, such as landscaping.

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

Mr GREG SMITH: I have got you again for three—go for four.

The SPEAKER: Order! The Minister will return to the leave of the question. The member for Northern Tablelands and I are struggling to hear the answer. The member for Maroubra will soon find himself outside the Chamber.

Mr GREG SMITH: Most of the inmates are approaching the end of a custodial sentence and are being prepared for their release and these programs help to them make that transition back into the community. The backbone of industries at Glen Innes Correctional Centre is the local sawmill, which currently employs 70 inmates. Recently approval was given to upgrade the sawmill to improve its efficiency, remove existing safety hazards and provide value-adding downstream equipment such as a kiln and a timber treatment plant, aimed at obtaining higher selling prices and higher margins. This upgrade means the prison workforce will grow to 100 and provide an annual net return to the centre of \$3.4 million—\$3.4 million that will not come out of the budget or the pockets of taxpayers. It will mean more traineeships for inmates, which will give them skills relevant to the sawmilling industry and help them in their rehabilitation when they are released, something that we all encourage.

The member for Northern Tablelands will be most interested in this expansion, because logs for the sawmill are sourced from the local forests via Forests NSW. There have been protracted negotiations with Forests NSW over log allocation and the local member's efforts have helped secure a log allocation of 30,000 green metric tonnes per year. I also mention the centre's Agriculture Business Unit, which employs 10 inmates and produces soil conditioners, water-saving mulch products and potting mixes. It is proposed to run field testing to determine the water retention and fertilising benefits of these various products. The business unit undertakes contract work for Forests NSW and the National Parks and Wildlife Service with both a commercial and inmate training focus. It also supports and facilitates horticulture traineeships.

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

Mr GREG SMITH: That is more work towards rehabilitation. It has developed a product for the Department of Education that pre-packages a complete vegetable garden as part of the Veggie Garden in Schools program. [*Time expired.*]

Mr RICHARD TORBAY: In view of the constant interjections throughout the answer, I ask that the Minister be given a little more time to complete his answer.

The SPEAKER: Order! The Minister may have another two minutes to provide additional material.

Mr GREG SMITH: Then there is the Furniture Business Unit, which was recently built from a salvaged building relocated from Long Bay Jail. It is already exporting cutting boards and working on a range of timber products for that market. I am sure the inmates of Glen Innes will make a significant contribution to the community—and learn some vital work and life skills along the way—for some time yet. The emphasis is that when we are facing this enormous budget hole left by the Labor Party, we have to find cuts, but we will look carefully—

Mr John Robertson: Point of order: The Government continues to make this reference to a black hole that does not exist, and there is nothing to substantiate any of it.

The SPEAKER: Order! The Leader of the Opposition will resume his seat. He should study the standing orders. The Minister has the call.

Mr GREG SMITH: Perhaps he is digging his own hole at the moment. We want to do as much as we can with the lesser amount of money we have had to work with for this State. I thank the member for his question, which gives me an opportunity to pay tribute to the work being done at Glen Innes Correctional Centre by hardworking prison officers and by inmates who really are interested in rehabilitating.

HOMELESSNESS

Mr JOHN SIDOTI: My question is directed to the Minister for Family and Community Services. What action is the Government taking to find housing for those living rough on the streets of Woolloomooloo?

Ms PRU GOWARD: As many members are aware, this week is Homeless Persons Week. This year's theme is My Address: diversity in homelessness, because homelessness touches the lives of diverse people from diverse areas for diverse reasons. The O'Farrell-Stoner Government is prioritising its focus on prevention and early intervention to stop first-time homelessness from occurring. This is particularly relevant for young people leaving out-of-home care, for people leaving mental health facilities and for women and children escaping domestic violence. The key to creating better outcomes will be this Government's decision to integrate service delivery across the State. The new Department of Family and Community Services will see that homeless people and those who are at risk of becoming homeless will access the various services they need through a one-door approach to the Government.

After 16 years in government, this is just one of the many areas where Labor let the people of New South Wales down. No longer will those at risk have to find their way through a plethora of government agencies to get the services they need. No longer will progress be stunted by constant ministerial reshuffles that saw the last Government go through six housing Ministers in six years. At last count more than 27,000 people in New South Wales were homeless—inexcusable in a State as wealthy as ours. Earlier this week, as the member referred to, I launched the new homelessness project in Woolloomooloo. Platform 70 is a fresh approach to homelessness and involves work with 70 chronically homeless rough sleepers in the Woolloomooloo area. Before making this announcement I spent some time with homeless people in Tom Uren Square, listening to their stories. It was impossible not to be struck by how varied and unique each journey was.

Platform 70 aims to cut homelessness in the inner city area by housing each homeless person and providing them with the support they need to overcome the issues that brought them to the street. The journey to becoming homeless for one man started six years ago. In his forties he suffered a mental breakdown and left his home and family behind. Homeless still, nonetheless he is studying at TAFE and hoping to go to university. Platform 70 certainly will give that man a greater chance of success as it is a platform from which homeless people can begin a new journey from the streets not only into safe and affordable housing but, more significantly, into stable living. Homelessness is a harsh reality, as many members in this place appreciate. People become homeless for many different reasons, including domestic and family violence, loss of income, chronic gambling, drug and alcohol addiction and mental illness.

That is why the New South Wales Government supports a range of targeted initiatives to address specific local homelessness issues. By developing innovative and bold ways to address homelessness, such as the use of private rental housing solutions for chronically homeless people, we are reducing reliance on higher cost options such as crisis and transitional accommodation, and we are enabling clients to take responsibility for their lives. Like Platform 70, the O'Farrell-Stoner Government is about being better and smarter with what we

have, working locally, improving services and enabling people to take charge of their own lives. Platform 70 is based on strong evidence from the United States and New South Wales that the housing first or street-to-home approaches work. Housing linked with support services for formerly homeless people is more likely to result in better lives.

Certainly, this approach is more effective than the business-as-usual approach of moving people through crisis and then into transitional accommodation from which they often end up back on the streets. In Platform 70 Bridge Housing has been tasked with linking 70 clients with properties under its management or brokering housing from other community housing providers in locations that meet client needs. In partnership with the Way2Home project—a project with the commitment and funding of three levels of government: State, Commonwealth and City of Sydney Council—they also will link these clients with support services that will help them remain in housing. Services such as living skills, health services, financial counselling and drug and alcohol treatment will be provided. We need to acknowledge that although this is a product of the New South Wales Government, this project would not have been possible without funding from the Australian Government.

Question time concluded at 3.12 p.m.

DISTINGUISHED VISITORS

The SPEAKER: I acknowledge in the gallery the presence of Annette Gallard, the recently retired Chief Executive Officer of the Department of Community Services, guest of the Minister for Family and Community Services, and Minister for Women.

TRIBUTE TO ANNETTE GALLARD

Ministerial Statement

Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, and Minister for Women) [3.13 p.m.]: Today I pay tribute to a remarkable executive and leader, Ms Annette Gallard, who has just marked the end of an outstanding career in public service and joins us today. Annette, as many members will know, has retired from heading up the Community Services division where she served as the chief executive for several years. Over the first few months and since I took on the Family and Community Services portfolio, Annette has given a rookie invaluable counsel and guidance through the many details of policy and operational complexity. Whenever I sought Annette's frank advice, I always received equally clear and frank answers always marked by her professionalism and commitment to the highest standards of public service.

Annette Gallard certainly is someone who has touched the lives of many people through her long career with us. I have witnessed firsthand the loyalty and affection of her staff, their capacity to joke with her and for her to joke back. She is greatly respected across the government and non-government sectors. Representatives such as Andrew McCallum from ACWA, Bill Pritchard from AbSec and Rita Fenech from Connecting Carers have spoken of their regard for Annette and paid tribute to her abilities and character, even in the midst of tough negotiations.

Throughout her career Annette Gallard has made it her passion to manage organisational and cultural change with her exemplary ability to understand the impact of change on the people most directly affected. There certainly has been no shortage of change for her to grapple with, stretching right back to the Fahey Government and including the most recent, highly significant changes brought about following the Special Commission of Inquiry into Child Protection. Annette received her initial qualifications in social studies and commerce—the dark arts of economics were to come later. Of course, that led her to work in the housing field, eventually becoming Manager of the Community Housing Unit where she oversaw community and local government housing programs managed by the Department of Housing.

In September 1991 Annette first began her association with Community Services when she became Manager of the Care and Protection Branch. She took on responsibility for policy and program development, quality assurance and evaluation of programs for families and children. In 1993, Annette took on the role of Project Director for Family Week, a Fahey Government initiative aimed at strengthening and supporting families. Annette was seconded to the Council on the Cost of Government in 1996 to work on the review of the management of the Department of Community Services—an excellent background for the person who would one day lead that very agency. This was one of the many experiences Annette said tested and honed her ability to look at the big picture to assess whether things were working as well as they should, or whether there were better ways of doing them.

Annette returned to Housing later in the 1990s, as a regional director and then as deputy director general, where she effectively was the head of public housing managing billions of dollars worth of assets. From September 2001 to August 2002 Annette led organisational redesign work, including implementation of a shared corporate services model across what was then the Department of Community Services, Ageing, Disability and Home Care, and Housing. Annette, as we all know, also chaired the executive steering committee for the human services chief executive officers project on better service delivery, involving no fewer than nine government departments and agencies from the non-government sector—no small task to manage such a diverse range of stakeholders, each with their own, sometimes competing, agendas.

Then in October 2002 Annette came back into Community Services as the Deputy Director-General Operations leading the planning and co-ordination of the entire Operations function across eight Department of Community Services regions and the new Helpline contact centre. It was also an extremely busy and challenging time with the announcement of a range of changes to systems, processes, policies and practice. Throughout all this upheaval and change Annette led by her own wonderful example. She had extraordinary people skills and it has made all the difference during those challenges, whether she was seeing things from the perspective of front-line staff and carers, or from the point of view of non-government organisations and other groups who hold government to account.

For Annette Gallard life so far has been a long and interesting journey. Like all State government agency heads, from time to time she has had to make difficult decisions. Annette has had to cut staff, programs and services to meet government imperatives from time to time. When this involves the care of our most vulnerable children or those in public housing struggling with complex problems, I have no doubt that this has been extremely painful for her. Not long after we met as Minister and Community Services head I said to Annette, "Have you ever wondered how you began as someone who just wanted to do good for children but ended up as someone who has to focus on money instead?" Annette replied, as she should have, "I have never stopped fighting for children".

In my experience, Annette has never resiled, whatever the pressure, from the fundamental commitment to the vulnerable and disadvantaged. At a time when so much is demanded of limited resources in government, the need is always to balance those resources with the best outcomes for children and families. That is why it has been so important to have someone with Annette's experience and values to bring balance to otherwise tough debates.

Importantly, Annette has also been a truly inspiring role model for women—as a professional, as a leader, as a mother, as a woman who has risen above life challenges to reach this outstanding level of achievement. Annette, I congratulate you. Everyone in the Government thanks you and wishes you well in your retirement. We thank you and wish you and your family the best. We will now give you back to your family; I know there would have been over years and years times when your family would have felt they came second. But you now have many wonderful days ahead, and they can have you back. We thank you for what you have done for the children and young people of this State.

Ms LINDA BURNEY (Canterbury) [3.20 p.m.]: It is with great pleasure that I add my tribute to that of Minister Goward on Annette Gallard, former Chief Executive of the Department of Family and Community Services. My statement to you, Annette, and to this House is from myself but also on behalf of Barbara Perry, the shadow Minister. Barbara had a family emergency today, but she wished me to pass on her deep feelings of gratitude and respect to you.

Annette Gallard has many attributes, and the Minister has outlined those. But in my reflections in respect of Annette I want to talk about her quiet leadership. There are many styles of leadership, some demonstrated by many of us in different ways. But quiet leadership is a particular leadership that brings other people with you, leadership that is determined, leadership that is reflective, and leadership that is intelligent. Annette Gallard demonstrates all of those qualities in her quiet leadership.

I know Annette personally, and worked with her during my tenure as Minister for Community Services. As the Minister said, it was a time of great change and great development, enormous excitement, with enormous trepidation for the Department of Community Services. Under Annette's leadership we saw enormous change in the way in which the most vulnerable in New South Wales are dealt with by the State. Annette Gallard is enormously professional and highly competent. She understood and managed her area of community services not just with consummate skill but with consummate passion and consummate care, because from the deliberations that we had I think she understood better than anyone what our decisions meant for the lives of thousands of children and thousands of families in New South Wales.

Annette and I started to work together just before Justice James Wood handed down the report on his inquiry into child protection in New South Wales. Annette's tremendous commitment and passion for children and their welfare and wellbeing saw us implement those commitments and those recommendations in a way that was about the children and not about the Government, in a way that was overwhelmingly about the family and not those who ran the services. She wholeheartedly defended the interests of children, and I think that is the mark of Annette Gallard.

Annette Gallard is also unfailingly gracious, diplomatic, warm and intelligent. She is a person and a professional and an absolute delight to work with. For my part, as I hear from Minister Goward as well, the respect that Annette gained on both sides of this House will travel with her well and forever. This was not because she had to do it; it was because of the sort of person that she is. Annette believed in what she did, she believed in her staff, and she believed most deeply that every child deserves the best chance possible in life. I recall well, when I was Minister and worked with Annette, that when I had an idea that I thought was a very good idea, Annette would say, "Well, Minister, what you want might be very, very good, but it also might be difficult to achieve." If she said that, you knew that it was probably not achievable.

I will not run through Annette's history; the Minister has already done that. Annette, we wish you well in your retirement. I know that you are undertaking some travel, and then I understand you are going to concentrate on gardening. Good luck with that. But what I want to say, on behalf of the Opposition, is that your commitment to the people of New South Wales, your consummate poise as a public servant, your intelligence, your quiet leadership and your compassion are qualities that we could all aspire to in this Chamber. From the bottom of my heart, thank you, Annette. Good Luck. On behalf of the New South Wales Opposition, have a great retirement—because I tell you what, mate, you have earned it.

PETITIONS

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

Yass Hospital

Petition requesting improved availability of services at Yass Hospital, received from **Ms Katrina Hodgkinson**.

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**.

Pet Shops

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

Mental Health Services

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

BUSINESS OF THE HOUSE

Postponement of Business

General Business Notice of Motion (for Bills) No. 1 postponed by Mr Greg Piper.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Carbon Tax

Mr GARRY EDWARDS (Swansea) [3.26 p.m.]: I urge the House to accord priority to my motion, which is:

That this House opposes the Gillard Government's carbon tax, which will hurt New South Wales families and businesses.

I acknowledge the comments made by the Premier earlier today in his press release and also the answer given by the Premier in response to a question asked by the member for Charlestown in this session. I submit that my motion deserves priority because the Federal Labor Government's carbon tax will cost New South Wales at least 31,000 jobs and 18,500 jobs in the Hunter. A New South Wales Treasury review has found that it will be a \$3.7 billion hit to the New South Wales economy. This motion should therefore be accorded priority.

It is anticipated that there will be an increase in electricity prices for New South Wales households of up to \$498 per annum. In addition, depending on usage, electricity prices to New South Wales businesses will increase by between \$927 and \$4,191 per annum. So electricity prices to families and businesses alike will increase—prices that have already been forced up as a result of the former Government's mismanagement. New South Wales will see a loss of dividends from electricity generators of about \$45 million this year alone, rising to \$290 million by 2014-15. Again, for those reasons this motion should be accorded priority. This highlights the election promises broken by Federal Labor under Julia Gillard:

There will be no carbon tax under a government which I lead.

I ask the Leader of the Opposition, Mr Robertson: Do you support the carbon tax of your Federal Labor leader? The New South Wales Treasury has confirmed that the Federal Government's carbon tax will push up prices, cut jobs and slash the growth of many businesses. The Federal Labor Government must accept responsibility and explain to the Australian people that such impacts will add directly to inflationary pressures and give rise to the likelihood of interest rate increases for mortgage holders. Will they do this? I think not. The Federal Labor Government must discontinue its assault on the New South Wales economy. Amongst the hardest hit as a result of this catastrophic exercise will be the Hunter, of which my electorate of Swansea forms part. It is anticipated that rather than substantial growth in jobs across the Hunter, we will lose 18,500 jobs. That is 18,500 more workers unemployed, fewer workers contributing to revenue, and more families subsisting on government handouts.

The Hunter region needs more jobs, not a crippling tax that will push up the unemployment rate and rip the heart out of many communities, destroying families on the way. It is anticipated that coal-fired generators and aluminium smelters will be the hardest hit. Output in these industries is expected to decline by almost 50 per cent up to 2050. It is beyond belief that Labor could contemplate a tax that will tear the heart out of many industries and rob communities of so many jobs. In round figures the carbon tax will reduce the growth of the New South Wales mining industry to about 60 per cent of the forecast growth. I commend the motion to the House. I implore members to accord this motion priority.

Corrective Services Staff Cuts

Mr CLAYTON BARR (Cessnock) [3.31 p.m.]: In the search for transparency and integrity I ask that my motion be accorded priority. Just 48 hours ago the Attorney General, the person charged with upholding the truth in this State, said in this Chamber:

It should be stressed that no decision has been made regarding any closures or any cutbacks at the moment.

Fourteen hours later staff were being sacked: frontline workers, caseworkers and drug and alcohol staff. This completely flies in the face of the Minister's previous comments in this Chamber. I have no doubt that the Minister will try to offset responsibility by blaming the Commissioner of Corrective Services. But is the Commissioner himself safe under these plans by the Minister? Does he have an ongoing career in NSW Corrective Services? This motion must be accorded priority to put an end to the fear and uncertainty faced by communities across this State. The sacking of staff has already begun. This clearly indicates that the Minister has considerable detail in the plan.

The document being circulated through media and other sources clearly identifies where the job cuts will take place. For the record, I list in *Hansard* the supposed "imaginary" job cuts, which are taking place at a time when the Minister claims no final decision has been made. As I look around the Chamber, I search for the members who soon will sit idly by while families and businesses in their communities face the razor-sharp knife of the Attorney General. Where is the member for Albury? His electorate soon will lose three jobs at Mannus prison. Where is the member for Bathurst? His electorate could lose 20 jobs—10 at Bathurst, three at Kirkconnell before it closes, four at Lithgow and three at Oberon. Where is the member for Clarence? He has left the Chamber. Apparently he is not interested to know that his electorate will lose 10 jobs at Grafton prison.

Where is the member for Goulburn? She has left the Chamber as well. An incredible 29 positions will go from her electorate—26 from Goulbourn Main and three from Berrima. Apparently Berrima is on the

chopping block as well. The member for Londonderry is still in the House. At least he is here to learn of the 21 positions in his backyard that will soon go. It goes on. The member for Murray-Darling, who is not here, the member for Monaro, the member for Orange, the member for Oxley, the member for Penrith, the member for South Coast and the member for Upper Hunter will all lose positions. Will they sit silently while it happens?

Over the coming weeks I will watch with interest the accuracy of these figures. We will see whether the Minister has a plan and is deliberately deceiving this Chamber and the people of New South Wales or whether I am an incredibly talented clairvoyant. Perhaps I am wrong. I hope so. This motion must be accorded priority so that we can debate this issue which affects the community and the people who invested their vote in the Coalition Government. The Government said nothing to the community about these job cuts, prison closures and plans for privatisation during the campaign election but it is quickly rolling out the knives now that it is drunk on power.

I have saved until last the member for Tamworth, who spoke in the House on Tuesday so passionately about the prison in his electorate. Had the jail in my electorate been threatened, his words would have been my words. Apart from the economic errors, everything else he said was spot-on with one exception. The campaign by the State Labor Party has increased the chances that he will keep his prison. Our headline and honesty with the Tamworth community has put the Attorney General in a difficult corner. If he goes ahead with plans to close Tamworth prison he will prove us right. If he has to change his plan we will be wrong but his master plan will be in tatters. I say to the member for Tamworth, if his prison does not find the "closed" sign on the front door in the coming days or weeks he will have Labor to thank, not the Minister.

This is an intriguing battle for the Coalition because the argument will always be "do it somewhere else, not in my place". That will put Coalition members at war with each other because it will occur in someone's electorate—in fact, three electorates. Which member will face the knife? I want to record in *Hansard* that my clairvoyant powers tell me that Kirkconnell in the Bathurst electorate, Berrima in the Goulbourn electorate and Ivanhoe in the Murray-Darling electorate are high on the list. This motion must be accorded priority so that these Coalition members, these Coalition electorates and these communities are told the truth. Just 48 hours ago the Minister said there was no plan but 123 words later he said that those that have passed their used-by dates must be closed. This motion must be accorded priority because we are all entitled to know the truth.

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

The House divided.

Ayes, 65

Mr Anderson	Mr Evans	Mr Piccoli
Mr Annesley	Mr Flowers	Mr Provest
Mr Aplin	Mr Fraser	Mr Roberts
Mr Ayres	Mr Gee	Mr Rohan
Mr Baird	Mr George	Mr Rowell
Mr Barilaro	Ms Gibbons	Mrs Sage
Mr Bassett	Ms Goward	Mr Sidoti
Mr Baumann	Mr Grant	Mr Smith
Ms Berejikian	Mr Hartcher	Mr Souris
Mr Bromhead	Mr Hazzard	Mr Speakman
Mr Brookes	Ms Hodgkinson	Mr Spence
Mr Cansdell	Mr Holstein	Mr Stokes
Mr Casuscelli	Mr Humphries	Mr Stoner
Mr Conolly	Mr Kean	Mr Toole
Mr Constance	Dr Lee	Ms Upton
Mr Cornwell	Mr Notley-Smith	Mr Ward
Mr Coure	Mr O'Dea	Mr Webber
Mrs Davies	Mr Owen	Mr R. C. Williams
Mr Dominello	Mr Page	Mrs Williams
Mr Doyle	Ms Parker	<i>Tellers,</i>
Mr Edwards	Mr Patterson	Mr Maguire
Mr Elliott	Mr Perrottet	Mr J. D. Williams

Noes, 20

Mr Barr	Mr Lynch	Mr Robertson
Ms Burney	Dr McDonald	Ms Tebbutt
Mr Daley	Ms Mihailuk	Mr Torbay
Mr Furolo	Ms Moore	Ms Watson
Ms Hornery	Mr Parker	<i>Tellers,</i>
Ms Keneally	Mr Piper	Mr Amery
Mr Lalich	Mr Rees	Mr Park

Question resolved in the affirmative.

Mr Daryl Maguire: Point of order: Madam Speaker, I draw to your attention that during the division a member on the other side of the House stood up and moved places. That is contrary to the rules of this House that state that once a division is called and a member takes their place they must not move. For the edification of members I suggest that you relay the information to them that when they take their seat they are not allowed to move.

The SPEAKER: Order! I remind all members that they are to remain seated after the doors have been locked.

CARBON TAX**Motion Accorded Priority**

Mr GARRY EDWARDS (Swansea) [3.47 p.m.]: I move:

That this House opposes the Federal Government's carbon tax, which will hurt New South Wales families and businesses.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is too much audible conversation. Members who wish to have a private conversation should do so outside the Chamber.

Mr GARRY EDWARDS: The Federal Labor Government's carbon tax will cost New South Wales at least 31,000 jobs, 18,500 of which will be in the Hunter Valley. A New South Wales Treasury review has found that there will be a \$3.7 billion annual hit to the New South Wales economy. There will be an increase in electricity prices to New South Wales households of up to \$498,000 per annum. Depending on usage, increases in electricity prices to New South Wales businesses will be between \$927 and \$4,191 per annum. Electricity prices to families and businesses alike have already been forced up as a result of the former Government's mismanagement.

New South Wales will see a loss of dividends from electricity generators of about \$45 million this year alone, rising to \$290 million by 2014-15. This highlights the election promises broken by the Federal Labor Government under Julia Gillard. Ms Gillard is known to have said, amongst other things, "There will be no carbon tax under the Government I lead". I ask the Leader of the Opposition where he stands on this issue. Does he support his Federal colleagues?

The New South Wales Treasury has confirmed that the Federal Government's carbon tax will push up prices, cut jobs and slash the growth of many businesses. The Federal Labor Government should accept responsibility for that and explain to the Australian people that such impacts will directly add to inflationary pressures, thereby increasing the likelihood of interest rate rises for mortgage holders. Will it do this? I think it will not. The Federal Labor Government must discontinue its assault on the New South Wales economy. An interesting aside to all this is that we are already aware that increased electricity prices have forced many elderly people within our communities and those on fixed incomes to turn off their refrigerators at night in order to save money. I guess they are what you would call "collateral damage" as a result of the Federal Government's carbon tax. But do those opposite care? Again, I think not.

The Hunter will be amongst the areas hardest hit as a result of this catastrophic exercise. My electorate of Swansea forms part of the Hunter. It is anticipated that, instead of substantial job growth across the Hunter, we will see the loss of 18,500 jobs. That equates to 18,500 more workers unemployed, 18,500 fewer workers contributing to revenue, and 18,500 more families subsisting on government benefits. The Hunter is a region

that needs more jobs—not a crippling tax that is going to push up the unemployment rate, add to the numbers of homeless and rip out the hearts of many communities, destroying families along the way. I must mention that we can anticipate similar results in the Illawarra region. I do not act for the Illawarra—which seems to be quite inadequately represented by members on the other side—but I express concern for people in communities throughout the Illawarra. It is anticipated that coal-fired generators and aluminium smelters will be the hardest hit.

Ms Robyn Parker: In Cessnock.

Mr GARRY EDWARDS: Yes, Cessnock. Thank you. Output is expected to decline by almost 50 per cent in these industries to 2050. It is absolutely beyond belief that Labor could even contemplate a tax that will tear the hearts out of many industries and rob communities of so many jobs. In round figures, the carbon tax will reduce the New South Wales mining industry's growth to about 60 per cent of what it otherwise would have been. I have here a list of some 400 names of people in my electorate alone who are directly employed in the coalmining industry. Just about every one of those people is a coalminer. There is a huge list of suburbs that form part of my electorate—I will not go into that. But I ask members to note that there are 400 people who could be out of work in my electorate alone. I list amongst those people a very good friend of mine, Mr Terry Moran of Redhead. Terry has worked his backside off his whole life to support his family. He is a great bloke, as are all the other people who could find themselves out of work. I commend this motion to the House.

Mr MICHAEL DALEY (Maroubra) [3.53 p.m.]: We are debating a motion that calls on this House to oppose the Gillard Government's carbon tax, which will hurt New South Wales families and business. The proponents of carbon tax say quite clearly and conclusively, based on the scientific evidence, that not taking action on climate change and not addressing carbon pollution will seriously hurt our children and our grandchildren in the future and that things such as the expansion of the cost of insurance policies—if one can get insurance—will readily subsume the cost of doing nothing. But I will leave the scientific aspects of carbon policy to my colleague the member for Marrickville, who will address the House shortly.

I want to talk about the economics of the report that was released today not by the New South Wales Treasury but by Barry O'Farrell's Government. I have been saying for four months now that the very first thing this Government did was to promote the lie about the budget black hole. But in fact I am incorrect. The first thing this Government did was to terrorise the New South Wales Treasury, accuse it of lying and stand down a good and honourable man in Michael Schur. The second thing it did was proceed with the lie about a budget black hole, which does not exist. It is this lie about the budget black hole that forms the basis of Government action and its entire economic plan, which will be released in the budget. There is no budget black hole. There was a hell of a lot of misleading information and scaremongering, which still abounds today with the release of this report by Barry O'Farrell.

Let there be no mistake: The politicisation of the New South Wales Treasury is now complete. Look at the recent announcement of the new secretary of the Treasury—another apolitical appointment! It is another job for the boys, just like those other independents, Nick Greiner and Max Moore-Wilton, who head Infrastructure NSW. The report makes not one mention of the 1.6 million jobs expected to be created nationwide in the renewable energies sector. The Liberals promised that the mere election of a Liberal Government would boost the New South Wales economy—that the sun would come up with the election. I will tell the House what has happened to the New South Wales economy in the four months that those opposite have been in government: 38,000 jobs have been lost. Forget about mentioning any job losses in this report—I will come to that shortly. The Coalition promised to deliver 100,000 jobs in its first two years in government; it has lost 38,000 jobs in the first four months. I remind the House that—

Mr Andrew Gee: Point of order—

Mr MICHAEL DALEY: If you are going to play this game, you'll lose it.

The DEPUTY-SPEAKER (Mr Thomas George): Order! Does the member for Orange rise on a point of order?

Mr Andrew Gee: I do, Mr Deputy Speaker. It is relevance. Standing Order 76 states that a member speaking shall be relevant to the subject matter of the debate. None of the comments of the member for Maroubra are relevant to the debate.

Mr MICHAEL DALEY: If the member for Orange knew what he was talking about he would have seen on page 15 of the report modelling by Frontier Economics that shows a reduction in the annual rate of employment growth of around 0.1 per cent per annum. Already 38,000 jobs have been lost in the first four months of this Government. We created 195,000 jobs in the past two years. In this report the Premier is lowering expectations because he knows he has talked big and cannot deliver. He is blaming his Government's performance to date and next year on a carbon tax that is not even law yet. The carbon tax is not even on the horizon and we already have an unemployment rate of 5.2 per cent in New South Wales, which is bucking the national average of 4.9 per cent. As we know, and as we have seen reflected in the recent retail figures, confidence in the economy is very important.

So what do we have? We have the Minister for Community Services trumpeting about shaving \$1.3 billion off the Community Services budget. We have talk of jails being privatised and public servants being sacked. Something that significantly and comprehensively erodes confidence in the economy is seeing friends, workmates and family members losing their jobs. This is the talk that is coming now from the Government: threats of forced redundancies, threats of budget cuts, threats of jail closures, threats of privatisations, and threats of job losses. That is tremendous stuff for confidence in the economy.

On page 4 the report says, "This analysis must of course be a preliminary assessment." So the Government is hanging its hat on a preliminary assessment. The report also says, "It is fair to say that the modelling undertaken by the Commonwealth Treasury has been considered, rigorous and complex." They are the Government's words. It goes on to say, "However, alternate assumptions are in many cases plausible and can have significantly different outcomes. A 50 per cent change in the gas price, for instance, can change coal generators' profitability significantly." Well, der! We know that is the case.

I will address what the mover of the motion said about the coal, gas, iron and steel industries. Page 7 of the report says, "In an absolute sense the coal, gas, iron and steel industries will still grow to 2050 but realise less growth. Much of these impacts are due to global shifts in demand." That is what the Government's report says, so members should not come in here and wave around this preliminary assessment and repeat it like a mantra when they have not read it in full. The report says that the latest estimates provided by Macquarie Generation and Delta show a reduction in total financial contributions from those sectors, however TRUenergy undertakes all electricity trading functions and assumes all carbon risks. That means the sector of the electricity industry that we privatised has no carbon risk. The sector that remains will have carbon risk. Those opposite will address that soon because they will flog— *[Time expired]*.

Mr ANDREW GEE (Orange) [4.00 p.m.]: These were the words: "There will be no carbon tax under the Government I lead." That is what the Prime Minister said. She said there would be no carbon tax under her Government, but it is coming. They are the words that will haunt this Federal Government to its political grave. *[Quorum called for.]*

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

The reason the Opposition just pulled that little stunt is it does not want to debate the carbon tax. Those opposite will not tell us where they stand. Why do they not fess up and tell us where they stand on the carbon tax? That is why they do not want to deal with it.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I remind members standing on the other side of the bar that they are outside the House.

Mr ANDREW GEE: What is it all for? This carbon tax will be a millstone around the neck of the New South Wales economy and the national economy, and what will it achieve? It will effectively export Australian jobs overseas. Our overseas competitors must be sitting back and laughing at this because now they have an opening in those Australian markets where our producers will no longer be competitive. We will be buying it all from overseas. It is an absolute disgrace. The funny thing is it will not even reduce our carbon emissions. How will the Federal Government achieve a 5 per cent reduction in carbon emissions by 2020? It is going to devastate the New South Wales and Australian economies and buy overseas carbon credits to do it. They are not even going to be our reductions. It is an absolute joke.

On top of all that, a new bureaucracy will be created. The carbon cops are coming. Labor loves the red tape for business and it loves the bureaucrats, and that is what is coming. What will the carbon tax do to jobs in regional New South Wales? The very able member for Swansea has already drawn attention to the devastating

effect it will have: an estimated 18,500 jobs will be lost in the Hunter, 7,000 jobs in the Illawarra, and 1,000 jobs in the mighty Central West. It is estimated that a total of 31,000 jobs will be lost in New South Wales. The Federal Labor Government is wrecking the economy of this State and the Opposition will not tell us where it stands on the carbon tax. We want the Opposition to tell us what its policy is on the carbon tax. [*Time expired.*]

[*Business interrupted.*]

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Members' Speaking Time

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [4.06 p.m.]: In view of the disruption, I move:

That standing and sessional orders be suspended to extend the speaking time of the member for Orange by two minutes and 10 seconds.

Question put.

The House divided.

Ayes, 68

Mr Anderson	Mr Flowers	Mr Piper
Mr Annesley	Mr Fraser	Mr Provest
Mr Aplin	Mr Gee	Mr Roberts
Mr Ayres	Ms Gibbons	Mr Rohan
Mr Baird	Ms Goward	Mr Rowell
Mr Barilaro	Mr Grant	Mrs Sage
Mr Bassett	Mr Hartcher	Mr Sidoti
Mr Baumann	Mr Hazzard	Mr Smith
Ms Berejikian	Ms Hodgkinson	Mr Souris
Mr Bromhead	Mr Holstein	Mr Speakman
Mr Brookes	Mr Humphries	Mr Spence
Mr Cansdell	Mr Kean	Mr Stokes
Mr Casuscelli	Dr Lee	Mr Stoner
Mr Conolly	Ms Moore	Mr Toole
Mr Constance	Mr Notley-Smith	Mr Torbay
Mr Cornwell	Mr O'Dea	Ms Upton
Mr Coure	Mr Owen	Mr Ward
Mrs Davies	Mr Page	Mr Webber
Mr Dominello	Mr Parker	Mr R. C. Williams
Mr Doyle	Ms Parker	Mrs Williams
Mr Edwards	Mr Patterson	<i>Tellers,</i>
Mr Elliott	Mr Perrottet	Mr Maguire
Mr Evans	Mr Piccoli	Mr J. D. Williams

Noes, 18

Mr Barr	Ms Keneally	Ms Tebbutt
Ms Burney	Mr Lalich	Ms Watson
Ms Burton	Mr Lynch	
Mr Daley	Dr McDonald	
Mr Furolo	Ms Mihailuk	<i>Tellers,</i>
Ms Hay	Mr Rees	Mr Amery
Ms Hornery	Mr Robertson	Mr Park

Question resolved in the affirmative.

Motion agreed to.

CARBON TAX**Motion Accorded Priority**

[*Business resumed.*]

Mr ANDREW GEE (Orange) [4.16 p.m.]: Was that not an enjoyable interlude? We had to have it because the Opposition is trying to gag us. It will not tell us where it stands on this carbon tax, but we will not be silenced. We want members opposite to fess up and tell us where they stand on this tax. They will not, because they know it is on the nose but they have to give lip-service to their Federal leaders because The Greens are propping up an illegitimate Government on the back of this illegitimate tax. The member for Swansea has very ably demonstrated that this carbon tax will send a wrecking ball through the New South Wales economy.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is too much audible conversation in the Chamber.

Mr ANDREW GEE: Let us look at Kandos as an example. A day or two after the Government announced the carbon tax, the Kandos cement works announced it would close. That is what this tax will do. It is tipping industries in New South Wales over the edge—100 jobs—and it is all on members opposite. Let us talk about transport costs. Our primary producers will have this tax imposed on their transport costs, which will send up the price of groceries. It will make the cost of getting their goods to market more expensive. It will increase construction costs in this State. Before I conclude, we have a message for the member for New England and the member for Lyne: The Nationals are coming to get you. We are coming to reclaim our seats. Members opposite should fess up and tell us where they stand on this tax.

Ms CARMEL TEBBUTT (Marrickville) [4.18 p.m.]: Once again we find ourselves in this place debating yet another motion from the Government about a price on carbon. It is astounding that every day we see the lack of leadership and policy courage from the Coalition become clearer and clearer. One has to wonder about the haste and determination of Barry O'Farrell and his Government to do the bidding of Tony Abbott and join with him in his big scare campaign about carbon pricing.

I hear the member for Orange loud and clear. He keeps asking where we stand. I will tell him where we stand. This is the fifth motion on carbon pricing that has been debated in this place since the election, and we have not supported one of them. That is where we stand. We stand on the side of the environment. We stand on the side of protecting our planet for future generations. It is interesting that the Minister for the Environment is in the House while the debate is taking place. She should be ashamed of the actions of her Government with regard to the environment. Prior to the election the Premier, the then Opposition leader, the member for Ku-ring-gai, went to great lengths to paint himself as an environmentalist and as someone who would pursue a pro-conservation agenda in office. On 18 March 2011 the member for Ku-ring-gai said to Quentin Dempster:

I accept climate change. I accept the impact of man on climate change and if we're elected to government, I am committed to using the energies—

Ms Robyn Parker: Point of order: My point of order is relevance. The member is not speaking about the carbon tax at all. She is talking about a point that is completely opposed to the motion. The motion is trying to find out where the Opposition stands and where the Leader of the Opposition stands on a carbon tax.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I have heard enough on the point of order. The motion is that this House opposes the Federal Government's carbon tax, which will hurt New South Wales families and businesses. The member for Marrickville will return to the leave of the motion.

Ms CARMEL TEBBUTT: Only a Coalition Minister for the Environment would fail to see a link between a price on carbon and climate change. Only a Coalition Minister for the Environment does not get that a price on carbon is about climate change. That really says it all. Before the election the member for Ku-ring-gai said:

I accept the impact of man on climate change and if we're elected to government I am committed to using the energies of government to limit that impact and reduce those emissions.

That was the position of the member for Ku-ring-gai prior to the election. Since then have we seen any action by the Coalition on climate change? Have we seen any action by the Coalition on carbon pollution? No, we have

not. We have seen absolutely nothing except the moving of these ludicrous motions time and again in this House. We will oppose every single one of them. We understand that addressing climate change is challenging and it takes leadership. Unfortunately, that leadership is all too lacking in New South Wales. This is just another day and another scare campaign. A few weeks ago we heard outrageous claims from Coalition members about huge increases in public transport fares as a result of the carbon price. Of course, they were wrong. Treasury modelling showed they were wrong and they were forced to concede that they were wrong.

Then we heard the Coalition claim that electricity prices would rise by 20 per cent. Again that was wrong and the Coalition had to revise its claim down to 15 per cent. In fact, Treasury modelling shows that the increase would be 10 per cent and we know that as a result of a price on carbon the Federal Government will provide compensation for families in New South Wales and across Australia to address that increase. Putting a price on carbon is the most efficient way to address carbon pollution. We know we need to take action. We know that other countries are taking action. All we hear from the Coalition time and again is a scare campaign that is not grounded in fact or truth. It is just doing the bidding of Tony Abbott.

Ms CLOVER MOORE (Sydney) [4.23 p.m.], by leave: I oppose the motion. It is incredibly disappointing that this most important issue has been hijacked by misleading comments and hysteria. It is quite clear that vested interests, scaremongering, political ambition and outright miscommunication have been allowed to cloud the debate. We have witnessed that today. It is imperative to keep in mind why a price on carbon is important and why acting on climate change is critical. The Federal Government Climate Commission's review of the science of climate change recently concluded that climate change is real and is occurring at a rapid rate, and that two degrees is the maximum temperature change before our planet risks tipping into catastrophic climate change. We are in the critical decade and decisions we make from now until 2020 will determine the severity of climate change our children and grandchildren will experience.

Despite reports to the contrary, this is not the first country that will place a price on carbon. New South Wales introduced the world's first emissions trading scheme in 2003. Likewise, we are not the only country taking action. China announced plans for an emissions trading scheme to be rolled out in six provinces by 2013 and for a national scheme by 2015. India has also introduced a price on carbon. It is clear that governments around the globe are recognising that a low-carbon economy does not mean an end to growth but, rather, a much-needed impetus to shift from polluting practices to greener technologies, to expand the renewable and low-carbon energy sector, to allow the creation of new green jobs and to guide future investment.

We all know that change is difficult and we all know that we are innately conservative and do not want change. We need political leadership and a bipartisan approach on this most important issue about creating a future for our children and grandchildren. We need to take the Australian community on the journey because all of us will have to live differently in the future because climate change is real. I want to correct some misinformation. Revenue from the price on carbon will be used to encourage and invest in clean energy and job reallocation, and provide compensation to industry and households. The increase to average household costs of around \$9.90 per week will be offset by an increase of average weekly assistance around \$10.10.

All taxpayers earning less than \$80,000 will receive tax cuts and compensation stops when annual income is about \$150,000, which I think we all would agree is reasonable. The independent Climate Change Authority, to be headed by former Reserve Bank Governor Bernie Fraser, will set annual emission reduction targets for Parliament to approve. Financial assistance will be provided to close down 2,000 megawatts of the most polluting coal-fired power stations by 2020. It is important that this Parliament examines the issues, considers what we have to do and starts working with the Australian and New South Wales communities about taking action.

Mr GARRY EDWARDS (Swansea) [4.26 p.m.], in reply: We have heard a lot about climate change today, but little about a carbon tax. The Gillard Government's carbon tax will hurt New South Wales families and businesses. As I said earlier, I believe I am able to speak on behalf of the 400 people on this list who are coalminers and who reside in my electorate. I believe I can speak on behalf of Wayne Anthony Price of Chain Valley Bay, Ian Andrew Carr of Mannering Park, Paul Turner of Summerland Point, Kenneth Mark Wilson of Budgewoi, Thomas Steven McKenna of Buff Point, Bryan Jurd of Doyalson and all the others on this lengthy list who are at risk of ending up on a carbon tax scrap heap.

This carbon tax will lead to a loss of jobs and the closure of businesses in this country. Australia's overseas markets will rapidly find new sources of product through places such as South America, Indonesia and

Africa. More Australians will be out of work and on the dole queues, and more families will be ripped apart. For those reasons I implore this House to support this motion. In my electorate of Swansea and the Hunter area 18,500 jobs were lost. My colleague and friend opposite, the member for Cessnock—

Mr John Barilaro: He has two aluminium smelters.

Mr GARRY EDWARDS: Where do these people stand on this issue? It is unbelievable that such an insidious tax can be levied against the people of Australia when its impacts on families and businesses are well known. We have covered everything that could be covered in this debate, including lost productivity in specific areas, such as in coal-fired generation and aluminium smelters, and diminution of the overall growth of the coalmining industry. This has been a most frustrating exercise. It is blatantly obvious that the carbon tax is one tax that should never be introduced in this country. On Monday 16 August 2010 Prime Minister Julia Gillard said:

There will be no carbon tax under a government I lead.

In August 2010 the Federal Labor Treasurer, Wayne Swan, told *Meet the Press*:

Certainly what we rejected is this hysterical allegation that somehow we are moving towards a carbon tax ... We reject that.

Treasurer Swan told the *7.30 Report*:

We have made our position very clear, we have ruled it [the carbon tax] out.

Former Labor Minister John Della Bosca said:

I think the carbon tax is a mistake. It's the craziest thing she [Gillard] could have done.

Former New South Wales Premier Iemma said:

One thing is for sure—it won't change the world, but it could change the government ... Yes, we should take action but we should not get so far out in front that we injure ourselves.

I ask the House to support the motion.

Question—That the motion accorded priority be agreed to—put.

The House divided.

[*In division*]

Mr Brad Hazzard: Point of order: There might have been a problem with the lifts or the gates, denying the member for Wollongong and the member for Kogarah the opportunity to vote. I am quite happy to have the gates reopened and allow the members to have additional time to enter.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The Leader of the House will resume his seat.

Mr Brad Hazzard: That is if members on the other side want that. It is up to the Labor Party. If they seek that course, we will support it.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The Opposition Whip is happy for the division to proceed.

Mr Brad Hazzard: I was just trying to be helpful.

Mr Michael Daley: No-one likes a smart alec, Bradley, but a hopeless one.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Maroubra will refer to members by their correct titles.

Ayes, 64

Mr Annesley	Mr Flowers	Mr Roberts
Mr Aplin	Mr Fraser	Mr Rohan
Mr Ayres	Mr Gee	Mr Rowell
Mr Baird	Ms Gibbons	Mrs Sage
Mr Barilaro	Ms Goward	Mr Sidoti
Mr Bassett	Mr Grant	Mr Smith
Mr Baumann	Mr Hartcher	Mr Souris
Ms Berejiklian	Mr Hazzard	Mr Speakman
Mr Bromhead	Ms Hodgkinson	Mr Spence
Mr Brookes	Mr Holstein	Mr Stokes
Mr Cansdell	Mr Humphries	Mr Stoner
Mr Casuscelli	Mr Kean	Mr Toole
Mr Conolly	Dr Lee	Mr Torbay
Mr Constance	Mr Notley-Smith	Ms Upton
Mr Cornwell	Mr O'Dea	Mr Ward
Mr Coure	Mr Owen	Mr Webber
Mrs Davies	Mr Page	Mr R. C. Williams
Mr Dominello	Ms Parker	Mrs Williams
Mr Doyle	Mr Patterson	
Mr Edwards	Mr Perrottet	<i>Tellers,</i>
Mr Elliott	Mr Piccoli	Mr Maguire
Mr Evans	Mr Provost	Mr J. D. Williams

Noes, 19

Mr Barr	Mr Lynch	Mr Robertson
Ms Burney	Dr McDonald	Ms Tebbutt
Mr Daley	Ms Mihailuk	Ms Watson
Mr Furolo	Ms Moore	
Ms Hornery	Mr Parker	<i>Tellers,</i>
Ms Keneally	Mr Piper	Mr Amery
Mr Lalich	Mr Rees	Mr Park

Question resolved in the affirmative.

Motion agreed to.

The DEPUTY-SPEAKER (Mr Thomas George): Order! As all items of general business have been postponed the House will deal with Government business.

GRAFFITI LEGISLATION AMENDMENT BILL 2011

Agreement in Principle

Debate resumed from an earlier hour.

Mrs TANYA DAVIES (Mulgoa) [4.41 p.m.]: I am proud to speak in support of the Graffiti Legislation Amendment Bill 2011. The bill amends the current Graffiti Control Act 2008 and other legislation that governs graffiti offences to introduce a range of new penalties for people who commit a graffiti offence. The bill will effect another Liberal-Nationals election commitment. A string of election commitments have been delivered already in the short time of the O'Farrell-Stoner Government. The bill will effect a new piece of legislation to tackle graffiti in our local communities. Graffiti is not only an ugly scar that angers and frustrates our local communities. It results in a tangible cost to businesses, individuals and government.

In my electorate of Mulgoa graffiti is an ongoing and persistent problem, particularly in St Marys, St Clair, Glenmore Park, Colyton, Oxley Park and Werrington. Across my electorate people have shared with me how sick and tired they are of seeing their local shopping centres, bus stops, residential fences, playground equipment, traffic signs, railway stations and trains defaced with ugly, intrusive and, at times, offensive graffiti.

I have listened to debate on this bill in the House. Sadly, graffiti is a menace in every electorate across this great State. Our communities want action. They demand action from the new O'Farrell-Stoner Government. The people of New South Wales, 1.99 million of them, voted for the Liberals and Nationals in an historic, landmark, watershed election on 26 March this year because, amongst other reasons, we promised tougher action on graffiti crime.

As I campaigned throughout my electorate during my weekly street stalls and doorknocking at thousands of homes, I shared the Liberals and Nationals policy on graffiti offenders. Every person supported our policy. In some cases, the response was that it was not tough enough. They wanted our Government to take much stronger, punitive action against graffiti offenders. One of the key reasons the Liberals and Nationals won this year's election with such a significant landslide was that we were in touch with the community's expectations and value system. Conversely, the reason the New South Wales Labor Party lost in a magnificent fashion was that they abandoned their role to represent the community's expectations and value system. Our communities want tougher action against graffiti offenders. This bill will deliver a tougher response.

I have actively supported the annual Graffiti Action Day over the past two years in my community. Graffiti Action Day is a Keep Australia Beautiful New South Wales initiative in partnership with the New South Wales Government to promote a community approach to tackling graffiti vandalism. In 2010 I participated in the Graffiti Action Day in Claremont Meadows. I, together with dedicated council graffiti response teams and two strong Claremont Meadows community members, John Butterfield and Darryl Buckley, worked hard all morning. Since meeting Mr Butterfield and Mr Barclay last year, they have continued to keep in contact, informing me about graffiti, litter and antisocial behaviour which regularly occurs in their suburb. They keep raising these issues because they care about their communities. They care about the area in which they have chosen to raise their families. They take pride in their suburb and they want to protect, maintain and enhance their local community.

In 2011 I participated in the Graffiti Action Day in St Marys. Again, together with the council graffiti response team and three community members, we worked on a bright sunny Sunday morning painting over the ugly and intrusive graffiti along laneways in St Marys. I was most impressed with the quality and community mindedness of these three volunteers who joined me on the day. Two of them were sisters who did not even live in the area but wanted to get involved. One sister is a school student and the other sister studies at the University of Western Sydney. These two young women are role models through their stand on the destructive results of graffiti. I commend all young people—and there are many of them—who do the right thing and participate constructively in their local school and sporting, charity and community groups.

I commend the wonderful work that the Penrith City Council graffiti removal squads perform on a daily basis. I also commend Penrith City Council for taking a leadership role amongst other councils many years ago to combat the growing offence of graffiti by establishing a Penrith council graffiti removal response team and a graffiti hotline. A Penrith Citywide Graffiti Minimisation Strategy has been developed by the Penrith Valley Community Safety Partnership to implement programs that will result in a sustainable minimisation of graffiti across the Penrith city. The strategy comprises three key elements: education, prevention and removal. These three elements are interconnected and rely upon each other. As part of the educational component of the strategy, in 2008 the council commenced the delivery of the Warner Group Graffiti Education Program to local primary and secondary schools in the Penrith local government area.

The program is specifically tailored to year 5 and year 8 students and takes an interactive approach to educating students about the negative consequences of graffiti vandalism. To date, over 180 sessions have been delivered in local schools since the program commenced and the feedback continues to be highly positive. Under the prevention component of the strategy the council often incorporates landscape and design strategies to minimise the opportunity for graffiti to occur—for example, planting along fences and walls that are frequently targeted by graffiti vandalism. This is known as green screening. The third component to the graffiti minimisation strategy is removal.

Research indicates that the most effective way to prevent graffiti vandalism is to remove graffiti promptly to show that people care about the property. This discourages the graffiti vandal by taking away the recognition they are looking for. I can inform the House that the cost of graffiti to Penrith City Council is a substantial figure. In the 2009-10 financial year approximately \$870,000 was spent on removing graffiti. In my electorate that is the price of two homes each year. It is a significant sum of money that could be spent on providing desperately needed local infrastructure and money that could be provided to enhance sporting fields and to provide more footpaths for the elderly and young mums with prams, and facilities for community groups. Unfortunately, that amount of money is being spent on cleaning up graffiti.

However, the cost to the community is significantly more than just dollars. I know of people and businesses who themselves have gone and purchased their own paint and regularly remove graffiti from their own residences and businesses. The costs continue to rise for our community in ways greater than the financial imposition, such as the cost of a local area now not feeling secure and safe for the elderly and families. We cannot calculate the social costs but they are very real and very impacting. I am proud to be part of a Liberals and Nationals Government that is finally taking tough action on graffiti vandals to deliver real change for our local communities.

The bill seeks to deter vandals from offending in the first place by allowing courts to impose penalties that are relevant to the offenders, penalties that will hurt the offenders where it matters most. The bill will amend the Children (Community Service Orders) Act 1987 and the Crimes (Sentencing Procedure) Act 1999 to make it compulsory for community service orders made under the Graffiti Control Act 2008 to include an order to remove graffiti. When I communicated that feature of our policy during the election campaign every individual I spoke to was overjoyed to hear that captured graffiti offenders would be forced to clean it up. It is about time that government policy reflected community values and expectations, and that is what this bill will do.

The message to graffiti vandals is loud and clear: Spray it on and you will clean it off. This provision in the bill resonates with a community expectation of what punishment should be given to graffiti criminals. The bill will also amend the Graffiti Control Act 2008 and the relevant Roads and Traffic Acts to give courts the power to impose traffic penalties for the offences of damaging property by means of graffiti and possession of a graffiti implement. Courts will have the power to impose restrictions, suspensions or conditions on an offender's drivers licence. Courts will have the power to suspend an offender's licence for up to six months, to extend the period of a learner permit or provisional licence or to limit the number of demerit points an offender can accrue over a specific period for up to six months.

I have heard a number of members, particularly from the other side of the House, question whether the licence restrictions, suspensions or conditions will really be effective. In some ways those members are criticising this part of the bill. What is an effective means of punishment? Punishment for a graffiti offence must communicate to the offender that their graffiti offence is unacceptable to our society and therefore there must be negative and inconvenient consequences to their action. For too long young people have only been taught that they have rights; "Know your rights" is the common mantra taught today. However, the truth is that along with rights people also have responsibilities—that is the real world. Rights and responsibilities should be equally taught. This bill will go a long way to teaching graffiti offenders that there are negative consequences to their actions and that causing damage to our community amenity, atmosphere and social infrastructure will be dealt with in ways that will inconvenience those offenders—and what greater recognition do young people desire than their black driver licence?

The bill also amends the Young Offenders Act 1997 to prevent pre-court diversion of young offenders charged with graffiti offences. The bill will allow the court to issue a caution or refer a young offender to a youth justice conference when a court thinks it is appropriate. However, the Act ensures that every offender will have their day in court. The Liberals and Nationals Government will ensure that every offender is made to face up to their criminal action and take responsibility for their actions. Combined, these measures will ensure that an offender thinks twice before spraying their tag on a local school, council building, private shop or private premises. This bill is about hitting them where it hurts. Losing the right to drive is a significant matter for a young person. Having to publicly spend hours cleaning off their own graffiti will teach them how difficult it is to remove and it will appropriately ensure that they take responsibility for their illegal actions. I am confident that this bill will see real change in my electorate and across the State. I commend the bill to the House.

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [4.55 p.m.]: I speak in support of the Graffiti Legislation Amendment Bill 2011. Graffiti is a scourge on society today. Coffs Harbour is a beautiful area but if you take a drive in Park Avenue Lane behind my office you will see tags all over the place. No sooner do private property owners—and I stress they are private property owners—have those tags cleaned off, they reappear. Recently I attended a meeting at Park Beach—an area popular with tourists as it is literally 100 metres away from the beach, but property owners there find it hard to lease their properties to holidaymakers because these tag artists have begun tagging cars. When you start seeing that sort of vandalism within your community and you talk to the police and the council and others about it, you find that the police are having trouble even finding the will to pick up some of these people—and the tags can be recognised—because the courts have not had the tools to deal with these offenders.

Graffiti is not smart or clever; it is vandalism and a criminal act. I suggest that in many country towns the majority of properties that are tagged are owned by private individuals. Before coming into this

Parliament I had a caravan park. Quite often over the Christmas holiday period someone would come into the park and decide that they would graffiti the cubicles within the amenities blocks. How did I deal with it? I would be up at six in the morning and if any graffiti appeared overnight I would paint over it and I would lock the cubicle—be it a shower or a toilet. I found that the other holidaymakers in the park earmarked the person responsible for the graffiti and they would make sure that it did not happen again, because it inconvenienced everyone.

Graffiti inconveniences communities and it costs councils and private property owners a fortune. To give courts the power to say to a graffiti artist that they will extend the period that he or she will need to train for a driver licence or that they will suspend a driver licence or have that person clean up that graffiti is a step in the right direction. It finally gives courts some power to try and stamp out this offensive and expensive behaviour. We had a meeting at Park Beach and the people down there were disgusted that not only were their properties being vandalised by graffiti artists but also their vehicles.

Mr Bryan Doyle: Petty criminals.

Mr ANDREW FRASER: They are not petty criminals; they are criminals. It is malicious damage to property. I am sure that the people in the Park Beach area will welcome this legislation, as will the police officers in my electorate. The member for Campbelltown obviously would have seen much of this sort of vandalism. If one catches a train on the western line in Sydney, say from North Sydney, and comes back into the city on the other side, it is sickening to see the amount of graffiti on public buildings, on the old railway yards and on the trains themselves. Tourists in the city who see that amount of graffiti right across the city area must wonder what sort of society we are.

I commend the former member for the Hills, Michael Richardson, for his, basically, one-man campaign on this issue over a number of years. He put up private member's legislation, yet the former Labor Government refused to accept that legislation. I believe that legislation would have assisted in reducing graffiti. Instead, we had an explosion of graffiti activity because the former Government was sending a signal—as I have heard speakers opposite complain—

Ms Carmel Tebbutt: That's just not true.

Mr ANDREW FRASER: They were sending a signal. Why did you not accept the legislation put up by the former member for the Hills? It was good solid legislation that would have—

Ms Carmel Tebbutt: Why aren't you introducing it?

Mr ANDREW FRASER: The legislation has been brought in by this Government, legislation that I believe—

Ms Carmel Tebbutt: But it's doing things that we already do.

Mr ANDREW FRASER: It is amazing. These saints on the other side did nothing in Government. Now that we are bringing in legislation they want to tell us how good they were, the whole 20 of them over there.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I am sure the member for Coffs Harbour can make his contribution without any help from the member for Murray-Darling.

Mr ANDREW FRASER: The member for Marrickville got back in here by the breadth of a cigarette paper. She got back in by one vote. This legislation is good legislation. It will send a signal to the courts. It will give our police officers an opportunity to act on this nefarious act of damaging private and public property. I commend the legislation to the House and I look forward to seeing those offenders being brought before the courts and sentenced according to this legislation. I commend the bill to the House.

Mr CLAYTON BARR (Cessnock) [5.02 p.m.]: A scourge, a scourge, a scourge on society indeed. The scourge on society is not the graffiti. The scourge on society is the fact that young people who feel the need

to do graffiti are largely disenfranchised and disconnected from what is going on, from the broader community, from authority figures, and from the property of others. They are young people who do not feel good enough about themselves but need to have an impact on others. These are the people we need to be concerned about yet these are the people we are going to throw straight into the court system and start imposing significant fines upon them that might impact on them in broader life including employment, mobility, travel and transport.

I wonder if the Government in its wisdom has actually taken this bill for consideration by some child social workers and specialists who understand, to quote the Minister for Justice, "getting inside the hearts and minds of young people." Getting inside the hearts and minds of young people is an important and a difficult thing. I can say that with some authority, having spent the last 20 years working with young people. They do not always easily recognise authority. They are not always easily interested in authority. In fact it is quite the opposite.

I would suggest that this legislation is actually going to be something of a trophy legislation in the schoolyard. Young people will compare who, when, where, and how often they have been to court for their graffiti. To them it is a bit of a minor crime. They might not even get grounded too severely by mum and dad when they go to court for it because they might have just scratched their name or written their name with pen or marker. I think such graffiti is a bad and a terrible thing, but the reality is that when people are young it makes sense to them.

So what are we going to do with these young people? Are we going to go easy on them or are we going to find degrees and ways of dealing with them which are not heavy-handed? No. The Government wants to send them straight to court. I wonder about what Government members do as parents when their children start to play up. Their child spills a glass of milk: cancel Christmas. This is the size and the extent of this legislation. A young person makes one mark somewhere: straight to court. A young person will be put straight into the legal system—the system that they want to defy and deny. Is this intelligent legislation?

This legislation takes that one step further and starts to talk about impacting on their licences, thereby removing their ability to be mobile and to potentially reengage with the community, to reengage with society, to reengage by making a contribution. The Government says take that away from them as well, because when they cannot get a job and cannot travel they will turn their idle hands to good. Maybe not.

So I am wondering about this legislation. I am wondering about what is going through the minds, hearts and souls of those opposite. There is no doubt that graffiti is a problem here. There is no doubt that it is a problem as we travel on trains through Sydney. There is no doubt about it. The member for Coffs Harbour spoke about visitors catching trains through Sydney and seeing the graffiti and he wondered what they would think. Well, they would think it is much the same as where they came from, in Chicago or London or Cairo or—

Mr John Williams: Singapore.

Mr CLAYTON BARR: Maybe not Singapore. There is not a lot of graffiti in Singapore. I will acknowledge the member for Murray-Darling. The other thing that troubles me about this legislation is the definition of graffiti instruments and implements. Aerosol cans are self-explanatory, but what about marker pens, and where is the limit for carrying a marker pen? If I am a student on my way to school and I have got a marker pen in my bag, is that an instrument of mass graffiti destruction?

Mr Bryan Doyle: It's a graffiti implement.

Mr CLAYTON BARR: It is indeed a graffiti implement, but where are we going to draw the line on that? Clearly not on the train, because I will be going to court for a life sentence if the Government has its way. Where are we going to find the definition and determination and interpretation of what that marker pen was for? Was it in the bag so that the student could go to school or university, or was it in the bag so that the student could do graffiti on the train? I have no doubt in my mind whatsoever that some students who travel on trains take out their marker pen and draw on the train. I do not think I will get an argument from the other side of the House that it does not happen. But I have also got no doubt in my mind that there are a large number of students who carry marker pens in their bag and do not use them for graffiti. So who is going to determine this? Who is going to make the decision? Is it going to be the train guard, or some sort of duty officer, or some sort of police officer?

Police officers who currently have the ability to interpret and decide what the outcome might be for a young person caught doing graffiti have been told by this Government that they no longer have that ability.

They have been told that the Government no longer trusts their judgment about this because they no longer have a choice about whether the offender will go to court; the offender is going to court. But a police officer can decide whether that marker pen was going to be a weapon of mass graffiti. I find that intriguing and mind boggling and a little bit crazy and, quite frankly, lacking in intelligence.

But the Government says it wants to go ahead, put them into court and start attacking their driver licence because of graffiti, since it is obvious that graffiti and driver licences sit so closely together. It is like peas and gravy. What about fighting at school? What about fighting in the street? When people go to court for fighting why does that not impact on their driver licence? Why do we not extend their learner's permit? Why do we not take away their licence? Why do we not take their licence off them when they steal a lollipop? Why do we not link every crime that young people can commit with their driver licence since those crimes also have got as much to do with their driver licence as graffiti?

So let us keep on singling out these young people, who are deemed the scourge of society because they do not have the self-esteem or self-respect to respect other people's property. The Government wants to single them out and make life a little bit harder for them because we are told that is the way to win them over, to win their hearts and minds. There is no doubt that this legislation is going to turn young people away from authority, not towards it. It is going to turn young people away from their communities and from the people who are the haves, because these young people quite possibly are the have-nots. Yet the Government wants this legislation so that it can completely isolate these young people and make things so much harder for them.

Let us go to the next step and talk about the impact on courts. Graffiti artists who are caught writing "I love Lucy" or "Benny and Jenny forever" will be sent to court. Why not increase the court lists, because courts are not already struggling with the number of cases they have to deal with? I do not know where members opposite live, but I can say with some authority that when I drive past the court at Cessnock on a Wednesday there is a fairly long list of people waiting to have their issues considered. Yet the Government is going to increase that list by adding these young graffiti artists. Nice work. Let us take that a little further because an offender might have a considerate parent who wants to get them the best possible defence to go through the court process.

They engage a solicitor and a lawyer, and we all know that they take considerable interest in being lenient when they charge fees, so they will no doubt act pro bono or do a no-brainer. They will undoubtedly cut their costs while they take the young person to court out of the goodness of their hearts. They do not care about the dollars, they care about the person. So the young person goes to court and the matter is dealt with. There is a financial impact on families, but just minutes ago in this House those opposite were debating the impact of the carbon tax on costs for families who can least afford it. They came up with a creative set of figures that no-one on the planet other than the 69 Government members believes. In the next breath, they are talking about increasing the financial impact on families to defend their children in court. That is another significant step forward.

Let us take this matter one step further and talk about the impact on police. When police find the offenders and put them in the car and take them back to the police station and go through the formal charging process that is quality, genuine effective policing of the world's biggest issue, graffiti. Instead of police being out on the streets dealing with some of those insignificant matters like drugs, violence and theft—*Hansard* will record the sarcasm—they will be at the station charging someone with graffiti because they wrote "I love Lucy" on a wall somewhere. That is another significant and important win for the community delivered by this Coalition Government. So some police are now transporting prisoners and some are charging graffiti artists. We know from the policies and legislation of those opposite that soon no police will be available for general duties and for patrolling our streets.

The Government talks about responding to the needs of the community, and claims this legislation is a solution. I welcome the fact that the member for Drummoyne is in the Chamber because he knows full well that some groups in his community believe the appropriate treatment for graffiti offenders is "string them up, put them on a truck and drive them around town". If we are going to respond to the wishes of the community and put forward in this Chamber what the community thinks is appropriate punishment for graffiti artists, we might need to make space for the member for Drummoyne to advance what his community thinks is appropriate action.

Graffiti is driven by a disenfranchised, disengaged and disempowered young person who has not been taught life's great lessons about self-respect and having enough self-esteem and good grace to respect not only

yourself but the property and possessions of others. There is a massive scourge on our society at the moment, and I do not want it to be the fault of members opposite or of members on this side or the Independents or any other body. The problem in our society is that our young people are growing, developing and learning in the absence of self-respect and self-esteem. We come to this House and talk about what we are going to do to change that and what measures we will put in place to address the problem, but it is only when we have young people walking around with pride, self-esteem and a real thump in their chest about the human being they are and the community they live in that we will have no graffiti problem. Then we will not need legislation such as this. Here we are whacking them around the head with this ridiculous measure. I will forgo the last two minutes available to me so other members can contemplate my thoughts because I have undoubtedly had an impact.

Mr ANDREW GEE (Orange) [5.14 p.m.]: It is great to see the member for Cessnock steaming in off a long run this afternoon. We consulted widely before bringing the Graffiti Legislation Amendment Bill 2011 to the House but if the member for Cessnock had his way we would be consulting a little more. We would be consulting wandering bands of vandals to see whether this legislation will hurt their feelings. But we do not need to consult them because the community has spoken and people want us to take action, and that is what we are here for. As for the scurrilous remarks of the member for Cessnock about the legal profession in this State, I will leave those for another day. Suffice it to say the legal profession is the caring profession.

Graffiti blights our communities across regional New South Wales. As I said earlier, regional communities are crying out for action on this issue; they are demanding it and we are delivering it. Graffiti clean-up costs this State well over \$100 million every year. In my area Orange City Council has a policy that enables the payment of a \$2,000 reward for information that leads to the conviction of anyone vandalising council property. It is often said—I think we could put the member for Cessnock into this category—that graffiti is a victimless crime; there are no real victims. But there are many victims. They include the home owners across our electorates whose fences are vandalised; local councils who have to clean it up; the council ratepayers who have to pay to have it cleaned up; and small business and big business people who not only have to scratch out a living but also must find extra money to clean up graffiti. It is a blight on our community.

Mr John Barilaro: And the carbon tax.

Mr ANDREW GEE: The member for Monaro has just reminded me of the rising costs of clean-ups brought about by the carbon tax. I will not touch on that this afternoon. I will leave that to the member for Monaro. The bill has many important aspects as far as regional New South Wales is concerned. For example, the first major amendment will require juvenile graffiti vandals to appear before the court for a graffiti offence. The member for Cessnock played down the effect of that proposal but the community is crying out for it. People want the perpetrators of graffiti crime—and it is a crime—to be brought before the courts. That is what they want and that is what this bill delivers.

Mr Bryan Doyle: They want justice.

Mr ANDREW GEE: They want justice and they want to see the wheels of justice turning firsthand. They want these offenders to be made accountable and to hear from the court the cost of what they are doing to the community. The bill will give courts the power to extend the time that graffiti offenders have to hold learner or provisional driver licences. It enables a court to suspend a driver licence of any class or, as an alternative to suspension for unrestricted licence holders, impose a limit on the number of demerit points they are able to accrue over a specified period. This is a very important aspect of the bill because over two-thirds of graffiti offenders are aged under 18 and over half are young males. We all know how important it is at that age, especially for young males, to have the freedom of a driver licence and to be able to drive a car. This will hit them where it hurts, and that is what the community wants. The community wants some meaningful penalties and that is what this bill delivers.

Requiring juveniles to appear before a court for a graffiti offence emphasises the seriousness of the offence and that damaging or defacing property is not a trivial matter. The bill will still allow the court to issue a caution to an offender, so the member for Cessnock should be pretty happy with that. A juvenile can be referred to a youth justice conference if the court chooses. Another feature of the bill is that it retains the power to refer a child accused of a graffiti offence to a youth justice conference, as I just mentioned, but it will not alter the ability of the court to sentence a repeat offender to a term of imprisonment for offences contrary to the Graffiti Control Act 2008. Nor will the bill affect the operation of common law sentencing principles when taking into account an offender's record in determining the sentence. It is not draconian but it is tough, and that is what the community demands.

There are other points in this bill that should be mentioned. The bill will strengthen the current provisions of community service orders. Currently, community service orders only allow for a recommendation to be made that graffiti clean-up work be a condition of a community service order, but all that will change under this legislation. If a clean-up order is not made, the court will need to give reasons why that order has not been made. Again, the community is demanding that these offenders clean up the mess they make otherwise it falls to members of the community to do it. We are in the process of organising a graffiti clean-up day in a suburb of Orange. We were going to do it one or two months ago but we could not because it was so cold in Orange that the paint would not set. We put it off until the warmer months arrived, but that is what we will have to do.

There is graffiti on roads in the city of Orange that the council will have to clean up. There is graffiti on houses and fences owned by Housing NSW. The taxpayer will have to foot that bill. The Government wants offenders to clean up the mess themselves, to let them see firsthand what it means to do a bit of hard work. The failure of the previous Government to deal with graffiti is plain for all to see. It is very disappointing that members opposite are not supporting this legislation. The Government was elected with a mandate to change New South Wales. It has fallen to us to do that, and we will do it. We are fulfilling our election obligations to tackle graffiti seriously and to bring offenders to justice. Graffiti is not art; it is vandalism and it is a crime that this Government is determined to address. I commend the legislation to the House.

Mr GARETH WARD (Kiama) [5.22 p.m.]: I am keen to speak to the Graffiti Legislation Amendment Bill 2011 and to welcome its introduction by the Attorney General. Like many members in this place, I decry the act of graffiti vandalism. All members, regardless of the side of the House they are on, want to improve the presentation of our communities. I acknowledge the presence in the Chamber of the Minister for Citizenship and Communities, Victor Dominello, who has responsibility for young people as a part of his portfolio. Unlike the arguments that have been put primarily by the Opposition, I think the vast and overwhelming majority of young people in this State are good young people who do the right thing by their communities.

According to members opposite, it is as though every young person has a marker at the ready waiting to deface the side of a train carriage or a shopping centre somewhere. I was appalled at the presentation of young people in this State by members of the Opposition; I wish they would not be so negative in talking down the young people of this State. This is a great opportunity to focus on the good things that young people do in our community; we should not use them as a scapegoat in this debate. However, a minority of people of whatever age engage in this act, and I will make a number of comments in relation to them.

I support and welcome the restorative justice principles contained in the amendments to the Children (Community Service Orders) Act, which allow and mandate that cleaning up graffiti vandalism is part of the process once a conviction has been recorded. That will impress upon a young person or an older person that vandalism has a cost. It is not just about visual detraction; it is also about the cost, particularly to local government, of removing graffiti. In the Shoalhaven, where I am from, the annual cost of graffiti clean-up is around \$150,000. The council has taken a progressive approach to dealing with graffiti vandalism and has launched a number of initiatives. Graffiti artwork in controlled environments can be encouraged.

I will give members an example. A number of traffic light control boxes around the youth centre and in the precinct of Nowra have been allowed to be used creatively for graffiti. One does not see any tags on them because there is an unspoken rule about not tagging someone else's work. If you encourage graffiti in a controlled environment you can get the right outcome. However, there are those who do not want to go down that path. There are those who believe someone's fence or a piece of public property is a blank canvas. We need to send a strong message that that is not something this Government or this Parliament will countenance.

I do not believe involving young people in graffiti clean-up or repair following other acts of vandalism is negative, as portrayed by the Opposition. I think it is a positive move that shows young people the real cost of what they have done to the community and how they can be involved in reparation and restoration. The graffiti control legislation that was introduced by the previous Government allowed community justice centres to be involved in orders that handed people over to local government authorities and involved them in the clean-up process. This legislation mandates that process, and I think that is a positive step. I do not think any member of this House wants to see our jails full of young people; we know the effect the prison system has on them. It is not a place where one wants to spend any time at all. It is appropriate that young people know right from the start how much damage they have caused. It is a way of demonstrating the cost to communities, not only in dollars but in time, and the level of community concern about graffiti.

Any dollar that is not spent appropriately—be it on roads, parks or community buildings—is a loss. Communities do not want to have to spend money cleaning up vandalism. We would rather spend it much more

productively. This legislation has become necessary for that reason. I support the legislation, which is a step in the right direction. It tightens the existing law. It presents a positive opportunity for the Government to place on the record that it supports young people but it also supports law-abiding young people. Those who decide to break the law need to know the cost of their actions. Restorative justice is an important principle that this bill enshrines to ensure we can have safer, cleaner and better communities.

Dr GEOFF LEE (Parramatta) [5.28 p.m.]: I speak in support of the Graffiti Legislation Amendment Bill 2011 introduced by the Attorney General. I congratulate the Minister on fulfilling an election promise to target graffiti vandals as part of our 100 Day Action Plan. I will not go over the legislative changes in detail. In summary, the bill increases the deterrent to committing acts of vandalism by increasing the community service requirement for offenders to engage in graffiti clean-up works, by imposing conditions on learner permits and provisional licences, and by ensuring that graffiti offenders are required to face court. I will start with the proposition that perception is everything.

On first meeting somebody one judges how they look—how they dress, how they are groomed. On first entering a house one looks at the garden and the front door. One sees how the owners maintain their house, noting whether it is neat and tidy, whether the dishes have been put away or there is rubbish lying around. Visitors form a view about a town or city from its entrance, roads, footpaths, houses and town centre. People judge many things based on visual identity. Graffiti promotes a negative perception of an area: it devalues land, diminishes the hard work of the town's citizens and makes areas look rundown and unsafe. People associate graffiti with criminal activity and antisocial behaviour. Graffiti sends the message that no-one cares.

Rectifying graffiti imposes a cost on the community. Along Victoria Road, Parramatta, spray painted graffiti tags and names are on brick fences and in most cases are impossible to remove completely. Graffiti also impacts on retail businesses. I had a retail business in Parramatta quite a few years ago. It is important for people to feel safe when they come to the area. Retailers already have enough difficulty without graffiti impacting on their businesses. Home owners are also fed up with graffiti damage to their properties. My elderly retired parents had to fix their fence after it was sprayed with graffiti. Graffiti is perpetrated by two types of offenders: the individual who has too much time on his or her hands and thinks graffiti is a good way to spend it, and insidious groups of individuals who use graffiti tags to identify an area as their territory. I do not call them gangs, as some people do, but these groups are usually up to no good and involved in antisocial behaviour, hanging around areas to mark their territory and to show others that they are not welcome.

The people of New South Wales believe not enough has been done to hold graffiti offenders accountable for their actions or to punish them appropriately. The bill addresses those concerns to ensure that courts and offenders take graffiti vandalism seriously. In 2009 in New South Wales 11,691 graffiti incidents were reported to police. Graffiti is a costly problem to the community, with RailCorp alone spending \$55 million annually on graffiti removal. Graffiti is a large problem in the Parramatta electorate, with its large central business district that attracts shoppers and visitors from all communities. The many commercial premises that are vacant after hours provide the perfect opportunity for graffiti vandals because no-one is around. Parramatta also has a large railway and bus interchange and research reveals a correlation between transport interchanges and the prevalence of graffiti.

Many members will not be aware that I previously worked for Westfield Parramatta and was contracted to rectify graffiti damage on its property. Six days a week I would send a staff member to walk the entire Westfield shopping centre perimeter, spanning about 2½ kilometres, checking every stanchion and boundary wall to identify graffiti locations. Initially we found graffiti every day. One day a young person threw a shopping trolley off the roof and down the stairwell and it nearly hit one of my staff—things were pretty rough back then. As soon as graffiti was located we were empowered to rectify the damage by painting over it. This usually required much time and effort painting over huge areas. It was a significant cost to Westfield that ultimately was borne by the shopkeepers and tenants of the Parramatta centre. At first we had many graffiti incidents to rectify, but over time the amount of graffiti lessened until eventually there were only sporadic episodes—interestingly from the same person or group. The police would photograph the tags to try to identify the offender.

Recently I had a conversation with a small business owner in the Parramatta central business district about his concerns regarding a new graffiti patch in the laneway off Phillip Street. He said the problem will never go away unless something is done to catch the offenders. He is concerned that graffiti reduces the appeal of the area and costs his small business losses in customer numbers and money to clean it up. I have spoken to people at the railway station, street stall owners and retailers, and heard many complaints from residents of

Westmead, Wentworthville and Ermington about the prevalence of graffiti. Parramatta City Council has acted responsibly and purchased a new vehicle and soda-blasting equipment for its graffiti removal unit. It is important to clean up graffiti quickly, but this isolated unit is not enough because of the prevalence of graffiti throughout the electorate.

This bill will support proactive councils such as Parramatta to tackle the graffiti scourge. The bill aims to resolve the graffiti problem. Compelling offenders to undertake graffiti clean-up work will ensure that they gain some insight into the damage they cause and the impact on the people whose homes and businesses are subjected to graffiti vandalism. One of the proposed penalties impacts on drivers licences. For many young people, a drivers licence is a symbol of freedom. Taking away this freedom sends a clear message to graffiti offenders that the community takes graffiti seriously. A slap on the wrist is not good enough. Graffiti offenders should know that they will be punished for their criminal behaviour. Courts will retain the power to refer offenders to diversionary programs, community service and personal development programs, but offenders will be required first to appear before a court to reinforce the seriousness of the offence.

When this debate commenced the member for Liverpool suggested that the loss of a driver licence will not work or be a deterrent. Current legislation does not go far enough to deter graffiti vandals. Reform is needed and we need new approaches and penalties to tackle these offences. Driver licences are symbolic of adolescent maturity and, therefore, the penalties applying to driver licences are appropriate. The member for Albury recognised that existing legislation did not work and argued the necessity of changing the penalties. His local council has a graffiti action plan. The Minister for Citizenship and Communities, and member for Ryde, the Hon. Victor Dominello, who is at the table—

Mr Stuart Ayres: A good local member and outstanding Minister.

Dr GEOFF LEE: He is an outstanding Minister. He took a proactive approach to the graffiti problem by developing a graffiti policy paper from a community forum. I concur with the Minister's opinion that suspension of the driver licences of young males will act as a deterrent. Actions have their consequences. Vandals have to clean up their own mess, and we have to teach them that responsibility. Minister Hartcher, the member for Terrigal, articulated very valuable views and the policy that we took to the March elections this year. He spoke of the difficulties caused by transferring costs to local councils, noting that where graffiti is detected it is up to the council to remove it and that this places a further impost on ratepayers. It is the State Government's role to support local councils and remove these excessive costs.

Make no mistake, graffiti is a crime, not art. People who engage in graffiti activities are not artists; they are vandals. People who engage in graffiti activities are criminals. Graffiti gives the perception that an area is unsafe. It costs individuals, businesses and government millions of dollars every year. We need to send a strong and effective message to these criminals. This bill addresses the start of the cycle, that is, deterring people from committing this crime. Those who choose to do graffiti will have to learn that they have to take responsibility for their actions and clean up their graffiti.

On the positive side, the Parramatta electorate has good news for people with artistic talents. People who want to put graffiti everywhere should turn their efforts to positive endeavours. I would like to see them put their skills to good use. Perhaps they should attend TAFE to further develop their skills and enhance their opportunities to utilise their talents and skills. In the electorate we have the Shell refinery, which has many storage tanks. It would be great to see those storage tanks with murals that complement and reflect some of the community's values. It would be great to have dedicated street murals that could be changed to recognise the important works of legitimate artists, who do this work legally.

Of course, there are sections of railway lines that are also marked by graffiti. The member for Baulkham Hills is particularly concerned with railway lines, because the South West Rail Link is to be built soon. He is acknowledged in his area as championing that rail link. We must educate our young people at school about graffiti, because graffiti is a crime. They should be taught to understand the implications of their activities, be taught that graffiti is vandalism, that it is a crime. We need a positive awareness campaign within our schools to ensure our youth do not venture into that activity.

Mrs ROZA SAGE (Blue Mountains) [5.42 p.m.]: I support the Graffiti Legislation Amendment Bill 2011, which shows the serious attitude that the Government takes on this criminal act. Graffiti is in issue in the electorate of Blue Mountains that pervades every community. It destroys the amenity of an area, and thereby the pride and respect that the people have in the locale in which they have chosen to live. Every day I receive

complaints about graffiti. The community does not like its public and private property defaced and devalued, and is united in anger against graffiti vandalism. Not only is graffiti in our living areas; it is also along rail corridors. Many of the places in which graffiti vandals leave their tags are dangerous to get to, implying great risk in executing their task.

The rail corridor in the Blue Mountains traverses the entire electorate from east to west. This poses problems in that many of the offenders committing graffiti crime are from out of the area, and travel into the electorate to perpetrate their acts of vandalism. Indeed, I have been told that many distinctive tags can be found in areas vast distances from each other. In the vast majority of cases there is clear intent and forethought in committing these crimes. The community is sick and tired of cleaning up the mess, and is very much in favour of seeing the perpetrators made accountable for their actions.

The New South Wales Government is determined that those who engage in graffiti crime face serious consequences. The interest in, and the seriousness of, graffiti crime is evidenced by the number of members who have spoken and want to speak in debate on the bill. Two-thirds of graffiti offenders are under the age of 18 years, and are predominantly male. Our "Graffiti Crackdown: You Spray, You Pay" election policy has a number of elements that will attempt to reduce offences in this demographic. One of the amendments provides that community service orders for graffiti offences must involve a graffiti clean-up condition.

In the Blaxland area of the Blue Mountains is a volunteer named John Oakey, who supervises a number of graffiti offenders who have been given community service orders. They assist him in the graffiti removal program at Blaxland. This involves cleaning graffiti off classrooms. Not only does John supervise offenders; he also photographs and logs incidents and gives this information to police. He also prepares a separate list by tag for those with multiple tags. This member of the community provides a valuable service for our law-enforcement people. John Oakey is supported by the Blaxland Chamber of Commerce, and heads one of three volunteer groups that I know of, as well as council, in the removal of graffiti in the Blue Mountains electorate.

The Hazelbrook Association has a graffiti management group run by Greg Birtles and the Katoomba Chamber of Commerce is also involved with graffiti removal. In fact on graffiti clean-up day I, as part of the Hazelbrook Association, also helped clean graffiti from the Mid Mountains Youth Centre, along with other volunteers from the association. Not only was the building hit with graffiti; also hit were the surrounding large tree trunks. Those are really difficult to clean. We painted and scraped and scrubbed for many hours until the area was cleaned. None of this comes cheaply. Graffiti-cleaning equipment and training as well as travel times all cost money. I am aware that our council alone spends more than \$300,000 on graffiti removal as well as assisting some volunteer groups. This is money that council could better spend on kerbing, guttering, roads and rubbish. Not only is there the cost of cleaning off graffiti but now, as a preventative measure, public murals as well as some shopfronts have anti-graffiti surfaces applied—again at additional cost.

The New South Wales Government believes that the imposition of a driver licence order will act as a strong deterrent to graffiti vandals who are of driving age. Also amended is the Young Offenders Act. The amendment will send a message to young offenders that they will not just receive a slap on the wrist for graffiti vandalism; they will need to appear in court. This will let them know the seriousness of their actions. Under the bill a driver licence order may involve extending a learner or provisional licence period or taking demerit points for up to six months for those with an unrestricted licence.

It is time that graffiti vandalism was taken seriously by authorities so that the community can see that their concerns are taken seriously. The community needs to see that offenders are made accountable and responsible for their actions. As mentioned by the member for Mt Druitt, police cannot act on those crimes if they are not notified. If community members can see that graffiti is taken seriously by authorities, they will be more inclined to report these acts and as a result perpetrators are more likely to be identified and brought to account. I believe the measures proposed in this bill will have the desired positive effect of decreasing the crime of graffiti. I commend this bill to the House.

Mr JOHN SIDOTI (Drummoyne) [5.48 p.m.]: I commend members on both sides of the House for their contributions to debate on this bill. The member for Cessnock raised a number of interesting points, one being getting into the hearts and minds of graffiti offenders. I suspect local government is at the forefront on the issue of graffiti. I, as a former mayor of Burwood, had a lot to do with this matter. I spoke to a number of youths that had various issues. Many were involved in graffiti activity. The bill, on its own, is not a silver bullet. But together with other measures that prevent graffiti vandalism it is a good option and an added bonus. It seems that members opposite consider that one policy fits all. It does not.

I have served on local government for a couple of years. My council undertook various policies, for example, beautifying the area with murals. Unfortunately, graffiti appeared next to the murals. That policy did not work. The council installed closed circuit television cameras to detect crime, including graffiti. While that helped in crime prevention, it was an expensive exercise. The council tried, as the member for Cessnock suggested, getting into the hearts and minds of young people by holding a workshop and inviting a number of recognised graffiti artists. Using textas and paint, they painted graffiti art onto large canvasses. A few of the works were selected and displayed on rolling billboards in order to encourage people to know the difference between painting a mural and painting on public property. Unfortunately, that did not solve all the issues.

This legislation is an added bonus and will prevent some offenders who do not respect the law as it stands. This bill implements the Government's election commitment on graffiti. We do not make commitments before an election and not deliver on them. The bill requires juvenile graffiti vandals to appear before the court for a graffiti offence. It gives the court the power to extend the time that graffiti offenders remain on a learner or provisional driver licence. This is a good deterrent to a person 16, 17 or 18 years of age. It may not deter a 13-year-old, but it is an added piece of legislation to discourage graffiti vandalism. Graffiti results in a huge financial cost. During the debate a number of statistics have been thrown around. Graffiti is unattractive. It defaces public and private property and sends the wrong message to visitors, particularly overseas visitors.

Graffiti is not just about youths using textas and paints or sharp instruments to scratch windows on buses and trains. It has a major impact on our communities. This bill, in conjunction with existing legislation, will go a long way towards deterring graffiti vandals. The amendments in the bill provide for uniform legislation in relation to children and adults. One of the key elements in combating graffiti is prompt removal. I have noticed that when graffiti is not removed promptly more graffiti appears nearby. This new legislation, together with existing legislation and policies, will greatly assist in addressing this important and costly issue. This bill reflects community expectations. It is a further action that will drive the message home that this Government is tough on graffiti vandalism. I commend the bill to the House.

Mr GLENN BROOKES (East Hills) [5.53 p.m.]: Many members who have spoken on the Graffiti Legislation Amendment Bill 2011 have spoken about the implications of graffiti on the community. That should be our focus. Graffiti comes at a cost, particularly to local government. I have served on local government for seven years. The cost to my local council used to be \$750,000 a year. The cost has decreased to \$450,000 a year, but someone has to pay for it. The member for Cessnock suggested a soft approach. A soft approach has been taken for a number of years to no avail. We must take a tougher approach on this issue. It is every teenager's dream to get his or her driver licence when he or she comes of age. Teenagers are eager to get their driver licences.

If we can deter these young people by disciplining them or taking away something they look forward to it would be a positive step. The days of punishing children by giving them a smack on the backside have gone. These young offenders must be disciplined and receive some form of punishment. Should the parents pay? Is that the direction we should take? I believe that graffiti vandalism is a phase that young people go through and that phase must be broken. If taking away their licence stops them from committing graffiti vandalism that is a positive step. In every suburb—north, south, east or west—we see graffiti. It is a social problem right across the State. If taking away or restricting a person's licence eradicates or prevents graffiti offences then that would have great merit.

Mr DAVID ELLIOTT (Baulkham Hills) [5.56 p.m.]: I concur with the comments of the member for East Hills. I can tell that he, like I, grew up in the wonderful part of Sydney known as Bankstown. As a product of western Sydney, I know that graffiti is one of the more disgusting offences that occurs in areas of western Sydney, which many members in the new Coalition Government represent. Former mayor of New York Rudy Giuliani would say that graffiti is the beginning of the end. Graffiti is the start of antisocial behaviour that can lead to other criminal activities, particularly amongst our youth. Graffiti may be the first criminal offence committed by a person who is going into a life of crime. I, like the member for East Hills, have identified that young people in western Sydney, where graffiti is prevalent, must be made aware that the Government is taking a serious approach to the vandalism of public and private property.

The Coalition believes that people must take responsibility for their actions. We believe that people must be made aware that if they do something that is against the better interests of our community they will pay a price. As the member for East Hills said, for the youth of today loss of freedom is the greatest price. They do not know times of recession or war, they only know good times. I am horrified that Opposition members, particularly those who come from areas near where I grew up and that I represent, think that an approach of zero

tolerance to a life of crime is not acceptable. It is important that we inform the youth of today that if they commit a crime, starting with the offence of graffiti, there will be a cost. The freedom I referred to starts and finishes for teenagers with their driver licences.

In western Sydney obtaining a driver licence is a right of passage. It is like going to the club for the first time, buying a beer for the first time, obtaining a place at university or an apprenticeship. After 16 years of a Labor Government many of us in western Sydney have been denied transport options, so a driver licence is an essential part of the lifestyle for those living in western Sydney. Being able to say to these offenders that they would be denied the driver licence that they have been spending years working towards—and having done the 100 hours of driving required to get a P1 driver licence—is probably the greatest way to deter this criminal activity and to keep people out of jails. It is good public policy.

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

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

YAMBA HEALTH CENTRE

Discussion on Petition Signed by 10,000 or More Persons

Mr STEVE CANSDELL (Clarence—Parliamentary Secretary) [6.06 p.m.]: I am proud to be only the fourth member of the New South Wales Parliament to lead a discussion in this place on a petition signed by 10,000 or more persons, which honours an election promise by Premier Barry O'Farrell that if a community were passionate enough on an issue to get 10,000 signatures or more on a petition it would be discussed in the New South Wales Parliament. I am pleased to present a petition with 12,095 signatures on behalf of the Yamba community requesting that a community health centre be built in Yamba during this parliamentary term.

First and foremost I acknowledge the driving force behind the collection of these 12,095 signatures—local Yamba champion, 85-year-old Jim Agnew, who has the drive and passion of a man half his age. I am told he is watching this petition discussion at the Yamba Backpackers on the internet provided by Shane and Mel, and Justin and Kellie Henwood, who operate the number one backpacker hostel in Australia. The Yamba area is experiencing significant growth with a resident population of 8,000 people, 45 per cent of whom are over the age of 55. Yamba also has 1,500 permanent holidaymakers all year round, and that population doubles to 15,000 during peak holiday times. Another characteristic of the population is the high proportion of Aboriginal people—the Yaegle nation—which is 3.5 per cent and is way above the State's 2.8 per cent average.

I am advised by Chris Crawford, Chief Executive of Northern New South Wales Local Health District, that in October 2002 a planning process was commenced for developing a new health services plan for Yamba and surrounding areas. A steering committee established to oversee the development of this health service plan included nine community representatives, which of course included local champion Jim Agnew. The Yamba community's interest in the process was extensive and extremely positive. Through the planning process the community clearly stated that it was interested in wellness models of health and prevention. It was envisaged that extra and more integrated services would also boost the health of the local Aboriginal community. In addition to recommending strategies for service delivery, the Yamba Health Services Plan also identified the need for the establishment of a community health centre at Yamba.

The plan proposes an ambulatory care model for the Yamba catchment and it is envisaged that the ambulatory services will be based at the new community health facility. These services would provide interventions so that hospitalisation can be avoided or the length of stay in hospital reduced. That also would have major impacts on the massive 19,000 presentations to the accident and emergency ward at Maclean District Hospital, which is overstressed. The staff members in that ward do a magnificent job. On two occasions over the past five years I have presented to the accident and emergency ward. One occasion was when I fell off my bike in a charity ride and the other occasion was when I tried to emulate Steve Irwin and was hit by a stingray in the foot—not the heart, thank God. But they do work hard and they deserve all the help that they can get.

In 2002 the local council made land available in Treelands Drive, Yamba for the construction of a community health centre. This land is adjacent to the local community centre. Around the same time—thanks to our local health champion Jim Agnew—approval was given to develop an ambulance station at Yamba. The ambulance station was constructed on this same site during 2003 in a development application that included the approximate position of a community health centre. Therefore the ambulance station has been designed and built in a manner that allows for the development of a new health centre right next door to the ambulance station.

The community, once again led by Jim Agnew, has been actively advocating to all levels of government for some years for this community health centre. Residents have volunteered to provide and maintain the landscaping of the proposed health centre. A submission for funding of a HealthOne NSW facility which would have provided similar service to the proposed community health centre was prepared by Clarence Valley Council in consultation with the former North Coast Area Health Service in 2007. The submission was unsuccessful as it did not have the support of local general practitioners. Unfortunately, local doctors saw this as a threat, whereas a community health centre could only complement health services provisions in the Yamba area.

A meeting of community representatives chaired by the former North Coast Area Health Service chief executive was held at the Yamba community centre in April 2008 to discuss possible options for progressing a community health centre in Yamba. Options for funding the development of a community health centre at Yamba were identified and included resubmission for funding under the HealthOne NSW program using a revised primary care model. However, no additional funds were available under the program at the time and no future funding sources could be identified. Currently the community health services available to the Yamba community are outreach from both Grafton and Maclean community centres. Construction of the community health centre at Yamba is supported by the Northern NSW Local Health District.

In fact today I was talking to the chairperson Hazel Bridgett of the Northern NSW Local Health District Board. She said that she would make this a priority on the capital works program, which is a big win for the Yamba community. As the House may be aware, the need for building new enhanced health facilities is extensive. The Government is currently undertaking a review of health capital infrastructure needed across New South Wales. After 16 years of Labor neglect of rural and regional health, the Liberal and Nationals Government Minister for Health, Jillian Skinner, is a breath of fresh air. The Minister is showing real understanding and compassion in her efforts in addressing health needs right across this great State.

I congratulate members of the Yamba community, both residents and holidaymakers, for taking the time to register their support for a community health centre in Yamba. I will work closely with the health network to progress this vital infrastructure project to make it a number one priority. In conclusion, when the Yamba community health centre is built and is operational it will be a legacy not only to the community but also to the hard work and dogged determination that is a hallmark of a true local champion, Yamba resident Mr Jim Agnew. I commend this petition to the House. I congratulate other members who are willing to speak in debate on this motion and I ask for support from Opposition members to ensure that it comes to fruition.

Dr ANDREW McDONALD (Macquarie Fields) [6.13 p.m.]: It is a great thing to be able to speak in debate on this petition because the concept of a multipurpose clinic in Yamba is one whose time has come. This is a great chance to pay tribute to Mr Jim Agnew and his volunteers. To get 12,000 signatures on a petition like this from a population of not much more than that is a tribute to his determination. As the member for Clarence has said, the area around Yamba has seen, and will see, a significant increase in the population. Like many in this place, I have family in Yamba. This proposed centre would have benefits for the entire Clarence Valley, an area of about 18,000 people. As my family member has said to me:

When you make an appointment is about a two week wait to see the doctor though they do hold a few emergency appointments.

There are no specialist services in Yamba.

There are only specialist services in Grafton and Lismore both about an hour by road (Remember that in floods etc the highway up here often closes).

Since living here we have been cut off by floods twice, both times for around a week. In emergencies they have to bring in a helicopter.

There is a large aged population but no cardio or gerontology.

There is a sizeable indigenous population.

There are physio services but no counselling or midwifery etc.

The costs of transport are real issues. There is an hourly bus service to Grafton and I would think it takes more than an hour to get there as it travels through local areas first.

The roads are in poor condition so it would be tough to be transported in emergency. Also if there is an accident etc the road can close. Mostly it is single lane road. In fact not much has changed since we were kids and stayed here.

In summer the tourism is huge.

I hope this has given you some insight. It is a vexing question. As large cities like Sydney continue to be so expensive to live in many more people, especially families, will seek the lower cost alternative of moving to the country. They just don't realise the hidden cost is their health!

This comment from a local resident is a great summary of the challenges for the Government. The Grafton *Daily Examiner* reports that 81 per cent of respondents rate this issue of a local community health centre at Yamba as important, very important or critical.

The proposed clinic, which I understand enjoys the support of Clarence Valley Council, would be built on Treelands Drive between the existing ambulance station and community centre. I spoke to Mr Jim Agnew yesterday and I am pleased that he is one of the local people watching tonight. He has met with many Ministers for Health on this issue. He pays tribute to Craig Knowles who got the ambulance station and also organised the plans for the health centre, which I understand give the cost estimate of between \$3.5 and \$5 million. Yesterday I spoke to Dr David Hope who has given wonderful service to the community for many years. They have had a couple of meetings with their local general practitioner division to discuss this proposal.

Dr Hope feels that the town and surrounding area are adequately serviced by general practitioners at the moment. But I urge Dr Hope to visit a new HealthOne to see what can be done, because Yamba would be an ideal location for such a facility. HealthOnes are integrated primary and community health centres and allow general practitioners, community health workers and allied health professionals to be located on one site and to work closely in multidisciplinary teams. Since 2006 the New South Wales Government has committed almost \$46 million to the capital development of HealthOne services across New South Wales. HealthOnes aim to keep people in the community rather than in hospital, and they allow for a "one-stop shop" for the health care needs of local communities.

HealthOnes allow teams of health professionals to work together in such areas as chronic disease management, to reduce avoidable admissions and unnecessary demand for hospital care, and they build a sustainable model of health care delivery into the 21st century. Because for the people of Clarence, like all of us, the future of health care is to have multidisciplinary care out of hospital, and a HealthOne would be perfect to do this. Everybody prefers to stay out of hospital and a HealthOne is the most effective way of making that happen. Having worked as a doctor on the same site as both nursing staff and allied health professionals for many years, I can only say how much easier it is to get things done, rather than having those people on a different site down the road. There is enormous potential, if there were to be a HealthOne, to train medical, nursing, and allied health students, and give the people of Yamba 21st century health care for many years to come. For example, I would recommend that everyone visit the inspiring centre at Molong.

What can be done to progress this issue? The reality is that, in the competition for the budget to run and build HealthOnes, towns in which the general practitioners are supportive and agree to embrace the concept of a HealthOne and look at co-locating their practices to the same site will always win the funding ahead of towns where the general practitioners do not agree to be closely involved. Towns similar to Yamba are lining up all over New South Wales to secure funding for a HealthOne, and many of them have their general practitioners in support of the concept.

I urge the Minister, or her excellent Parliamentary Secretary, to visit Yamba and to meet with the member for Clarence and the local general practitioners because I feel that there is room to negotiate with everyone. The general practitioners, the other health workers, the local health district, and the community can all reach an agreement on this. For example, a compromise to build a community health centre that is then able to be upgraded to a HealthOne at sometime in the future is an option that should be explored.

This is an issue that needs to be kept on the table. I congratulate and thank everyone who has signed this petition. HealthOnes are the health care of the future for communities such as Yamba. There is enormous potential for a brilliant HealthOne in that town. The cost is achievable, the benefits will be lifelong and will make an enormous difference to the daily lives of the people of Yamba and the Lower Clarence. I support the

concept of a community health centre or a HealthOne for Yamba. I wish everybody the best in the future and I urge the local general practitioners to look closely at the concept of a HealthOne because every general practitioner I have spoken to who has joined in a HealthOne has wondered how they ever survived without one.

Mr THOMAS GEORGE (Lismore—The Deputy-Speaker) [6.20 p.m.]: It is with great pride and pleasure that I support the member for Clarence in his efforts to provide a primary health service in Yamba. Everyone knows about the beauty of Yamba. It is a unique place on the North Coast of New South Wales. It has been said several times tonight by the member for Clarence and the Opposition spokesman on Health that Yamba has a population of a little over 7,000, but there are 12,000 signatures on the petition. It goes to show how many people are affected by this proposal. The population of Yamba nearly doubles at Christmas and that certainly puts pressure on local services, let alone health services. Like a lot of country towns, Yamba services a much wider area, including Angourie, Micalo Island, Wooloweyah and Palmers Island. They are all close to Yamba and they look to Yamba for their services as well. This proposed health service will support not just the people of Yamba but all those who go there in their thousands.

As the member for Clarence said, the former Northern Rivers Area Health Service prepared a health services plan for Yamba in 2002 and the plan for Yamba and surrounds dated May 2003 supported the development of a health and wellbeing centre or community health centre. A steering committee was established and has worked tirelessly to advocate for a community health centre in Yamba. My colleague Steve Cansdell became the member in 2003 but I know this has been a priority for him. Like Steve I would like to commend Jim Agnew, OAM, for his contribution because he has certainly been the driving force behind this proposal. He has had the cooperation of the community and the member for Clarence in making the case for such a centre.

An ambulance station was constructed in 2002 and opened in the time of the member for Clarence. Clarence Valley Council also made land available at that site to accommodate a community health centre. So we have had the cooperation of all the community organisations, the council and health workers in Yamba. It has been a dream of Jim Agnew, the local community and the member for Clarence to establish this community health centre in Yamba. Distance is an issue in country and regional areas as the member for Clarence said and the Opposition spokesman on Health said. When floods and other natural disasters or health problems arise people have to travel, but sadly there is not a lot of public transport. People have to travel to Grafton or the Maclean District Hospital and they may have to travel to Lismore Base Hospital.

Public transport is just not available and that is the reason the Yamba community and their local member are trying to get this community health centre built and health services provided to the community. The support for this petition verifies that the Yamba community is looking for a local facility that they can attend so they do not have to travel and that will be available at busy times of the year such as holiday periods. There is a major problem in obtaining health services when they are needed. The member for Clarence also referred to the number of Indigenous people who live in the area and who need access to these health services. They too are affected by having to travel long distances to access health services.

Maclean District Hospital is the closest C2 District Group 2 hospital. It has 46 inpatient beds predominantly providing services at level 3 for approximately 18,500 people. If people have to go to a base hospital they go to Grafton or they seek services at Lismore Base Hospital. This petition has been well supported by the community and is supported by the Government and the member for Clarence and I fully endorse the requirements of the petition.

Discussion concluded.

PRIVATE MEMBERS' STATEMENTS

MONA VALE HOSPITAL

Mr ROB STOKES (Pittwater—Parliamentary Secretary) [6.25 p.m.]: I rise this evening to highlight to the House the incredible dedication and commitment shown by the staff and volunteers at Mona Vale Hospital in my community of Pittwater. Day in and day out these remarkable men and women undertake what is arguably the most difficult, tiresome and important work there is—the care, wellbeing and support of the most vulnerable and needy members of our community who require medical services. In fact, since opening its doors in 1964 to help address the ever-increasing population of the northern beaches, the appreciation for Mona Vale Hospital and the invaluable work undertaken by its staff and volunteers has continued to grow.

Whilst the hospital has experienced its share of difficulties, particularly during the reign of the former New South Wales Labor Government which saw the hospital and its services repeatedly targeted for cuts and closures, the one component that has remained steadfast and is undoubtedly the foundation and bedrock of the entire hospital is its staff and volunteers. Along with our community, I simply cannot speak highly enough of the commitment, hard work and compassion they relentlessly display.

Whilst we all know that the evolved ethos of hospital and medical staff is never to complain or make excuses but rather to get on with the job, do it to the best of their ability and never give up, the staff and volunteers at Mona Vale Hospital continually take this attitude and approach to another level. It is an attitude that is perhaps all too rare in our society, but one which keeps our hospital running regardless of the challenges being faced. Unfortunately, the staff and volunteers at Mona Vale Hospital faced many uncertainties, cuts and undelivered promises under the former Labor Government, and were left demoralised by constant changes.

Like soldiers, they fought through 16 years of Labor Government, a government which continually refused to acknowledge the increasing importance of Mona Vale Hospital and the services it provides. It was a government which instead buried our hospital deep in its too-hard basket and only showed an interest when it saw an opportunity to cut or reduce services. It was this approach which made it necessary for staff, volunteers and our entire community to stand up and fight for the continuation of essential health services, including our once-renowned maternity ward, and the overall survival of our hospital.

As was the case for many communities throughout the State, the long overdue removal of the former New South Wales Labor Government delivered a breath of fresh air for our community and our local hospital, along with many sighs of relief. The challenge we now face is turning our health system and local hospitals around and providing our medical staff and volunteers with the support, respect and assistance they deserve. There is no doubt this is a challenging process but it is now underway through policies and reforms such as the reintroduction of local hospital boards and the agreement with the Commonwealth that was finalised this week.

I am also delighted that in the short period the O'Farrell Government has been in office Mona Vale Hospital has seen over a million dollars allocated towards essential maintenance, upgrades and capital improvements. This is funding that is necessary to address the issues and concerns that were constantly overlooked and ignored by the former Government. It is also funding that is welcomed by our community and something I am determined to see continue. One thing is for sure: our hospital staff, volunteers and community will never give up fighting for improvements to Mona Vale Hospital. Whether it is the hospital's auxiliary, led by the indomitable Eileen Gordon, which raised more than a quarter of a million dollars in the last year to support the hospital, or the medical staff or support staff, all play a vital role in the overall operation of our local hospital and its continuing service to our community.

We know how important our hospital is to the northern beaches community and the greater northern Sydney area, and its importance will only increase as our population continues to age and grow. So I send this message to all the staff and volunteers at Mona Vale Hospital: There is no doubt improvements are needed to restore our hospital to a favourable standard as it approaches its fiftieth birthday in 2014, and that numerous funding and administrative matters need to be resolved. However, please know that our entire community is behind the staff and volunteers 100 percent and is greatly appreciative of their unwavering and unswerving efforts.

While many of us will never truly understand the challenges you face on a daily basis, we understand that the staff and volunteers are the backbone of our entire hospital and the ones who are there for us in our times of need. The medical workforce and volunteers provide real service that goes beyond whatever remuneration they receive. This service is part of the ethic of being involved in the medical workforce and part of the ethic of being a community volunteer who supports the hospital. They are the saviours and comfort and support of our local hospital. I pass this message on to the volunteers and staff at Mona Vale Hospital—thanks for everything you do for our community.

BANKSTOWN LOCAL AREA COMMAND

Ms TANIA MIHAILUK (Bankstown) [6.30 p.m.]: Today I advise the House of the good work of the Bankstown Local Area Command of the New South Wales Police Force, and praise the brave men and women of Bankstown Police for the work that they do to keep our community safe. As of last year in the Bankstown local government area 17 out of 17 major crime categories were stable or falling. Of these, I note with particular pride significant reductions in theft from persons, motor vehicles and retail stores. These reductions in crime

rates would not have been possible without the hard work of each and every one of the more than 278 police officers of the Bankstown Local Area Command. In particular I commend David Eardley, Superintendent of Bankstown Local Area Command, for his efforts and commitment.

Our police officers have an unenviable job. They also have, I am afraid to say, a thankless job. All too often our police face abuse, mistrust and suspicion. I am proud to take this opportunity to say thanks on behalf of the people of Bankstown. Bankstown is an area that is unfairly tarnished with a perception of high crime rates. People who are not familiar with our community often think Bankstown is unsafe, which is not the case. In my experience, residents and local businesses within Bankstown do not believe that this is the case. There are particular areas of law enforcement about which people have raised concerns with me and I look forward to working with the local police to address these issues.

However, the picture presented by the latest Bureau of Crime Statistics and Research figures and, more importantly, the picture presented to me by my constituents—particularly when I was doorknocking throughout the campaign and more recently at events and through casual conversations—is a positive one. During my time as mayor, Bankstown City Council implemented a series of initiatives to assist the police in the good work that they do. Bankstown police are active participants in Bankstown City Council's Community Safety Committee. Police assist the committee in undertaking safety audits of community areas in an attempt to make communal areas safer by design. I note that the State Government is currently undertaking a review of the allocation of police resources throughout New South Wales. I can advise the House I have made a formal submission to this review.

I take this opportunity to outline some of the unique challenges the Bankstown police command faces. Due to the large area, major arterial roads such as the M5 Motorway, Canterbury Road, Stacey Street, King Georges Road and Woodville Road, and a large and growing population, the Bankstown command is required to undertake an unusually high level of crime scene management. The Bankstown command has responsibility for guarding both Bankstown and Liverpool hospitals. The Bankstown command is primarily responsible for Bankstown Airport and responding to any air alerts raised by the airport. The Bankstown Local Area Command has 77 schools within its borders. This is the second-highest number of any State command.

Bankstown police station has two outstations—Revesby and Bass Hill—and feeds into Campsie Transit. Bankstown is a major feeder station, providing police officers to specialist crime squads such as the fraud and homicide squads. Bankstown Local Area Command is the first respondent for any incidents at Villawood Detention Centre. Bankstown Centro is one of the largest shopping centres in the State, and police work closely with security there to keep the shopping centre safe. Bankstown provides staff for major events at Homebush and in the south-west region, and at many community events. Bankstown is a diverse community, a growing and thriving community. With ongoing investment in police resources we will continue to be a safe community.

ALZHEIMER'S AUSTRALIA NEW SOUTH WALES

Mrs LESLIE WILLIAMS (Port Macquarie) [6.35 p.m.]: Today I congratulate and commend the wonderful work of Alzheimer's Australia New South Wales. I am privileged as a new member of this House to join with my parliamentary colleague Dr Andrew MacDonald, shadow Minister for Health, as co-convenor of the Parliamentary Friends of Dementia. This role allows me to work in partnership with this wonderful organisation, Alzheimer's Australia New South Wales, who are the lead agency to advocate for the interests of people living in our State with dementia, their families and their carers. Alzheimer's Australia New South Wales is also determined to realise its mission of raising community awareness and understanding of dementia within our communities as well as providing leadership in dementia advocacy.

This morning I had the opportunity to jointly host in the Jubilee Room, as co-convenor of the Parliamentary Friends of Dementia, along with Alzheimer's Australia New South Wales, the launch of an important and informative discussion paper that is highly recommended reading for all members of Parliament—Building Dementia and Age-Friendly Neighbourhoods. As someone who has had firsthand experience as a carer in my younger years for my brother who has cerebral palsy, I can assure you the issues raised in the discussion paper are real and impact on the lives of so many people including those with dementia and their family members.

This morning one of our guest speakers at the forum was Kylie Sait, who is a young carer and a member of Alzheimer's Australia New South Wales. She shared her experiences as a woman in her mid-20s

caring for her father who was diagnosed with early onset dementia. Kylie highlighted the barriers imposed on carers and those with dementia as they face the challenges of doing just the very simple activities of daily living such as toileting. I understand the dilemmas she faces as do many other carers and family members of those who are impeded by a range of diseases and diagnoses. Making simple changes such as increasing the number of accessible unisex toilets that are spacious enough to accommodate two adults will reduce the isolation felt by those people with dementia and older Australians, their carers and their families.

The discussion paper also recognises that with more thought being put into the design of our public spaces and outdoor environments and, in particular, accessibility such as better lighting, non-slip floor surfaces and age-appropriate seating, our ageing population can continue to live a productive and active life engaging in everyday tasks such as shopping, banking and entertainment activities. Among a raft of recommendations outlined in the discussion paper released today is recognition of the "vital role of the community in helping people with dementia navigate and engage with their outdoor environment by funding dementia education and awareness programs for shop, club, council, transport and hospital workers as part of a broader public awareness campaign".

I also acknowledge the other guest speakers who made a contribution to the forum this morning including Ita Buttrose, President of Alzheimer's Australia, Professor Henry Brodaty, Director of the Collaborative Research Centre, and the Hon. John Watkins, Chief Executive Officer of Alzheimer's Australia New South Wales, and the Hon. Andrew Constance, Minister for Ageing and Minister for Disabilities. It is important that all members of Parliament understand why it is imperative that dementia must be given high priority within a policy framework that promotes early diagnosis, dementia research, prevention and improved community care services for health and ageing.

Members are representatives of their local communities, and I emphasise that this issue is deserving of bipartisan support because dementia affects people living in every electorate across New South Wales. My electorate of Port Macquarie has one of the largest ageing populations in New South Wales and is ranked second in the prevalence of dementia in the State with 1,582 cases. As people increasingly migrate from our major city centres to coastal communities from the South Coast to the Tweed to enjoy their retirement, it is predicted that this number in Port Macquarie will increase to over 6,000 in 2050.

These figures are alarming and leave no doubt in my mind that as the member for Port Macquarie it is my responsibility to ensure that issues affecting people with dementia, their families and their carers are integrated into health, ageing and disability reforms. I also use this opportunity to acknowledge the dedication of the hardworking team of professionals associated with Alzheimer's Australia New South Wales who support and advocate on behalf of those with dementia, their families and their carers across the State, including our mid-North Coast regional coordinator, Gary Thomas.

Finally, I make two requests of all members of this House. First, join me in becoming a Dementia Champion—a simple task that asks you to act now to advocate and support those people in your electorate living with dementia, as well as their carers and families. Secondly, become a member of Alzheimer's Australia New South Wales by completing a membership form with the payment of just \$30. Taking these simple steps acknowledges that you share my views and the challenges we face as local members and policymakers in addressing the broad needs of those in our communities living with dementia.

HUNTERS HILL COUNCIL SESQUICENTENARY

Mr ANTHONY ROBERTS (Lane Cove—Minister for Fair Trading) [6.40 p.m.]: I bring to the House's attention the celebration of Hunters Hill Council as a local government authority for 150 years. I feel privileged that I am able to represent the people of this suburb in the New South Wales Parliament. While the Hunters Hill Council and its community are amongst the smallest in Sydney, a vast range of services cater to those residents fortunate enough to live in this beautiful old suburb. In recognition of this milestone, the Hunters Hill community and related businesses are staging a series of events and happenings to mark the municipality's sesquicentenary, and to celebrate and promote the history of this unique and special area of Australia. In 1860 Sir William Thomas Denison received a petition within the rural district of Hunters Hill that the petitioners believed it would benefit them and their rural district greatly if that portion of the district be proclaimed a municipality under the Municipalities Act of 1858.

The petitioners asked His Excellency to proclaim the district together with other portions of the parish of Hunter's Hill a municipality, which was duly published in the *Government Gazette* on the 19 December 1859.

However, as happens today, some people were opposed to the idea, which is why the area sought to be incorporated did not include the Gladesville village, which then contained about 400 inhabitants. The proclamation was made on 5 January 1861 and advertised in the *Government Gazette* dated Friday 4 January 1861. Clearly, the people of Hunters Hill have always had a firm sense of identity, and that is why the community has engaged in ongoing festivities that will continue throughout the year.

We all know that Australians love a party, and the Hunters Hill community is fortunate to be holding one all year long. These celebrations were officially launched on 14 March 2011, when the mayor and my dear friend councillor Sue Hoopmann and her fellow councillors—indeed, more of my good friends—Peter Astridge, Murray Butt, Simon Frame, Richard Quinn, Ross Sheerin and Meredith Shiel held an extraordinary meeting around the very same antique desk at which the first Hunters Hill councillors held their first meeting on 14 March 1861. The highlights of this year to celebrate this very special and much-loved part of Sydney include the Back to Hunters Hill Weekend at Clarke's Point, scheduled for November; a sesquicentenary dinner; a concert by the SBS Youth Orchestra; and numerous activities including historic walks and tours on the famous Hunters Hills harbour shores. As well, many local schools, organisations, hotels and clubs have held, and will hold, celebratory events during 2011.

My colleagues in this place from various parts of rural and regional New South Wales have the same sense of history in representing their areas by celebrating the past but looking forward to the future. We look forward to visitors from Orange and Pittwater coming to the celebrations at beautiful Hunters Hill. This calendar of events clearly demonstrates the enthusiasm with which the community has embraced the celebration. This event also has provided opportunities to raise community awareness, funds for charitable and community projects, increase volunteer membership and generally showcase local organisations to the broader community. The member for Newcastle shares my belief that communities are important and we should celebrate them appropriately. My community looks forward also to some Novocastrians celebrating this wonderful event with us.

Making all this happen does not occur without substantial support, and in typical Hunters Hill fashion many local community members have volunteered to participate in and assist the council's sesquicentenary committee in this wonderful year of celebrations. Hunters Hill residents always lead the way and it is no surprise that the sense of community and neighbourly spirit has meant that local business, organisations and even those in neighbouring districts have come together to ensure that this sesquicentenary year is the icing on the cake. I congratulate the Hunter's Hill Council on this very significant occasion. I pass on to the member for Orange that we look forward this year to even more cases of apples.

FOODBANK NSW

Mr JOHN WILLIAMS (Murray-Darling) [6.45 p.m.]: Last month I met with the Uniting Church, which recently launched its Waste Not Want Not program. Through the cooperation of the Uniting Church, the New South Wales Department of Primary Industries, the Carrathool shire and local farmers, we are able to save food and horticultural products that farmers determined were not marketable or were rejected by the market. With the help of volunteers, we have started collecting much of the excess food produce from the southern Riverina area. This project forms part of the operations of Foodbank NSW, which is a not-for-profit organisation that has operated for some years to distribute surplus, salvaged and donated food and grocery products to people in need. Foodbank operates in all Australian States. The New South Wales organisation collects food from all farming areas, corporate sponsors and suppliers for distribution via charitable organisations.

Some of the organisations that benefit from Foodbank's great work include the Salvation Army, Mission Australia, St Vincent De Paul, Wesley Mission and Anglicare. In addition, many less high-profile but equally important and busy charity groups from nearly all metropolitan electorates are involved. They include Australian Foundation for Disabilities, Australian Red Cross Greater Western Sydney, Bellambi Neighbourhood Centre Inc., Canberra City Care—Charnwood, Centacare, Christian Outreach Centre, Cornerstone Community, Fusion Australia Ltd, Global Care, New Hope Community Church—Swansea, North Kiama Neighbourhood Centre, Odyssey House, Parramatta Mission, Potters House Christian Church, Stewart House SSP—Harbord, Wayside Chapel, We Help Ourselves, Wollongong Emergency Family Housing Inc., Wyong Neighbourhood Centre, Youth Off The Streets and Youth With a Mission.

The collected food finds its way through those organisations to needy families. Some of the produce comes from the southern Riverina area that I represent. Many members would be aware of the present problems

with marketing oranges worldwide due to the decreased value of the United States dollar. As a consequence, needy New South Wales families are benefiting from the contribution primarily from Griffith farmers. Foodbank NSW is to hold a briefing that will be a great opportunity for all members to hear about the organisation's history from its chief executive officer. The organisation is run entirely by volunteers with assistance from corporate sponsors.

The briefing will enable members to identify areas in their electorates that could be serviced by Foodbank. This is a great opportunity to give this organisation well-deserved recognition. The chief executive officer of Foodbank will be visiting Parliament on 9 August to address us in the combined party room at 9 o'clock. He hopes to address as many members as he can to tell us what Foodbank is all about, what it has done and what it seeks to achieve, as well as how members can assist this great organisation. I can only say thank you to the farmers of the southern Riverina, who are doing great work for the State of New South Wales.

NEWCASTLE ELECTORATE COMMUNITY, SCHOOL AND SERVICE ORGANISATIONS

Mr TIM OWEN (Newcastle) [6.50 p.m.]: I rise to inform the Parliament of the great work being done in the Newcastle electorate by various community groups. In recent weeks I have visited numerous community groups, schools and not-for-profit organisations in the Newcastle electorate and been greatly impressed by their commitment to their local community, further reinforcing why I am so proud to be the member for Newcastle. First, over the weekend I attended the Knights v Titans rugby league match at Ausgrid Stadium. Whilst there, I and thousands of spectators were treated to the sounds of the Hamilton South Public School choir singing our national anthem. I commend the choir students and their instructor, Melissa Morr, as they did themselves proud as well as their families, friends, the Hamilton South Public School community and the city of Newcastle. Congratulations to the school on doing a great job.

Secondly, I met recently with staff at Newcastle's Northcott Disability Services centre. I was impressed by the enthusiastic approach that the team displayed in providing services for people with a broad range of disabilities. I have seen firsthand the hard work and dedication that this team puts in to ensure that their clients are well looked after, and I commend their work to this Parliament. Northcott provides a broad range of services from the initial diagnosis period and early intervention through to early childhood development, and assisting adults gain employment and independent living skills. I am told that, for people with disabilities, the support and services that Northcott provides can often mean the difference between a life of isolation and segregation and a life of greater self-reliance and confidence. Support and services are not only provided directly to clients but provided to their carers, siblings and the entire family. As such, I support Northcott Disability Services in its quest to build an inclusive society where people can live the life they choose and thank staff for the services they provide to the Newcastle community.

Thirdly, the Westpac Rescue Helicopter Service is a community owned and operated aeromedical search and rescue service serving the Hunter, Central Coast, mid North Coast, New England and north-west regions. Earlier this week I had the pleasure of touring its Newcastle base with Richard Jones, general manager at Westpac Rescue Helicopter Service. I thank Richard and his team for inviting me to the base to gain a deeper understanding of the outstanding work they do on a daily basis. As you would know, Madam Acting-Speaker, each year the helicopter service conducts over 1,200 missions, rescuing people from accident scenes and transporting critically ill patients from small rural hospitals to large tertiary hospitals, primarily John Hunter Hospital and the base hospital in Tamworth. The helicopter service provides a free service to more than one million people, covering a region of 132,000 square kilometres. As the State member for Newcastle I thank the rescue service for its outstanding contribution to our local community. I look forward to attending the upcoming Westpac Rescue Helicopter Service Ball in September and do hope that the service is able to continue raising funds to ensure the preservation of this outstanding community venture.

Finally, there are many community groups in Newcastle that strive to assist the hungry and needy. Since being elected I have been lucky enough to become involved in assisting Life Church serve the disadvantaged at their Soul Cafe in Newcastle. Soul Cafe was established in August 2002 to serve hot meals to the homeless and disadvantaged people of Newcastle, free of charge. I am told that it currently serves over 700 meals per week. I look forward to volunteering at Soul Cafe, where I have agreed that I will assist with food preparation and serving clients on a weekly basis. I commend Kevin Wilcox and his team for continuing this service for the community where people receive table service and a choice of healthy, tasty meals. Life Church's aim—to serve the disadvantaged in the community with dignity and respect—is highly commendable. Importantly, Soul Cafe also provides the services of a community support officer who assists clients in areas such as accommodation, finding appropriate welfare support and legal representation, and medical advice when required. [*Time expired.*]

VALLEY HEIGHTS LOCOMOTIVE DEPOT

Mrs ROZA SAGE (Blue Mountains) [6.55 p.m.]: Valley Heights Locomotive Depot Heritage Museum is one of the icons to be found in the Blue Mountains electorate. The Valley Heights Locomotive Depot is part of the Rail Transport Museum. I have visited it on many occasions previously due to the involvement of my husband in the museum but I was very privileged on this occasion as the new patron to be given a guided tour by the president, Ted Dickson. Ted is a very knowledgeable, enthusiastic and thoroughly fascinating guide who is truly a font of information about anything New South Wales railways. Our time flew, and hours later after only a "short" tour I left infused with the wonderful history of the loco depot.

The depot has a long history of serving the rail line since 1913. The centenary of Valley Heights will be celebrated in 2013. A committee has already been set up to organise celebrations in that year. By the 1860s a single rail line had been laid to Mount Victoria. The first passenger stop at Valley Heights was opened in May 1875. With the duplication of the rail line in 1902, a standard island platform and station building were erected. In 1913, with the regrading of the rail line bank engine working being moved from Penrith to Valley Heights, a locomotive yard and a 10-bay roundhouse were built. In its heyday in the days of steam, up to 30 trains a day would be piloted but this figure was often exceeded. Electrification of the western line beyond Penrith began in the early 1950s. On 2 February 1957 steam ended at Valley Heights. In the early 1980s, when through working of freight trains was introduced and train loads were reduced, the number of trains requiring assistance was dramatically decreased. The depot officially closed on 15 December 1988.

The Valley Heights Locomotive Depot Heritage Museum was formed in 1988 at a public meeting, with a view to preserving the roundhouse and other buildings as a rail heritage site with a railway and heritage museum in the depot area. Meetings were held with the relevant authorities and a submission was prepared and accepted by the then State Rail Authority. The condition of the lease grant from the State Rail Authority was that the society become affiliated with an already accredited organisation. Thus Valley Heights became affiliated with the Rail Transport Museum at Thirlmere and became known as the Blue Mountains Division of the New South Wales Rail Transport Museum. The lease was signed in 1994—nothing seems to move quickly in government circles unfortunately—when the museum was able to fully occupy the former depot.

Many years have elapsed since that time and many volunteer hours have been given to restore and renovate a once quite dilapidated site. Restoration projects have also commenced on a number of exhibits, including a wooden BL carriage, a stainless steel interurban car, track inspection vehicles and a water filling column. Locomotives 5461 and 4601 are in residence. The task is never ending. As befits the site, the Springwood Historical Society and the Steam Train and Rail Preservation Society—formerly at Parramatta Park, where a fire destroyed their facilities—both now have homes at Valley Heights. The depot is open every second and fourth Friday of each month, with members of the public able to experience a steam tram ride, take in the large exhibits, view rail memorabilia, historical displays and model trains, and enjoy refreshments at the tea rooms. Valley Heights is also a stop for the steam train excursions run by the Rail Transport Museum and other societies. I suggest people go there and have a really good day. It is very interesting and has lots of lovely things to see. I congratulate the committee and volunteers at the Valley Heights depot on their dedication, enthusiasm and, in particular, skills in developing the museum, and I look forward to working with them and for them in the future.

MID COAST RUGBY

Mr STEPHEN BROMHEAD (Myall Lakes) [7.00 p.m.]: This weekend is the commencement of one of the most exciting events of the year, the finals series of the Mid Coast Rugby season. I congratulate the clubs that have made the finals. On Saturday the minor premiers and runners-up last year, Old Bar Beach Rugby Club, the Clams, will host the major semi-final against Manning River Rugby Union Club, the Rats, and on Sunday the defending premiers, Forster Tuncurry Rugby Union Club, the Dolphins, host the minor semi-final against the Nabitac-centred Wallamba Bulls rugby club. It should be an exciting conclusion to the season. Only a few years ago the area did not have a rugby competition.

In 2003 there was only one rugby club in the area, the Manning River Rats. In 2004 the Forster Tuncurry Rugby Union Club was formed and the Old Bar Beach Clams came out of hibernation. A few years later three more clubs were formed—the Wallamba Bulls rugby club, the Harrington Harlequins Rugby Union Club and the Gloucester Rugby Club, the Cockatoos. These six Myall Lakes rugby clubs in the Great Lakes and Manning areas formed their own competition called Mid Coast Rugby under the umbrella of the Mid North Coast Rugby.

I want to inform the House about the significance of these rugby clubs. From the start they have concentrated on the culture of the clubs. Their culture is that they play rugby and they play fairly. They address the problem of alcohol and football and most of the clubs are involved in Good Sports. Forster Tuncurry and Old Bar rugby clubs have attained level 3 accreditation, the highest level in Good Sports. A Good Sports club is a family club that observes the responsible service and drinking of alcohol. In 2009 the Forster Tuncurry Rugby Union Club had the honour of being voted New South Wales Club of the Year by the Australian Drug and Alcohol Foundation in conjunction with Good Sports. This award involves all registered clubs, including the biggest club in Sydney or the smallest netball club.

The Mid Coast Rugby clubs have fostered junior rugby and primary school competitions in the area. One young player who played for the Forster Tuncurry rugby club under 16s a few years ago was Jamal Idris. He was poached by rugby league, or they may say we poached him for a couple of years. He is now playing for the Bulldogs in the National Rugby League competition and next year he is going to the Gold Coast Titans. As well, the clubs individually and jointly have raised tens of thousands of dollars in the few short years of the competition for charities such as the Multiple Sclerosis Society of Australia and the Sydney cancer foundation.

Their fundraising activities include balls and Shave For a Cure. In small communities such as those on the mid North Coast, for these clubs to be able to raise such large amounts of money is a testament to the high regard in which they are held in the community. This weekend is the culmination of 12 months of rugby competition. I congratulate the teams that have reached the finals and I wish them all the best. I was president of Old Bar Clams for several years and a foundation member of Harrington, Wallamba, Manning River and Forster Tuncurry rugby clubs. Although I have been involved with all those clubs, my heart is with the defending premiers, the Forster Tuncurry Dolphins. I wish them the best on Sunday when they get over the top of the Wallamba Bulls—just.

HUNTER TAFE

FLAY FAMILY

Mr GARRY EDWARDS (Swansea) [7.05 p.m.]: The Hunter Regional Apprenticeship and Trainee of the Year Awards 2011 have been announced. I congratulate the following recipients: George Pangas for Automotive Heavy Vehicle Mechanical Certificate III and also winner of the Phil Darby Memorial Award; Callan Gray for Metal Roofing and Roof Plumbing Certificate III; Nicole Sampson for Business Services, Administration Certificate IV; and Zac Dalziel for Vocational Education Training in School. I congratulate Phil Cox, Director of Hunter TAFE, on the wonderful work he and his team do, particularly during Education Week. TAFE New South Wales is the leading provider of education and training in Australia and has the broadest reach. TAFE New South Wales has a network of 15 campuses in the Hunter, with more than 64,500 students. Last year Hunter TAFE offered over 600 courses that are available on the job, online or by attending any of the 15 campuses. These combined attendances total 7,633,381 training hours.

In 2010 enrolments increased in disciplines including fabrication, engineering, automotive mechanical technology, plumbing and electro-technology. Hunter TAFE has focused on increasing enrolments in apprenticeships to meet the skill shortages that are relevant to the Hunter. Hunter TAFE has led the State in the provision of increased levels of training for trade apprenticeship and non-trade skill shortage categories. Hunter TAFE's strength in delivering quality training for people looking to re-enter the workforce, youth at risk and marginalised groups remains one of our greatest and most rewarding assets. Hunter TAFE is an integral part of the Hunter, Upper Hunter and Central Coast economic infrastructure and has a large geographic footprint.

The institute is an active partner in regional, social and economic development, with a strong focus on industry and community engagement to ensure sustainable growth in quality vocational education and training. The institute is committed to excellence in teaching and learning, and contributes to the community and the economy within a framework of strategic business improvement. Institute program offerings and delivery modes are diverse, flexible and responsive to regional needs, as well as to State and national training priorities. The institute is an acknowledged leader in innovative education and training, with a commitment to the development of new products and services that meet the rapidly evolving requirements of our industry partners.

Hunter TAFE employs 2,500 staff. The last National Centre for Vocational Education Research Student Outcomes New South Wales TAFE State Report 2009 stated that 93.6 per cent of TAFE New South Wales graduates were satisfied with the overall quality of training, 87.1 per cent of TAFE New South Wales graduates

were in employment or further study after completing their course and 85.2 per cent of New South Wales employers were satisfied with the quality of nationally recognised training delivered by TAFE New South Wales.

I also want to refer to a brave fellow from my area, a young man by the name of Jordan Flay. Jordan is a typical 12-year-old boy who loves his footy and riding his scooter. But at the moment Jordan is unable to enjoy these simple pleasures because he has been diagnosed with Ewing's Sarcoma, an aggressive form of cancer. I also want to speak of the strength of his parents, Mark and Linda, and Jordan's three brothers, Daniel, Tyson and Kaine, whose lives have been turned upside down. Mark has taken leave from work to be Jordan's full-time carer. Cancer is an insidious disease, but Jordan's fight can be won with the expert services of the doctors and nurses at John Hunter Children's Hospital.

I have spoken on many occasions about the wonderful community of Swansea. In support of the Flay family, ladies by the name of Gaye Tatters, Peggy Morton and Kylie Fowler enter the story. These ladies came to my office and spoke to my staff about a fundraising effort to assist the Flay family, one I was proud to support. They then canvassed businesses around Belmont, Swansea, Redhead and Catherine Hill Bay seeking donations for raffles, auctions and lucky door prizes. A fantastic young man, Dean Beevor, and his family own the Catherine Hill Bay Hotel, affectionately referred to as the Catho pub.

Dean Beevor and his staff were great hosts at the Catho pub last Sunday, organising food and entertainment and enabling more than \$6,500 to be raised—I am informed that more is to come. I am proud to say that I attended that fundraiser along with my three staff. It was a great day. The main organiser, Gaye, said it was a fabulous response from the Catherine Hill Bay and surrounding communities: the turnout was brilliant and they could not have asked for more. The money raised has been donated to the Flay family to help them financially over the next seven months whilst Jordan continues his chemotherapy at the John Hunter Hospital. In this House we ask God to look over this brave young man.

TRIBUTE TO DONALD ERNEST LEGGETT, AM

Mr CHRIS HOLSTEIN (Gosford) [7.10 p.m.]: This evening I acknowledge the recent passing of a stalwart of the Gosford community, Mr Donald Ernest Leggett, AM, at the age of 83. Don is survived by his wife, Val, daughters Kerry and Gaye, five grandchildren and four great-grandchildren. Don Leggett was a man who knew everyone and everyone knew him: he was the patron of more than 60 organisations throughout the years. He was the foundation chairman of the Woy Woy and District Meals on Wheels; the foundation captain and director of Everglades Country Club; the foundation chairman of Woy Woy and District leagues club; and the foundation president of the Peninsula Village Retirement Centre. He was involved in the Woy Woy and Umina Rotary clubs, being awarded a Paul Harris fellowship in 1978; the Woy Woy Apex club; the Ettalong Bendigo bank; and the surf live saving movement. He was deeply committed to the Red Cross Society and in 1990 gained the society's highest honour, the Distinguished Service Medal.

I have just mentioned a few of Don's positions because there were so many of them. Don achieved a great deal for the Woy Woy peninsula and he was very proud of every organisation he was involved with. He was very proud of being awarded the membership of the Order of Australia in 1976 for his services to local government and community. It was the inaugural year of those awards and it was bestowed by the late Sir John Kerr, the then Governor-General of Australia. In 2008 Don was also presented with the Australian Government Community Services Award. Don was a councillor on Gosford Shire Council from 1974 to 1982. He was deputy shire president from 1974 to 1977 and shire president from 1977 to 1980. Upon the dedication of Gosford as a city, Don was the first mayor of the city of Gosford.

It would be remiss of me not to mention one of Don's greatest passions—the Peninsula Village. In 1975 Don was approached by an old-age pensioners group that was worried that there were no nursing home beds for the people of the Woy Woy peninsula. A committee was formed and in 1978 building of the Coinda Village commenced. In 1995 that village was bought from the Operation Barnabas group and became part of the Peninsula Village family. In his many years at Peninsula Village Don served as president, chairman, director and life member. Peninsula Village has grown over the years and now has 68 self-care units, another 62 self-care units at Coinda Village, 95 hostel units at Peninsula Village, 83 hostel units at Don Leggett House—named in his honour—and 96 beds in Jack Aldous House, providing accommodation for a total of 424 residents. None of that would have been achieved without Don Leggett's persistence, focus, energy and dedication.

Don has been an influential figure in the direction of the city of Gosford, thanks to his selfless contribution to all aspects of our community. He was a hardworking man who had a passion for bettering the Central Coast as a region. His contribution to the establishment and longevity of the Peninsula Village was vital to an ageing population. He was a great community worker with a strong attachment to the Woy Woy area in particular. He was a friendly and likeable character who did all he could for the city of Gosford and its community. He will be sorely missed, but his immense and selfless contribution will never be forgotten. The community will be the poorer for his passing, but I pay tribute to his life of service and want all to know that he leaves a great legacy in the city of Gosford.

PENRITH REGIONAL GALLERY AND THE LEWERS BEQUEST

Mr STUART AYRES (Penrith) [7.15 p.m.]: Today I talk about one of the best-kept secrets in the Penrith region—the Penrith Regional Gallery and the Lewers Bequest. Recently I was afforded the opportunity to be taken on a bit of a guided tour of the gallery by Mr John Kirkman, who plays such an important role in the development of arts and culture in the Penrith region. Under his stewardship the gallery is going from strength to strength. The Penrith Regional Gallery and the Lewers Bequest are located on River Road at Emu Plains. It is an old, small cottage and it has expanded over a long period. It was a bequest of the Lewers family. Both Gerald and Margo Lewers made the site into an artists' hub, which was very much the long-term future that Gerald and Margo saw. I quote from a biography by Michael Crayford, who said:

Margo strongly desired her Emu Plains property to be left as an artistic hub and, prior to her death, began the process of bequeathing her home and collection of artworks to the local community. Through the generosity and persistence of her daughters Darani and Tanya, and with local community support, Margo's wishes were fulfilled. The property and collection of artworks were gifted to Penrith City Council and in 1981 Penrith Regional Gallery & The Lewers Bequest was opened.

The gallery runs a fantastic engagement program for people who want to be a little bit more involved in the arts. The gallery runs an education program for infants and primary school children. Rooms have been set up in the old cottage where young children can go and sketch and paint the various paintings that are on the walls, and get become engaged in the arts in a more hands-on way. I know that John has had some tremendous success with that program. The gallery's engagement with high schools is extremely well supported in the area. It runs a snap shot teenagers photographic prize and a teenage art writing competition, and it plays an extensive role in engaging with the local school communities. The gallery is strengthening its relationship with the Nepean Creative and Performing Arts High School and it was great to see some of the exceptional works of some of the students from that school on exhibition at the gallery. The education programs give opportunities to students who have not had much involvement in arts at all.

It is inspiring to see some of the fantastic artwork done by people in the region. Artists who grew up in Kingswood are now responsible for taking some of the most amazing photography. If you understood what the value of these works is the cost would blow you away. Some of the recent acquisitions are from artists such as Brook Andrew, Jo Boag, Harold David, Destiny Deacon, John Plapp, David Porter, Greg Semu, Justene Williams and Sonia Farley. They are just some of the artists who have been part of recent acquisitions by the gallery. Current exhibitions at the gallery include New Acquisitions in Context, running until the start of September, and the Kids' Modernist Studio, which is also running until early September. The gallery is also going to exhibit some of the charcoal drawings of Catherine O'Donnell from Nepean High School. I saw one of her charcoal drawings during a visit to the gallery and it is quite an exceptional piece of work.

I encourage people to go to the gallery. It is right by the beautiful Nepean River. It has a fantastic cafe set in a really traditional garden location that serves some of the most amazing food. The cafe has been reviewed extremely well in local publications—I think it has been featured in the *Good Weekend* section of the *Sydney Morning Herald* and a few other publications. It shows that the Nepean community has a dynamic environment that includes a fantastic regional gallery. I encourage my regional friends who live over the Great Dividing Range to come over the mountain—they do not have to travel all the way into Sydney to the great galleries. They can bring their wives, their families and sit by the Nepean River, have some great food at the cafe and wander through one of the most amazing galleries in Australia.

Private members' statements concluded.

**The House adjourned, pursuant to standing and sessional orders, at 7.20 p.m.
until Friday 5 August 2011 at 10.00 a.m.**
