LEGISLATIVE ASSEMBLY

Thursday 25 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.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Routine of Business

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [10.00 a.m.]: I move:

> That on Tuesday 6 September 2011 standing and sessional orders be suspended to provide for the following routine of business prior to 1.00 p.m.:
>
> (1) at 12 noon, Speaker takes the Chair;
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> (2) the introduction and agreement in principle speech on the Appropriation Bill and cognate bills; and
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> (3) at the conclusion of proceedings on the Appropriation Bill and cognate bills, the Speaker shall leave the Chair until 1.00 p.m.

As will be clear from the motion, the budget will be handed down on Tuesday 6 September 2011. I indicate to members that it is anticipated the Leader of the Opposition will speak in response on the Thursday of that week, two days after the budget has been handed down. I will make further announcements to the House once I have consulted the Leader of the Opposition as to the time that best suits him but I anticipate it will be between 10.00 a.m. and 12 noon on that day.

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

Motion agreed to.

RESIDENTIAL PARKS AMENDMENT (REGISTER) BILL 2011

Agreement in Principle

Debate resumed from 24 August 2011.

Mr JAI ROWELL (Wollondilly) [10.02 a.m.]: I am very pleased to speak in support of the Residential Parks Amendment (Register) Bill 2011. I applaud the Minister for Fair Trading for his diligence and hard work in his portfolio. In presenting this bill he has taken the all-important first steps in delivering on the Government's commitment to review and reform the residential parks sector. As we have already heard, this bill will enable the creation of a register of all the residential parks across the State, allowing the Government to identify exactly where these parks are located and who the operators are. In my electorate of Wollondilly we have such parks as the Avon Caravan Village located at beautiful Bargo, and many others as well as many destinations to visit.

I would like to highlight how important this bill is not just to the park operators but also to the many people who live in residential parks in different areas across New South Wales. As the member for Terrigal said earlier in the debate, many people in New South Wales have made a lifestyle choice to live in a residential park. This is particularly so in rural and regional areas, where parks are seen as an affordable housing option. However, inland residential parks are quite different from those in coastal areas. The same may be said of the types of occupants who live in them, and their reasons for doing so.

I recently came across a report titled "Getting to Residents of Inland Parks" produced by the Park and Village Service, better known as PAVS, in association with the Gunyah Aboriginal Tenancy Advice Service.

Although the report was published in 2001, its contents are still relevant today in highlighting the many differences between residents of coastal and inland parks. The report found that the people living in inland parks were quite different from residents in coastal parks, who are mainly retirees or older people who own their dwelling and rent the site in the park. For many people in inland parks, park living is not a lifestyle choice or retirement haven; they simply have no alternative as they cannot access other types of rental accommodation. Many inland park residents do not own their own dwelling but rent it from the park operator. They often comprise casual itinerant workers, people on low incomes or Centrelink benefits, and sometimes, unfortunately, people with mental health issues. Many inland park residents have been unable to sustain tenancies elsewhere and cannot find a house to rent. In other words, many residents of inland residential parks have simply no other housing option.

The Park and Village Service report found that inland park residents stay for a relatively short time compared with residents of coastal parks. Only 35 per cent of residents had lived on their present park for more than 12 months. Coastal parks are predominantly occupied by retirees over 60 years of age whereas inland parks are mostly occupied by people in their 30s and 40s. The study also found that there were no resident advocacy groups for inland parks whereas there were many active resident associations in parks in coastal areas. This makes consultation difficult and means there is no network to support education initiatives. I know this firsthand because for a time in a former life I worked for the Western Sydney Tenants Service and on very much an ad hoc basis represented people in residential parks, so I know some of the problems they face.

I also know that the Park and Village Service is a resource service and provides training, resources, advocacy and information on the rights and responsibilities of residential park and manufactured home estate residents. The service receives and addresses inquiries on all aspects of residential park tenancies. All its services are provided free and include casework support and referral; training and resources for tenants advice and advocacy services and other organisations throughout New South Wales; community education and resources for residents of residential parks throughout New South Wales; advice on legislation—the Park and Village Service team provides paralegal services but does not include legal services; and input to policy that affects residential parks.

The Park and Village Service facilitates the New South Wales Residential Parks Forum and the Parks Legal Working Group and is an active member of many policy committees, including the Residential Parks Operation Committee of the Consumer, Trader and Tenancy Tribunal; the Utilities Consumers Advocacy Group; and the Tenancy Legal Working Party. The service also produces many other documents and newsletters to support residents and I encourage residents to speak to the service for further information. Around half of the known residential parks are west of the Great Divide yet very little is known of them. Few residents or operators of inland parks contact Fair Trading for advice on their rights and responsibilities. Even fewer take disputes to the Consumer, Trader and Tenancy Tribunal. It is unclear whether this means that inland parks are so well run that there is little need for residents and owners to seek outside help or advice, or whether there are other issues at play.

It is important that the views of inland parks be heard. The register will provide an opportunity for the Government to identify and consult with people living in residential parks in inland areas of New South Wales. This will enable a more comprehensive review of the legislation than has ever been undertaken. It is important to find out, firstly, where the inland park residents and owners are, to let them know that the Government is doing a review and to hear about the issues that are important to them. Registration of the inland parks will provide a channel for a two-way flow of information and will allow the Government to target information where it is needed by providing information more directly to residents and operators. The register will be an extremely useful tool to identify the location of all residential parks and ensure the Government consults with park residents and owners across New South Wales, not just those along our coastline that have dominated previous reviews.

I will deal briefly now with some of the proposed new sections of the Act. Proposed section 142A gives the Director General of the Department of Finance and Services the power to require a park owner or park manager to provide registrable information about the residential park within the period specified in the notice. Failure to comply with this requirement attracts a maximum penalty of five penalty units. Proposed section 142B imposes an obligation on the park owner to give the director general notice of a registrable event within 30 days of the park owner becoming aware that the event has occurred. Failure to comply with this requirement also attracts a penalty of five units.

Events which constitute registrable events include a change in the trading name of the park, a change in park owner or manager, the closure or opening of a park or a significant change in the number of sites in the

residential park used for permanent occupancy. Proposed section 142C prohibits a person from providing false or misleading information. Proposed section 142D requires the director general to establish and maintain a register of residential parks in which the director general must enter all the information provided to him under the proposed part. The trading name, address and contact details for residential parks may be made available to the public for inspection. The bill is an essential starting point to improve the framework and governance of residential parks. I commend the bill to the House.

Mr CHRIS PATTERSON (Camden) [10.10 a.m.]: I support the Residential Parks Amendment (Register) Bill 2011. I congratulate the Minister for Fair Trading on his efforts in the Fair Trading portfolio and on introducing this important bill to provide for a register of residential parks. I put on record my appreciation for the Minister's guidance in this issue and others. The Government's commitment to reform the residential parks sector begins with this bill. In many areas of New South Wales, especially in our rural and regional areas, residential parks offer an affordable housing choice for many people.

In my electorate of Camden, for example, the Four Lanterns Estate at Leppington has been a family-run business for 40 years providing a community atmosphere for many retired people to live the lifestyle they have chosen. Closer to the township of Camden itself, along the Nepean River, is the Poplar Tourist Park in Elderslie, which provides residential sites in addition to holiday accommodation. However, we have heard about the complexity of the law that currently governs residential parks in New South Wales. The Government's planned review will examine the Residential Parks Act. A better governance framework will help provide a fair and equitable playing field for park owners and residents.

As with other close community living environments, such as retirement villages and strata schemes, those living in a residential park sometimes do not see eye-to-eye with the owner or manager. Sometimes problems occur, and sometimes the way to resolve them is far from clear. With the correct information on their rights and responsibilities both sides are able to resolve issues before they become a serious problem. This bill kickstarts an effective game plan that will give them that information. The bill will provide information on where residential parks are located, who is running them and how many people live there permanently. Only when the Government knows who and where the players are will it be able to get the ball rolling on reform.

The process for establishing a register of residential parks is really quite simple and uncomplicated. There will be no additional costs for operators such as registration fees or charges. Residential park operators will only need to supply certain details about their park to the Commissioner for Fair Trading using a simple, one-off registration form. A few minutes of their time are all that will be required—it is that easy. The Government made a pledge to conduct an extensive review of the Residential Parks Act. This register will ensure that the review will be conducted in a balanced manner. With an up-to-date list of where the parks are situated, who is running them, and how many people live in them the Government can ensure that no-one misses out on having their say.

The register will identify park operators, residents and their representatives, who will be invited to bring their broad range of knowledge and experience from across the sector to the review process. There will be many benefits from having this register. Registration of park operators is a way of helping to raise the standards for those operating residential parks in New South Wales. It will protect residents and assist operators by maintaining and improving the integrity of the industry. The register will provide a focus for the essential services the Government provides to residential parks, as well as education and information initiatives for operators and residents. Residents will be empowered as they will be able to receive information directly. Fair Trading will be able to keep park operators up to date with information on the legislation and any requirements. Having better informed operators can only benefit residents.

The information will be used by Fair Trading to support its educational and information programs, such as free information seminars, workshops, and in producing printed resources, such as fact sheets, publications, manuals and guides. In conclusion, this bill sets the foundation to source information that is essential for the Government to commence the review of the Residential Parks Act. This bill will ensure that such parks will continue to benefit my community and the electorates where the parks exist. I mentioned the Four Lanterns Caravan Park at Leppington and the Poplar Tourist Park at Elderslie. Both of these parks are extremely well-run and renowned parks: that they have such a high patronage and are always full are great indications of how well they are run.

The bill will enable such parks to ensure that if there are any incidents between operators and residents they can be ironed out in a simple and timely manner. The other point I would make is that I assume that not all

parks across the State are run as well as the two in my electorate. This bill will ensure residents of all parks have a consistent framework to work with to ensure their rights are upheld. I commend the Minister for Fair Trading for the introduction of this bill and its intention. I commend the bill to the House.

Mr KEVIN CONOLLY (Riverstone) [10.18 a.m.]: I am proud to give my support to the Residential Parks Amendment (Register) Bill 2011. The Government made a promise to the people of New South Wales to improve the governance of residential parks. The promise was made in the lead-up to the State election and I applaud the Minister for Fair Trading for acting so quickly on this promise in introducing this bill to Parliament. Residential parks are an integral part of our community. The bill represents the first step towards a comprehensive examination and assessment of the current laws governing the residential parks industry. It will help to identify those areas in need of reform so that the industry can thrive and residents can feel safe and secure in their residential park environment.

For the park owners and residents in my electorate of Riverstone this bill will bring many opportunities and benefits. As the Minister said when introducing the bill, today's residential parks industry offers a broad range of options for tourists and holidaymakers as well as those who want to live permanently in what are now known as residential parks. Residential parks provide an attractive and affordable lifestyle choice, especially for many retirees. The dwellings that exist in these parks are not all the traditional simple caravans of days gone by but in many respects mirror modern homes—those that are manufactured off-site and transportable—but they do form the basis of a real and lasting community for many people: it is their only home.

Several residential parks within the great electorate of Riverstone provide permanent accommodation to residents. The Parklea Garden Village, in the suburb of Parklea, is situated on 45 acres and has more than 400 sites. Several hundred sites accommodate residents on a permanent basis. The park is located just 38 kilometres from Sydney and is even closer to the major centres of Parramatta, Westmead and Blacktown. The Town and Country Estate is located approximately 40 kilometres from Sydney in the bushland setting of Marsden Park. Spread across approximately 25 acres, the Town and Country Estate has several hundred sites and a high percentage of permanent residents.

The OK Caravan Park is located in Rouse Hill, in a quiet rural setting, although set back only a couple of minutes from Windsor Road. It encompasses cabins, caravan sites and camping grounds. Just outside the boundaries of Riverstone, in the rural setting of Vineyard, the family-owned Avina Van Village is home to a mix of tourist and permanent residents. In my visits to these parks I have been impressed by both the professional manner in which they are run and the sense of community that clearly exists among the residents. The promise of greater certainty in the law and of striking the right balance between the interests of park owners and residents is welcomed by the residents and owners of these parks and the many hundreds of residential parks outside the borders of my electorate. Members have already heard of the laudable efforts made by Coalition members last year to connect with residents and operators and to listen to the issues that matter at the grassroots.

I was fortunate to be joined by the member for Albury, who is in the Chamber at the moment—then shadow Minister for Fair Trading—when I met with residents and the operator of the Town and Country Estate at Marsden Park. In Riverstone a key issue is the future of residents who may be displaced when their parks are located in areas that may be rezoned for urban development. This is a particular issue for the Town and Country Estate. I look forward to working with the Minister for Fair Trading to safeguard the interests of residents affected in this way. I hope that the residents and operators within my electorate will have much to contribute during the review of the Residential Parks Act.

This important consultation with the community would not be possible without the creation of a register of residential parks. I understand that the Minister has already consulted on the proposed register, and I am not surprised to hear that it is broadly supported by park resident advocacy groups and the industry. This bill will not increase the costs of operating a residential park, and it will not place unreasonable burdens on the park operator. As members have already heard, this bill is not about bureaucracy or pointless red tape; it is a necessary step forward for the Minister to implement a proper and thorough review of the sector. The registration process will be quick and easy. Park operators will simply be required to lodge certain basic details of their residential park with the Commissioner for Fair Trading. Fair Trading will provide the form and the registration process will be free. The information gained through registration will then be used by Fair Trading to create a register of residential parks in New South Wales.

The bill provides for basic information, such as names, addresses and contact details, of all registered residential parks to be included in a public register. This recognises the value to society of making this type of

information available to members of the public who may be considering moving into a residential park and would like to know which parks are located in their area. Given today's rental situation in the metropolitan area —I am most familiar with that but it may also be more general and apply in regional New South Wales—it is difficult for people to find rental accommodation. Residential parks provide an important fallback position for many people in our community who otherwise would be facing homelessness.

The register will have many other benefits too, including benefits to government agencies that may be considering policy proposals that could impact on residential parks. Access to information in the register will ensure that affected park owners and residents are made aware of any proposed changes and given an opportunity to be consulted. One of the immediate benefits of creating a register is that it will give all operators and residents the opportunity to have their say on any proposed changes to the laws regulating residential parks. It will ensure residents and owners know about options being considered by the Government and have an opportunity to provide feedback on those options from a practical point of view.

The upcoming review is about ensuring that the laws governing the residential parks sector strike an appropriate balance between the needs of park residents and those of owners. It is not about apportioning blame or looking for fault; it is about identifying the key issues affecting residential parks in this State and looking at ways to make the law clearer and reduce the likelihood of disputes. That will be in everybody's interests. The bill marks the first step towards a comprehensive review of the system of regulation of residential parks. It is a step forward for park residents and owners in the electorate of Riverstone and more generally across New South Wales. I am honoured to lend my support to the bill. I commend the bill to the House.

Mr JOHN SIDOTI (Drummoyne) [10.25 a.m.]: I support the Residential Parks Amendment (Register) Bill 2011. This is a great news story for park residents. Residential parks are an important part of the varying choices available in the New South Wales housing mix. What was originally designed for holiday accommodation predominantly has changed to suit the varying needs of many residents. Caravans were often used for holidays and temporary accommodation but are now often used as permanent accommodation.

Ms Noreen Hay: Don't call them caravans.

Mr JOHN SIDOTI: Residential parks often consisted of mobile homes sited in land-lease communities—known as caravan parks for the member for Wollongong—or mobile home parks and manufactured home parks. In these communities homeowners rent the space on which to place a home. In addition to space, the community is provided with utilities such as water, sewer, electricity, gas and other amenities such as community rooms, pools, playgrounds and so on. In the United States there are some 38,000 trailer parks containing from five to more than 1,000 home sites. Although most parks meet basic housing needs, there is a tendency overseas to pitch this market to seniors and the over 55s as well as seasonal holiday makers and people who are waiting for social housing.

This form of accommodation has become popular in our community, particularly with the ever-increasing prices of the Sydney real estate market and individuals' differing circumstances. These communities have many positive aspects. One tends to develop strong networks of support within the parks and they provide a valuable alternative to those who have been locked out of the Sydney rental market or those who cannot afford to buy a home. The facts gathered in the register are important because they can be documented and used as a database to monitor and improve the process of resolving problems. All relevant information about particular parks will be maintained on the register. Park management will have to provide certain information.

Some of the things that will be required for the register include, but will not be limited to, the trading name, address and contact details of the residential park; the name and contact details of the park owners or managers; information relating to the qualifications, experience and training of the park managers or owners; whether the residential park has a committee and the details of at least one member of that committee; and information relating to the occupation and use of the site. All this information has not been provided to date, so much information about the industry was purely speculative. Collecting this information will lead to a more efficient industry and will protect the rights of individuals against a possible small minority of rogue operators.

The information will also provide accurate statistical data and will give the Government an opportunity to consult widely with the industry, park owners and residents directly affected by government proposals. The bill will also facilitate government consultation with residents and operators on possible reforms to laws. This

bill is a great step forward. I commend the Minister for Fair Trading on his research for the bill and his consultation with the different parties. This is yet another example of the Government delivering on its pre-election promises. I commend the bill to the House.

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [10.29 a.m.]: I contribute briefly to debate on the Residential Parks Amendment (Register) Bill 2011 and join the member for Drummoyne in congratulating the Minister on introducing this legislation, which seeks to provide surety and confidence to those who live in residential parks across New South Wales. Prior to becoming a member of Parliament I had a licence on a Lands Department caravan park. On the North Coast people live in caravan parks as a lifestyle choice or because they cannot afford to live anywhere else, but it is important that they receive some security of tenure.

Over the years that I have been the member for Coffs Harbour the president of the Park Residents Association, Mrs Faye Urquhart, and the secretary, Mrs June Hewitt, who both live in my electorate, have made constant representations to me. They are tremendous advocates for people living in caravan parks. During this debate many members have noted that a significant amount of money—of the order of $200,000 to $300,000—is spent on mobile homes by residents in those parks. One could build quite a good home in regional areas for that amount of money. People choose that lifestyle having moved from metropolitan areas and in particular Sydney. Many of these parks are run by private operators as well as councils because they border the seaside. These days it is almost impossible to build a home that has water frontage so people make the decision to invest a lot of money to build a nice residence. They do so in the knowledge that someone will manicure the surrounds of their residence to enable them to have a permanent holiday lifestyle.

Many residential parks have a coastal location and therefore their value increases substantially because the land is more valuable for subdivision or other uses such as resorts and the people who suffer are the permanent residents. With our licence, the winter months were pretty good to us because many Victorians would stay three, four or five months, play bowls and enjoy the North Coast weather but in the season in between September and the school holidays it was pretty quiet and the permanent residents bolstered our income to get us through those quiet periods. However, unscrupulous operators bleed permanent residents, either through onerous regulation or excessive rents. This legislation will licence operators of caravan parks, either through licence or leases such as mine—one owned and operated by someone and one owned by someone and operated by someone else is a great way of providing security to the residents that Mrs Urquhart and Mrs Hewitt represent.

The legislation will allow a tribunal to hear applications for rent increases and to examine what is being provided in residential parks to ensure that residents have protection. Trying to shift the homes is not simply a matter of hooking them onto the back of a car and taking them away, as was the case years ago. These are substantial dwellings and, if my memory serves me correctly, ordinance 71 regulates their construction. Therefore, it is a huge impost to shift these homes from one park to another. When ordinance 71 was introduced many park operators provided little more than a paddock and electricity for permanent residents. There was no sullage, roadways were dirt and people lived in squalid conditions. Operators sat on real estate from which they could gain income in the short term or into the future before turning the property into a resort or residential subdivision.

This bill will provide education to park operators to ensure they deal fairly with tenants and residents, who will have a say as to whether their rents are affordable. Also, residents will have an avenue for appeal if they consider any rent increase to be onerous. I commend the Minister for introducing the bill. I acknowledge the need for ongoing consultation with all stakeholders, including park owners, operators and the Park Residents Association. This will ensure we get it right and that residents have more security of tenure in the future than they have had in the past. Many residents of these parks are retirees or young people with families. We must give them the security of tenure they deserve and ensure that they can afford the rent as many of them are on fixed incomes, such as superannuation pensions or child support. I commend the Minister for introducing the bill, which I commend to the House.

Mr TONY ISSA (Granville) [10.36 a.m.]: The Residential Parks Amendment (Register) Bill 2011 is positive reform and the Government should be congratulated on introducing it. It is another commitment from the Coalition to review the Residential Parks Act 1998 and make it a priority for the New South Wales Government. Residential parks accommodate permanent residents. I note that there are over 900 caravan parks across the State but it is not known how many people live in them permanently. In order to know the number of residential parks and how many people live there permanently, it is necessary to establish a system of

registration before the Government can undertake reform of the sector. I do not have any caravan parks in my electorate, but many of my friends and acquaintances who wish to escape from urban areas for a couple of days to enjoy rural lifestyles or to have a holiday, use them as weekenders.

I understand there is pressure and conflict between operators and owners. At the last election the Liberals-Nationals Coalition promised to improve the governance of residential parks and to review the Residential Parks Act. This includes looking at ways of licensing residential park operators, better education for new park operators and improving the process of resolving excessive rent increase applications currently heard by the Consumer, Trader and Tenancy Tribunal. Establishing and maintaining a register of residential parks with Fair Trading, as mentioned specifically in our election commitment, is an essential starting point for broader review and reform. For the first time the register of residential parks will provide important statistical data on the residential park industry, establish a mailing list of individual park operators and resident representatives to be consulted during the course of the review, and assist with future compliance, reform implementation and educational initiatives.

The amendments provide that the park owner or manager of each residential park must register with Fair Trading and provide specific information, such as the park's trading name, address and contact details, using an approved registration form. We all know that registration is free of charge and does not add any extra cost to the operator, manager or park owners. The Commissioner for Fair Trading will need to write to each known park owner or manager advising of the need to register and give at least 30 days to do so. Appropriate penalties will be applied for park owners who ignore the request to register or who knowingly give false or misleading information. It is important for the details to be in order so that the Government is able to track down owners, operators and managers if further information is needed.

Fair Trading may make the trading name, address and contact details for each registered residential park publicly available. It is essential that people know who are the owners and managers. As I said earlier, the register will be maintained by the Office of Fair Trading and for the first time government and stakeholders will know who operates the more than 900 parks. The New South Wales Liberal-Nationals Government will consult with the industry, residents and other stakeholders to ensure that the new licence scheme is appropriate and does not place unreasonable pressure on the industry. I commend the bill to the House.

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [10.41 a.m.]: It gives me great pleasure to speak on the Residential Parks Amendment (Register) Bill 2011. At the outset I commend the former shadow Minister for Fair Trading and member for Albury, Greg Aplin, who is in the House, for his vision as he is responsible for a large part of this amending bill. Once again the new O'Farrell Government recognises that nothing stays the same and we need to move forward and embrace vision, initiative and technology so things will change. Caravan and residential parks now form such a large aspect of life for our elderly people that any checks and balances within this industry can easily slip through to the keeper unnoticed. It has been stated many times, and it will be repeated in future debates, that we need to recognise our significant ageing population.

This bill recognises that streamlining,licensing and registering and completely understanding the necessity of residential parks will go a long way towards supporting our aged community and all who live permanently in caravan parks as well as those who move around our country helping our tourism industry. Stakeholders assert that New South Wales has approximately 950 caravan parks, but it is not known how many accommodate permanent residents. In order to appreciate the number and location of existing parks, and whether they have permanent or temporary residents, it is necessary to establish a registration system before the Government can take further streamlining action in this industry.

The process is underway and I encourage all park owners of residential parks and caravan parks to take up the opportunity of free registration to enable the Government to have a greater appreciation and understanding of the role of those parks. During the election campaign we promised to improve the governance of residential parks, including in particular a thorough review of the Residential Parks Act, considering licensing residential parks and providing better education for new parks. The Consumer, Trader and Tenancy Tribunal currently hears issues of rent increases and improving that process will benefit all those who utilise these parks.

Establishing and maintaining registers of residential parks was mentioned specifically in our election commitment and it is an essential starting point for broader review and reform. For the first time the register will provide important statistical data on the residential park industry, establish a mailing list of individual park operators, resident representatives to be consulted during the course of the review, and assist with future

compliance, reform implementation and educational initiatives. Importantly, information gathered from the register will feed into the review of the Act. Of course, a discussion paper for the broader legislative review will be released for public comment towards the end of 2011 once the register process has been completed.

The wonderful Hawkesbury area, known as God's country—we are privileged to live in such a wonderful area—has an extensive number of caravan parks, particularly ski parks, adorning the beautiful Hawkesbury River from Windsor at the southern end of the Hawkesbury electorate all the way to Wiseman's Ferry. These parks provide recreation for people on weekends and other holiday times, adding enormously to the economic benefits of that specific area of my electorate. However, one new visionary initiative undertaken by the Richmond Club, particularly by chief executive officer Kimberley Talbot, was the implementation of Wanderest Travellers Park, which is a temporary parking facility for the grey nomads who travel around our country. The park provides a safe area for travellers and the use of toilet and shower facilities for short stays. Travellers also can access the benefits of wonderful entertainment, reasonably priced meals, et cetera, from our local service clubs.

The Richmond Club undertook the Wanderest Travellers Park initiative about 12 months ago. The Minister for Tourism, Major Events, Hospitality and Racing, George Souris, launched Wanderest to great fanfare and it has been an overwhelming success. Wanderest has half a dozen temporary caravan parks situated across the road from the Richmond Club overlooking the beautiful lowlands of Benson's Lane and all the wonderful playing fields—an extremely popular and picturesque area. The Richmond Club has sought to expand the popular Wanderest to other picturesque areas along the Hawkesbury River but has encountered some difficulties. Wanderest is advertised extensively in travelling and tourism magazines. People can ring the Richmond Club and book in for a couple of days—a maximum of only three days—under the requirements as the park is not a permanent site. The Richmond Club has approached council about the expansion of Wanderest but is being stonewalled in the process.

Council quite correctly has asked whether Wanderest is creating caravan parks. The answer to that question is no as the regulations might not have been written into its local environmental plans. The Minister for Fair Trading, who is in the Chamber, has been proactive in this area. A few weeks ago he visited the Richmond Club which plays a vital role in our community in the provision of aged-care facilities. The Minister consulted broadly, visited many recipients of these facilities and was impressed by the fact that they spoke highly about those aged-care facilities. Residents in the Hawkesbury electorate always appreciate the Minister's regular visits. He does not have to be enticed with free meals or excessive alcohol; he recognises the pristine environment of the Hawkesbury electorate and the beautiful scenery along the banks of the Hawkesbury River.

Under these proposed amendments the park owner or manager of each residential park will register with New South Wales Fair Trading and provide specific information such as a park's trading name, address and contact details using an improved registration form and, as I have already said, registration will be free. The Commissioner for Fair Trading will be required to write to each known park owner or manager advising of the need to register a park within 30 days, which I believe to be ample time. We must encourage as many park owners as possible to register as that will enable us to ascertain the number of parks and how many permanent or temporary residents reside in each park. These measures will afford us a greater understanding of what we have in our backyard.

Appropriate penalties will be imposed on park owners who ignore the request register or who knowingly give false or misleading information. I hope that our park owners are honest because at the end of the day this legislation will benefit not only the parks but also those people wishing to move into them. This legislation will also benefit the tourism industry. Fair Trading may subsequently make publicly available the trading name, address and contact details for each registered residential park. Targeted consultation will also be undertaken. This new O'Farrell Government has given an undertaking to consult broadly with key stakeholders. I have noticed in debate on all the bills that have been introduced by this Government in its first 150 days in office that nothing is more important than broad community consultation. Governments cannot put in place appropriate policy and implement changes without knowing what is happening on the ground.

Recently the member for Newcastle and I attended a meeting at Stockton RSL—an area that has never been represented by the Liberal-Nationals Coalition—to consult with and listen to the concerns of 250 residents. Newcastle has been in safe Liberal hands for only 150 days. Community members were appreciative of the fact that we listened to and took on board their concerns, which will result in broad benefits for their area in the future. I commend the Minister for Fair Trading for introducing the Residential Park Amendment (Register) Bill 2011. I commend also the member for Albury, a former shadow Minister for Fair Trading, who made a substantial contribution to formulating policy that will be implemented by this House in the future.

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [10.53 a.m.]: I make a brief contribution to debate on the Residential Parks Amendment (Register) Bill 2011. I commend the Minister for Fair Trading for introducing this bill, which is the first step in delivering on the Government's election commitment to improve the governance of residential parks. In a short space of time the Minister for Fair Trading has achieved a lot on behalf of consumers in this State, and this bill is yet another demonstration of his determination to address the problems left by the former Government. I also commend the member for Albury, a former shadow Minister for Fair Trading, for the extensive work he did on this issue prior to the election. As a number of my colleagues have already pointed out, this bill will enable a register of all the residential parks operating in New South Wales to be established for the first time.

I am aware of a number of residential parks in my electorate, most of which are well-run facilities providing an affordable and enjoyable lifestyle choice for many residents. When the public register becomes available it would not surprise me to see that there are more residential parks in my electorate than in any other electorate in New South Wales. The establishment of a register as proposed by this bill will settle this debate once and for all. More importantly a register will, for the first time, provide accurate statistical data on the size and scale of the residential park industry. It will let the Government know where residential parks are located, who is running them and how many people live in them. The register will provide also a comprehensive mailing list of park owners, park managers and resident representatives. Such a mailing list will be vital in honouring the Government's election commitment to improve the governance of residential parks.

This commitment includes carrying out a thorough review of the Residential Parks Act, in particular, looking at licensing of park operators, better education for new operators and ways to improve the current process for resolving excessive rent increase claims by residents. I want to focus on how to better resolve disputes over rent increases in residential parks. Recently I made representations to the Minister on behalf of residents of the Bayway Village at Fern Bay who are facing a rent increase of close to 40 per cent in some cases. Most of the residents at Bayway are on fixed incomes and will find it very difficult to afford the increase, especially at a time when electricity prices are rising along with the general cost of living.

At present all that the residents can do is to take the matter to the Consumer, Trader and Tenancy Tribunal. While the tribunal is a relatively informal process, it is still a daunting prospect for many elderly residents who may never have been to a court. Under the current Act each resident has to apply individually to the tribunal. Some may choose not to fight the increase which could divide the residents and cause further disharmony. Those that apply to the tribunal have the onus of proof. This involves a lot of work investigating and gathering evidence of similar rents in similar parks. The current system is unfair on residents and unnecessarily confrontational. Surely there is a simpler and more effective way of resolving such disputes.

When I wrote to local residents earlier this year outlining the Liberals-Nationals proposed plans for the industry, I was overwhelmed with the outpouring of support. People said that finally someone was listening to them and they felt that they would have a chance to have their say without fear of recrimination from the park owners. I have sat in the immaculate but modest lounge rooms of park residents while they pored over documentation regarding their rate increases. They appealed to me for help when it seemed that they had nowhere else to go when the tribunal failed to help them as it was working under the current legislation. I received a letter from a resident in a park in my electorate whom I will not name but to whom the writer refers as "Stalag". That letter states in part:

> My wife and I have lived in a residential village for the past 30 years to this month of May. We chose this style of living as this was the only opportunity of affordability available to us at the time due to our circumstances. We were very grateful for the opportunity to make our home in this way of life until the Wran government decided to end this way of life by legislation; this happened in around 1982-83 which set our lives in a new stressful situation.
>
> The ground work was conducted by Kevin Stewart re the Residential Park Act but since then this industry has grown beyond belief and has attracted many rogue and greedy business people who have no conscience in ripping off pensioners financially and by threats and intimidation, or fear by stand over tactics.
>
> Residents all over the State of NSW are relying on your government to strengthen the Act so as to give us peace of mind and a balanced playing field, to give the CTTT the power to stop these rogue owners charging exorbitant rent increases in the fact that we own the residence and we maintain the premises, pay our electricity account and water usage and the only service that they give us is the service supply to our premises and garbage collection every week but they speak to us and treat us without any respect.
>
> There is a great dissatisfaction within this industry that thousands of retired pensioners have chosen to make this style of life to finish out their years because of many reasons but a great many because it appeared to be affordable but is now becoming out of the reach of many. Most of all, the intimidating and threatening attitude to residents and power of park owners over the lives of the elderly is becoming a great threat to the health of the elderly for which the Government have a duty of care.

This is from an advocate who regularly represents park residents at tribunal hearings:

> I witness all too often the frustration and sometimes desparation that park residents experience when tribunal members repeatedly ignore or misinterpret the provisions of the Residential Parks Act and other relevant statutes.
>
> May I offer you some examples of the real problems that our members frequently encounter?
>
> In a recent tribunal hearing all 35 park residents of a park claimed that a rent increase was excessive, because the proposed rent was higher than the rents at other local parks that had been identified as "comparable parks" (see section 57 Residential Parks Act 1998).
>
> The residents' advocate—

The writer says "not me"—

> argued that their park was not comparable with the other local parks, all of which had a variety of amenities: Community halls, community buses, sporting facilities, such as tennis courts and bowling greens. They provided evidence that their park had no such amenities, other than a swimming pool that they shared with a large adjoining tourist park. All the other parks had a swimming pool but they did not share it with tourists.
>
> The park owner argued that he could not afford to provide any amenities because there were only 35 residents in the park. The tribunal chairperson ruled that the park owner's contention that he could not afford to provide the missing amenities was "reasonable". She then allowed him a rent increase that put his park's rents as much as $8.00 per week above the "comparable parks".
>
> But what could the residents do about the obvious failure of the tribunal chairperson to provide a decision that was, as the CTTT Act requires, "fair and equitable"?
>
> They could apply for a re-hearing of the matter, but their application for a re-hearing would be decided by the Chairperson, with the advice of a senior tribunal member.
>
> Or, they could appeal to the District Court or the Supreme Court, assuming that they had the financial capacity to do so. Legal Aid is not available for most residential parks issues.
>
> There have been only a few appeals by park residents to the Courts. There have been many by park owners.
>
> Right now I am preparing applications for re-hearings of two matters that, as it happens, concern the same residential park. But these are not about rents.
>
> One matter is an attempt by a resident to have the park owner replace his concrete driveway that has broken up because of subsidence caused by the failure of a storm water pipe owned by the park owner. The Residential Parks Act is absolutely clear that the park owner is responsible for the maintenance of a resident's site yet two tribunal members have ruled that the park owner does not have to replace the failed driveway. So we are now trying for a third re-hearing.

In the 2009-2010 financial year the tribunal dealt with some 2,439 residential park applications, which is a record number in the residential parks division. Of those applications 1,741, or more than 70 per cent, involved claims of excessive rent and excessive rent increases. That just shows the extent of this problem in parks and why we need to reform the process. The process could be improved in a number of ways to reduce the incidence of disputes. An intermediate step could be introduced whereby a park operator must present the case for a rent increase to an officer from Fair Trading who would assess whether the increase is either justifiable or excessive and make a recommendation to the parties. Another option could be to retain the existing role of the tribunal but shift the onus of proof from residents to the operator.

If that option were adopted the operator would have to justify a rent increase above the consumer price index and present evidence in support of the rise. These are just two possible options. I am sure that many other options are available to deal with this issue. The register will become particularly useful because it will enable direct consultation with those affected by the legislation. In addition park owners, park managers and resident representatives will have the opportunity to voice their opinions on the various options or suggest alternatives to deal with the rent increase and other matters. I support the Minister's commitment to ensure that the right balance is struck between park residents and operators, so that residents can feel secure within a viable and vibrant industry. The establishment of a register is a simple and practical measure that will provide a range of positive benefits. It is the first step on the road to improving the governance of residential parks. I commend the bill to the House.

Mr ANTHONY ROBERTS (Lane Cove—Minister for Fair Trading) [11.05 a.m.], in reply: As members have heard, the primary aim of the Residential Parks Amendment (Register) Bill is to amend the Residential Parks Act 1998 in order to establish a register of residential parks in New South Wales. As I outlined earlier, the bill is an essential first step in implementing the Government's election commitments in

this area. Once again I would pay tribute to the member for Albury, who has worked long and hard in this area. The register will provide important statistical data on the location of residential parks, the operators of the parks and the number of residents who live in them. The bill has been developed in consultation with resident and industry groups that have an interest in this area.

I take this opportunity to thank the following stakeholders for their input: the Caravan and Camping Industry Association; the Affiliated Residential Park Residents Association, in particular Dr Gary Martin for his support for the bill; the Northern Alliance of Park Residents Association; the Park and Village Service; and, the Tenants' Union of New South Wales. The Government is committed to keeping the lines of communication open and an ongoing and robust consultation process will continue throughout the comprehensive review of the Act. I turn now to some of the specific issues raised during the debate.

The member for Kogarah questioned whether the penalties in the bill are sufficient. I thank her for her comments. I thank the member for her support for the bill. I am confident that the penalties in the bill are adequate to ensure compliance. The bill provides for a $220 penalty notice, but Fair Trading can elect instead to prosecute the owner in the Local Court and seek to have the maximum penalty of $550 imposed. I assure the House that the Department of Fair Trading will follow up on parks that do not register. I would be surprised if any park chose to ignore these requests. It may indicate that other aspects of the law are not being complied with.

Failure to register could result in a full compliance audit and lead to further penalties being imposed for other offences that we would uncover. The member for Shellharbour suggested that by requesting the names and site numbers of resident representatives the bill will allow those individuals to be "targeted" in some way. I find this suggestion a little bit ridiculous and I am not going to dwell on it. Who will target them and how they will be targeted the member for Shellharbour did not say. I compare the member for Shellharbour's comments with those probably more thoughtful and intelligent comments of the member for Kogarah:

> I have spoken to a few residential groups who welcome this bill and who are positive about the establishment of the register. They believe it will give them more certainty as permanent residents of caravan parks.

I assure the House that the only targeting that will occur by having the contact details of resident representatives is that it will enable targeted consultation with park residents committees and liaison committees during the review of the Act. The knowledge and experience of residents will be vital to the development of the reforms. Resident representatives are the link between residents and park operators, and we are now linking this process to government to get a clearer picture of all the issues in the industry. As my colleague the member for Terrigal stated in his speech, Dr Gary Martin, the newly elected president of the Affiliated Residential Park Residents Association, recently wrote to the Central Coast *Express Advocate* in these terms:

> The Liberals-Nationals have done something that Labor failed to do for many, many years. They heard the plea from residents, and they are listening closely. This is the first step in the road to a better legislative framework for park residents.

I note that the member for Northern Tablelands and the member for Lake Macquarie expressed surprise that a register of parks was not already in place. I too share their surprise. How the previous government was able to make and implement policy without knowing the number of parks, their locations and who was running them is surprising to say the least. I thank the members for Kogarah, Albury, Wollongong, Terrigal, Shellharbour, The Entrance, Tweed, Balmain, Port Macquarie, Port Stephens, Wollondilly, Myall lakes, Camden, Riverstone, Lake Macquarie, Drummoyne, Coffs Harbour, Northern Tablelands, Hawkesbury and Granville for their support for the bill. Some 20 members spoke on this bill, which shows the commitment of this House to fixing up the issues surrounding residential parks.

I also thank two of my Fair Trading staff, Leanne Porter and Adam Heydon, who have done tremendous work in developing this legislation and will continue to rise to the challenge of reforming this area of legislation. I also thank two of my staff, Stewart Smith and Belinda Russell, who have worked very hard in ensuring wide consultation across the Parliament on the bill. The road to reform of residential parks legislation in New South Wales will be made easier and more effective with the passing of this bill. 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.

IDENTIFICATION LEGISLATION AMENDMENT BILL 2011

Bill introduced on motion by Mr Greg Smith.

Agreement in Principle

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [11.10 a.m.]: I move:

That this bill be now agreed to in principle.

The Government is pleased to introduce the Identification Legislation Amendment Bill 2011. This bill is about ensuring that police, juvenile justice officers, officers authorised by Corrective Services and court security officers have the power to require that a person remove a face covering to enable the person's face to be seen for the purpose of identification. The new powers are designed so that these officers are able to function effectively to ensure the security and safety of our community and its citizens. The bill also provides that a police officer can request a person to identify himself or herself when the officer proposes to give that person a move-on direction.

The Government has consulted with members of the community on how these powers are to be exercised and is committed to working with and educating the community about the new powers, and individual rights and responsibilities regarding their application. The bill contains appropriate safeguards and a monitoring mechanism to ensure that the application of the power to require the removal of a face covering is both sensitive and accountable. The bill also requires a person witnessing a statutory declaration or affidavit to identify the person swearing the declaration or affidavit and to certify that they have done so.

I turn now to the detail of the bill. Schedule 1 to the bill amends the Law Enforcement (Powers and Responsibilities) Act 2002 to provide that a police officer may, when requiring identification—whether that is name and address or a form of photographic identification such as a driver's licence—also require that the person remove any item that is concealing or obscuring part or all of that person's face. The intention behind giving police this power is so that police may see the person's face for the purpose of identification. It will be sufficient compliance with the requirement if the person removes only so much of the face covering as prevents the person's face from being seen, or the person removes the face covering only for so long as is reasonably necessary in the circumstances to enable an officer to see the person's face.

A person also will be compliant if they enable a police officer other than the officer who has given them the direction to see their face. This provides for a person to be compliant in circumstances where, for example, they reveal their face to a female officer notwithstanding that a male officer may have given them the direction. "Face" is defined to mean the area from the top of the forehead to the bottom of the chin and between, but not including the ears. "Face covering" means an item of clothing, helmet, mask or any other thing that is worn by a person and prevents the person's face from being seen, whether wholly or partly.

The bill creates an offence of failing to comply with a direction by a police officer to remove a face covering. The maximum penalty will match the maximum penalty applicable for failing to provide identification under the Law Enforcement (Powers and Responsibilities) Act 2002. In most cases, the penalty for failing to comply with a police requirement to remove a face covering will be a maximum fine of $220, or two penalty units. Where police are exercising the power when requesting identification in relation to vehicles used in or in connection with indictable offences, as provided by section 14 of the Law Enforcement (Powers and Responsibilities) Act, the penalty matches the higher penalty that non-compliance with section 14 attracts, which is a maximum fine of $5,500 or 12 months' imprisonment.

The bill recognises that there may be limited circumstances where a person cannot remove a face covering. It provides that a person may refuse to remove a face covering if they have a "special justification", which is defined as being a legitimate medical reason for not removing the face covering. This may apply, for example, where a person has recently had surgery and is required to have their face or eyes bandaged. Police

exercising these new powers will be required to comply with requirements that are set out in section 201 of the Law Enforcement (Powers and Responsibilities) Act 2002. These already apply to a range of other activities that police engage in when exercising their functions.

Section 201 requires police to provide the person with evidence that they are a police officer, their name and place of duty, the reason for the exercise of the power and warnings and notification that non-compliance may be an offence. Police are required to do this if it is practicable to do so before or at the time of exercising the power or, if it is not practicable to do so, as soon as is reasonably practicable after exercising the power. Additionally, the bill provides that police must, as far as is reasonably practicable, ensure that they request that the person cooperate with the requirement to remove the face covering, provide the person with reasonable privacy if the person requests it and conduct the viewing of the person's face as quickly as is reasonably practicable.

It is often necessary for police to ascertain a person's identity in the course of carrying out their functions. There may be times when a person who is required to remove a face covering requests a degree of privacy. The bill provides that, as far as is reasonably practicable, police will endeavour to meet requests for privacy. For example, police may be investigating a serious assault in a public space. A witness, who is required to remove a face covering may request that they be taken back to a police station to afford them some privacy. This may or may not be reasonably practicable, depending on the circumstances. The scene may not be contained and police may be required to remain at the scene.

In such instances, police may have to decline the specific request but, to a practicable extent, may afford that privacy. They may be able to shield the person at the scene or find somewhere close where privacy can be provided. These legislative safeguards will be supported by a commissioner's direction explaining the bill and reinforcing the need to respect an individual's right to dignity and privacy. The bill also provides a monitoring mechanism, which will require the NSW Ombudsman to review the operation of the police powers for a 12-month period from when the legislation commences. This review will ensure that the exercise of the powers is independently scrutinised and accountable, as the final review will be reported back to Parliament.

Schedule 1 to the bill also amends section 11 of the Law Enforcement (Powers and Responsibilities) Act 2002 to allow a police officer to request that a person disclose their identity to the officer where the officer proposes to issue a move-on direction to that person. A failure or refusal by a person to disclose their identity without a reasonable excuse will be an offence, as will providing false or misleading information about the person's identity. The maximum penalty for each offence will be a fine of two penalty units or $220. This will enable police to identify people to whom they propose to issue a move-on direction and also to require that person to remove a face covering, as the new general power in the Law Enforcement (Powers and Responsibilities) Act 2002 will apply.

Schedule 2 to the bill provides for amendments to various Acts and regulations to provide powers to Juvenile Justice officers, officers authorised by Corrective Services, and court security officers to require that a person remove a face covering to enable the officer to see that person's face. These amendments recognise that juvenile justice officers, officers authorised by Corrective Services, and court security officers are responsible for ensuring that people who are seeking entry to, or are on, particular regulated premises—that is, courts, juvenile detention centres and correctional centres—are properly identified to ensure the secure and proper operation of those facilities. The definitions of face, face covering and special justification that will be inserted into the Law Enforcement (Powers and Responsibilities) Act 2002 will apply to the amendments in schedule 2.

Schedule 2.3 to the bill amends the Court Security Act 2005 to provide that court security officers, that is, sheriff's officers, will have the power to require that a person who is seeking to enter court premises, or who the officer has arrested or has grounds for arresting, remove a face covering to allow the officer, or another person at the direction of the officer, to see that person's face for the purpose of identification. A person will be compliant with the requirement if they remove only so much of the face covering as prevents the features of their face from being seen. A person may refuse to remove a face covering if they have a special justification. The bill prescribes a range of safeguards that are to be applied as far as is reasonably practicable.

These safeguards require court security officers exercising the power to ask for the person's cooperation; to conduct the viewing of the person's face in a way that provides reasonable privacy if the person requests this; to conduct the viewing of the person's face as quickly as reasonably practicable; to conduct the viewing of the face of a child under 12 years of age only in the presence of a responsible person for the child; and to ensure the viewing of the person's face is carried out by a security officer of the same gender if the person

requests this or, where the person is a child under 12 years of age, where the child's responsible person requests this. If a person entering the court does not remove their face covering when a security officer requires them to do so, the security officer must warn them that it is an offence not to remove their face covering, or to leave the premises.

The maximum penalty for non-compliance will be the same as the existing maximum penalty for non-compliance with other requirements of a court security officer, which is five penalty units or a fine of $550. Schedule 2 to the bill amends the Children (Detention Centres) Act 1987 and the Crimes (Administration of Sentences) Act 1999 to provide that regulations made under these Acts can provide for the identification of visitors to juvenile detention centres and correctional centres respectively, and that this can include provision for the removal of face coverings. The bill also amends the Children (Detention Centres) Regulation 2010 and the Crimes (Administration of Sentences) Regulation 2008 to provide that Juvenile Justice officers and officers authorised by Corrective Services may require visitors to detention centres, correctional centres or compulsory drug treatment detention facilities to remove a face covering to enable the officer, or another person directed by the officer, to see the face of the visitor. A visitor may be asked to identify himself or herself as they attempt to enter the facility for the purpose of a visit, at any time during the visit or as they finish the visit and proceed to exit the facility.

A person may refuse to remove a face covering if they have a special justification, being a legitimate medical reason. The safeguards that apply to court security officers will also apply to Juvenile Justice officers and officers authorised by Corrective Services when they are exercising the power. A failure or refusal to comply with a requirement made by a Juvenile Justice officer or an officer authorised by Corrective Services may result in the person being refused permission to visit. This could include refusing access to the centre or terminating the visit. Where permission to remain on the premises is withdrawn a person will be required to leave the premises. The powers and safeguards that apply to court security officers, Juvenile Justice officers and officers authorised by Corrective Services recognise that those officers are responsible for ensuring and maintaining the security and integrity of the facilities in which they operate. Wherever it is reasonably practicable, officers will endeavour to meet these requests.

In some cases it will be possible to take a person aside to another room or to have an officer of the same sex attend. It may be, on occasion, that a person may have to wait until a room is available or for a person of the same sex to attend. However, in some instances it may not be reasonably practicable to comply with the request. For example, there may be times when officers at male correctional centres are unable to locate a female to assist with a visitor's request for a female to conduct the inspection, as there are fewer female staff working in those facilities. The inability of an officer to meet such a request does not invalidate the requirement to remove the face covering.

Schedule 2.6 to the bill amends the Oaths Act 1900 to place an obligation on a person witnessing a statutory declaration or affidavit to identify the person making the declaration or affidavit. An authorised witness will be required to see the face of a person making a statutory declaration or affidavit. If the witness does not know the person they must confirm their identity in accordance with the regulations. Regulations under the Oaths Act will prescribe the kinds of documentation to be relied upon to confirm a person's identity. A witness will need to certify on the document that they have met these requirements, and there is a maximum penalty of two penalty units for not complying with the requirements. These amendments introduce new safeguards to ensure the identity of persons making statutory declarations or affidavits.

Affidavits and statutory declarations are written statements of fact sworn or affirmed or declared by the person to be true in the presence of a person authorised to be a witness—usually a justice of the peace, a legal practitioner or a notary public. Affidavits are used in court proceedings and statutory declarations are usually used in other situations. A person who makes a false statement in an affidavit commits perjury and a person who makes a false declaration in a statutory declaration also commits a serious offence. People need to be confident that affidavits and statutory declarations have been made by the person whose signature appears on them. Requiring a witness to see the face of the person who is making the affidavit or statutory declaration will ensure that the witness can later identify the person if there is any dispute about that.

If a person who wishes to make an affidavit or statutory declaration refuses to remove a face covering to allow the authorised witness to see their face the witness will not be able to witness the document. This bill recognises that there are various circumstances where it is necessary for police and other officers to be able to see a person's face to assist them to identify that person. The bill is not specific in its application to any particular group in the community and the provisions apply to any person wearing a face covering of any type

that falls within the definition. However, the Government recognises that there are members of our community who wear face coverings for religious, cultural or personal reasons, and the Government is committed to working with these groups and the broader community to ensure that people understand not only their obligations but also the extent to which safeguards can reasonably be expected to apply.

In this regard, the Government has consulted with members of the Islamic community on the content of this bill and is committed to ongoing work through the Community Relations Commission on the development of guidelines that will apply to government agencies. The guidelines will assist to ensure that the Government is responsive and sensitive to individual wishes for privacy and flexibility in the provision of quality services and support. This bill is premised on the foundation that people will comply with a lawful request to remove a face covering.

It is about ensuring that our police officers, and other specified officers, have the powers they need to exercise their functions and to ensure the protection of everyone in our community, while respecting and being responsive to the different reasons that people may wear face coverings, be they sunglasses, masks, balaclavas, religious headwear or motorcycle helmets. The legislative safeguards provided by the bill, the monitoring mechanism, the community consultation and development of guidelines demonstrate the Government's commitment to ensuring that it strikes a balance between the need for certain officers to have the powers and the appropriate exercise of them with respect to the diverse needs and wishes of everyone in our society. I commend the bill to the House.

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

FINES AMENDMENT (WORK AND DEVELOPMENT ORDERS) BILL 2011

Agreement in Principle

Debate resumed from 3 August 2011.

Mr STEPHEN BROMHEAD (Myall Lakes) [11.31 a.m.]: I support the Fines Amendment (Work and Development Orders) Bill 2011. The overview of the bill states:

> The Fines Act 1996 enables the State Debt Recovery Office to make a work and development order to enable a fine defaulter who has an intellectual disability, a mental illness or a cognitive impairment, is homeless or is experiencing acute economic hardship to satisfy the fine concerned by undertaking certain activities specified in the order.

Everyone in the community wants people who owe a debt to the Crown not to end up in the criminal system. All too often people fined for something that is not criminally related end up in the court system and in the criminal system. During the 1960s there was a royal commission into the treatment of patients at Callan Park. That resulted in a policy being introduced that attempted to move psychiatric patients into the community where they would receive nursing. That process commenced in the 1970s. In 1974 Parramatta Psychiatric Centre had over 1,400 patients; in 1978 there were less than 500 patients at Parramatta Psychiatric Centre. The reduction in patient numbers was not due to all of the patients having been cured; they had been moved out into the community because that was considered to be a more humane way to look after them.

Unfortunately, those people with mental illness who were moved could not cope with living in the community, and the community could not cope with them. That has now been going on for 30 years. Every day mentally ill people who have been charged with often trivial charges are being dealt with by the court system. At the same time there are people who have committed minor offences or who have been fined who cannot afford to pay the fine and eventually their driver licence is suspended. The first they know of their licence suspension is when a police officer pulls them over and asks to see their licence. The police officer does a check and finds that the licence has been suspended.

Licence holders are required to notify the Roads and Traffic Authority of any change of their address. However, many people constantly change addresses and they do not bother updating the address on their licence until it is time for renewal of the licence. In the meantime notices are sent to their old address and so they do not receive them. It is the responsibility of licence holders to notify a change of their address. Because licence holders have not responded to notices the court may have suspended their licence and disqualified them from holding a licence for 12 months. Unfortunately, some people do not have the intellect to grasp what that means—particularly if they are mentally ill.

Others, perhaps because of their illness, do not think the notice applies to them. They are then on the slippery slope of driving while disqualified, being caught, driving again and being further disqualified. Anyone who commits three major offences—such as driving while disqualified—in a five-year period is declared a habitual offender and punished by a cumulative five-year automatic disqualification. This is how a simple fine can result in people who have never committed a serious offence such as drink driving being disqualified from driving for 10, 15, or 20 years and possibly serving a custodial sentence. This bill is addressing an important need and I support it. I commend the bill to the House.

Mr GUY ZANGARI (Fairfield) [11.36 a.m.]: I support the Fines Amendment (Work and Development Orders) Bill 2011. The object of the bill is to amend the Fines Act 1996:

> (a) to extend the categories of persons who are eligible to be the subject of a work and development order to persons who have a serious addiction to drugs, alcohol or volatile substances, and
>
> (b) to enable the State Debt Recovery Office to rely on the assessment of an approved organisation or a health practitioner as to whether a person meets certain eligibility criteria for a work and development order, and
>
> (c) to facilitate the appropriate administration of work and development orders.

Work and development orders were introduced by the former Attorney General, the Hon. John Hatzistergos, member of the Legislative Council, on 10 July 2009 as an innovative measure to ensure that seriously vulnerable members of the community did not become entrenched in the criminal justice system as a result of being unable to pay fines they had incurred. The work and development orders were originally targeted at disadvantaged people such as the homeless, the mentally ill and persons experiencing acute financial hardship. On 30 November 2010, in response to a question without notice about work and development orders, the Hon. John Hatzistergos said:

> The issuance of penalty notices to these people unnecessarily brings them into the criminal justice system. Because they are unable to pay due to their disadvantage they incur further costs and more severe penalties from enforcement action and, as a result, become entrenched in a cycle of re-offending from which they are unable to free themselves.

The Hon. John Hatzistergos then went on to say that the implementation of the work and development orders allowed seriously vulnerable people the ability to meet their obligations to the community by allowing them to do unpaid work for charitable and community organisations or by participating in certain treatments or courses. The previous Labor Government heeded a number of reviews and reports, including a Sentencing Council report in October 2006, a report by the Homeless Persons Legal Centre and the Public Interest Advocacy Centre, and a report in March 2006 of the Standing Committee on Law and Justice.

These reports highlighted that fines and penalty notices have a disproportionately severe impact on some of the most vulnerable people in our society. The original legislation also sought to address issues relating to secondary offending. Fine default can lead to licence or registration cancellation, which can lead to further penalties and serious consequences. Fines and penalty notices can lead to already disadvantaged persons having extensive interaction with the legal system. This amendment bill is the culmination of a two-year pilot program that has now been evaluated.

The evaluation is reported to have shown that over 80 per cent of those who received an order have not had further fines or penalty notices, the mental health, skills and employment opportunities for participants improved, and there was significant participation in vocational courses and mental health, drug and alcohol treatment. Last year forums were held to promote the scheme on the Central Coast, Dubbo, on the far North Coast, and in Newcastle, Sydney and Wollongong. At that stage more than 70 organisations had been approved to participate in the system including the Salvation Army, Mission Australia, the St Vincent de Paul Society and the Schizophrenia Fellowship of New South Wales.

There are reports that people have reduced their debt by a collective amount of nearly $300,000, with nearly another $2 million being under management under the scheme. Essentially, what the previous Labor Government achieved by implementing the work and development orders program is a system that would benefit disadvantaged members of the community by removing the financial burden attached to the infringement and exposing them to new skills. It provided a new source of volunteers for participating charity and community groups such as the St Vincent de Paul Society. What a great society that is, working as it does with the marginalised and people on the outer in our community.

It also lightened the burden on the criminal legal system by ensuring these disadvantaged members of the community were not exposed to the spectre of prosecution. However, more importantly, it allowed offenders

under the age of 25 to meet their obligations by completing educational, vocational or life skills courses, or counselling, drug and alcohol treatment or mentoring programs. This alternative mode of compliance is a real solution to the systemic social problems that could otherwise perpetuate a cycle of criminal behaviour by young individuals. In this regard I ask the Government to continue the fine work instituted by the previous Labor Government on the work and development orders program.

Mr KEVIN CONOLLY (Riverstone) [11.41 a.m.]: I support the Fines Amendment (Work and Development Orders) Bill 2011. This legislation represents an important reform to the manner in which fine debt for vulnerable people is dealt with. The work and development orders program goes quite some way to addressing the problems associated with fine debt, which can often be an encumbrance to disadvantaged members of our community. It looks at addressing not just the monetary debt but the issue behind the offending behaviour that caused the fine debt in the first place. The aim is to allow people a new start in life and a chance to become productive and constructive members of the community free from the traps that currently prevent them from doing so.

The New South Wales Department of Attorney General and Justice in May this year published an evaluation of the fine system for disadvantaged people. This necessarily followed as the Fines Further Amendment Act 2008 had established a two-year pilot fine mitigation scheme which introduced the work and development orders. I acknowledge that this was a Labor Government initiative, and where the former Government made constructive steps forward I like to acknowledge that and give credit where it is due. This legislation makes the orders in the pilot a permanent measure.

The initial purpose of the orders in the pilot was to allow certain categories of disadvantaged people to clear their fine debt by undertaking unpaid work, courses or treatment with the support of an approved organisation. The department found that the pilot had been successful and was providing an effective and appropriate response to dealing with offending disadvantaged people. During the pilot 645 people had been issued with work and development orders and consequently reduced $205,400 worth of fine debt. Further, preliminary statistics indicate that 82.5 per cent of work and development order clients had not received another fine or penalty notice enforcement order since having their work and development order approved. This level of compliance after the issue of a work and development order is most encouraging.

Key findings from the department's evaluation of the work and development orders scheme were that it helped to: reduce reoffending within the fine enforcement system as well as secondary offending in the broader criminal justice system; engage offenders in treatment or activities they may not have otherwise participated in, namely, treatment for drug and alcohol addictions; reduce offenders' stress and anxiety by building their skills and providing an incentive to work; and reduce costs to Government associated with fine enforcement, ongoing offending behaviour, welfare dependency, mental health problems and drug and alcohol addiction. The evaluation also recommended a raft of amendments that would streamline and simplify the guidelines and administrative processes involved with work and development orders.

The bill's primary purposes in relation to work and development orders are threefold: firstly, extension of the eligibility criteria for people subject to a work and development order to include those who are deemed to have a serious addiction to drugs, alcohol or volatile substances. That is in addition to the existing categories. Secondly, enabling the State Debt Recovery Office to rely on assessments from approved organisations as to whether a person is eligible for a work and development order; and, thirdly, streamlining the requirements for administration of work and development orders. This legislation ensures a more streamlined and efficient process in regard to work and development orders as it allows approved persons to assess eligibility, which will reduce the red tape involved.

Section 99B (1) (b) of the Fines Act 1996 currently sets out the eligibility for a work and development order, which applies to persons with a mental illness, an intellectual disability or cognitive impairment, a homeless person, a person experiencing acute economic hardship and now, following the amendments this bill will enact, a person with a serious addiction to drugs, alcohol or volatile substances. It is important to note that the legislation includes "volatile substances", which covers addictive substances such as glue or paint which may not have been addressed with a "drug and alcohol" definition.

This bill makes a further important amendment with the insertion of proposed section 99B (2A), which specifies that the only activity that any person who only meets the eligibility criterion of having a serious addiction can undertake in a work and development order is counselling and drug or alcohol treatment. This measure ensures that the core issues are being addressed and also acts as an important preventive measure to

future experiences with the criminal justice system. It is a targeted response to a specific problem. The insertion of proposed section 99BA will enable approved persons or organisations to assess the eligibility of people seeking a work and development order. This will streamline the process for the State Debt Recovery Office, while still maintaining an appropriate standard for assessing eligibility.

The legislation additionally requires at proposed section 99BA (3) that an approved person retain records of supporting evidence which contributed to their assessment of the applicant's eligibility. Further, the State Debt Recovery Office has the power to request certain evidence be produced in support of an application, even if an approved person has assessed the eligibility, but only when the circumstances of a certain case warrant such action, which is provided for in proposed section 99BA (5). Proposed section 99C (1) (c), (d), (e), (f) and (g) ensure that the State Debt Recovery Office has the power to reject an application regardless of an approved person's assessment in the event of false or misleading information, changed circumstances for the applicant in question or a breach by an approved person of their obligations under the legislation.

This legislation will bring about significant benefits to the community as it not only assists vulnerable people with fine debt but also addresses the costly issue of drug, alcohol and substance abuse. There is real potential here for reoffending occurrences to be reduced in number and for early rehabilitation to take place for persons who may otherwise continue to have contact with the criminal justice system. Any improvement relating to social ills such as drug and alcohol addiction has to be welcomed and this scheme seems to have provided an avenue for making such an improvement. I acknowledge the role of the Attorney General in bringing forward the legislation and expanding what has been a productive scheme, just as I acknowledge the work of the former Labor Government in introducing the scheme. I believe this extension and improvement is welcome. I commend the bill to the House.

Ms CARMEL TEBBUTT (Marrickville) [11.49 a.m.]: I support the Fines Amendment (Work and Development Orders) Bill 2011, which amends the Fines Act 1996 to extend the categories of people who are eligible to be subject of a work and development order to people who have a serious addiction to drugs, alcohol or volatile substances. It also enables the State Debt Recovery Office to rely on the assessment of an approved organisation or a health practitioner as to whether a person meets certain eligibility criteria for a work and development order. It also facilitates the appropriate administration of work and development orders.

This is an important bill. As other members have indicated, it builds on legislation introduced by former Attorney General the Hon. John Hatzistergos to improve the administration and enforcement of court fines and penalty notices, particularly for vulnerable groups. The Fines Further Amendment Act 2008 followed a number of reviews and reports that showed that the fines and enforcement system worked poorly, particularly for disadvantaged groups. According to the report "A Fairer Fine System for Disadvantaged People," in 2008-09 New South Wales government agencies issued approximately 2.8 million penalty notices with a total value of $246.7 million. As we all know, unpaid penalties are ultimately referred to the State Debt Recovery Office for enforcement action and this can result in suspension or cancellation of a drivers licence or the issuing of a property seizure order.

While we are not condoning the original wrongdoing that led to the fine in the first place, it is certainly the case that the enforcement system works well for people who have an income and assets but can cause vulnerable people significant harm. People who do not have the means to pay a fine or to navigate the system to challenge a fine incur further costs and penalties. The loss of a licence can impact on their ability to hold down a job, further entrenching the cycle of disadvantage and social isolation. Almost two-thirds of licence suspensions in New South Wales are for fine defaults. This has a disproportionate impact on people in remote areas, on indigenous people and on young people, particularly those who are homeless.

I am concerned about how this can lead to secondary offending, where a person who lacks the financial or organisational skills to pay a fine defaults, loses their licence but continues to drive. They then risk being imprisoned for the serious offence of driving without a licence although their original offence was quite minor. Unfortunately, particularly in my time as Minister for Juvenile Justice, I saw this occur all too frequently. Over the past 10 years the number of Aboriginal people sentenced to imprisonment where their principal offence was driving while their licence was disqualified or suspended has increased by 35 per cent.

The 2008 legislation sought to address these concerns by, amongst other changes, enabling certain groups to apply to clear their fine debt through work and development orders. This involves undertaking unpaid work, courses or treatment with the support of an approved organisation or registered health practitioner. The individuals are still required to meet the debt to the community but can do so in a way that they can manage. They may also gain some benefit from their participation in the program. Society also gains from the work that is undertaken.

I am aware of a case in my electorate: A young person came to the Marrickville Legal Centre, an organisation that does very good work, owing about $12,000 in fines. He only worked part-time and, after paying living expenses, he had no money to pay off the fines. As a result of the unpaid fines the State Debt Recovery Office had requested that this person's licence be cancelled. The centre worked with the young person and helped him find a community organisation to take him on with a work and development order, under which each hour of volunteer work reduced the debt by a set amount. The centre assisted the community organisation to become an approved organisation. The Marrickville Legal Centre advises me that this person continues to comply with his work and development order at the approved organisation and, as a result, his licence suspension has been lifted.

This bill continues the scheme, makes it permanent and makes some improvements. The scheme was initially a two-year pilot. It has now been evaluated by the Department of Attorney General and Justice. The amendments we are debating today arise from that review. As previous speakers have highlighted, the evaluation was very positive. Without wishing to repeat all the positives, the evaluation found that it reduced reoffending in the fine enforcement system and secondary offending in the broader criminal justice system. It found the scheme engaged clients in appropriate treatment or activities that they may not otherwise have engaged in, and it also reduced the cost to government associated with fine enforcement, ongoing offending behaviour, welfare dependency, mental health problems and drug and alcohol addiction. These are good outcomes.

I have also been advised by the Marrickville Legal Centre of its support for making the pilot scheme permanent. It informed me of a number of things. It said the work and development order mechanism is a good way for people to become functioning members of society rather than developing a cycle of increasing debt and punishment. It made the good point that a person may not have spare money but does have spare time. Work and development orders enable a person to use the resources they have through work, counselling or rehabilitation. The system also takes away the anxiety of having a sheriff show up to repossess belongings—particularly when many people in these circumstances do not have many belongings to begin with, so repossession is especially cruel for them.

The Marrickville Legal Centre said that one issue with the pilot was that the State Debt Recovery Office was not given enough extra resources to deal speedily with applications for work and development orders. I understand that this process should now be resolved with the changes that are part of the bill. I am pleased to speak in support of the bill. For people who exist on the margins of society, who are struggling with mental health issues or who have a disability or a drug or alcohol addiction, the scheme can genuinely be a lifesaver. It can stop people from spiralling into a vicious cycle that may ultimately see them in prison, mixing with hardened offenders, with all the negatives that that brings.

Many government and non-government organisations have been involved with the pilot or assisted with its evaluation. These include the Intellectual Disability Rights Service, the Public Interest Advocacy Centre, the St Vincent de Paul Society, the Shopfront Youth Legal Centre and the Marrickville Legal Centre. I acknowledge the important work done by these organisations and their dedicated and committed staff, both with regard to this scheme and more broadly in the community. I commend the bill to the House.

Mr MARK SPEAKMAN (Cronulla) [11.56 a.m.]: I support the Fines Amendment (Work and Development Orders) Bill 2011. In 2008 Parliament passed, with bipartisan support, reforms to reduce the disproportionate impact that the fine and penalty notice enforcement system was having on disadvantaged groups. The reforms initially established the work and development orders scheme as a two-year pilot. Work and development orders can include one or more of the following activities: Unpaid work for or on behalf of an approved organisation; medical or mental health treatment in accordance with a health practitioner's treatment plan; an educational, vocational or life skills course; financial or other counselling; drug or alcohol addiction treatment or a mentoring program.

The work and development order scheme is giving the very poor, the homeless, the mentally ill and the intellectually disabled the chance to work off their fines through activities such as education, mental health treatment and voluntary work with charities. The scheme is operated in partnership with many organisations and health practitioners, including Mission Australia and the Schizophrenia Fellowship, as well as doctors and nurses in the community. Those partners support and supervise people who are carrying out work and development orders.

In May 2011 an evaluation of the work and development order scheme was published. It concluded that the scheme was a significant success. As at 31 March 2011 almost 650 people had been issued with work and

development orders, and they reduced over $200,000 worth of debt. At that time a further $1.8 million worth of fine debt was under management through work and development orders. As at April 2011, 143 organisations and 77 health practitioners were enrolled in the scheme. The evaluation reported that participants in the scheme and their supporting organisations and health practitioners were, overall, emphatically supportive of the scheme and there was near unanimous support from stakeholders for the scheme to be made permanent. The evaluation made the following findings about the scheme. First, it reduced reoffending in the fine enforcement system and also reduced secondary offending in the broader criminal justice system.

Preliminary statistics indicated that about 82 per cent to 83 per cent of participants had not received another fine or penalty notice enforcement order since their work and development order had been approved. Second, it helped to engage clients in appropriate treatment or activities in which they may not have otherwise engaged, in particular, mental health, and drug and alcohol treatment. Third, it reduced client stress, anxiety and feelings of hopelessness and despair. Fourth, it promoted self-esteem and self-efficacy among participants. Fifth, it built people's skills, provided an incentive to work and could lead to employment or more employment opportunities. Finally, it reduced costs to government associated with fine enforcement, namely with ongoing offending behaviour, welfare dependency, mental health problems, and drug and alcohol addiction.

The Government responded to the evaluation by making the work and development order scheme permanent. Last month the Fines Regulation 2010 was amended to remove the clause providing for the scheme to expire on 10 July 2011. This bill amends the Fines Act to implement two other recommendations in the evaluation report. First, the bill will open up the scheme to people who have serious addictions to drugs, alcohol or volatile substances; and, second, make the work and development order scheme administratively simpler by cutting out red tape for the State Debt Recovery Office and non-government organisations. The first group of amendments concerns additional eligibility criteria for the scheme. Currently, section 99B of the Fines Act provides that a work and development order can be made by the State Debt Recovery Office with respect to a person who is in acute economic hardship, is homeless, has an intellectual disability or cognitive impairment, or has a mental illness.

Currently, a person can undertake drug and alcohol treatment as part of his or her work and development order, but having an addiction to drugs or alcohol is not an eligibility ground for the scheme. Schedule 1 [4] will amend section 99B of the Act to enable a work and development order to be made for a fine defaulter who has a serious addiction to drugs, alcohol or volatile substances. That amendment implements a recommendation in the evaluation report. The expression "volatile substances" is intended to refer to substances like glue, paint or aerosols. Schedule 1 [6] will amend section 99B to provide that if the application for the order relates to a person who has a serious addiction to drugs, alcohol or volatile substances but does not satisfy any of the other criteria, the only activities the person may be required to carry out under the order are counselling and drug or alcohol treatment.

A number of benefits will flow from these amendments, including reducing the significant cost to the community from drug and alcohol abuse, and a strong link with crime. By making serious drug and alcohol addiction a specific ground for eligibility, other fine defaulters with drug or alcohol issues also will be encouraged to undertake treatment. This should encourage rehabilitation at an earlier point of contact with the criminal justice system than currently is the case. The second group of amendments to the Fines Act concerns the streamlining of the application process. Currently, an organisation or health practitioner who supports a person to apply for a work and development order must compile the documentation to prove that the client is eligible, set out the activities the client will undertake and send the application off to the State Debt Recovery Office.

The State Debt Recovery Office then reviews all the documentation and ultimately makes the order, if appropriate. The bill will change this application process and allow approved organisations and health practitioners to determine whether their client is eligible for the scheme. The approved organisation or health practitioner will have to collect documentation to prove the client's eligibility and keep that documentation on file, as happens currently, but the State Debt Recovery Office will not have to review the documentation. That office will rely on the judgement of approved organisations and health practitioners but remain responsible for ensuring that the proposed activities come within the scope of the scheme, verifying that the supporting organisation or health practitioner has approval to supervise those activities and, ultimately, making the order.

This will significantly reduce application processing times and leave eligibility decisions to those with the greatest expertise, namely, organisations and health practitioners who work with vulnerable people. Most organisations and health practitioners already have thorough intake and assessment procedures covering the same or substantially the same issues that determine eligibility for the work and development order scheme.

Schedule 1[5] will amend section 99B to remove the requirement that an application for a work and development order must always be accompanied by supporting evidence. Schedule 1 [7] will insert new section 99BA to require the State Debt Recovery Office, when determining an application for the making of a work and development order in relation to a particular fine defaulter, to rely on an assessment, if provided by an approved person supporting the application, that the fine defaulter meets the specified criteria for eligibility.

The State Debt Recovery Office does not have to rely on such an assessment if it has information giving it reason to believe to the contrary. Proposed section 99BA (3) will provide that if any approved person supports an application for a work and development order or includes in such an application an assessment of eligibility for the order, the approved person must keep records of the supporting evidence for the application or the assessment of eligibility in accordance with the guidelines. Proposed subsection (4) will provide that the State Debt Recovery Office at any time can require an approved person who supported the application or made the assessment to provide all or specified types of that supporting evidence.

A number of safeguards will be put in place to ensure the ongoing integrity of the scheme and that the changes are workable. First, the work and development order guidelines will specify the documentation to establish eligibility that the supporting organisation or health practitioner must keep on file; second, independent audits will be undertaken of approved organisations and health practitioners to ensure compliance with the eligibility and record-keeping requirements of the scheme; and, third, the bill gives the State Debt Recovery Office the power to vary or to revoke a work and development order in some circumstances. Schedule 1 [8] will amend section 99C of the Act to enable the State Debt Recovery Office to vary or to revoke a work and development order if it is of the opinion that:

(a) information provided in, or in connection with, the application for the order is false or misleading in a material particular, or

(b) information provided in, or in connection with, a report provided to the State Debt Recovery Office by an approved person who is supervising the person subject to the order is false or misleading in a material particular, or

(c) the person subject to the order does not meet, or no longer meets, any of the criteria specified in the application for the order as a ground for the making of the order, or

(d) an approved person who is supervising compliance with the order is unable to continue with that supervision or is in breach of any of the approved person's obligations under the Act, or

(e) the person who is supervising compliance with the order is no longer an approved person.

This bill consolidates the success of the work and development order scheme. Many groups, including government and non-government organisations, have cooperated to secure that success and I congratulate them all. I commend the bill to the House.

Mrs BARBARA PERRY (Auburn) [12.07 p.m.]: I join my Opposition colleagues in supporting the Fines Amendment (Work and Development Orders) Bill 2011. This bill is an eminently sensible initiative born of a scheme first trialled by a previous Labor Government and I am pleased that it is well on its way to becoming enshrined in law. The Fines Act 1996 empowered the State Debt Recovery Office to issue a work and development order to fine defaulters suffering from a mental illness, intellectual disability or cognitive impairment, severe economic hardship or homelessness. As the shadow Minister for Disability Services and former Minister for Mental Health I can attest to the important role of this Act in balancing community expectation that all law violators be punished and to ensure that the most disadvantaged and vulnerable are treated with due compassion and discretion.

The provision to undertake vocational life skills courses, financial or other counselling treatments, and medical and mental health programs as part of a fine default system further fulfils community expectations that a person's actions not only be dealt with legally, but also that the root cause of the breach be addressed effectively. The community is rightly concerned that individuals should be compelled to face the legal implications of their actions and that they should put an end to their misadventures which sometimes impact on the lives of others. Punishment may be a necessity but surely rehabilitation is the end goal.

Another important aspect worth noting is that those who are suffering with a mental illness or an intellectual disability are, by virtue of their disadvantage, less likely to be able successfully to navigate the penalty system, understand the process, and request an extension of time and so on. But their problems do not end there. Added suffering comes with the knock-on effect of loss of licence, penalties and other serious consequences, including the unintended consequences of a bureaucratic interlocked system that has a life of its own. Having made the merits of the initial Act abundantly clear we can now consider the need for expanding the

provisions to include other disadvantaged persons. The bill envisions the addition of a category covering those who have a serious addiction to drugs, alcohol or volatile substances—an important development and one that I wholeheartedly support.

Prior to becoming the member for Auburn I worked for over a decade as a legal aid lawyer. The work that I did and the people I met completely shattered any illusions that I had in my naïve approach to life. Of relevance to this matter is the tremendously controlling power of drug and alcohol addiction that I witnessed firsthand. The impact of drugs—one of the greatest social issues faced by any community—is almost without measure. It wreaks destruction not only on the drug user but also on the families, relatives and the community at large. In recent times the advent of super addictive and unimaginably harmful chemicals drugs such as ice has further compounded the problems we face as a community.

It took me some time to fully appreciate the power of addiction. I now genuinely believe that for many people the battle to overcome their habits can sometimes appear to be almost impossible. My experience tells me that in some way drug and alcohol sufferers are saddled with what can only be described as a severe disability. By that I mean that many of them are genuinely incapacitated and are unable to exercise the logical function and proper use of their faculties or have any measure of self-control. Furthermore, co-morbidity is often a factor that comes into play, with heavy drug use and mental illness existing simultaneously. It is only sensible that such vulnerable people be included under the original category as stipulated by the Fines Act 1996. It is not only sensible; it is right.

The all-consuming nature of drug addiction means that people find themselves not only completely penniless, but also short of the cash that they need to pay for their next hit. As members would be aware, unfortunately that sometimes spawns further criminal activity. It hardly needs to be said that there is never any money left to pay the State Debt Recovery Office with the result that justice and the expectations of the community are poorly served and sometimes never met. The Fines Amendment (Work and Development Orders) Bill 2011 changes all that and provides a further avenue by which rehabilitation can be directed towards those suffering with acute alcohol and drug addictions.

By describing many drug and other substance abusers essentially as powerless victims I do not intend to diminish the responsibility that they must take for their actions or suggest that it justifies the removal of punitive measures. As a society we must support these vulnerable people and this bill will enable that to occur. As a society we must work towards a goal that encourages the maintenance and support of vulnerable people in a way that will ensure they address the root causes of their issues. The punishment of offenders and their making amends to society are an important part of the principle of justice, but as politicians and lawmakers we must find the most effective means by which to carry out its dictates, particularly when it comes to those who face greater complexity and challenges in life. A final aspect of merit this bill represents is a further streamlining of the process of applying and administering work and development orders. I look forward to the speedy passage and implementation of this bill.

Mr JOHN SIDOTI (Drummoyne) [12.14 p.m.]: I support the Fines Amendment (Work and Development Orders) Bill 2011. A fine debt is a significant problem for vulnerable people in our community and as leaders we have an obligation to protect our most needy in society and promote and nurture schemes that will promote their wellbeing. The Fines Amendment (Work and Development Orders) Bill 2011 helps to address this problem. It gives our most vulnerable in society—our very poor, our homeless and our disadvantaged—an opportunity to work off their fines through programs of education, treatment programs or voluntary work with charities.

The scheme works in cooperation with proven organisations such as Mission Australia, Youth Off the Street, as well as doctors and nurses in our community, to mention only a few. Those organisations supervise and provide the necessary support to recipients. While the work development order scheme was established as a two-year pilot program, the positive results leave no doubt in our minds that this program should be made permanent. The results of this pilot program found that work and development orders did a number of things. First, it reduced reoffending. Second, over 80 per cent of people who were given a work development order did not have another penalty notice enforced against them. The results indicated that it encouraged participants to undertake activities such as vocational courses and drug and alcohol treatment and that it led also to increased employment opportunities.

This bill will amend the Fines Act and adopt the changes recommended in the evaluation report. The bill opens the umbrella to include people who have serious drug, alcohol and other volatile substance addictions.

The bill also cuts red tape and reduces processing times. The criteria also include serious drug, alcohol or volatile substances addiction as a new ground of eligibility for the work and development orders. The term "volatile" refers to substances such as glue, paint and aerosols. Significant community benefits will be gained as a result of these amendments. All members are aware of the significant cost, both financially and to society, caused by drug and alcohol abuse. During this pilot program phase of the work and development order scheme, over 250 fine defaulters undertook drug and alcohol treatment. Under the new criteria these people will be encouraged to participate in the scheme; thus the scheme has the potential to reduce reoffending and to bring about rehabilitation at an earlier phase of contact with the criminal justice system.

This streamlined process is made easier because the State Debt Recovery Office will not have to review files—health practitioners and organisations will—thus alleviating time-consuming process duplications. This in turn will reduce application processing times. Of significance is the fact that the eligibility process is left to professionals—those with expertise in the area. These are well thought out amendments with additional safeguards. This bill is a win-win situation in that its provisions will apply to a wider group of community members who have significant problems. As the results from the two-year trial were positive and heart-warming the Government, in a calm and thought out way, accepted the recommendation that the scheme be made permanent. Finally, the bill enables approved organisations and health professionals, rather than the State Debt Recovery Office, to determine eligibility. I strongly and passionately commend the bill.

Ms CHERIE BURTON (Kogarah) [12.18 p.m.]: I support the Fines Amendment (Work Development Orders) Bill 2011. The Fines Act 1996 enables the State Debt Recovery Office to make a work and development order to enable a fine defaulter who has an intellectual disability, mental illness, cognitive impairment, is homeless, or is experiencing acute economic hardship to satisfy the fine concerned by undertaking certain activities specified in the order, for example, unpaid work, medical treatment or counselling. The object of this bill is as follows:

> … to amend the *Fines Act 1996*:
>
> (a) to extend the categories of persons who are eligible to be the subject of a work and development order to persons who have a serious addiction to drugs, alcohol or volatile substances, and
>
> (b) to enable the State Debt Recovery Office to rely on the assessment of an approved organisation or a health practitioner as to whether a person meets certain eligibility criteria for a work and development order, and
>
> (c) to facilitate the appropriate administration of work and development orders.

I support this bill because in another life I was the Minister Assisting the Minister for Health (Mental Health) and Parliamentary Secretary Assisting the Premier and Minister for Health, the Hon. Morris Iemma, for whom I did a lot of work in the mental health field. One issue that kept arising was that many people who suffered from mental health issues, as well as drug and alcohol issues, had the problem of fines accumulation and how to pay their fines. This bill streamlines the scheme that was introduced on a trial basis by the previous Labor Government. The original scheme provided for specific groups of people to be able to pay off fines that they incurred through voluntary work with approved charities, undertaking an educational, vocational or life skills course, undergoing financial or other counselling, undergoing medical or mental health programs or undergoing drug and alcohol treatment.

Last year a man came to my office to talk to me about his son. His son had been expelled from high school and was studying at TAFE. The father had grave concerns about his son's mental health. In fact, he was so concerned he decided to leave his job and start his own business so that his son could work with him. He had become aware that his son had accumulated a large number of fines. His son, because of his mental illness, refused to purchase train tickets. He would be caught travelling on a train without a valid ticket and fined. He said that his son travelled aimlessly on trains and did not understand the ramifications of his actions. He bought weekly train tickets for his son but his son would not use them because he felt that he should be able to travel on trains for free. I do not necessarily disagree with that view. However, train travel does require a valid ticket and this young man had accumulated about $5,500 in fines. His father asked for assistance for his son to pay off the fines.

After considerable liaison with the State Debt Recovery Office, this young man was able to access the pilot program, which involved work and development orders. He filled out the relevant paperwork and registered with the Salvation Army in Newcastle. He was able to expunge his fines and attained new life skills. Further, with the help of a wonderful advocate at the Salvation Army he has been able to turn his life around. These programs do work. I am pleased that this bill extends the Work and Development Orders Scheme. I commend the bill to the House.

Mr TONY ISSA (Granville) [12.22 p.m.]: I support the Fines Amendment (Work and Development Orders) Bill 2011. I am pleased that both sides of the House support this bill, which shows its importance to the general community. This week one of my constituents contacted me about a young person who is unable to pay fines of $2,000. The stress of having to pay the fines has caused the young person to become depressed and he has had to obtain medication. The bill will assist this young person and others like him who find themselves in similar situations. The bill amends the Fines Act 1996 to expand the Work and Development Orders Scheme and to streamline its application process. The Work and Development Orders Scheme allows disadvantaged individuals to clear their fines debt by undertaking courses, treatment or unpaid work with approved organisations and health practitioners. It is open to people who are homeless, have a mental illness or experience economic hardship.

The scheme was originally established two years ago as a pilot program. I give credit to the previous Government for introducing this scheme and this Government for expanding the scheme, following consultation and evaluation. A survey that was conducted during the evaluation found that 96 per cent of those surveyed supported the scheme. That shows enormous support for this legislation. The evaluation report recommended that the scheme be made permanent and its operation be improved. The Government has accepted the recommendations and today has introduced legislation to make the scheme permanent. The bill will expand the categories of people who are eligible for the Work and Development Orders Scheme to include people with serious drug and alcohol addictions. At present, drug and alcohol treatment is an activity that may be undertaken as part of a work and development order but a person must be homeless or be living in financial hardship to participate in the scheme.

This bill will encourage rehabilitation at an earlier point of contact in the criminal justice system than is currently the case. Generally, people are not diverted into drug and alcohol treatment until they commit an offence that is serious enough to warrant an appearance in court. This bill will connect people at an early stage with an organisation that will help them overcome their addictions. The Work and Development Orders Scheme has been run with the goodwill and commitment of many health practitioners and non-government organisations, including Mission Australia and Anglicare. I acknowledge the hard work and contribution of these organisations to the successful operation of this scheme. This bill, which makes the Work and Development Orders Scheme permanent, is the most appropriate way to address this problem. I commend the bill to the House.

Ms TANIA MIHAILUK (Bankstown) [12.26 p.m.]: I support the Fines Amendment (Work and Development Orders) Bill 2011. I am pleased that the Government is continuing this successful program, which was introduced while Labor was in government. I commend the former Labor Government for introducing the scheme and congratulate the present Coalition Government on continuing the work of its predecessor. Fine debt is a significant issue that often can act as a gateway to further crime. Work and development orders can act as a circuit breaker to prevent reoffending, which occurs all too frequently.

The Fines Act 1996 enabled a fine recipient with a mental illness, intellectual disability, who was homeless or suffering acute financial hardship to undertake specific activities under a work and development order, such as unpaid work, treatment or counselling with the support of an approved organisation or health practitioner. This scheme has assisted many members in my community who have been able to access work and development orders as a means of repaying their debt in a manner that is sensitive to their financial circumstances. I particularly welcome the amendment to section 99B of the Fines Act, which inserts the description:

> … has a serious addiction to drugs, alcohol or volatile substances.

This criterion exempts those with serious addiction problems if they are not in a position to pay the fine. It also requires them to undertake drug and alcohol treatment or counselling as their work and development order activity. Punitive measures rarely achieve positive outcomes. Encouraging offenders to actively confront their problems and, in this instance, seek treatment for their addiction or addictions can result in positive action being undertaken hopefully to avoid further offences. This amendment also acknowledges that crime is sometimes a symptom of the larger problem. Our judicial system should seek to find a compromise between punishment and treatment, and acknowledge that sometimes measures such as fines are not always the most productive course of action.

I also support the amendment to increase the role of approved organisations and health practitioners in approving work and development orders. Currently, determinations regarding work and development orders are

made by the State Debt Recovery Office based on the recommendations contained in submissions from health practitioners and approved organisations. This amendment, set out in parts 7, 8 and 9 of the bill, will enable approved health practitioners or organisations to make determinations concerning work and development orders. This would increase the efficiency of the process and hopefully lead to an increase in work and development orders being undertaken.

I note that both the bill and the Attorney General's agreement in principle speech outline elements of oversight and review to prevent any potential abuse in authorities external to the State Debt Recovery Office determining work and development orders. I also note that the State Debt Recovery Office will remain responsible for the oversight of work and development orders. A number of recommendations have been made in the evaluation report of May 2011. I would like the Attorney General to clarify in his reply whether there will be a cap on the minimum number of hours that a person will have to work under the work and development orders guidelines and whether some of the restrictions contained in the guidelines will be implemented. There is no doubt that this is a worthwhile bill and it is evidence that the Government is capable of following on the good work of its Labor predecessors. I commend the bill to the House.

Mr DOMINIC PERROTTET (Castle Hill) [12.31 p.m.]: I speak in support of the Fines Amendment (Work and Development Orders) Bill 2011, which provides a valuable addition to what is already a successful and integral program of work and development orders. The success of that program is recognised in the Government's decision to make the orders a permanent fixture. Work and development orders allow people in various disadvantaged groups to clear their fines in non-monetary ways, which include attending medical treatment or participating in volunteer work.

The work and development orders program is integral in a number of ways. First, it is a very positive example of cooperation and coordination between government and non-government organisations, with benefits spilling out into the community. A number of prominent non-government organisations and charities are already involved in the work and development orders program, such as the St Vincent de Paul Society, of which I am a member in The Hills district—it does great work in our community—and I expect many more organisations and charitable organisations will become involved in these programs now that these orders are here to stay. Secondly, the program demonstrates the true purpose of monetary penalties imposed by the State. Rather than simply being revenue raisers or occult taxes, the imposition of fines is directed towards upholding the rule of law and ultimately the common good.

This legislation recognises that, but the Government also recognises that there are other pathways towards the rule of law and the good of our communities apart from the imposition of fines, and those alternative pathways are especially warranted in certain personal circumstances. Non-compliance with treatment is a major cause of morbidity for the mentally ill in our communities. By adding an incentive to treatment, work and development orders can contribute towards improving the health of the mentally ill and cutting the costs associated with that increased morbidity. In the case of the poor or homeless, it is recognised that the imposition of a fine could create genuine financial stress and difficulties. On the other hand, a work and development order could assist in integrating someone into their community and could even create a sense of achievement or fulfilment.

Some of these positive effects of the work and development orders scheme were identified in the evaluation carried out prior to the decision to make the scheme permanent. The bill adds something very important to the program. First, the bill provides access to the scheme for those with a serious addiction to drugs, alcohol or volatile substances. Such addictions are, unfortunately, common in our society, but it is equally unfortunate that there seems to be at times a lack of energy and care in addressing them. Too often at certain levels of government we are more interested in the hygienic maintenance of addiction and allow people to dwindle slowly under the influence of their addiction. In the meantime, families are wrecked, opportunities are missed and the individual's hope and motivation dry up.

We can do a great service to individuals and society by giving addicts the motivation to face their addiction head-on. A provision of this bill is that persons with an addiction applying for a work and development order must fulfil the order by undergoing some form of treatment for their addiction. That could be the hand up that someone needs to make some really significant changes to his or her life. There is a school of thought that addiction cannot be cured. People who think that do not give these people a chance. They say that the problem cannot be fixed, that it is chronic, people relapse and that this scheme will not help. That will certainly be the case if people have that attitude. People addicted to drugs, alcohol or volatile substances deserve access to this scheme and they can derive real benefits from it.

Secondly, the bill streamlines the process of applying for a work and development order. Instead of going through two doors—an approved organisation or medical practitioner and the State Debt Recovery Office—there is now only one door separating a disadvantaged individual from a work and development order. That door is the approved organisation or medical practitioner who is ultimately in the best position to judge whether a person is eligible for and will benefit from such an order. The amendment does not mean that there will be no regulation of access to the scheme. Rather it means that regulation will be limited to those dealing with an applicant directly and also those bodies auditing approved organisations and medical practitioners. The regulation will still be there but less of it will come between the applicant and the program. That has obvious benefits. This bill is an important amendment to a very useful program, and I commend it to the House.

Mr CHRIS SPENCE (The Entrance) [12.36 p.m.]: I speak in support of the Fines Amendment (Work and Development Orders) Bill 2011. I note that this is yet another step in enabling people who are at a financial disadvantage, who have a mental illness or who are homeless, to pay back in a reasonable and fair fashion, fines they have incurred. The scheme is open to people who are homeless, people who have a mental illness, an intellectual disability or cognitive impairment, and to people who are experiencing acute economic hardship. The objects of the bill are to amend the Fines Act 1996 to extend the categories of persons who are eligible to be the subject of a work and development order to persons who have a serious addiction to drugs, alcohol or volatile substances; to enable the State Debt Recovery Office to rely on the assessment of an approved organisation or a health practitioner as to whether a person meets certain eligibility criteria for a work and development order; and to facilitate the appropriate administration of work and development orders.

The Work and Development Order scheme allows disadvantaged individuals to clear the debt they have incurred through the imposition of fines by undertaking certain courses, treatment or unpaid work with approved organisations and health practitioners. The scheme was originally established as a two-year pilot, and that pilot was recently evaluated. The evaluation report found that the Work and Development Order scheme helps to reduce reoffending; provides a strong incentive for people to engage in unpaid work, educational and vocational courses and mental health and drug and alcohol treatment; improves mental health outcomes for participants; and build participants' job skills and opens up their employment opportunities.

Currently, drug and alcohol treatment may be undertaken as part of a work and development order, but a person must be homeless, mentally ill, intellectually disabled or living in acute financial hardship to be eligible to participate in the scheme. Acute financial hardship is an area that dates back to an extremely unfortunate incident in 1987. Acute financial hardship relates back to an extremely unfortunate incident in 1987. In November that year, inmate Jamie Partlic was seriously assaulted at the former Central Industrial Prison at Long Bay. Jamie Partlic was 18 years old and serving time in custody for fine defaulting. Mr Partlic was housed in Unit 6—an area of the Central Industrial Prison set aside to accommodate inmates serving time in custody for fine defaulting. Mr Partlic was seriously assaulted by another inmate, Gary Stokes, in the yard attached to Unit 6. The attack on Mr Partlic was savage, resulting in a serious acquired brain injury. I am advised that Mr Partlic has continued to make remarkable progress in his recovery from the injuries he sustained in the attack. Inmate Gary Stokes received a sentence of 25 years for the attack. He was released to parole on 9 September 2005.

Prior to the introduction of the Fines Act 1996, the only option available to people unable to pay their fines was to spend time in prison. The attack on Mr Partlic showed that reform of the former fine enforcement system in New South Wales was needed. Accordingly, the Fines Act 1996 provided a range of options for fine enforcement, ranging from suspending a person's driver licence to serving a community service order. The Act continues to be reviewed to ensure that people who are disadvantaged by economic circumstances, physical and mental health issues or homelessness are provided with every opportunity to redress their inability to pay their fines. The Work Development Order scheme is one initiative specifically designed to ensure that vulnerable people can address their fines and not get caught up in the enforcement system.

During my time working in Corrective Services, people were commissioned to work orders or community service orders. They would pick up rubbish on the side of the road, participate in cleaning graffiti or mow lawns for the elderly or disabled. It was certainly a commendable alternative to someone serving prison time for fine defaulting. I am sure all members in this place would never wish to see somebody incarcerated for his or her inability to pay a speeding fine and end up in the same situation as Mr Partlic. Under the current system of options available to someone who fails to pay a penalty notice, if the fine is not paid by the due date on the penalty reminder notice the State Debt Recovery Office will issue an enforcement order. The person then has to pay an additional $50 in enforcement costs, or $25 if he or she is under 18 years of age, and the balance of the unpaid fine. If the increased amount remains unpaid, further fees are added as the Roads and Traffic Authority applies other restrictions.

When an enforcement order is issued demerit points are also applied to the licence, if applicable. When the State Debt Recovery Office issues an enforcement order, the person is given 28 days to pay in full, apply for time to pay by instalments, or request a review of the fine. If there is again failure to take action, the State Debt Recovery Office will direct the Roads and Traffic Authority to apply restrictions that include suspending the driver licence or potentially cancelling the vehicle registration. If still no action is taken, the State Debt Recovery Office would use a range of civil sanctions to recover the moneys. These sanctions can include a property seizure order or garnishee order. If the civil sanctions are unsuccessful, the State Debt Recovery Office can consider issuing the person with a community service order. If the person breaches that order, a warrant may be issued for the person's arrest.

The current system has some six steps. This bill enables somebody with a mental illness, intellectual disability or cognitive impairment, or who is homeless or experiencing acute economic hardship to go back to step one when the penalty notice is issued and voluntarily apply under those guidelines for a work and development order. That takes away the proceeding five steps that could lead to a warrant being issued for that person's arrest. At present drug and alcohol treatment is an activity that may be undertaken as part of a work development order, but a person must be homeless, mentally ill, intellectually disabled or living in acute financial hardship to be eligible. This bill will encourage rehabilitation at an earlier point of contact with the criminal justice system than is currently the case. People are normally not diverted into drug and alcohol treatment until they commit an offence serious enough to warrant a court appearance.

The Work and Development Order scheme has been run with the goodwill and commitment of many health practitioners and non-government organisations, including Mission Australia, Anglicare, the Schizophrenia Fellowship, Youth Off the Streets and the Homeless Persons Legal Service. These stakeholders overwhelmingly support the scheme. In a survey issued to all participating organisations and health practitioners this year, 96 per cent of respondents said the Work and Development Order scheme should continue. This is a good bill. It is practical and it goes a long way towards looking after those who are disadvantaged in our society and making the system much easier. I commend the bill to the House.

Mr CHRIS HOLSTEIN (Gosford) [12.46 p.m.]: I support the Fines Amendment (Work and Development Orders) Bill 2011. The Work and Development Order scheme has been run with the goodwill and commitment of many health practitioners and non-government organisations, such as the well-known Mission Australia, Anglicare, Youth Off the Streets, Centacare and some lesser known but just as important non-government organisations such as Age North Coast in the northern rivers area, Bridging the Gap Sydney West in St Marys and Wayback at Parramatta. In my region they include the Central Coast Emergency Accommodation Service and the Central Coast branch of the Samaritans Foundation. This bill proposes to expand the Work and Development Order scheme and streamline the process.

The scheme is open to people who are experiencing acute economic hardship, those who have a mental illness, intellectual disability or a cognitive impairment, or those who are homeless. This bill will also introduce a category of eligibility to those with a serious addiction to drugs, alcohol or volatile substances. This is a welcome addition that will oblige those in this category to address their drug problem. The scheme has enjoyed almost universal support from all participating organisations and health practitioners, 96 per cent of whom support its continuation. This percentage was derived from a survey issued to all participating organisations and health practitioners during this year.

However, administration has been identified as an area in need of improvement. The primary need is for a faster and simpler application process. Partly addressing that concern is the ability for organisations and health practitioners to determine a person's eligibility to the scheme. Statutory obligations will ensure organisations and health practitioners maintain the necessary paperwork on file to prove the client's eligibility, in accordance with the guidelines. Removal of the need for review by the State Debt Recovery Office will improve processing times. The decision will be made at the coalface by those with expertise, that is, those people working with these vulnerable groups. The safeguards in the bill include the State Debt Recovery Office to require production of evidence to prove eligibility if need be. The State Debt Recovery Office will also have the power to revoke a work and development order if a person is no longer eligible, and to prevent organisations and health practitioners from participating if they seriously or repeatedly fail to comply with their obligations.

This is a good bill. It is an amendment to streamline the process and to instil accountability. The scheme enables disadvantaged individuals to clear fine debt. As found in the pilot evaluation, it also helps to reduce reoffending. It provides a strong incentive for people to engage in unpaid work, educational and vocational courses, and drug and alcohol treatment. It improves mental health outcomes for individuals and it

builds the job skills of participants and enhances their employment opportunities. The pilot evaluation recommended that the scheme be made permanent and that its operation be improved. The Government has accepted the recommendation that the scheme be made permanent and other recommendations that will significantly improve processing times and leave decisions concerning eligibility to those with the most expertise in the area. I commend the bill to the House.

Mr JAI ROWELL (Wollondilly) [12.49 p.m.]: I am proud to speak to the Fines Amendment (Work and Development Orders) Bill 2011. The Work and Development Order scheme helps to address problems and provides people who are poor, homeless, mentally ill or intellectually disabled with the chance to work off their fines through activities such as education, mental health treatment and voluntary work with charities. The scheme will enable the disadvantaged people of this State to clear their fine debt by undertaking these activities and courses with approved organisations and health practitioners. These organisations include Mission Australia, Youth Off the Streets, and the Schizophrenia Fellowship as well as many local doctors and nurses within the community.

This scheme demonstrates that we are a Government with an agenda not only to reform New South Wales economically but also to ensure that we offer strong social policies to our constituents. We want to demonstrate that we are attentive to the needs of our citizens whilst ensuring we enforce the law of this State. I join the Attorney General in praising the bill and the goals it sets out to achieve. The scheme was originally established as a two-year pilot, which was recently evaluated. The report found the scheme was helping to reduce reoffending and providing a strong incentive for people to engage in unpaid work. It also found that it helped build participants' job skills and opened the individual to future employment opportunities. These aspects are often the hallmark of good policy initiative; there are direct and indirect benefits as a result of implementation and assessment.

This Government is proud to announce that the evaluation recommended that the scheme be permanent with some improvements to its operation. Under this Government the scheme will be made permanent and we on this side seek to implement two other recommendations that have been made in the evaluation report. The report established that the scheme has been working and that more than 80 per cent of people who were given a work and development order had not had another fine or penalty notice enforced against them. This is something that the Government is proud of and that is why we are implementing further recommendations to continue the scheme with greater integrity and success for those who are disadvantaged in New South Wales.

I am constantly being told by my constituents of the pressures they face with the rising cost of living and its impact on their ability to afford food and petrol, and pay their bills. Obviously things will only get worse with the Federal Labor Government's carbon tax. For this reason I am proud to support those living in Wollondilly who are honest and hardworking citizens of this State and who are looking for a fair go. The bill will encourage those who are disadvantaged in Wollondilly to take advantage of this scheme by utilising community initiatives to work off their fines. Many residents of Wollondilly are struggling to make ends meet and things seem to be getting harder. This Government is proud to support proposals such as this to give the good people of Wollondilly the chance to pay their dues without the added financial burden.

This bill will go a long way towards ending, or at the very least minimising, the threat of perpetual debt as a result of fines and infringement penalties. The first recommendation is the change of eligibility to participate within the scheme; it will include people with serious addictions to drugs and alcohol. Once a person has been identified with these problems, part of the scheme will provide for individuals to undertake counselling as part of their work and development order. The second recommendation that this Government is proud to announce is that the relevant organisation or health practitioner will be bound to keep evidence on a file to prove the individual's eligibility for the scheme. The records may also be subject to audits to ensure all records are in compliance with the requirements set out by this Government.

This recommendation allows for those with the most expertise in this area to take the lead and is an important recommendation. Vigilance to ensure schemes and policy initiatives are continuing to work effectively and efficiently are an important part of being a responsible and accountable government. During the election campaign we spoke of this scheme in our Five Point Action Plan to right the wrongs caused by those opposite in their more than 16 years in power. We said we would restore accountability to government, which includes monitoring the success of a policy to ensure it remains practical and financially viable. Furthermore, the bill has the potential to reduce reoffending as well as the personal, social and economic costs of drug and alcohol abuse in this State.

It is not enough to simply focus on the hard work needed to prevent the problems that negatively impact on our society. This is vital; however, we must focus also on appropriately and properly correcting a problem in an effort to prevent it from happening a second time. This is what the bill has the potential to do. It will go a long way towards preventing repeat offending. The changes we see today will reduce all application processing times. This will also enable organisations and health professionals who have the most experience and expertise to make their decisions about eligibility of the individuals who will be involved in the program. This Government will ensure the program's integrity by putting in place safeguards that will ensure that these changes and recommendations will be workable. I commend the bill to the House.

Mr CHRIS PATTERSON (Camden) [12.54 p.m.]: I support the Fines Amendment (Work and Development Orders) Bill 2011. Fines have a disproportionate impact on the lives of disadvantaged people—those who are homeless, mentally ill, intellectually disabled and young, have an addiction and who are unemployed or on low incomes. Disadvantaged people face a number of barriers to paying fines. Allowing vulnerable people in the community to have the chance to work off their fines through activities such as education, mental health treatment and voluntary work with charities enables them to reduce the risk of compounding existing disadvantages with debts from fines, and will help reduce reoffending.

The two-year pilot of the Work and Development Order scheme has proved to be very positive and has shown that it does in fact help reduce reoffending. Fine recipients who engaged in the scheme and its activities were shown to have improved mental health, and new skills were developed and employment opportunities increased. This evaluation has allowed this Government to make the Work and Development Order scheme permanent. The pilot has well and truly shown that the scheme works. The O'Farrell-Stoner Government is listening and will amend the Fines Act to take in two recommendations made in the evaluation of the scheme. The bill will open up the scheme to people with serious addictions to drugs, alcohol and volatile substances. The bill will also allow the application process to become more streamlined to cut processing times. The fact is that drug and alcohol addiction has a close association with crime and comes at a significant cost to our communities.

Having people with a drug and alcohol abuse problem who are in default of fines take part in treatment can help people who may not have otherwise received treatment or even considered treatment. The benefit of this to the person's health, wellbeing and employment opportunities has the potential to positively impact a person's life and lifestyle. We want to reduce the instance of reoffending and allow these people to take this opportunity to receive rehabilitation before their problems snowball and land them in a vicious cycle of contact with the criminal justice system, which will have an impact on the communities in which we live. An on-the-spot fine of $400 from CityRail to a person drinking alcohol on a CityRail train or station is of little concern to a person with an alcohol addiction, just as an on-the-spot fine of $400 from CityRail to a person using offensive language, engaging in offensive behaviour or spitting is of little concern to a person with a mental illness.

My point is that these people are not in touch with society and do not understand the importance of a fine as a non-affected person would. How are people supposed to pay a fine when they do not understand the need or the legal obligation to do so? We want to encourage people to face up to issues they may have that impact not only on their lives but also on the lives of family members and those of people in our community affected by their actions. We want people who have financial difficulties to be able to repay the penalty for their offence through other means. One size does not fit all in the world of fines. A $68 fine may be insignificant to a lot of people in New South Wales, but for some people it could mean they or their family may have to go without something essential like medication or transport to work.

The bill will allow approved organisations and health practitioners to determine whether a client is eligible for the scheme. Proof of eligibility will be kept on file by these providers but the documentation will no longer have to be reviewed by the State Debt Recovery Office as is currently the case. The State Debt Recovery Office will remain responsible for ensuring that the proposed work and development orders still come within the scope of the scheme. It will ultimately make the work and development order, having relied on the judgement of approved organisations and health practitioners who, after all, are the experts who deal with vulnerable people daily.

Our Government values and wants to ensure integrity. To ensure the integrity of this scheme our Government is setting a clear and specific list of documentation that the organisation or health practitioner will have to keep on file to establish eligibility, and independent audits of organisations and health practitioners to ensure record-keeping compliance will be conducted. The State Debt Recovery Office will have the power to

revoke a work and development order if it is of the opinion that an application for the scheme or a report on an order has contained false or misleading information. It will also have the power to revoke an order if it is of the view that a person does not meet, or no longer meets, the eligibility criteria for the scheme.

The O'Farrell-Stoner Government wants to accommodate people who are socially and economically disadvantaged and recognises that expecting people who are economically challenged to pay a fine can cause further disadvantage to them and to those around them. Expecting a person who is socially challenged to understand a fine in the same way that a person without social challenges does, is not working and only has a more detrimental effect on the person concerned. This bill will make amendments to the Work and Development Order scheme and will expand and improve a scheme that has already been shown to be beneficial to the people who use it. The Government wants to build on the scheme's success, and this bill will allow that to happen. I commend the bill to the House.

Mrs TANYA DAVIES (Mulgoa) [1.02 p.m.]: I am pleased to support the Fines Amendment (Work and Development Orders) Bill 2011. The object of the bill is to amend the Fines Act 1996 to extend the categories of persons eligible for work and development orders to persons who have a serious addiction to drugs, alcohol or volatile substances; to enable the State Debt Recovery Office to rely on the assessment of an approved organisation or a health practitioner as to whether a person meets certain eligibility criteria for a work and development order; and to facilitate the appropriate administration of work and development orders. As other members have explained, a work and development order allows eligible people—children and adults—to reduce or eliminate their fine debt by undertaking certain activities such as unpaid voluntary work or certain courses or treatment plans. Work and development orders enable people who cannot pay their fines to work off their debt or accrue hours in training or counselling programs to reduce their debt.

There are members of our community who do not have the financial capacity, and never will, to pay a fine. Work and development orders enable people to pay their debt if they are experiencing acute economic hardship, are homeless or have an intellectual disability, cognitive impairment or mental illness. The Work and Development Order scheme was initially established as a two-year pilot program. After evaluation of the pilot, it was concluded that the scheme was very positive. The evaluation found that the Work and Development Order scheme helped to reduce reoffending—which is what we all want to see. More than 80 per cent of people who were given a work and development order have not had another fine or penalty notice enforced against them. The evaluation also found that the scheme offers a strong incentive for fine recipients to engage in activities such as vocational courses and mental health, drug and alcohol treatment. It was observed that the mental health of many work and development order participants has improved.

I want to share with the House a couple of examples of people who have participated in the work and development order scheme in order to demonstrate how the scheme works in the lives of people in this State. Graham is a 47-year-old client of Mission Australia. Graham is homeless and has a range of mental health issues. He has many unpaid fines for public order offences such as travelling on a train without a valid ticket. Graham qualifies for the work and development order scheme on the basis that he is homeless. His work and development order requires him to attend a tenancy course 20 hours a month. His participation in this course will help to satisfy some of Graham's fine debt, and it will also increase his chances of finding and maintaining public housing. This is a positive scheme for many members of our community who have offended and been given a penalty notice or fine, and are doing the right thing.

We want to see the people who break the law held responsible, but the wonderful thing about this scheme is that it recognises the capacity of those people and is targeting their punishment—for want of a better word—to what they are capable of doing. We recognise Graham's homelessness so his participation in a tenancy program is not only helping him to admit his error and repay his debt to society but also helping him to get his life in order. The second example is "L", a 17-year-old client of the juvenile justice system who has just been released from detention. "L" identified several barriers to employment—financial difficulties, drug addiction and a lack of employment skills. "L" has about $4,000 in fine debt—an extraordinary sum for someone so young. "L" is eligible for a work and development order on the basis that she is in acute economic hardship. Her work and development order requires her to participate in a drug and alcohol treatment program for four months. This will help "L" to address her addiction issues and clear her fine debt—two of her identified barriers to employment.

In introducing the Fines Amendment (Work and Development Orders) Bill 2011, the Government is also proposing to amend the Fines Act to implement two of the other recommendations made in the evaluation report. First, the bill will broaden the scheme to include people who have serious addictions to drugs, alcohol or

volatile substances. Secondly, the bill streamlines the work and development order application process to cut red tape and reduce processing times. The first amendment will open up the scheme to people who have a serious addiction to drugs, alcohol or volatile substances. It will enable people with these types of personal challenges to participate in treatment or counselling programs to directly address their personal issues leading to substance abuse. We know that drug and alcohol abuse is a significant cost to the community and to families. It also has a strong link with crime. We have all witnessed the growth in alcohol- and drug-fuelled violence in our communities. This amendment to the Fines Act is a positive change and reflects the challenges of our society that must be met with responsible and effective legislation.

The second amendment streamlines the work and development order application process so that the paperwork of health professionals in their assessment of individuals can be used in the assessment of whether the person qualifies for a work and development order. However, independent audits of approved organisations and health practitioners will ensure that they comply with the eligibility and record-keeping requirements of the scheme. The amendments to the Fines Act once again demonstrate that the O'Farrell Government is seeking at every turn to cut this State's ballooning red tape and make the process less complex. This is another example of the Coalition fulfilling its election commitment to reduce red tape for those who work so hard in our State. The bill gives the State Debt Recovery Office the power to revoke a work and development order in certain circumstances—that is, if it is of the opinion that an application for a work and development order or a report on an order contains false or misleading information.

The State Debt Recovery Office also will have the power to revoke a work and development order if it is of the view that a person does not meet or no longer meets the eligibility criteria for the scheme. I was a little surprised to learn that the Mulgoa electorate has issued only four work and development orders, especially given the success of the program in many communities and the change they have made to people's lives. Perhaps the small number issued in my electorate reflects the lack of awareness of the positive impact of work and development orders. I suggest that the Government examine ways to better inform our community and the judicial system of the individual worth of these orders for eligible members of our community. This bill makes amendments to further strengthen and streamline the work and development order scheme, which has been successful and life changing in most instances. I commend the bill to the House.

Mr BRYAN DOYLE (Campbelltown) [1.12 p.m.]: It gives me great pleasure to support the Fines Amendment (Work and Development Orders) Bill 2011. The bill addresses sentencing punishment issues for offenders, and perhaps it is useful to understand the basic principles underpinning our judicial sentencing process. Under our criminal justice system sentencing penalties are designed to ensure that the offender is adequately punished for an offence, to prevent crime by deterring the offender and other persons from committing similar offences, to protect the community from the offender, to promote the rehabilitation of the offender, to make the offender accountable for his or her actions, to denounce the conduct of the offender, and to recognise the harm to the victim of the crime and to the community. All those factors to a varying degree come into play in the sentencing process.

I am pleased that the bill reflects some of the most positive aspects of that punishment regime. The issuing of fines generally falls within the broad sentencing response, and self-enforcing infringement notices are part of a streamlined process of the administration of justice. In days gone by—no doubt remembered by some, including my friend the member for Dubbo—a breach report was often prepared by police in response to minor crimes, which ultimately led to a summons being issued. Infringement notices were introduced as a diversion to streamline that process. Often infringement notices are referred to as a "pill". My daughter asked me, "Dad, why do they call them a pill?" I said, "Well, once you give them a pill, they actually feel better." This amending bill will make people feel better.

In the past the non-payment of fines resulted in a commitment warrant being issued, which my friend the member for The Entrance outlined earlier. When I was a young constable working at Newtown I was on warrants and summons duty with then Constable First Class Pat Jarvis, who was a very famous entity and fine athlete who represented New South Wales and Australia in rugby league. In those days Pat Jarvis was a big man in his heyday and one of the strongest men I had ever worked with. I was only a new constable, tipping the scales at about 77 kilograms—I am not too far off that now. Pat and I would go with our receipt book and list of warrants and knock on doors to collect the money or the body. When the door opened I would say, "You have to give me the money or Constable Jarvis takes you away." Many people chose to pay the money, but some did choose to cut out the warrants with the largest outstanding amount by spending time in prison or the police lock-up.

This system was replaced with other enforcement measures known as community service orders and suspension of privileges such as licences and vehicle registrations. The work and development orders scheme was introduced to allow those who were poor, homeless, suffering from mental illness or intellectually disabled the chance to work off their fines through education, mental health treatment and voluntary work for charities. Some charities involved in the scheme are worthy causes: Mission Australia, Youth Off The Streets and Schizophrenia Fellowship. I have been privileged to work with Father Riley's Youth Off The Streets group in Campbelltown, a fine group that does a wonderful amount of good for people. Recently with Charlie Lynn, a member of the other place, and Youth Off The Streets ambassador Tony Stewart, a former member of this House and a fine fellow, we inspected the new Youth Off The Streets youth centre currently under construction at Macquarie Fields. I am honoured and proud to support that fine organisation in its efforts and look forward to attending the Youth Off The Streets fundraising ball to be held this Saturday night.

Schizophrenia Fellowship is a wonderful organisation that I have worked with at Campbelltown—the opal of the south-west. In my policing career at Campbelltown I was responsible for the mental health portfolio and was part of the Police Force's Mental Health Intervention Team Response. In my current role as the local member I continue to work closely with Rob Ramjan and wonderful groups such as Ostara and Harmony House. These groups provide tremendous support and friendship to those who suffer from schizophrenia, and do marvellous work to achieve improved health outcomes for those people. That is one reason I am so impressed with this bill and support it strongly.

The Attorney General in his agreement in principle speech noted that over 80 per cent of people who had completed a work and development order had not had another fine or penalty notice enforced against them. That is an incredible result. The evaluation also indicated that the scheme encouraged those issued with work orders to undertake vocational courses or treatment for health issues, including mental health problems, and drug and alcohol addiction. The proposed amendments will add substantially to the success of this process. In particular, the process will now be open to people who have serious addictions to drugs, alcohol or volatile substances. Volatile substances include glue, paint and aerosols, which cause serious problems when they are wrongly used.

If a serious addiction is the only grounds for admission then the person must undertake a drug and alcohol treatment counselling program as part of their work and development order activity. I am most pleased about this because it helps people to address their addiction, which will reduce the potential of committing further offences. As the fine member for Mulgoa noted, it also streamlines the work and development order application process. The bill will streamline the process to allow approved organisations and health practitioners to determine whether their client is eligible for the scheme. It is important to note that the State Debt Recovery Office—a fine organisation—will still be able to act on those assessments and conduct audits to ensure probity.

In summary, when one looks at the general principles of sentencing and punishment under our criminal law, one can see that the bill contributes significantly in a number of areas by helping to protect the community from further offences, preventing crime, ensuring adequate punishment, making sure the offender is held accountable for their actions, and promoting rehabilitation leading to better conduct in the future. A criminal justice system can do nothing more important than reduce the number of people who come in contact with it. I commend the bill to the House.

Mr JOHN WILLIAMS (Murray-Darling) [1.20 p.m.]: It gives me a great deal of pleasure to speak to the Fines Amendment (Work and Development Orders) Bill 2011. The bill will provide a great deal of benefit to disadvantaged people in western New South Wales. On 28 June this year I held a meeting with Centrecare, an agency that provides welfare support and lifestyle benefits to the communities of Wilcannia, Menindee and Broken Hill. The agency is committed to ensuring that there is a big improvement in the lives of the disadvantaged. Front and centre of the discussion was the level of fines imposed on people in those areas. People are fined, do not pay the fine, then incur interest on the fine and end up facing penalties of $6,000 to $8,000. Their fines were originally far less than that—in most cases, a couple of hundred dollars.

While trying to negotiate on behalf of such people it became clear that the State Debt Recovery Office was prepared to put in place some measures to virtually stabilise the debt at a certain level on the condition that it would be paid. But as Centrecare highlighted, some of the debts and the level of repayment required were creating serious hardship for families. The families did not have the means to provide for their necessities on a fortnightly basis. In most cases, the fine repayment represented 30 per cent of the family income. This amending bill gives people the opportunity to work off their fines. At present Centrecare is not recognised as an agency

that can oversee work and development orders, ensure that the work is carried out and engage in the auditing process. I would like to see the process fast-tracked so that Centrelink can put the necessary measures in place as quickly as possible.

Much of Centrecare's work is performed by volunteers, and there is a lot more of it to do. While people are prepared to pay off fines through work and development orders, Centrecare can utilise their labour. We recognise that within the community of Wilcannia there are many community work opportunities. In the past community development employment projects provided a huge benefit to the township, with many improvements carried out under that work program. This bill allows the continuation of that work while reducing the debt level of participants. In the communities of Menindee, Wilcannia and Broken Hill approximately three people per week admit to having problems paying fines. That is the tip of the iceberg. Others are obviously suffering in the same way but have not put up their hands at this stage.

Most of those fined are illiterate. They receive correspondence from government departments and do not understand the content or the consequences of not responding to it. In most cases that correspondence is about additional fines that people will be subject to if they do not meet the repayment schedule. This bill is certainly welcomed as addressing the broad concerns of welfare workers in Wilcannia. Those workers want people to be able to work off their fines without incurring further financial impost, thereby allowing them to get on with their lives and provide for their families. I totally support the Fines Amendment (Work and Development Orders) Bill 2011, and I look forward to the rollout of work development orders in the communities of Menindee, Wilcannia and Broken Hill.

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

RESTART NSW FUND BILL 2011

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

[*The Acting-Speaker (Mr Geoff Provest) left the chair at 1.28 p.m. The House resumed at 2.15 p.m.*]

DISTINGUISHED VISITORS

The SPEAKER: I welcome to Parliament today Geoff Scott, Chief Executive Officer of the New South Wales Aboriginal Land Council, Stephen Ryan, new Chairperson of the New South Wales Aboriginal Land Council, Chris Graham, representing the Aboriginal Land Council magazine *Tracker*, Danny Lester, Chief Executive Officer of the Aboriginal Employment Strategy and Professor Shane Houston, Deputy Chancellor of the University of Sydney, all guests of the Minister for Citizenship and Communities, and Minister for Aboriginal Affairs.

I also welcome Mr Rudy Heerema, a member of local government from the Netherlands, who is here with a delegation in its bid for the 2028 Olympic Games, guest of the member for Charlestown.

I also welcome Commissioner Ken Kelman, newly appointed New South Wales Commissioner of St John Ambulance, guest of the member for Baulkham Hills.

MANAGEMENT OF STAFF BRIEFING

The SPEAKER: I remind members of the briefing on Management of Staff, which is to be held on Friday 26 August 2011 in the Macquarie Room at 1.15 p.m. The briefing will include a presentation from Sharon Bent of Bent Psychology. I strongly encourage all members to attend.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

[*Question time commenced at 2.22 p.m.*]

ORICA PLANT INCIDENT

Ms CARMEL TEBBUTT: My question is directed to the Minister for Health. Given the Minister for the Environment has said that the responsibility to issue health warnings lies with NSW Health, why did the Minister for Health not alert residents for three days while their children played in backyards and at a childcare centre potentially contaminated by hexavalent chromium?

Mrs JILLIAN SKINNER: I reiterate the statement I made to the Parliament previously, which I have constantly made: As this was a potential health risk I determined that it was appropriate for the Chief Health Officer to have carriage of this matter. As she did whilst the now Opposition was in government, she carried out investigations and she made public statements. I am totally satisfied with the way Kerry Chant has dealt with this matter. In light of the scaremongering by the Leader of the Opposition reported in today's *Sydney Morning Herald* I reassure the people of Stockton with the advice my office has received again today from the Chief Health Officer. Her advice states:

> There is no health risk to the residents of Stockton. NSW Health is not—

[*Interruption*]

Please listen.

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

Mrs JILLIAN SKINNER: She said:

> NSW Health is not conducting further toxicology testing and has not requested [the Office of Environmental Health] to do so. Independent toxicologist Professor Alison Jones has confirmed no further testing is required.
>
> I would also like to clarify that Alison Jones' report has been made available to the community and is on the Health website.
> A separate report prepared by toxicologists on behalf of Orica is currently being reviewed and will also be put on the NSW Health website once finalised.

The SPEAKER: Order! I call the member for Canterbury to order. Those kinds of personal comments are unnecessary.

FEDERAL GOVERNMENT LEVIES

Mr CHARLES CASUSCELLI: My question is directed to the Premier. What impact are Federal Government levies having on New South Wales families?

Mr BARRY O'FARRELL: I thank the member for Strathfield for his question and for his obvious interest in the cost-of-living pressures on families across this State. There is no doubt that in our first five months in office this Government has shown its intention to reduce the burden on small businesses particularly and householders so that we can get New South Wales moving again. For instance, we have honoured our election commitment to abolish the former Government's crazy $429 million homebuyers tax so that we can encourage growth in the housing market. We have also introduced payroll tax rebates as part of a campaign to give small business the opportunity to employ more people, particularly young people, as we seek to create 100,000 new jobs across New South Wales.

Our efforts to put more money in people's pockets are being sabotaged by an array of unfair taxes, levies and other payments being forced upon the people of this State. At the Council of Australian Governments meeting in Canberra last week I argued strongly for a fairer carbon tax compensation arrangement for New South Wales residents, for New South Wales taxpayers, for New South Wales electricity consumers. The fact is that the cost of living in New South Wales is higher and our wages bill is higher, and that people in New South Wales will receive less compensation for the carbon tax—or miss out entirely—than people in any other part of the country. Why should New South Wales residents be penalised the most to pay for this discriminatory and damaging tax?

Treasury has now calculated that New South Wales families will also pay more than families in any other State for the Federal Government's Queensland flood levy. I stress from the outset that no-one begrudges assistance being provided to those affected by floods or any other natural disaster across this country, particularly the floods that caused so many deaths and so much destruction in Queensland earlier this year. But, again, I fail to see why the burden should fall more heavily on New South Wales citizens than on citizens in other parts of the country.

Treasury estimates that the average amount paid by each person in New South Wales will be $335.17—almost $50 more than the national average. I repeat: Every person in New South Wales will pay an average of $335.17—that is 17 per cent more than a resident of Victoria will pay, and 14 per cent more than a resident of Queensland will pay. Any levy that is based on the fact that New South Wales residents and families have higher incomes is simply unfair because they also have a higher cost of living. It demonstrates yet again that the Commonwealth Government has little regard for the people of this State, little regard for the costs that they face and little regard for the damage Federal taxes and levies are causing.

But it does not stop there. The Federal Government has a bill before the Australian Parliament to introduce a means test for the private health insurance rebate. Once again, New South Wales residents will bear the greatest burden of this increase because of their higher wages and higher cost of living. Treasury estimates that over four years New South Wales residents will contribute an additional $912 million due to this policy, compared with $665 million in Victoria and $534 million in Queensland. This simply continues Commonwealth policies that have been short-changing New South Wales at every stage.

In 2011-12 New South Wales received $856 million less GST revenue than was generated across this State. In other words, there was an $856 million deficit in the revenue from GST that went out from this State to the Commonwealth and the amount that came back. I do not need to remind members opposite that Sydney has 20 per cent of Australia's population, but when Labor was in government in this State under Infrastructure Australia's first round of infrastructure funding New South Wales received only 2 per cent of that funding basket. Despite this State having the greatest infrastructure backlog of anywhere in the nation, the former Government's lack of competency and the lack of support from the Federal Labor Government saw New South Wales get less than 2 per cent. A lot of the blame can be put down to the appalling submissions put forward by those opposite, particularly by the member for Toongabbie.

But the time has come for the Commonwealth to give New South Wales a fair deal. We will continue to demand that the formula for these levies be adjusted so that everyone across this country is treated equally and fairly and that we do not have a formula that penalises the people of New South Wales. If members opposite gave a damn about families across this State on this issue alone they would stand side by side with the Government, with Liberal and Nationals members from across New South Wales, and stand up for New South Wales families.

SOLAR BONUS SCHEME

Mr JOHN ROBERTSON: My question is directed to the Deputy Premier. Exactly how many hours before the midnight deadline on 27 October did the Deputy Premier make the payment on his solar panels, securing the higher 60 cent tariff at the expense of taxpayers?

The SPEAKER: Order! I will stop the clock until Opposition members are ready to listen to the answer. I call the member for Canterbury to order for the second time.

Mr ANDREW STONER: It has been five months since the historic election loss of the Labor Party and there are still no questions about policy or the issues that matter to the hardworking families of New South Wales such as transport, roads, the economy, infrastructure and services. There are only more personal attacks from the old union bovver boy.

The SPEAKER: Order! I call the members for Shellharbour and Wollongong to order for the second time. I call the members for Maroubra and Kogarah to order.

Mr ANDREW STONER: Like other members of this place, I support the increased use of renewable energy resources. I also support large families such as mine taking steps to reduce the impact of skyrocketing power bills, which happened under the Opposition's watch. Members opposite are clearly not interested in the answer because they will not be quiet and listen. If they want an answer they need to shut up.

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

Mr ANDREW STONER: I advise the House that I initiated the purchase of solar panels when my family obtained a quote from a local installer in mid-September 2010—well before the Keneally Government's announcement of the closure of the Solar Bonus Scheme.

The SPEAKER: Order! I call the member for Keira, the Leader of the Opposition and the member for Monaro to order.

Mr ANDREW STONER: I accepted the quote and asked the installer to proceed with the installation of panels on 15 October 2010. As requested by the installer, I completed the Country Energy grid connect application form on 18 October 2010.

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

Mr ANDREW STONER: At that time the installer did not request any deposit.

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

Mr ANDREW STONER: Had he done so, I would have paid a deposit at that time. Subsequently, on or around 27 October 2010, I received a request from the installer to pay a deposit. I paid the deposit by way of electronic funds transfer on that day. The Leader of the Opposition has asserted that I left Parliament House to make this payment. He is wrong.

Mr John Robertson: No, I didn't. I did not.

Mr ANDREW STONER: You did. Read your own press release. He is wrong. I was paired for a vote but I did not leave the House to make the deposit. The deposit was made online. At no stage have I criticised people who have signed up to the scheme but rather Labor's administration of it. I repeat, because the Opposition do not want to seem to listen to this answer, that I began this process in September.

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

Mr John Robertson: Prove it.

Mr ANDREW STONER: I can prove it, you dope.

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

Mr ANDREW STONER: There was no so-called rush as alleged by the member for Blacktown. As a member of the Opposition then I had no inside information about the Solar Bonus Scheme.

The SPEAKER: Order! All members who have been placed on one or two calls to order are now deemed to be on three calls to order. I warn members that I will have no hesitation in ejecting them from the Chamber. An Opposition member asked the question, and Opposition members will listen to the answer in silence. This type of behaviour is deplorable. The Deputy Premier has the call.

Mr ANDREW STONER: As a member of the Government I have not taken part in any Cabinet discussions on this matter. In short, at no stage either in opposition or in government have I done anything wrong in connection with my household's participation in the Solar Bonus Scheme.

STATE ECONOMY

Mr GREG APLIN: My question is addressed to the Treasurer. Given the $5.2 billion black hole left by Labor, what action is the Government taking to strengthen the State's finances ahead of the budget?

Mr MIKE BAIRD: I thank the member for Albury for his question and for the long, admirable service he has given to his community. I also thank him for his interest in fiscally responsible budgets. The Opposition still does not understand that in the days before the election they put out budget numbers that said there was surplus after surplus. The day after the election there was a deterioration of $5.2 billion. They are the facts. I do not care what members opposite call it; they can call it whatever they like.

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

Mr MIKE BAIRD: Over one weekend we lost $5.2 billion. I do not know where those opposite put it, but it disappeared. The member for Maroubra told us that we had to listen to Treasury advice. That is exactly what we are going to do and I cannot wait until budget day to see what Treasury says about the $5.2 billion that went missing. I cannot wait until they see that. We are not going to wait until budget day—and we have not waited. The O'Farrell Government has not waited to get on with the job of getting finances back in order and fixing the State. We have had to take some tough decisions. I will go through some of them because it is important for the House to understand how the O'Farrell Government is getting New South Wales moving again.

We have heard the rhetoric from the other side about the wages bill. We said people wanted to see the savings up-front. The Opposition said there was $900 million in savings but those savings never came about. If that is rolled forward, that would have been $2 billion that would not have come to the State. We have not heard from the other side exactly what they would do to plug that gap, given their opposition to the wages bill. But it was not just me; a senior Labor figure under the Carr-Iemma Government told the *Australian* on 26 May, "The only way to get the savings is to do it that way." I do not know who gave that endorsement to the policy but I think it was probably the member for Heffron.

In relation to the unattached list, we have said that we do not think we should pay anyone who does not have a job. That is a pretty simple proposition and it was supported. Stephen Cartwright from the New South Wales Business Chamber said, "We've heard the words before from previous Premiers, so it is good to see that Premier O'Farrell has grasped the nettle." The Premier has grasped the nettle and gone on to deal with the problems that we are facing. In fact, the Premier is so on top of his game that the Opposition is too chicken to ask him a question.

We have also got on with the job of restoring confidence to small, medium and large businesses. The Jobs Action Plan has come at exactly the right time. While there is economic trouble across the world, we are putting confidence into our businesses. We are telling business to go out and employ people and that we will give them a $4,000 rebate for each new job created. We are delighted that last month 20,000 jobs were created. Although that was while the Jobs Action Plan was in place, these programs cannot be viewed on a monthly basis, as the Opposition tried to do; we need to look at the long-term trend. Under Labor we saw what that long-term trend was.

We established Infrastructure NSW, and this is probably the most significant start made to properly delivering infrastructure in this State. We now have an expert board to establish the priorities of this State. We will not see the practice that we saw under the previous Government by which infrastructure decisions were made according to political whim. Labor's decisions were not made on the basis of economic rigor or analysis. Infrastructure NSW will ensure that debacles such as the central business district metro will never be repeated. Debacles involving $500 million going to waste through a lack of process and through political interference will end under Infrastructure NSW.

Business confidence is the key to turning around this economy. While the Sensis business confidence survey in the June 2011 quarter said that business confidence is subdued, it also said that small business support for this State's new Government has skyrocketed, taking it from being the least supported State and Territory government to being the most popular in the land. That is a start. There are early signs that the O'Farrell Government has got the State going in the right direction. There are tough things we need to do to get the budget back on track but if we get the budget on track we can improve our services, build the infrastructure we need and look after those who are most vulnerable. That is what we are going to do in the budget.

SOLAR BONUS SCHEME

Mr JOHN ROBERTSON: My question is directed to the Deputy Premier. The Minister for Energy said on Channel 7 last night that a number of people who got into the Solar Bonus Scheme thought, "There's a rort. I want to get into it before the clock strikes 12." Is the Minister not one of them?

The SPEAKER: Order! I am tempted to rule that question out of order.

Mr ANDREW STONER: I refer the Leader of the Opposition to my previous answer in which I outlined the time frames concerning my participation in the Solar Bonus Scheme, which commenced in the

middle of September last year. He obviously was not listening or he would not have asked that question. I point this out to the Leader of the Opposition: When this Government took the initial decision, later overturned, to drop the gross feed-in tariff from 60¢ to 40¢, a decision for which I removed myself from the Cabinet, I supported that decision. I supported a decision to pay myself less money through the Solar Bonus Scheme. The only people who wanted me to get more money were Opposition members because they were opposing the decision. There is a fair bit of hypocrisy over this decision and once again it is coming from the member for Blacktown.

NSW HEALTH RESTRUCTURE

Mr DARYL MAGUIRE: My question is to the Minister for Health, and Minister for Medical Research. What are clinicians saying about the Government's restructure of the New South Wales health system?

Mrs JILLIAN SKINNER: What a wonderful question from the member for Wagga Wagga, a man who has been consistent in championing the cause of health in his electorate and standing up for the wonderful doctors and nurses who work not only in Wagga Wagga Base Hospital but also in other hospitals in his electorate and in community facilities. That is also the case with all my colleagues on this side of the House. I am very grateful to them for the feedback they have been giving me regarding the very positive responses to the release yesterday of our reform of the governance of NSW Health.

I particularly want to draw attention to one of the doctors in Wagga Wagga who I know is known to the member for Wagga Wagga. I refer to cardiologist Dr Gerard Carroll who is quoted in the *Daily Advertiser* today as saying that anything that decentralised the bureaucracy from North Sydney was a good thing. He said that what has happened over the past many years was a progressive centralisation of most of the corporate functions and that had produced disastrous results. I hope the member for Wagga Wagga will extend my thanks to Dr Carroll for his comments and to others who have made comments like that. Professor Kerry Goulston would be known to members on the other side of the House and many would know he is chair of the Hospital Reform Group. He said in an email:

> Today's announcement shows that the Minister has been listening to clinicians and the community when they have voiced their concerns about the governance of the NSW Health system.
>
> The moves announced are certainly a step in the right direction and are welcomed by the Hospital Reform Group.

The Hospital Reform Group was formed when I believe Craig Knowles was Minister for Health and he used to quote Kerry Goulston frequently in this Chamber. I am amazed that members opposite would question his credentials now. Professor Goulston went on to say:

> It outlines a definite move away from centralised bureaucratic control of decision making in health policy and planning and gives enhanced involvement of front-line clinicians—nurses, doctors and allied health staff—and hopefully also the community ... We congratulate the Minister on these initiatives.

A further comment came from Professor John Dwyer. I believe I mentioned in Parliament today that he is a senior member of Labor's Health Care Advisory Council.

Ms Carmel Tebbutt: A very good doctor.

Mrs JILLIAN SKINNER: He is a very good doctor as the former Minister for Health rightly indicated. He said:

> I have just finished reading the document. Well done, this is what we needed to see developed to give us the contemporary health system we need at State level.

Computer Science Corporation was another body to respond to our review. Lisa Pettigrew, the Health Director of the corporation, said:

> CSC welcomes the creation of eHealth NSW.

I thank the *Australian* newspaper for the comprehensive coverage it gave to this aspect of the review. Ms Pettigrew said:

> This model truly puts eHealth and IT at the centre of healthcare delivery. No longer is IT a back office function as this structure demonstrates that technology is a necessary part of a modern, safe and quality healthcare system that is fundamental to healthcare service delivery.

She concludes by saying:

> The focus on eHealth will help improve patient outcomes and clinicians will be supported in their decision making through better information and data.

I thank Ms Lisa Pettigrew, a woman who is held in high regard not only in this State but also at the Commonwealth level. She has done a great deal of work with the Commonwealth Government, in particular with the Minister for Health. I quoted to a certain extent yesterday from the response of the Australian Medical Association but I will quote further from its New South Wales President, Dr Michael Steiner, who said:

> The importance of local clinician engagement in decision-making over instructions being handed down from a centralised bureaucracy is something that we've been championing for some time. Changing the role of the Health Department to a more hands-off one and moving away from a culture of micro-management of hospitals by a centralised bureaucracy shows that the NSW Government has listened to what doctors and other health professionals have been saying for several years.
>
> Giving Local Health Districts more responsibility will allow them to better service their local populations and encourage clinicians to get more involved in decision-making about local services.

I thank all those who have provided responses so far. We will get on with the job.

SOLAR BONUS SCHEME

Ms LINDA BURNEY: My question is directed to the Deputy Premier. Given the Deputy Premier's response to the last question that he will not pay himself less, will he revert to the 20¢ scheme and pay back to New South Wales taxpayers the extra money he has received since October last year?

Mr ANDREW STONER: If I may give the Deputy Leader of the Opposition and the so-called strategy team a little advice, when they base their entire question time strategy around a beat-up story they are in trouble. Do a bit of research, do a bit of homework and develop some policy—

The SPEAKER: Order! The member for Kogarah and the Leader of the Opposition should be mindful of my rulings.

Mr ANDREW STONER: —and ask us questions about the issues that matter to the people of New South Wales. Given the time line I have already outlined and my attempts to enter into the scheme well before the Government announced closure of the scheme, I believed I was eligible for the full tariff and I still do so. This was a scheme designed by the then Labor Government to put the onus of administration on installers and electricity companies.

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

Mr ANDREW STONER: I was one of the thousands of people who finalised their pre-existing dealings with installers on the date the former Premier made her announcement. If there is a scandal around the Solar Bonus Scheme it relates to the involvement of the former Minister for Energy in overseeing a scheme that had the potential to blow out greatly and failing to advise the then Premier, old 41—

Ms Linda Burney: Point of order: My point of order relates to relevance. My question was about whether the Deputy Premier thinks he should have been paid less. Will he be paid less?

The SPEAKER: Order! I draw the Deputy Premier back to the leave of the question.

Mr ANDREW STONER: I have finished my answer.

TWO WAYS TOGETHER PROGRAM

Mr GEOFF PROVEST: My question is directed to the Minister for Citizenship and Communities, and Minister for Aboriginal Affairs. How will the New South Wales Government overcome the failures of the past and tackle the problems identified in the Auditor-General's report on Two Ways Together?

Mr VICTOR DOMINELLO: The member for Tweed is not only 100 per cent for the Tweed; he is also a 100 per cent champion for the Aboriginal and Torres Strait Islander population. In May this year the Auditor-General tabled a report which concluded that the Two Ways Together program did not deliver the

improvements for Aboriginal people that were intended. It highlighted many ongoing problems that we all know too well. It described the growing distance between government and Aboriginal communities, the failure to coordinate between government agencies, and the failure to measure the Government's performance. The report recommended the need for greater accountability and leadership, a stronger evidence base and a whole-of-government approach. In short, the report described a regrettable past with regrettable results.

Today we must move away from the failures of the past. If together with Aboriginal people the Government wants different results it needs to take a different approach. Today the O'Farrell Government has created a Ministerial Task Force for Aboriginal Affairs that represents that difference. The task force is different in its membership and different in its priorities. First, it is about the power of partnership—not bureaucracy. Numerous committees have attempted to confront the difficult challenges facing the Aboriginal community on a day-to-day basis. The big difference with our task force is that senior Ministers and senior Aboriginal leaders will be making decisions together. It will bring the voice of Aboriginal people to the core of our Government. We understand that the best outcome is when Aboriginal communities identify the problems, drive the solutions and own the outcomes.

This task force is also different as it reflects a whole-of-government commitment and includes me as chair; the Minister for Health; the Minister for Education; the Treasurer; the Attorney General; the Minister for Family and Community Services; the Minister for Mental Health, and Minister for Healthy Lifestyles; and the Minister for Western New South Wales. A representative from the Coalition of Aboriginal Peak Organisations will be a task force member, providing the New South Wales Aboriginal Land Council, Aboriginal Legal Service, Aboriginal Education Consultative Group, Aboriginal Health and Medical Research Council, Aboriginal Child, Family and Community Secretariat and Link Up with a voice at the table. There will be independent Aboriginal advisers on education and employment as follows: Danny Lester, Chief Executive of the Aboriginal Employment Strategy; and Professor Shane Houston, Deputy Vice-Chancellor of the University of Sydney, whom Madam Speaker has acknowledged as being present in the gallery today. In addition, at the request of the task force, Noel Pearson, Director of the Cape York Institute, will act as a special adviser.

Second, the task force is different in its priorities. It believes that opportunity and aspiration for young people—at school and through employment—defeats despair and disadvantage. Therefore, we will focus on identifying opportunities to improve educational and employment outcomes for Aboriginal people in New South Wales. Government services are necessary but they do not get people out of bed each morning. Having a job, going to school or being a leader in one's community are the things that make people's lives meaningful. The Commonwealth's Overcoming Indigenous Disadvantage Report 2011, which was released today, states that in these two areas in New South Wales the gap continues to widen. In 2008 approximately 20 per cent of Aboriginal young people in year 9 did not meet the minimum standard in literacy and numeracy. That is four times higher than non-Aboriginal young people. The task force will focus on ensuring that Aboriginal children get the best start to life by driving reform that will ensure every child has the ability to get to school, stay at school and learn about his or her culture, language and identity, and learn what is needed to obtain a meaningful job.

Mr Geoff Provest: Point of order: May I request further information?

The SPEAKER: Order! The member may make that request at the conclusion of the answer. The Minister may continue.

Mr VICTOR DOMINELLO: Given the current rate of unemployment for Aboriginal people is 21 per cent, which is almost four times that of non-Aboriginal people— [*Time expired.*]

The SPEAKER: Order! The member for the Tweed has requested additional information. The Minister has a further two minutes in which to provide that information. I would have thought that Opposition members would be interested in this information, but clearly they are not. The Minister will be heard in silence.

Mr VICTOR DOMINELLO: This is out of respect to the Aboriginal leaders in the gallery today. Given that the current rate of unemployment for Aboriginal people is 21 per cent, almost four times that of non-Aboriginal people, it comes as no surprise that the "Overcoming Indigenous Disadvantage" report states "New South Wales is performing more poorly than the national average" in the employment area. That comes as no surprise, given that in 2008, under the previous Government, for each Aboriginal person $4,000 was spent on public order and safety. However, for each Aboriginal person just $100—$78 to be precise—was spent on labour and employment services. The O'Farrell Government and Aboriginal people believe that there must be

different priorities. We want change; therefore, we will focus on changing the beginning of people's lives. We will continue to strive to decrease the gaps in juvenile incarceration, life expectancy and child abuse and neglect, which is reflected in the task force membership. However, we must recognise that effective reform in education and employment will reduce these symptoms of disadvantage.

Reform will be carried out through the framework of education. We must build people's capacity and provide choice so that Aboriginal people can seize opportunities. The task force will aim to conclude in mid-2012 with a strategy including concrete reforms for education and employment. The process will incorporate genuine and structured consultation and all organisations and individuals will have an opportunity to contribute. In my recent trip to western New South Wales an Aboriginal mother said to me that all she wanted in her life was for her children to do well at school and to get a job. That is what we hope to achieve.

The SPEAKER: Order! Opposition members are demonstrating their lack of respect for what the Minister is saying. They will resume their seats.

Ms Cherie Burton: No member was standing.

The SPEAKER: Order! The member for Kogarah will come to order. That is for me to determine.

INCOME CONTINGENT LOANS

Mr JAMIE PARKER: I direct my question to the Minister for Education. Given the Minister's support for the Teachers Federation TAFE five-point plan and considering the recent discussions of the Council of Australian Governments, will the Minister rule out the introduction of income contingent loans as a cover to increase students' TAFE fees?

Mr ADRIAN PICCOLI: Is it not lovely to have a question about TAFE two days in a row—one from the member for Kiama, from the Liberal-Nationals Government, one from The Greens, but none from the Labor Party, the former party of the people. I acknowledge the great work that TAFE does. In response to yesterday's question I spoke about the work that the Illawarra campus is doing to support the workers who were retrenched from BlueScope Steel. I pay tribute also to those TAFE colleges I visited since being Minister for Education. I was at Campbelltown with the member for Campbelltown, at Sutherland, at Port Macquarie and at the Ultimo campus, not far from the electorate of Balmain. I recognise the great work that TAFE teachers do as well as the great work that TAFE students do.

I can confirm that we will not make any decisions regarding income contingent loans or make any other significant changes to our vocational education and training system without consulting our providers, including TAFE, industry and businesses, both large and small, our community and particularly our students. For the benefit of members, VET FEE-HELP is an income contingent loan scheme for vocational education and training students, similar to the Higher Education Contribution Scheme fees charged by universities. New South Wales has more than 30 training providers that offer this service. VET FEE-HELP is a Commonwealth program that has been in place since 2008 after being introduced by the former Rudd Government.

I remind those on that side of the House that TAFE NSW commenced offering VET FEE-HELP loans to students under the former Government. TAFE became accredited to offer VET FEE-HELP in 2009 when the former member for Balmain, Verity Firth, was the Minister for Education and Training. This Government will support any measure that increases student access to training that helps them to get a job. Clearly, we have a big task to make sure that we meet industry training demands across this State. If we are to make New South Wales number one again, we need sufficient human resources, whether that is retraining BlueScope Steel workers to fill other positions or training students when they leave school or even before they leave school, as we do currently. We must have all the resources available to offer training to as many people as possible.

On Friday the Premier attended the Council of Australian Governments meeting where a number of announcements were made about the future of training and the Commonwealth's involvement. The Commonwealth is becoming increasingly involved in providing training, particularly vocational education and training, and will have a big say about what happens in New South Wales. We can be part of the process and shape it, particularly given that this is the biggest State in the Commonwealth. We have said we are the largest State in every aspect of public policy, and we will shape the national agenda as much as possible in consultation with the Commonwealth. We will not sit back and allow the Commonwealth simply to dictate to New South Wales what will happen in vocational education and training, health, taxation including the carbon tax, or the like. We will flex the muscle of this State.

We will do what is in the best interests of New South Wales, whether that is in vocational education training or in the national curriculum. We are strong supporters of TAFE, particularly in regional New South Wales where it is the only trainer provider in many communities. We must make sure that we keep TAFE as the public provider of training. We will always bear in mind that we need to support TAFE, maintain its strength and, most importantly, maintain the quality training that TAFE provides and for which we are well regarded in New South Wales, Australia and internationally.

SWANSEA CHANNEL DREDGING

Mr GARRY EDWARDS: My question is addressed to the Minister for Primary Industries, and Minister for Small Business. How is the New South Wales Government working to maintain safe navigation of Swansea Channel?

Ms KATRINA HODGKINSON: I thank the hardworking member for Swansea for his question and his tireless efforts to secure the safety of boaters traversing the Swansea Channel at Lake Macquarie. I am pleased to announce that tenders are being called for dredging in the Swansea Channel and Black Ned's Bay. It may come as something of a surprise to those opposite—in fact, they may suffer a feeling of déjà vu—that earlier this year the now infamous former lands Minister Tony Kelly made yet another shallow and hollow promise to the Swansea community. Trusty Tony's own media release from 14 March said that a dredge had been bought and, once delivered, would start work in the Swansea Channel immediately. Trusty Tony neglected to tell the people of Swansea that he did not have a budget or a business case, or even approval, to buy this much-promised dredge. Needless to say, the dredge never arrived.

The SPEAKER: Order! Government members will come to order. The Minister does not need anyone's help.

Ms KATRINA HODGKINSON: This proved to be another futile pre-election ploy by a Minister with a reputation for tall tales, false and loose deals and, as the member for Bega said, not even the right date stamp. I am proud to say that the New South Wales Liberal-Nationals Government is not in the habit of making empty promises. The call for tenders that I have just announced demonstrates our commitment to providing real services to the local Swansea boating and fishing community. It is welcome news for boat owners and operators who travel from near and far to use the channel. The aim of the dredging is to remove shoaling at the entrance to Black Neds Bay near the Swansea Bridge and in the upper end of the Swansea Channel.

Constant changes to seabed levels in the upper end of the Swansea Channel are particularly challenging for navigation. This area of the waterway is likely to require ongoing attention to ensure safe access for commercial and recreational vessels. That is why the Crown Lands Division of the Department of Primary Industries under the new O'Farrell-Stoner Government is developing a strategy that defines a sustainable long-term approach to this important issue. This will involve consultation and assistance from State and local governments as well as key stakeholders. The dredging works are important to local and visiting boating enthusiasts and will do a lot to support the local economy. I take this opportunity to read some of the words of support we have received already from the local boating community. The Boat Owners Association of New South Wales said:

> This is a first but most welcome step in correcting the years of neglect and stop-start efforts that occurred under previous Labor governments.

The Managing Director of the Marmong Point Marina said:

> I congratulate Garry Edwards and Minister Hodgkinson for the Swansea Channel dredging announcement. This will be a massive boost to Lake Macquarie's economy and economic security to our Lakes marine businesses.

Tenders are now being called and information packages for each project can be downloaded from the Government's e-Tender website. Tenders for both projects close on 14 September. Those interested have a few short weeks to get tenders in. I take this opportunity also to thank the member for Swansea and the neighbouring member for Lake Macquarie, Greg Piper, for their tireless support and dedication to dredging the Swansea Channel. The Government recognises the importance of well-developed dredging programs to assist recreational and commercial boating. Obviously, it will be of great assistance also to regional economies and primary industries such as oyster growing and fishing, two important industries in the Swansea economy. On this side of the House under a new O'Farrell-Stoner Government we are committed to working with local communities to improve navigation in New South Wales waterways and the development of a dredging strategy is part of this commitment.

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

Ms KATRINA HODGKINSON: By working together we can achieve much more to ensure the health of our lakes and rivers, support for coastal communities and economies and, most importantly, the maintenance of safer waterways.

ORICA PLANT INCIDENT

Mr JOHN ROBERTSON: My question is directed to the Premier. Given his refusal to take any action against his Minister for the Environment and Minister for Health for failing to warn residents and misleading Parliament about the Orica leak health risk, or against his deputy who rorted the Solar Bonus Scheme, has the public not had a gutful of politicians who, like the Premier, promise to set high standards and fail to deliver?

Mr BARRY O'FARRELL: My ears will ring forever: rorted the Solar Bonus Scheme. Who was the architect of a scheme that was to cost taxpayers $355 million? Who was the architect of a scheme that, when Labor last costed it using Tom Parry and Michael Duffy, was going to cost taxpayers $1,900 million? The hypocrisy of those opposite is extraordinary. The Deputy Leader of the Opposition did exactly what he was entitled to do but he did precisely what those opposite encouraged people to do when they came into Parliament on that day. Did they make changes that said the scheme closed last night? No. They made changes that said the scheme closed that day. Some 2,800 people signed up that day and 37,000 people who got their certificates after that date ended up getting into that scheme, the scheme designed by the Leader of the Opposition.

The fact is, as the Deputy Premier has said, he signed up. I do not know when they signed up, but what I do know is they sat in Cabinet before the decision was made. Those on that side knew the decision was coming. What we do know is that the Deputy Premier signed up a number of weeks beforehand. What we do know is that the Deputy Premier was accepted into that scheme, as were 2,800 people on that day and as were 37,000 people under the rush of applications for the 60¢ tariff. Why you would penalise either those people or the Deputy Premier for doing something that you would allow to be done is beyond me. My views about this scheme are well known. I tried to make changes to this scheme to protect taxpayers a couple of months ago. Guess what? It was opposed by those opposite. If we want to talk about hypocrisy thy name is John Robertson.

Ms Linda Burney: Point of order: My point of order relates to Standing Order 129. You can huff and you can puff as much as you like. The question is: Are you going to take any action against— ?

The SPEAKER: Order! There is no point of order. The Premier is answering the question.

Mr BARRY O'FARRELL: Not even those opposite have suggested that there was anything unlawful or illegal in what the Deputy Premier has done. What he did under their scheme was what 2,800 other residents did on that day and what 37,000 people did as they rushed to get into a scheme that was flawed. Under Opposition estimates it was to cost $355 million and under the last estimate it would cost $1.9 billion. I was answering the question. Apparently the question is about hypocrisy. The hypocrisy of those opposite is that this flawed scheme is one the Opposition designed. Strike two is that on 28 October 2009 there was a major chemical emission in the electorate of Maroubra. Did the Leader of the Opposition inform the House? Did the Leader of the Opposition make a statement to the media? Did the Leader of the Opposition alert residents? Let the House be clear: there are double standards. It is the double standards of the Leader of the Opposition. It is no wonder—

Mr Michael Daley: Point of order. I refer to Standing Order 73, which deals with personal attacks on other members. The question was about standards you impose on the Government. You can talk the talk but you do not walk the walk.

The SPEAKER: Order! The question contained accusations of rorting. I suggest that each side is guilty of making such accusations about the other.

Mr BARRY O'FARRELL: I ask the House to note the member for Maroubra made that point of order with a straight face.

Question time concluded at 3.13 p.m.

PETITIONS

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

Pet Shops

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

Relationships Register

Petition opposing any legislation for a relationships register and promoting marriage for de facto heterosexual couples, received from **Mr Barry O'Farrell**.

Community Housing Mental Health Services

Petition requesting increased mental health support for people with mental illness who are tenants of Housing NSW and community housing, received from **Ms Clover Moore**.

Drink Container Deposit Levy

Petition requesting a container deposit levy be introduced to reduce litter and increase recycling rates of drink containers, received from **Ms Clover Moore**.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Central Coast Representation

Mr CHRIS SPENCE (The Entrance) [3.15 p.m.]: This motion should be accorded priority because our record shows investment, commitment, attention and achievement for the Central Coast. The Opposition record is one of neglect, negligence, disregard and failure. I am immensely proud of the Central Coast and I am honoured to represent part of the Central Coast along with my colleagues the member for Wyong, the member for Terrigal and the member for Gosford. Central Coast residents are entitled to strong representation, reputable Government, and visionary leadership. Central Coast residents are entitled to a Government that will act with integrity, accountability and responsibility. This motion should be accorded priority because for too long the people of the Central Coast have missed out on strong representation, but that all changed on 26 March 2011. Since 26 March 2011 this Government has delivered for the people of the Central Coast. Our first act after 26 March was to give the Central Coast—

Mr John Robertson: Point of order: In relation to the member for Terrigal, I ask the member for The Entrance to withdraw his comments about poor representation.

The SPEAKER: Order! That is not a point of order.

Mr CHRIS SPENCE: Let us talk about the former Minister for the Central Coast, Mr John Robertson. He may look like the Minister for the Central Coast—same hair cut and same age, but minus the intelligence, the IQ. As Minister for the Central Coast the Leader of the Opposition repeatedly shirked his responsibilities. In 2010 during budget estimates he could not answer questions about Terrigal Drive. That is probably because he has never been there. Everyone on the Central Coast knows where Terrigal Drive is, but not too many people who live in Kurrajong know where it is, do they? He would not answer questions about Terrigal police station. He would not be able to tell us where that is because you have to go down Terrigal Drive to get to Terrigal police station. The Leader of the Opposition could not remember if the Central Coast had become a separate region. Maybe he had forgotten that 320,000 people live there; maybe not enough Electrical Trade Union members live there. He would not answer questions about local hospitals or planning matters.

Mr Michael Daley: Point of order: Standing Order 73 applies to these proceedings as much as it does to question time.

The SPEAKER: Order! I am aware of the standing order. I remind the member that personal reflections are disorderly at all times. However, a personal reflection was not made on an individual.

Mr CHRIS SPENCE: The Leader of the Opposition would not answer questions about local hospitals and planning matters. Apparently the former Minister for the Central Coast, John Robertson, was responsible for nothing.

Mr Michael Daley: Point of order: I take the same point of order.

The SPEAKER: Order! I remind the member that personal reflections on members of this place are disorderly.

Mr CHRIS SPENCE: The Leader of the Opposition has no understanding of the importance of the residents of the Central Cost, but the Coalition Government has, which is why this motion—

Mr Michael Daley: Point of order. You have twice ruled the member out of order.

The SPEAKER: Order! I am trying to listen to what the member is saying. I have not heard further personal reflections. The member has the call.

Mr CHRIS SPENCE: The New South Wales Coalition understands the importance of the Central Coast and that is why this motion should be accorded priority. After 140 days the Leader of the Opposition wants to cast doubt over road upgrades despite labour doing nothing for 16 years on roads, rail, hospitals, employment, schools and emergency services even though it was in Government for 6,000 days. The Leader of the Opposition sanctimoniously arrived on the Central Coast last Tuesday to talk about our promises for road upgrades. He brought along the former member for Wyong, who did not want to be associated with the Labor party during the election campaign—he took the Australian Labor Party brand off everything he distributed. He criticised our commitment to Wyong Road during the campaign, saying that it was foolish and a waste of time.

Dr Andrew McDonald: Point of order: The member for The Entrance is meant to be arguing why his motion should be accorded priority, but clearly he has strayed a long way from that.

The SPEAKER: Order! The member for The Entrance has been arguing why his motion should be accorded priority. The member's time has expired.

Government Accountability

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [3.19 p.m.]: This motion deserves to be accorded priority because the Premier piously puffed out his chest and talked about a new era of transparency and accountability in Government.

Mr Chris Hartcher: Point of order: Standing Order 73, which the Opposition continually refers to, applies equally to Government members. The Leader of the Opposition is making a personal reflection on the Premier. The same point of order that was taken by the member for Maroubra, the member for Macquarie Fields and the member for Canterbury applies to him.

The SPEAKER: Order! I remind the Leader of the Opposition that making personal reflections on any member is not allowed.

Mr JOHN ROBERTSON: Mark this week because this week the Government reneged on the contract it made with the people of New South Wales. This week we learnt not only of toxicity in Stockton but also of toxicity in the Government. When a toxic spread—

Mr Chris Hartcher: Point of order—

Mr JOHN ROBERTSON: Why didn't you tell people what you knew instead of shooting your mouth off?

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

Mr Chris Hartcher: I take personal exception to being told I am toxic.

Mr Michael Daley: So do I.

Mr Chris Hartcher: I ask that the Leader of the Opposition withdraw the remark.

The SPEAKER: Order! Again I remind the Leader of the Opposition that making personal reflections on other members is not allowed.

Mr JOHN ROBERTSON: At least the member for Maroubra said it with a straight face. This motion deserves priority because we know that advice about health risks was denied to the people of Stockton for 24 hours. A release was received advising a Minister that red and yellow hexavalent chromium residue was in the area while innocent children played at the Stockton Early Learning Centre—

Mr Brad Hazzard: Point of order: The motion of the Leader of the Opposition relates specifically to the Premier enforcing a contract he made with the people of New South Wales and asks that Ministers observe the highest standards. It does not relate to any issue in the Hunter. I ask that the Leader of the Opposition be directed to speak only to why his motion deserves priority.

The SPEAKER: Order! That is not a point of order. The motion is wide ranging.

Mr JOHN ROBERTSON: In this case the Minister made assumptions. It is like putting BP in charge of an oil spill. These residents had a right to know the facts immediately. We have been promised higher standards and ethics, but we see yet another Government member rort a scheme, as was acknowledged by the Minister for Resources and Energy last night. They were his words.

Mr Chris Hartcher: Point of order: I have been misrepresented twice today by the Leader of the Opposition. I did not describe anyone as participating in a rort. I said the scheme that he had founded was a rort. The Leader of the Opposition should not continue to mislead the House.

The SPEAKER: Order! I warn the Leader of the Opposition about making personal reflections on other members by accusing them of rorting a scheme or the system.

Mr JOHN ROBERTSON: My motion deserves priority because before the election the people of New South Wales were told by the Government that it had a contract with them to raise ministerial standards. Instead we see Ministers being protected. They have no standards. We see Ministers running out of press conferences to avoid answering questions. We were told in the contract that the Government would give people a real say. The people of Stockton were not given a say on the Orica incident. Instead we see a bureaucratic inquiry with no opportunity for the public to say anything, absolutely nothing. The contract states that the Government will be honest and accountable. Instead it takes every opportunity to avoid honesty and accountability. The Government does not want honesty or accountability. That is why its members will take another point of order.

Mr Brad Hazzard: Point of order: I ask you to bring the Leader of the Opposition back to arguing why his motion should be accorded priority. If he wants to talk about standards he can talk about the paedophile in his last Ministry, and Joe Tripodi and Matt Brown. I could go on for the next 20 minutes. Let him talk about the higher standards—

The SPEAKER: Order! The Minister will resume his seat. The time of the Leader of the Opposition has expired.

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

The House divided.

[*In division*]

The SPEAKER: Order! The screaming and aggressive behaviour of some of the men in the Chamber is thuggish. Members will resume their seats.

Ayes, 60

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

Noes, 24

Mr Barr	Mr Lynch	Ms Tebbutt
Ms Burney	Dr McDonald	Mr Torbay
Ms Burton	Ms Mihailuk	Ms Watson
Mr Daley	Ms Moore	Mr Zangari
Mr Furolo	Mr Parker	
Ms Hay	Mrs Perry	
Ms Hornery	Mr Piper	*Tellers,*
Ms Keneally	Mr Rees	Mr Amery
Mr Lalich	Mr Robertson	Mr Park

Question resolved in the affirmative.

CENTRAL COAST REPRESENTATION

Motion Accorded Priority

Mr CHRIS SPENCE (The Entrance) [3.34 p.m.]: I move:

That this House notes the Government is delivering for the people of the Central Coast.

I am immensely proud of the Central Coast and I am honoured to represent its residents. The residents of the Central Coast are entitled to strong representation, reputable government and visionary leadership from a government that delivers on integrity, accountability and responsibility. This motion is a priority because for too long the people of the Central Coast have missed out on strong representation, reputable government and visionary leadership. Since 26 March 2011 this Government has delivered for the people of the Central Coast. The Coalition Government has implemented its 100 Day Action Plan, which has had a direct and measurable positive impact on the residents of the Central Coast.

Central Coast residents know that they now have a Government that is supporting them. On our first day in government we introduced something foreign to the Labor Party and a first for the people of the Central Coast since John Della Bosca—a Minister for the Central Coast who lives on the Central Coast, knows the issues for the Central Coast, is known to the people of the Central Coast, uses the roads on the Central Coast, knows where the hospitals are on the Central Coast, knows the schools and their issues on the Central Coast and is seen every week by locals on the Central Coast. I am, of course, talking about the hardworking, wise, knowledgeable, experienced, respected, committed and dedicated member for Terrigal, Chris Hartcher.

This Government is helping to rebuild the economy. The Jobs Action Plan has started to create local jobs and support small businesses on the Central Coast. A Small Business Commissioner has been appointed and local Central Coast businesses can have more certainty in their cash flow because New South Wales Government bills will be paid within 30 days. Destination NSW was established, which will help attract investment into New South Wales—local tourism will thrive on the Central Coast. There is a bounty of tourist attractions on the Central Coast: from Bouddi National Park in the south to Norah Head Lighthouse in the north. Destination NSW will allow us to aggressively market and promote areas such as the Central Coast as a global tourist destination.

One of the first things this Government did to support residents from regions such as the Central Coast was to pass legislation to repeal the homebuyers tax. The Australian dream of home ownership is held by many people throughout my electorate, especially young families, and this Government is supporting those young families on the Central Coast to achieve that dream. Quality services are being returned to the good people of the Central Coast. The Government has amended the health legislation to establish local district health boards. This means that Central Coast residents can now be assured that decisions about their hospitals are not made by bureaucrats in Sydney. These practical and positive changes made by the Coalition Government support the residents of the Central Coast.

This Government has a plan to deliver 50 extra beds and 25 extra nurses to the Central Coast local health district, along with funding of $5million for the Woy Woy rehabilitation unit. These commitments of support for the Central Coast will have practical and positive impacts throughout the community. We commenced the Literacy and Numeracy Action Plan, which will mean more teachers. This means that parents can be reassured that when they send their sons or daughters to Valley View Primary School, Wyoming Public School or The Entrance Public School their children are less likely to fall behind in their learning. Upgrades and enhancements to the region's infrastructure have begun. The burden on commuting for thousands of Central Coast workers has been lightened by reductions in monthly, quarterly and annual train fares.

From June 2010 to July 2011 monthly, quarterly and annual train ticket sales increased at train stations at Gosford by 41 per cent, Woy Woy by 88 per cent, Wyong by 46 per cent, Tuggerah by 69 per cent and Point Clare by 30 per cent. The Government has also been busy renovating the State's infrastructure. Infrastructure NSW has been created and its board appointed. The vital orbital road of the F3 to M2 link will be referred to this body because we know how important that infrastructure is to the people of the Central Coast. Every day commuters and families sit in traffic on the existing dangerous road from the Central Coast. This Government is going to do something about it. This is support from the Government for the residents of the Central Coast that has been sadly lacking for so long. This Government has a plan to fix the crumbling infrastructure on the Central Coast. It includes $5 million to upgrade Wisemans Ferry Road and $30 million for Woy Woy Road. Also, the notorious west Gosford intersection will be referred to Infrastructure NSW.

We have undertaken an audit of speed zones across the State. That audit had direct impacts on the people of the Central Coast. There is a perception across the community that the epidemic of speed zones that flourished under the former Government was an intentional revenue-raising measure. In my electorate of The Entrance there is a speed camera in Bateau Bay on the Central Coast Highway. This camera is renowned as one of the most frustrating cameras on the Central Coast and is widely regarded by locals as simply a revenue-raising camera. The safety of Central Coast road users remains one of our top priorities, but the audit showed that the Bateau Bay camera was ineffective and it was switched off—real and measurable support for the residents of the Central Coast from this Government.

I too have committed to the people and community groups within my electorate. I am patron of The Entrance Surf Life Saving Club, patron of the Tuggerah Tuffs, patron of the Tuggerah Lakes branch of the National Servicemen's Association of Australia and patron of the Grandparents Raising Grandchildren program. All of the hardworking local volunteer and charity groups expect government to be accountable, to be responsible and to have integrity. That is why the people of New South Wales, including the Central Coast, elected the O'Farrell-Stoner Government to restore a government of integrity, accountability and responsibility to New South Wales.

This Government is introducing legislation to eliminate taxpayer-funded "political" advertising and ensure that the Auditor-General can scrutinise advertising campaigns. This is giving support to the people of the Central Coast in its most fundamental form: restoring trust in their Government. We have passed legislation banning success fees for lobbyists and are strengthening whistleblower protections and the Independent Commission Against Corruption. The people of the Central Coast know that we are delivering on the election

commitments we made and they know they have our support. We are also committed to supporting the residents of the Central Coast by protecting our local communities. This has been done by introducing the new three strikes approach to problem licensed venues. Residents of the coast know that problem licensed venues will not be tolerated by this Government. This Government has delivered real support to the people of the Central Coast as part of its 100 Day Action Plan.

Ms LINDA BURNEY (Canterbury) [3.41 p.m.]: During this debate I have listened carefully to the member for The Entrance saying how welcoming the people of the Central Coast are toward this Government.

Mr Chris Hartcher: They don't welcome you.

Ms LINDA BURNEY: That is interesting. I will put on record the views of several organisations from the Central Coast that feel anything but welcoming and are becoming impatient about the grand plans and promises that many on the other side made. Jeremy Cooper is extremely unhappy with the member for Terrigal. Jeremy Cooper was going to install solar panels under the Solar Bonus Scheme. But since the Minister backflipped on that during one of the most disastrous starts I have seen for any Minister—completely inept and useless—Jeremy Cooper is not too happy with the Minister's views.

Mr Chris Hartcher: Point of order: Standing Order 73 requires that attacks upon another member of this House—in this case on me—be made by way of substantive motion. Sit down, I have not finished yet. Under the standing orders the member is supposed to resume her seat.

[*Interruption*]

Mr Chris Hartcher: Did Mr Deputy-Speaker hear that?

The DEPUTY-SPEAKER (Mr Thomas George): Order! I remind the member for Canterbury she is already on three calls to order. I will not tolerate that type of behaviour.

Mr Chris Hartcher: Therefore I ask you to bring the member back to the motion.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I draw the member back to the leave of the motion and again remind her that she is on three calls to order.

Ms LINDA BURNEY: Public servants are not too happy with the members from the Central Coast. In response to the public service cuts that the Government is undertaking, 300 people protested in Gosford to demonstrate their opposition to the views and the actions of this Government in relation to the public sector on the Central Coast. Also, the Woy Woy Public Alliance is unhappy with the member for Gosford. He promised them a rehabilitation facility prior to the election and they have heard nothing about it since the election. The people from the Central Coast are also unhappy with the Minister for Education and his so-called review of schools as community centres, particularly the Chertsey Public School. We know what reviews are about: this review will result in those centres being closed. Government members have suddenly gone quiet. The review of these community schools blows out of the water any argument that the people of the Central Coast are happy with the Government.

The DEPUTY-SPEAKER (Mr Thomas George): Order! Hansard is having trouble hearing what is being said.

Ms LINDA BURNEY: These are just some examples of the dissatisfaction with the Government that is felt on the Central Coast: Jeremy Cooper in relation to Minister Hartcher and his solar bonus backflip; public servants protesting on the Central Coast; the Woy Woy Alliance unhappy with the member for Gosford; and the community unhappy with the schools as community centres review. Of course, the Peninsula Chamber of Commerce is unhappy with the Government because of its backflip on the Umina Beach police station. I know that there are games, toing and froing and rhetoric in this Chamber and I admit that it comes from both sides of the House, but the notion that nothing has been done on the Central Coast for the last 16 years is absolute rubbish. In the last five years this side of the House has spent more than $1 billion on critical infrastructure on the Central Coast.

Mr Darren Webber: Where?

Ms LINDA BURNEY: On transport upgrades, hospital upgrades, courthouse upgrades, a new police station, aged care facilities, social housing projects, road projects, school building programs and environmental projects.

The DEPUTY-SPEAKER (Mr Thomas George): Order! Government members will come to order. They will have the opportunity to take part in the debate and reply to some of the points that are being made.

Ms LINDA BURNEY: There has been massive investment. I accept that there is enormous hubris on the other side. I accept that the election result was what it was. But it is fallacious and juvenile that those opposite do not recognise Labor's contribution. Part of the maturity of being a good politician and having a robust discussion is to recognise that good has been done by the other side. As I said, $1 billion in the last five years needs to be recognised by those on other side. It will make them better politicians and more gracious people.

Mr Darren Webber: In your stead?

Ms LINDA BURNEY: In your particular case, you have much to learn in that area. Labor invested $820 million in outer suburban carriages. Commuter car park expansions have been completed at Ourimbah and Tuggerah. There are also commuter car parks at Woy Woy and Wyong. Since 2007, when we were in government, we spent more than $260 million on health services on the Central Coast. Major upgrades to Gosford and Wyong Hospitals have been completed. Labor also made an enormous commitment of $300 million between 2007 and 2011 for road network upgrades throughout the Central Coast. [*Time expired.*]

Mr DARREN WEBBER (Wyong) [3.48 p.m.]: I support the motion. The contribution to the debate of the member for Canterbury was really something special. It is a delight to talk about the Central Coast in a positive light because in recent years—and recent weeks—the Central Coast has been in the national media spotlight for all the wrong reasons. Labor members of Parliament misbehaving and acting inappropriately have given our region a very bad name. This is in stark contrast to the passionate and committed representation that I and my colleagues on this side of the House bring to the community. The negativity that comes from Labor knows no bounds. Just last week the Leader of the Opposition and the former member for Wyong—

Ms Linda Burney: You are never going to be a Minister.

Mr DARREN WEBBER: The member for Canterbury, the shadow Minister for the Central Coast, was not there. I am not sure whether the Leader of the Opposition and the former member for Wyong knew which electorate they were in but they were on Wyong Road, which is the boundary between the electorate of The Entrance and the electorate of Wyong. They criticised us, after 150 days in government, for not delivering upgrades to Wyong Road. Our policy of upgrading Wyong Road was actually attacked during the election campaign by the former member for Wyong. What hypocrisy: to say they did not support our policy and then say we should have delivered on the project in 150 days. They had some 6,000 days to upgrade Wyong Road themselves.

I give the Leader of the Opposition some credit. He has pulled off something of a coup because the former member for Wyong certainly was not happy to be known as a Labor member of Parliament in the lead-up to the election and ran as an independent. It is good that he has now been titled "the Labor voice for the Central Coast" and "the Labor voice for Wyong". That is interesting because I am not sure what the shadow Minister for the Central Coast is supposed to be doing. Perhaps David Harris is doing her job for her.

Mr Michael Daley: He did a good job on you.

Mr DARREN WEBBER: A really good job! Wyong Road is an important issue. It is a road on which the member for The Entrance and I get stuck on a daily basis. It has not been upgraded since the last Coalition Government. Labor had 6,000 days in government and it did nothing to Wyong Road. The last upgrade to Wyong Road was under a Coalition Government and the next upgrade to it will happen under this Coalition Government. The upgrade will happen on three pinch points—the roundabouts at Tumbi Top, Mingara and Enterprise Drive. Integral traffic lights will be installed inside the roundabouts, very similar to the road system not far from the electorate office of the fine member for Terrigal.

We will implement many policies across the Central Coast. They include a further $5 million to restore the rehabilitation unit in Woy Woy Hospital that Labor took away. We will open the Wyong police station that

Labor has promised since 1999. It takes some time to build a police station in this State! We have empowered local police from the Tuggerah Lakes and Brisbane Water area commands—they are the two commands on the Central Coast, for members' information—to use move-on laws so that not just three people or more in a group can be moved on but individuals. That will be important particularly in the northern electorates, where alcohol abuse and vandalism at night are something of an issue.

We have committed $100,000 for an impartial study of The Entrance Channel, something Labor neglected for years. It is Crown land and it is our responsibility. What did Labor do over 16 years? Nothing at all. Our graffiti legislation will help the Central Coast, particularly the electorate of Wyong, where vandals have started tagging cars. The graffiti problem has got worse. Our local area command has featured regularly in the top five of crime lists across the State. That is a direct result of 16 years of Labor's misrepresentation.

As a Government we differ from Labor because we deliver on election commitments. We will not just produce glossy brochures and blow $500 million on projects that will never materialise. We will stand up at the next election and proudly promote our delivered election commitments. The Central Coast is a wonderful place to live and it is an honour to represent the area. Over this electoral term Chris Hartcher, Chris Holstein, Chris Spence and I, along with Garry Edwards, will work with communities in the region to deliver services and infrastructure that are very badly needed after years of Labor neglect. On 26 March the people of the Central Coast voted for change.

Ms Linda Burney: Point of order: I have two words for the member for Wyong: David Harris.

The DEPUTY-SPEAKER (Mr Thomas George): Order! That is not a point of order. I remind the member that she is on three calls to order.

Ms Linda Burney: It was Standing Order 76.

The DEPUTY-SPEAKER (Mr Thomas George): Order! That is not a point of order. The member for Canterbury is lucky that she is still in the House.

Mr CLAYTON BARR (Cessnock) [3.53 p.m.]: I applaud the member for The Entrance for bringing this matter to the attention of the House because it is important that we recognise some of the achievements of the previous Government during its tenure of the Central Coast, having invested a mere $1 billion!

Mr Chris Holstein: Where?

Mr CLAYTON BARR: I acknowledge the interjection from the member for Gosford. Let us start with $195 million that was spent on Gosford Hospital, including redevelopment of levels 5 and 6, refurbishment and extensive redevelopment of the paediatric unit and peri-operative departments, the building of the stage two car park entrance and a regional cancer care centre. I also draw attention to the $113 million spent at Wyong Hospital. What did we do at Wyong Hospital? There were the stage two upgrades, a mental health facility, redevelopment to level 4, and redevelopment of Wyong emergency, pathology, medical imaging, and the psychiatric emergency care centre. It must make the member for Gosford and the member for Wyong extremely nervous to know that the bar has been set so high—no pun intended.

The member for Wyong stood up in all his glory and announced $5.1 million in opportunity expenditure plus the construction of Wyong police station. We have not seen it yet but I will give him the benefit of the doubt and call it $20 million. So the Government has announced $25 million for the Central Coast compared with $1 billion spent by Labor.

Mr Darren Webber: Over 16 years.

Mr CLAYTON BARR: Let us multiply your $25 million by 16 and see what we come up with. It is $200 million or $300 million against $1 billion spent by Labor. We spent $195 million at Gosford Hospital and $113 million at Wyong Hospital and $660 million on roads, including the F3, Scenic Drive and The Entrance Road. There were additional train services in the morning and evening peak periods and car parks were built at Ourimbah, Tuggerah, Wyong and Woy Woy stations. Forty-one more buses were provided and 1,500 more services. There was 20 per cent growth in public transport. We provided $30 million to build new schools including a primary school at Warnervale.

Mr Darren Webber: Quote some more figures.

Mr CLAYTON BARR: The figures will scare you. A high school was built at Kariong. We relocated government agencies such as WorkCover. We rejected a coalmine in the Yarramalong Valley. A share of $117.4 million was provided for refurbishment of the Gosford mental health facility and $8.3 million was spent on the Mandala health unit construction at Gosford. Psychiatric emergency care centres were created and established, including a brand new 50-bed acute unit at Wyong. It is an amazing array of infrastructure that was provided to the Central Coast. The Central Coast is so important to the Coalition Government that when it implemented the Hunter Infrastructure Fund it did not implement one for the Central Coast.

When the member for Wyong made the announcement in the Chamber today about how much infrastructure is coming to the Central Coast he said it amounted to $25 million. I applaud the member for The Entrance for bringing to the attention of the House the absence of action for the Central Coast. It is not being taken seriously by this Government. I was hoping that the members from the Central Coast area would stick around for this little lesson because they would be extremely concerned about their ability to hold onto their seats in view of the fact that their Government will spend nothing to look after them.

The DEPUTY-SPEAKER (Mr Thomas George): Order! Hansard is having trouble hearing the member.

Mr CLAYTON BARR: Toxic was the word used earlier today to describe the activities of some but toxic would describe quite accurately the attitude of the Coalition Government towards the Central Coast. Enjoy your three and a half years, gents.

Mr CHRIS SPENCE (The Entrance) [3.58 p.m.], in reply: I note the comments of the member for Cessnock about our achievements at The Entrance. When the previous member for The Entrance announced before the election that he was going to retire the former Premier issued a media release congratulating him on three things: upgrades on the Scenic Highway in Terrigal; upgrades to roadworks, again in Terrigal; and upgrades to Tuggerah Straight in Wyong. After 19 years, the achievements recognised by the Premier when the member announced that he was not going to stand at the last election were three things outside his electorate. The former Government did nothing for the Central Coast. The member for Canterbury made the comment that a Labor Party rank-and-file member was not happy with the Minister for the Central Coast. Let us look at what the last Minister for the Central Coast did when he was on the board of WorkCover. The record of attendance at WorkCover board meetings by the Leader of the Opposition was not good.

Pursuant to sessional orders business interrupted and motion lapsed.

MARINE PARKS AMENDMENT (MORATORIUM) BILL 2011

Agreement in Principle

Debate resumed from 10 August 2011.

Ms ROBYN PARKER (Maitland—Minister for the Environment, and Minister for Heritage) [4.01 p.m.]: The Minister for Primary Industries is also keen to speak on the Marine Parks Amendment (Moratorium) Bill. The Government has made its policy intentions clear regarding zoning in marine parks. These intentions are set out in the Coalition's recreational fishing policy. We made it clear that, on coming into government, we would immediately commission an independent scientific audit of zoning in marine parks. The audit is already underway. I encourage the House to visit the newly established website at www.marineparksaudit.nsw.gov.au.

On the website members will find the audit's terms of reference. The audit will review the domestic and international commitments to conserving marine biodiversity; current actions for meeting these commitments and the effectiveness of these actions, and; the degree to which all threats to the varying types of marine environments have been properly identified and prioritised. The audit will also recommend ways to improve inclusion of social and economic impacts into decision-making on marine parks, in particular the design and management of marine parks. The website shows the credentials of the panel members, including Professor Colin Buxton, who has expertise that spans the biology, ecology and fisheries of inshore reef fishes, particularly those that are important to recreational and commercial fisheries. His current research focus includes understanding marine protected area impacts on the coastal environment and assessing their efficacy as a fisheries management tool.

Also on the panel is Greg Cutbush, who has 15 years experience in the public sector and 20 years in the private sector with expertise in competition policy, international trade, infrastructure policy and cost-benefit analysis. He has worked for the Organisation for Economic Co-operation and Development, the World Bank and the Asian Development Bank. Another panel member is Professor Peter Fairweather, who has been Professor of Marine Biology at Flinders University since 2001 and has expertise in food webs in a variety of coastal, marine and estuarine ecosystems. He has extensively studied human and land-based impacts on marine environments. Associate Professor Emma Johnston is also on the panel. She has a PhD from the University of Melbourne and since completing her PhD in 2002 has worked as an academic at the University of New South Wales in the School of Biological, Earth and Environmental Sciences. She has extensive expertise in impacts of pollution and invasive species on marine ecosystems. Finally, Dr Roberta Ryan is a leading social policy and planning analyst with over 25 years experience in Australia and internationally.

This is a balanced and experienced panel that will be able to systematically review everything we know about marine park policy. We want our marine park policy to be guided by science, not politics. We want to create a policy that aims for the right balance between protecting the marine environment and allowing appropriate recreational uses. The marine parks audit will be our guide in creating such a policy. The Government agrees that a moratorium is necessary; however, the duration of the moratorium should fit the circumstances, and it would be counterproductive to provide only for a moratorium with a set term. The Government must be able to implement decisions in a timely way when the purpose of the moratorium has been achieved. Waiting for five years does not allow for an appropriate and timely response following completion of the independent scientific audit.

Therefore, the Government proposes an amendment to the bill. We propose that a moratorium period be defined in the Act as either five years from the commencement of operation of the amending bill or a shorter period linked to the completion of the audit, whichever occurs sooner. The Ministers responsible for marine parks will recommend to the Governor the appropriate date for the expiry of the moratorium period relating to the independent scientific audit. We can only do that after we have considered the report of the scientific audit and its recommendations and have provided a written response to the report that is publicly available. On receiving a recommendation from the Ministers, the Governor may then make an order ending the moratorium period. This is a sensible, practical, responsive approach.

The Government considers that this independent scientific audit is necessary to ensure that future decisions we make in relation to marine parks are evidence based and rely on the best possible information. To provide certainty we propose that the independent scientific audit be included in the legislation. We also include an amendment to prohibit conducting or continuing reviews of zoning plans within the moratorium period. This is sensible and logical; otherwise the Government would be required to commence a separate review of the zoning plans before having an opportunity to respond to the audit. We want to ensure that these reviews are done with the best possible information.

To reiterate, a five-year blanket moratorium would delay the implementation of the outcomes of the audit. We do not know what those recommendations will be. It is quite possible the audit may make findings that some areas could safely be opened to fishing. Conversely, there may be a need to increase protection in some areas. It may also be appropriate in some instances to consolidate some of the small sanctuary zones to help improve voluntary compliance. In all, we need to be able to consider the recommendations of the audit, and to implement our proposed response to them in a timely manner rather than waiting for five years to do so.

This bill, with the Government's amendments, is a sensible approach to advancing marine park policy for New South Wales. It allows us to progress the work of the independent scientific audit and then to use the recommendations for comprehensive community consultation and finally provide evidence-based zonings for our marine parks. Our marine park policy will be based on science, not politics. To that end we have put together an independent scientific audit of marine parks that will give us a firm basis for consultation with industry and communities. We have established a great balanced panel, one that will direct us with sound experience and a wealth of scientific knowledge. A five-year moratorium provides no flexibility—it will not allow us to change zonings or sanctuary zones. Likewise, it will not allow us to build new boat ramps should our communities require them. I look forward to updating the House on the progress of the audit, which is the next step towards developing balanced policies that provide for the protection of our marine environment and support its wider uses in our communities.

Ms CARMEL TEBBUTT (Marrickville) [4.09 p.m.]: The Opposition opposes the Marine Parks Amendment (Moratorium) Bill 2011 which imposes a moratorium on the declaration of any new marine parks,

and stops any expansion of a sanctuary zone in any existing marine park for a period of five years or until the audit is completed. The bill was introduced by the Shooters and Fishers Party in the Legislative Council and is supported by the Government. The pressures on our marine environment are well documented. In June this year, an international panel of experts in the "State of the Oceans" report found scientific literature clearly shows that the health of the world's oceans has declined further and faster than previously predicted. Pollution, climate change and overfishing are all impacting on our marine environment. Marine parks and sanctuaries help protect and make more resilient our marine waters and ocean life. I am very proud of our achievements in government with regard to marine parks.

The network of six marine parks along the New South Wales coast, all zoned for multiple use, incorporates one-third of the State's waters and has considerably improved the protection of estuarine and marine habitats and associated biodiversity, including threatened species such as green turtles, dolphins, penguins, sea birds and the endangered grey nurse shark. The Marine Parks Authority has noted that research in New South Wales marine parks shows that fish numbers, density and mass have increased in marine-protected areas, there have been reductions in the loss of threatened and vulnerable species, and marine parks have improved engagement and education of the community about the importance of marine conservation. This is good for marine wildlife, good for conservation and good for the community.

Numerous studies also have attested to the economic benefits of marine parks. Research by the Australian National University shows that marine sanctuaries can increase economic outputs from a region and reduce the recovery time for popular fish. The Marine Parks Authority also has undertaken research on the impacts of marine parks on regional economies and found they increased business turnover and employment. For example, a report into the impact of the creation of the Solitary Islands Marine Park found annual business turnover had increased by almost $3 million in the Coffs Harbour area, and employment in the peak season also had increased. None of this seems to matter to the Coalition Government, whose actions threaten these good outcomes for the environment and the community.

This bill will make sure that the Government will not take any new action to protect marine biodiversity, ecological processes and marine habitats for the life of the moratorium. Let us hope that no new evidence emerges for the urgent protection of any marine species or habitat during the moratorium because, apparently, this Government would not accept the science. And that would not be the first time that has happened. Yet again, as we heard today from the Minister, the Government continues to peddle the myth that marine parks are based on poor science and that the process to establish marine parks is politically motivated. Nothing could be further from the truth. The Government used this claim to justify its support for this moratorium, just as it used it to justify the rolling back of protection in the Solitary Island and Jervis Bay marine parks.

This claim is laughable in light of the deals the Government has done with the Shooters and Fishers Party at the expense of the environment. The process to establish and amend marine parks in New South Wales under Labor involved extensive scientific, industry and community consultation. For example, there was extensive consultation about Jervis Bay Marine Park and Solitary Islands Marine Park, with a period of three months for public comment, which built on previous consultation in March and April 2008 for the zoning plan review. There were 42 stakeholder meetings and 6,519 submissions on the most recent zoning plan review for Solitary Islands, and for Jervis Bay there were 35 stakeholder meetings and a total of 3,064 submissions. I do not know what the Government means when it says there was not adequate consultation. Dr Melanie Bishop, the President of the NSW Branch of the Australian Marine Sciences Association in a letter to the Minister for Primary Industries said:

> I write to express our collective disappointment and frustration of the abandonment of so much consultation and good science, in removing the Jervis Bay and Solitary Islands rezoning plans.

Those are not the comments of an Opposition member; those comments are from a respected scientist—the president of the Marine Sciences Association speaking on behalf of marine scientists across New South Wales. The Minister for the Environment claims that the Government is taking the first step in putting community consultation and real science back into this process. That is just double-speak. The *Sydney Morning Herald* editorial got it right when it said:

> The Minister deserves an Orwellian Ministry of Truth tick for that one.

Clearly, what motivates the Government's actions in the environment area is political deal-making. The Coalition Government's support for this bill is another attack in a litany of attacks against the environment since

it came into government. It dumped the shadow Minister at the behest of the Shooters and Fishers Party, and abolished the Department of Environment, Climate Change and Water. The Government then reversed the fishing restrictions that protected the critically endangered grey nurse shark and approved hunting in 142 State Forests for an unprecedented 10 years. As if that was not enough, Barry O'Farrell then tried to retrospectively slash the Solar Bonus Scheme. The Coalition does not support action on climate change; nor does it support setting a price on carbon. Now Premier Barry O'Farrell's Government denies protections to our marine environment for up to five years in exchange for auditing a system that has been extensively studied and reviewed.

There is no end to the blinkered thinking that goes on inside this Government and there is no end to the attacks on the environment. I do not know how the Government can deny the serious concerns about the impact of human activity on marine species and habitat. I do not know how the Government can claim that five years of no action—five years of doing nothing new to protect our marine environment—is good policy. I do not know how the Government can turn its back on the significant environmental, community and economic benefits of marine parks. No doubt this is the sort of policy blindness that is giving this Government a very bad name amongst the environment groups in this State. We should not forget that when the Coalition was in opposition it made every effort to hold out hopes to green groups that it would be different from other Coalition governments; that it would be different from the Federal Coalition Government and from the previous State Coalition Government.

In opposition the Coalition pursued a softly-softly approach to environment issues. The then activist shadow Minister, and the then Opposition leader, Barry O'Farrell, held out hopes to green groups that he would be a Premier who cared about the environment and conservation. It took less than a week to show that statement to be absolutely false. It took less than a week to dump the shadow spokesperson, abolish the department, take no action on climate change, attack the price on carbon and continue to do Tony Abbott's bidding. Again and again we see this Government's attacks on the environment.

Ms KATRINA HODGKINSON (Burrinjuck—Minister for Primary Industries, and Minister for Small Business) [4.18 p.m.]: I just cannot believe the contribution from the member opposite, the former Minister who saw fit to destroy so many communities along the Murray River—located so far from her Marrickville electorate—with the river red gum legislation that featured prominently in her electorate media. Who can believe anything the member for Marrickville says? The Government has made significant enhancements and improvements to this bill since it was introduced in another place.

As originally proposed, the bill sought a five-year moratorium on the declaration of any new sanctuary zones in marine parks. In broad terms, the bill now provides for a moratorium period rather than a five-year moratorium. It also sets out requirements for declaring a moratorium period and the actions that cannot take place during this time. It also now requires an independent scientific audit of marine parks. The aim of the Marine Parks Act 1997 is to conserve marine biological diversity and marine habitats through a comprehensive system of marine parks. The Act provides for the maintenance of ecological processes in marine parks. Significantly, the Act also seeks to provide for the ecologically sustainable use of fish, for both commercial and recreational fishing. The Act provides for these objectives to be achieved through appropriate zoning while allowing for the community to enjoy marine parks.

This Government has already made its policy intentions clear regarding zoning in marine parks. These intentions are set out in the New South Wales Liberal-Nationals Coalition recreational fishing policy. We made it clear that when elected to government we would immediately commission an independent scientific audit of zoning in marine parks. The Government has concerns over marine park management having too great a focus on simply locking up fishing grounds. Some of the very real threats to marine biodiversity and ecosystems may be from pollution, inappropriate coastal development and introduced species and diseases. This Government has therefore committed to a commonsense marine parks policy. The policy aims for the right balance between protecting the environment and allowing appropriate access to fishing areas.

We have made it clear that the Government's policy is to establish an independent scientific panel to undertake the audit of marine parks. The terms of reference for the panel call for a chair and up to five panel members. The chair is the eminently qualified Dr Robert Beeton, Associate Professor at the University of Queensland. Professor Beeton has more than 40 years of experience in conservation and environmental management. His contribution to these fields has been such that he was made a member of the Order of Australia for his contribution to environmental sciences and natural resources management. I am pleased to inform the House that last week my colleague the Minister for the Environment and I appointed the remainder

of the audit panel. We are very excited that a highly distinguished panel of five, in addition to the chair, with longstanding expertise in marine and environmental science, economics, and social policy and planning has been formed.

The members of the panel bring together a remarkable range of skills and wide-ranging experience both nationally and internationally. Associate Professor Emma Johnson is an Australian Research Fellow and Deputy Director of the Evolution and Ecology Centre at the University of New South Wales. She specialises in human disturbances on marine communities, introduced marine pests and estuarine health. Professor Colin Buxton is a marine biologist and both a director of and a professor at the Tasmanian Aquaculture and Fisheries Institute at the University of Tasmania. Professor Buxton's expertise spans biology, ecology and fisheries of inshore reefs. As well as these eminent scientists, Professor Peter Fairweather, marine biologist from Flinders University in South Australia, has been appointed to the panel. Professor Fairweather has particular experience in the ecological processes of aquatic ecosystems, and proper design and analysis of environmental research.

Two further specialists will bring very different skills and expertise to complete the panel. The first of these is Mr Greg Cutbush of the Crawford School of Economics and Government at the Australian National University. Mr Cutbush has many years of experience as an analyst in the public and private sectors, particularly in the areas of competition policy, international trade, infrastructure policy and cost-benefit analysis. These skills will bring an important balance to the deliberations of the panel. Dr Roberta Ryan will bring other important skills to the panel. Dr Ryan is a leading social policy and planning analyst with more than 25 years of experience in Australia and internationally. I understand that the panel is really looking forward to getting into this audit, and have already begun their work.

The scientific audit is being undertaken because of our concerns about marine parks and the marine environment in general. The policy aims for the right balance between protecting the marine environment and allowing appropriate access to fishing areas. The audit will enable decisions to be made that will achieve the right balance for marine parks. The audit will use scientific information as the basis for sound, evidence-based recommendations for marine parks. This will provide the means for the Government to make decisions that will most benefit the environment, take industry into consideration and provide for the community. The bill, as amended, provides a much more usable and useful framework from which to make decisions for marine parks than the original proposals. The bill now includes a process for specifying the moratorium period.

The two Ministers responsible for marine parks will recommend to the Governor the appropriate date for the expiry of the moratorium period relating to the scientific audit. Sensibly, we can do this only after we have considered the written report of the scientific audit and its recommendations. Further, the Ministers will provide a written response to the report and will make it publicly available. On receiving a recommendation from the Minister for the Environment and me, the Governor will then make an order specifying the moratorium period. This is a practical, responsive and flexible approach. We do not know what the recommendations from the truly independent scientific panel will be. It is quite possible the audit may make findings that some areas could safely be opened to fishing. Conversely, there may be a need to increase protection in some areas. It may also be appropriate in some instances to consolidate some of the small sanctuary zones to help improve voluntary compliance. In all, we need to be able to consider the recommendations of the audit and to implement our proposed response to it in a timely manner rather than waiting for five years to do so.

The amendments that have been made to the bill since it was originally introduced have given its provisions greater flexibility. They now provide for the Government to be responsive to the circumstances of the scientific audit. The bill before the House provides for a responsible approach to marine conservation and biodiversity and, importantly, to fishing. Most importantly, it provides for a responsible approach to marine parks on behalf of the community of New South Wales. The bill will be more effective and far reaching with the amendments we have made. The Government therefore supports the bill as currently proposed.

Ms ANNA WATSON (Shellharbour) [4.27 p.m.]: I oppose the Marine Parks Amendment (Moratorium) Bill 2001. The bill is a private member's bill introduced by the Hon. Robert Brown in the other place. The bill provides for a five-year moratorium on the declaration of additional marine parks and prevents the Government from making a regulation that would extend the area in the marine park that comprises a sanctuary zone during that period commencing on the commencement of the proposed Act. The Opposition opposes this bill.

The principal objectives of the Marine Parks Act 1997 are the protection of marine biodiversity, ecological processes and marine habitats, while at the same time allowing recreational and commercial activities

within the marine parks that do not violate those primary objectives. Marine parks allow for commercial and recreational fishing in the majority of their waters, while sanctuary areas protect key habitats. Fishing is permitted in more than 93 per cent of the marine jurisdiction in New South Wales and, on average, 80 per cent of the marine park waters in New South Wales. Marine parks and sanctuaries help to restore and replenish fish stocks, boost the number, size and breed of potential fish, and strengthen the ability of the marine environment to respond to human pressures such as climate change.

This private member's bill, sponsored by the Shooters and Fishers Party, has a long history and members of that party have a clear policy on these matters. They advocated that policy in the term of the last Labor Government and in the term of this incoming Coalition Government. The Labor Party disagrees with the policy of the Shooters and Fishers Party in this area. Our criticism is focused on the O'Farrell Government. In the other place this bill was elevated on the *Notice Paper* as a result of a deal between the O'Farrell Government and the Shooters and Fishers Party. That deal included the passage of the Government's punitive industrial relations laws applying to New South Wales public servants a couple of weeks before.

Members in this place need to be reminded that the only reason we are debating this bill today is because of the backroom deal done between the Premier and the Shooters and Fishers Party. This was the deal that led Reverend the Hon. Fred Nile to ask, "What do I get in return for supporting the Government's industrial relations laws?" We all know that he successfully forced the Premier to reconsider the Coalition's election promise to keep his ethics classes in return for his support for the Government's industrial relations laws. This was yet another backroom deal with the minor parties in the upper House. The Premier promised high standards of governance.

Prior to the election he put his hand on his heart and repeatedly stated that he would not do deals with minor parties. It is obvious to all that the vow of the Premier that he would not do deals with the minor parties was an outright lie. That is why this bill is before the House today. An important question to ask now is: While deals are done by the Premier to trash the marine environment in New South Wales, where is the environment Minister, Ms Robyn Parker, on this issue? She is in the same place as she has been on the appalling Orica cover-up. The Hon. Robyn Parker has a very heavy responsibility as the environment Minister in New South Wales to stand up for the State's environment. Although she is present in the Chamber, on this issue she has gone into hiding. This bill again demonstrates the priority that the Premier has given to the environment. But the Premier's war on the environment does not stop there. The only member on the Coalition side who is willing to stand up for the environment is the Hon. Catherine Cusack.

Mr Andrew Constance: Point of order: The member for Shellharbour is now well outside the leave of the bill. I ask that she be drawn back to the bill before the House.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I uphold the point of order. I have been listening to the member for Shellharbour and I believe she is about to return to the leave of the bill.

Ms ANNA WATSON: I will return to the content of the bill. On the first day of the O'Farrell Government we saw the abolition of the Department of Environment, Climate Change and Water. Now we have no department to advocate for the environment.

Mr Andrew Constance: Point of order—

Ms ANNA WATSON: We have a lame duck environment Minister whose job is literally to hide under a desk.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I remind the member for Shellharbour that she is already on three calls to order. The member will resume her seat. The member can make a big joke of it but she should be thankful that she is not marching out of the House.

Mr Andrew Constance: My point of order is that the member for Shellharbour is clearly canvassing your rulings. She is well outside the leave of the bill.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Shellharbour will return to the leave of the bill.

Mr Andrew Constance: It is a bit hard now. You will have to speak off the cuff.

Ms ANNA WATSON: Actually I will not.

The DEPUTY-SPEAKER (Mr Thomas George): Order! Did the member for Shellharbour make a comment?

Ms ANNA WATSON: No, I did not. In the Coffs Harbour area at Fish Rock we saw the reversal of restrictions that were designed to protect a critically endangered species. The scientific evidence is that the grey nurse shark is critically endangered. In the face of that scientific evidence the Government moved to remove protection for that critically endangered species. In relation to the Jervis Bay and Solitary Islands marine parks, earlier this year the Government moved to disallow the regulation that put in place the new zoning plans for those two marine parks. This Government promises one thing before the election but delivers another after the election. I refer to the Coalition's pre-election policy on marine parks. For the record, I am speaking about marine parks. The policy is entitled, "New South Wales Liberals and Nationals Recreational Fishing Policy: Restoring the Balance." The hope held out by the Coalition in this policy was for an expansion of the habitat protection zones within existing marine parks. The policy states:

> To achieve this balance the New South Wales Liberals and Nationals will:
>
> - subject to the results of the scientific independent audit expand the current Habitat Protection Zones within existing marine parks

It also states:

> To ensure future Marine Park policy is guided by evidence in Government we will:
>
> - immediately commission an independent scientific audit of the effectiveness of existing zoning arrangements in meeting domestic and international commitments to the conservation of marine biodiversity

Where in that document is there a statement that before the audit—which the policy states is an immediate audit—they will knock over the zoning plans, reverse them, and then have the audit? That question needs to be asked. Where in that document does it state that they will deliver the outcome before they hold the inquiry? It is similar to their approach to public sector workers. A common theme is starting to occur.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I remind the member for Shellharbour to direct her comments through the Chair.

Ms ANNA WATSON: It is not mentioned anywhere in the policy document. The Government said not one word prior to the election that before its "immediate scientific audit" it would deliver a result by overturning the zoning plans that had been the subject of two years of consultation, thousands of submissions and scores of public meetings. It said not one word. The passage of the bill through the House today is the result of a dirty deal done by a Government that is prepared to trash the environment of New South Wales in order to secure the passage of repugnant government legislation in other policy areas, such as a bill that trashes the rights of our hardworking public servants and removes a century of access by hundreds of thousands of workers to an independent industrial commission. That is what this bill is about.

Mr Andrew Constance: Point of order: I ask that the member for Shellharbour be thrown out. She is way outside the leave of the bill. She is already on three calls to order. She is showing complete disregard for the functions of this House.

Ms Carmel Tebbutt: To the point of order: The member for Shellharbour clearly is being relevant to the bill. She is speaking in a wide-ranging debate about the principles and attitudes that underpin this Government and its legislative program and she is bringing her comments back to the Marine Parks Amendment (Moratorium) Bill. I suggest that Government members should allow debate to continue rather than taking continuous points of order.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The bill is broad but I do not know how the last comments made by the member for Shellharbour relate to the bill.

Mr Ray Williams: And she is on three calls to order.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I warn the member for Hawkesbury that I will call him to order if he continues to interject. The member for Shellharbour will confine her comments to the bill.

Mr Ray Williams: Point of order: I have listened intently to this debate. The member for Shellharbour has canvassed your ruling on three separate occasions. She is on three warnings. I ask that you sit her down.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I have ruled on the point of order. I will allow the member for Shellharbour to continue, but I draw her back to the leave of the bill. Comments about jobs are not within the ambit of this bill and I will not accept them.

Ms ANNA WATSON: The Government is prepared to wage a war on environmental protection in New South Wales. We have seen a war waged on renewable energy.

Mr Andrew Constance: Point of order—

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Shellharbour will resume her seat.

Mr Michael Daley: To the point of order: With the greatest respect, Mr Deputy-Speaker, I do not believe your ruling is fair, based on any reasonable assessment of the member's comments. This bill has many consequences. The issue of jobs is directly relevant to this bill. I believe you have allowed members of the Government to bully the member for Shellharbour.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I call the member for Maroubra to order. I remind him that he is already on three calls to order.

Mr Michael Daley: I may be on three calls to order but that does not change the conduct of this place in the past 10 minutes.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Maroubra can explain to the House how the member's comment about energy has anything to do with the bill.

Mr Richard Amery: Mr Speaker—

Mr Andrew Constance: Further to the point of order: The member for Maroubra, who is the Manager of Opposition Business, has just walked into the Chamber. He has no conceivable way of knowing what the member for Shellharbour was saying.

Mr Michael Daley: It is called television.

Mr Andrew Constance: The member for Shellharbour has spent the past 12 minutes talking about the environment—

The DEPUTY-SPEAKER (Mr Thomas George): Order! I have ruled on the matter. The member for Shellharbour has completed her contribution.

Ms ANNA WATSON: I have not.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I have ruled that the member has completed her contribution. The member for Coffs Harbour has the call.

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [4.39 p.m.]: I support the Marine Parks Amendment (Moratorium) Bill 2011. Under the Greiner Government the first marine reserve in New South Wales was formed in Coffs Harbour—the Solitary Islands Marine Reserve. It was operated and managed by Fisheries in a very environmentally sound manner and it had and still has the full support of the local community and, I suggest, all people. When Labor came to office in 1995 the then Minister for the Environment, Pam Allan, decided that she wanted to make it a marine park. Under the guise of public consultation, she appointed people to draft a bill and discuss it locally. If my memory serves me correctly, a meeting at Woolgoolga was attended by 500 people, a meeting in Wooli was attended by more than 500 people and a meeting in Sawtell was attended 500 people.

The only people who supported the concept of a marine park at that time were the five members of the local Labor Party who were eventually appointed as the marine park management advisory committee. The local

fishermen—recreational or commercial—were not given an opportunity to be represented on that advisory committee. We have come a long way from those days of deals done by Pam Allan with the Greens. We now have a marine park in Coffs Harbour, and over the period of the former Government the zonings were reviewed on at least two occasions. But I do not believe those reviews met the criteria of the Act. Public consultation took place on proposed changes to sanctuary zones and zoning areas within the marine park, but when the final decision was made by the Minister, even though thousands of submissions had been made by recreational and commercial fishermen, the community and the business community, it was found that, for example, in the first review, the Moonee area was to be set aside as a sanctuary zone.

That would have meant that any family going to Moonee Reserve—a popular reserve with a State Government owned caravan park on it—would not have been able to throw a line into the water at Moonee Creek. After much public lobbying and more than 300 people turning up to a meeting at Moonee, the Marine Parks Authority—or whoever was running it at the time—decided that it would leave Moonee out of the zoning. But the authority included the Sandy Beach headland in the zoning and a large area east of the Sandy Beach headland, which was never proposed for a sanctuary zone and was never put out for public discussion. I believe that breached the legislation. There were a number of issues in the last round of changes, such as the banning of prawn trawling within the Solitary Islands Marine Park in Coffs Harbour. The then Minister for the Environment, the Hon. Frank Sartor, came to the electorate of Coffs Harbour to announce the propositions that were to be put out for public discussion.

When the media put to the Minister on the day that it had been announced that prawn trawling would be banned within the marine park, the Minister responded that that was not correct and that it would not happen. The media pointed out that according to the media release just issued by the Minister prawn trawling had been banned within the park. We all know Frank Sartor's record, and I listened with interest to what the member for Marrickville said during this debate today when she talked about the Coalition pandering to the Shooters and Fishers Party. I remind the Opposition that this was National Party policy from day one. When we brought legislation on the river red gums before this House the only two members opposite who spoke on it were the member for Marrickville and the then member for Balmain. Surprise, surprise, what were they trying to do? They were trying to get preferences for the last State election.

Ms Carmel Tebbutt: You just don't get it, do you? Greens preferences don't help me.

Mr ANDREW FRASER: The reality was that at the time Minister Sartor told the millers around Deniliquin that The Greens wanted a red gum national park, the Labor Party needed Green preferences and therefore they were going to get a red gum national park whether they liked it or not. They locked up an industry that was paying hundreds of millions of dollars in that area.

Ms Carmel Tebbutt: Point of order: Mr Deputy-Speaker, you took a very firm line with the member for Shellharbour and you kept drawing her back to the leave of the bill. This bill is about a moratorium on marine parks. I do not see anywhere in the bill a reference to river red gum forests. I ask the Deputy-Speaker to draw the member back to the leave of the bill, the same as he did with the previous speaker.

Mr ANDREW FRASER: To the point of order: Mr Deputy-Speaker, you were in the Chair when the member for Marrickville spoke and she cast aspersions on the Coalition in relation to a preference deal with the Shooters and Fishers Party and gaining its votes. I am responding to those remarks made within the agreement in principle debate, and I believe I am quite entitled to do that.

Mr Richard Amery: Further to the point of order: Mr Deputy-Speaker, the point of order that the member for Coffs Harbour has raised is very appropriate if you consider the line taken with the previous speaker, the member for Shellharbour. We are members of this Parliament and we share this Chamber. We are narrowing the agreement in principle debates to the extent that we cannot talk about the broad political aspects that bring a bill before this House. The points of order raised by the Minister for Disability Services, the member for Hawkesbury and others against the former speaker were more or less points of order that should be raised in Consideration in Detail and not during the agreement in principle debate. We are heading for a situation where we will not be able to discuss the broad parameters of a debate if points of order are taken by the Government, which is so sensitive to any criticism—

The DEPUTY-SPEAKER (Mr Thomas George): Order! I have heard enough on the point of order. The big difference between this speaker and the last speaker is that the last speaker was on three calls to order from question time and she canvassed the ruling of the Chair. I had no alternative. The member for Coffs Harbour will return to the leave of the bill.

Mr ANDREW FRASER: The reality is that prior to the Minister announcing a scientific examination and audit of marine parks, the prawn fishing industry, other commercial fishing industries and the recreational fishing industry that operated within the Solitary Islands Marine Park at Coffs Harbour had been severely affected. This legislation places a moratorium on further marine parks. I support the amendment proposed by the Minister in relation to getting scientific evidence, putting it on the table and seeing what happens after that. Decisions on environmental matters should be based on science; they should not be based on politics, on the fact that the National Parks and Wildlife Service wants to stop everyone from fishing in marine parks, or the fact that the Labor Party wishes to do a preference deal with The Greens. We need evidence.

Everyone should take notice of Bob Kearney, who has studied marine parks across the world for years and has addressed the people in Coffs Harbour on this issue. He has explained to us that previous decisions were made on the basis of Greens politics and studies done on marine parks overseas. The Solitary Islands Marine Park and other marine parks have totally different marine environments from anywhere else in Australia. We are proud of the Solitary Islands Marine Park. It attracts scuba divers and tourists from everywhere but it also allows commercial and recreational fishing. We do not want to lock those people out. This legislation places a moratorium on any further marine park. It stipulates that all future assessments of marine parks will be based on science. I commend the bill to the House.

Ms CLOVER MOORE (Sydney) [4.50 p.m.]: I oppose the Marine Parks Amendment (Moratorium) Bill 2011, which puts a five-year moratorium on new and expanded marine parks and sanctuary zones while another scientific audit of marine parks is carried out. Australia has the most biologically diverse waters on the planet and 70 per cent of the fish in New South Wales are found only in Australia. But the future of our waters is dire. The 2009 New South Wales State of Environment report identifies 45 aquatic species and communities listed as vulnerable, endangered or extinct. This includes 22 per cent of fish species and communities. Eight of the 23 key commercial fish species are currently overfished, with populations of three species decreasing. Monitoring of New South Wales marine ecosystems and fisheries shows that there is not only a threat of deterioration in biological diversity, but that it is happening as we speak.

In the past 50 years, 90 per cent of the world's big fish have been eaten and 50 per cent of the world's coral reefs have been destroyed. It has been widely reported that the world's commercial fisheries will collapse by 2048 if action is not taken now to protect them. The World Conservation Union has set a target for sanctuary protection of 20 to 30 per cent of global waters. In New South Wales this protection is less than 7 per cent of waters. Marine parks and sanctuary zones have overwhelming scientific support. No-take marine sanctuaries have been shown to double fish and invertebrate densities, triple biomass, increase mean fish sizes by 20 to 30 per cent, boost the number of species by 23 per cent, quadruple catch per unit efforts in nearby waters, and make marine ecosystems 21 per cent less vulnerable to environmental change. Marine sanctuaries also provide tourism, education and research opportunities.

The current marine parks framework is a proven system. One million dollars a year is already spent on scientific evaluation and there is extensive stakeholder and community consultation. Just two years ago the framework was assessed by an independent review panel, with recommendations incorporated into the Marine Parks Strategic Research Framework 2010-2015. Overall the panel was satisfied with the existing framework and the quality of the scientific research. It did not identify any issues that could possibly warrant an emergency intervention such as the proposed moratorium. There was no need for another audit. As a signatory to the Convention on Biological Diversity, Australia has agreed to a precautionary approach to biodiversity conservation. This means, and I quote from the Convention:

> Where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimise such a threat.

Fishing is allowed in the majority of marine parks and this is balanced by fully-protected sanctuary zones where marine life can surge back to life, benefiting anglers and the fishing industry as adjacent fish stocks increase. In marine parks, scientists can monitor the waters and work to overcome threats to marine life. I understand that anglers are concerned about losing some of their favourite fishing spots, but marine parks and sanctuary zones are vital for the sustainability of marine ecosystems. As members of Parliament and leaders in our community it is our role to make the difficult decisions that protect marine biodiversity, the long-term future of the fishing industry and our food supply.

We should educate the fishing community about the benefits of protecting waters; not pander to their fears for political gain. We should continue to provide structural adjustment assistance for affected commercial fishing communities. While overfishing may not be the only threat to our waters, it is a serious threat to future

marine habitat. There is strong international and local consensus that marine parks and sanctuary zones can effectively strengthen marine biodiversity and populations, and make them more resilient to other threats, such as climate change. If the Government is sincere about taking the politics out of marine parks, it ought to leave decisions about their creation and zoning to the experts, with input from all stakeholders.

That means the Marine Parks Authority, the advisory council and local communities; not minority political parties with vested short-term interests. Environmental groups report that the New South Wales Government is the only government in the world voting to remove marine protection rather than expand it. Any member who supports this bill should be ashamed of the dire legacy they are creating for future generations. In supporting this bill, members are risking the future of our waters and our food supply. This is an outrageous bill and I condemn it to the House.

Mr ANDREW CONSTANCE (Bega—Minister for Ageing, and Minister for Disability Services) [4.55 p.m.]: The member for Sydney obviously has not read the Marine Parks Amendment (Moratorium) Bill 2011. The Government's intention is to undertake the necessary independent scientific review to ensure that we take the politics out of it. I find it a bit rich for the member for Sydney to come into this place and start talking about local communities when she has no idea what the local communities in Coffs Harbour, Newcastle, Kiama or Batemans Bay feel about this issue. When those opposite were in government those communities experienced a process that led to waters out to the three-mile being marked on maps as part of a horse-trading exercise between The Greens and the Labor Party. It had nothing to do with local science or with community engagement. That is why the Liberals and The Nationals have very sensibly engaged in a process around an independent scientific review with the necessary experts to restore confidence to this process

The fishermen are keen to ensure that fairness is restored. If, for instance, a species is under threat they are happy to ensure its protection. If they know a marine ecosystem is under threat they are happy for protection to be put in place. Nobody is disputing that. The Labor Party, The Greens and people like the member for Sydney are constantly pushing the boundary beyond what is reasonable and fair without taking into consideration what fishing families, recreational anglers and tourist businesses that support the industry want. The Port Stephens marine park has caused concern, but Batemans Marine Park and the Solitary Islands Marine Park are the two parks that have caused the most concern. No local science was behind any of the decision-making that led to zoning plans for those two marine parks. This legislation puts a moratorium in place.

I refer the member for Sydney to new section 48B, which provides that a shorter period commencing on the commencement of the legislation may be prescribed. That relates specifically to the commencement of any independent scientific audit coming up with a far better outcome for fishermen in this regard. The Government is concerned with ensuring that fishing communities are given an opportunity—unlike those opposite who had no regard whatsoever for the needs and rights of those fishing families. Although the member for Sydney wants to talk more broadly about Commonwealth and State waters, she failed to point out that locking up areas without ensuring an appropriate commercial buy-out actually harms the environment. It leads to a higher concentration of fishing on the edges of sanctuary zones and outside the mouths of estuaries. That is a bad environmental outcome and an unintended consequence of the Labor Party and The Greens arrangements.

We all know from those who represent coastal communities that it is only right that we ensure appropriate science and consultation to facilitate better outcomes in this regard. No fisherman wants to see the marine ecosystem and the marine environment harmed. They want to fish another day. They want their sons and daughters to continue to be involved in the industry. A scare campaign has been mounted by people who live in inner-city suburbs, whom the member for Sydney represents, without the facts on the table. I am conscious that we have had this great idea that particular species are under threat. Some of those fish species that the member for Sydney referred to are banned from being caught. I know that a lot of anglers out there do not want to tackle a great white and bring it in on board their boat. That is one of the threatened species the member for Sydney referred to.

The Greens are speaking on local radio, and Cate Faehrmann is a classic example. Recently she spoke on ABC South East or 2EC on the far South Coast and claimed that the great breeding grounds of the grey nurse shark were under threat. There is no scientific proof that any grey nurse shark breeding grounds exist on the far South Coast, yet these types of statements are being made all the time. It is only fair to those whose communities are dependent on the industry, be it recreational or commercial fishing, that the Government provides appropriate science and consultation to ensure that decisions are made that protect species and at the same time safeguard those communities and industries and their representatives, who are good salt-of-the-earth people who are trying to make a living.

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

FINES AMENDMENT (WORK AND DEVELOPMENT ORDERS) BILL 2011

Agreement in Principle

Debate resumed from an earlier hour.

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [5.00 p.m.]: I support the Fines Amendment (Work and Development Orders) Bill 2011. Dealing with vulnerable people in the criminal context is always challenging. Obviously, people who are in acute financial hardship, those who are homeless, those who are mentally ill and those who are intellectually disabled are worthy of consideration for assistance by this Parliament. I well recollect a situation many years ago in which a young single mother with a couple of children was being chased by the Government to repay certain moneys. I remember being outraged that the Government could be so insensitive as to not see that some vulnerable and needy people were worthy of special attention. I am proud and very pleased to be part of a Liberal-Nationals Government that within the first few months of government, after 16 years on the Opposition benches, has recognised that there are people in the community who need special assistance from the Government to ensure their particular needs are addressed.

The work and development orders are offered as opportunities for people who are vulnerable, homeless, have a mental illness, intellectual disability or cognitive impairment, or are experiencing acute economic hardship. Currently they can apply for such an order. We have had a trial program for two years that has shown that certain changes would benefit particularly those who have addictions—those who have dependencies on alcohol, drugs, both legal and illegal, and what are referred to as volatile substances. That is one of the sad additions to the legislation that reflects the dependency of some people, particularly younger people, on aerosols and the like.

Those dependency behaviours often indicate much more fundamental problems. Dependency, whether upon alcohol or other substances, usually indicates there is a need for treatment and to address the fundamental problems the person has in their everyday life. This amending bill acknowledges specifically that people who have drug and alcohol dependencies are worthy of being brought into this particular program. The bill also sets out a framework for doing that. Currently, drug and alcohol treatment may be undertaken—I stress "may"—as part of a work and development order, but a person must be homeless, mentally ill, intellectually disabled or living in acute financial hardship to be eligible.

The evaluation of the two-year pilot program found that these work and development orders provided very good encouragement for participants to engage in drug and alcohol rehabilitation if they have such a dependency. I understand that over that two-year period about 250 people took part in drug and alcohol treatment. They were often addressing the factors that were linked to their offending behaviour. What we are doing through these amendments is encouraging an opportunity to build on the success of the program by specifically enabling people to apply for a work and development order because they have a serious drug, alcohol or volatile substance addiction. It is becoming a requirement that if this is their only ground for eligibility they will be compelled to undertake drug or alcohol treatment and/or counselling as part of the activity.

I recognise that at least on some occasions, compulsorily requiring people to take part in those programs is not successful. Most of the providers of such programs would argue that a participant has to want to take part in the program in order to have a serious chance of success. In the broader context of these work and development orders it is a worthwhile initiative from the Government. I understand the Opposition is supporting the Government's initiative. It is worthwhile indicating to the community that there is a sense of "you must do this"—there is a compulsory aspect, and it will be evaluated in due course whether that aspect is successful. However, I am quite encouraged by the fact that at least now there will be a clear opportunity for people who have drug or alcohol issues to go into this program, which is entirely different from what has existed to date.

I congratulate the Attorney General. I know he has been extremely supportive of this program. I am heartened by the fact that it is a Liberal-Nationals Government that is introducing this legislation to assist a particularly vulnerable group of people in our community. I often hear criticism from the other side that the Coalition does not have any interest in supporting vulnerable people in our community. I can assure members that in fact we do. We have argued the case and will continue to do so, but, more importantly, we will deliver. We should not forget that the people who now occupy the rump in this place, the 20 members who make up the Opposition—most of whom were here for 16 years or a fair proportion of the 16 years they were in government—did nothing in this area.

I am pleased the Liberal-Nationals Government is now delivering for our community, particularly for those who are vulnerable. I acknowledge that the Labor Party is not devoid of capacity in this area. I acknowledge that it has made a number of changes over the years. All I am saying is that in the process of making those changes its members were always critical of the Liberals and The Nationals, indicating that we had no interest. This is yet another indicator that we have an interest, and we will make sure that those voices of the vulnerable are heard and that effective responses are put into place to ensure that those people have every opportunity to address their dependencies, find their strengths again and move forward. I strongly support the bill.

Mr JAMIE PARKER (Balmain) [5.10 p.m.]: I speak on behalf of The Greens on the Fines Amendment (Work and Development Orders) Bill 2011. This bill follows on from the two-year pilot work and development order scheme introduced as a way for highly disadvantaged people to address their outstanding debt from fines and penalty notices in a practical and positive manner. Work and development orders allow people to satisfy their court fine or penalty notice debt by undertaking courses, treatment or unpaid work with certain approved organisations and health practitioners. The organisations include Mission Australia and Youth off the Streets.

The Fines Amendment (Work and Development Orders) Regulation was published on 8 July 2011 and serves to make the scheme permanent. This bill opens up the work and development order scheme to people with serious addictions to drugs, alcohol or volatile substances and requires them to undertake treatment or counselling as their work and development order activity if that is their only grounds for eligibility. The term "volatile substance" refers to petrol, thinners and solvents. The bill also changes the body determining eligibility for the scheme from the State Debt Recovery Office to approved organisations and health practitioners. The State Debt Recovery Office has powers to require supporting evidence and to revoke work and development orders if the information provided is false or misleading. The bill is a positive reform introduced originally by the former Government and it is fully supported by The Greens.

Fine debt is a serious problem for highly vulnerable people in our communities. Feedback on the scheme has generally been positive. The Public Interest Advocacy Centre—a great organisation based in Sydney—was central to advocating for this scheme, and the Council of Social Service of New South Wales has also been supportive. The review of the Fines Further Amendment Act, which included the initial work and development order pilot, was highly positive. The report found that the work and development order scheme reduced further offending in the fine enforcement system and secondary offending in the broader criminal justice system; engaged people in appropriate treatment or activities they may otherwise not have engaged in—for instance mental health, drug or alcohol treatment; reduced distress and despair of those in the scheme; improved skills; and reduced costs associated with enforcement and with drug or alcohol dependency.

It is an excellent outcome. The Government should take this approach to a whole range of law and order matters. Criminalising and enforcing even more detailed and draconian methods does not work. In this case the more nuanced approach of dealing with people's health and social issues delivers a range of improved outcomes, not just for the person having the fine enforced against them but also for the criminal justice system and the community as a whole. The report highlighted a need for better streamlining, particularly of the process of becoming an approved organisation. It also recognised a need for further assistance for the State Debt Recovery Office to handle its administrative responsibilities.

The report recommended the establishment of four work and development order regional support teams in Legal Aid's offices and the Aboriginal Legal Service in Coffs Harbour, Dubbo, Nowra and Campbelltown. The Greens particularly note the report's identification that regional and remote areas and Aboriginal communities should be targeted with any educational and promotional materials. We strongly support those efforts to deal with regional and remote areas. I call the attention of the House to the fact that this important recommendation is not guaranteed by the bill, but I encourage the Minister to take this up to ensure the establishment of work and development order teams in the areas mentioned.

We also note that in cases involving particularly vulnerable groups—such as those with intellectual disabilities, mental illness and cognitive impairments—the issuing of fines and involvement in the criminal justice system are completely inappropriate. This bill is an important reform, in line with broader recognition from the sector that punitive measures are ineffective and counterproductive in addressing the challenge of crimes committed by highly disadvantaged people within our communities. It also echoes points raised by the Minister dealing with recidivism and addressing the challenges of inequality. These are challenges often best not

dealt with in the criminal justice system and best not dealt with by draconian laws but by a more complex and nuanced approach that deals with recidivism and has an overall impact on the crimes committed in our community, making our communities safer and ensuring total crime is reduced.

I recently spoke in this place condemning the Government's Graffiti Legislation Amendment Bill, which will send more children to court for graffiti offences. This goes to the heart of the legislation we are dealing with today. The bill deals with the enforcement of fines in a credible and complex way but other approaches by the Government have not been the same. I urge the House to support and encourage programs that recognise and address disadvantage for the benefit of the whole community. In other cases a less draconian approach has been taken to reduce the incidence of graffiti by ensuring that changes are made to the environment—improved lighting, murals and so on.

This has had a far greater impact than simply bringing young people before a judge. We stand for a solution-oriented, socially responsible approach to law and justice. We note that it costs as much to hold a person in prison as it does to employ a teacher. The Greens support early intervention measures such as smaller classes and better educational opportunities—the approaches identified in this bill, for example—which have been shown to reduce crime and can be funded by spending less money on jails; by dealing with the problem at its source rather than at its end. We must continually seek out better, more constructive ways to ensure that our communities are safe and welcoming places for everyone.

We must develop a humane justice system which recognises that inequality, alienation, poverty and unemployment create much of the community's discord and crime, and should be addressed not by increasing punishments but by focusing on root causes. This bill is an important reform, which I congratulate the Government for continuing after the former Government's trial period. I hope it will represent a broader philosophical approach away from punitive and ineffective measures toward programs which recognise the root causes of crime and address them in positive, constructive ways, which not only address those root causes but seek to solve problems.

I have been pleased by some of the approaches taken by the Minister, because the focus must always be on reducing recidivism. The focus must always be on reducing the impact of crime in our community. As a former mayor I worked very closely with our local area command, working with police on a regular basis. All members who have been involved with police or with local government know that the focus must be on supporting, nourishing and encouraging rather than providing punitive measures, even though in some cases they may be necessary. One contact by young people with the criminal justice system often leads to even more engagement with the criminal justice system. So I encourage the Government to continue this philosophical approach, which will in the end deliver less crime and less occupation of our prisons, and will encourage a broader and more positive feeling about community safety.

Mr KEVIN HUMPHRIES (Barwon—Minister for Mental Health, Minister for Healthy Lifestyles, and Minister for Western New South Wales) [5.19 p.m.]: I congratulate the Attorney General on introducing the Fines Amendment (Work and Development Orders) Bill 2011, which I support. Having listened to earlier debate on this bill, I congratulate most members from both sides of the House on their contributions. This bill is one of the few introduced recently that have received overwhelming support, and one reason for that support is that this bill confirms a successful trial across the State. I congratulate the Attorney General not just on introducing a one-off bill, as alluded to by the member for Balmain, but on extending a suite of initiatives based on our belief that people deserve a second chance. We can humanise government and service delivery. Under a recovery-based governance model people can get on with their lives with proper support and opportunity.

This bill seeks to endorse the decriminalisation of the mentally ill and those chronically addicted to drug and alcohol substances who often fall foul of the mainstream law through no fault of their own. The feedback I have received on this bill is that work and development orders enable people to get on with their lives. Those vulnerable people want to be treated as part of the mainstream community but often they tend to fall in a weak moment. This bill will help them make restitution for their indiscretions but, importantly, through its overarching principle they will be able to reconnect with the community. Those non-government organisations mentioned by other members—Mission Australia and Father Chris Riley's Youth Off The Streets—do fantastic work and should be applauded. I suspect they eagerly look forward to working with the Government in more detail as part of this proposal.

Currently 75 per cent of people with psychosis do not participate in the work force, in many cases because their fine defaults have put them out of the system. This bill provides them with the opportunity to

make good on their predicament and work their way back into the system through appropriate support agencies. Also, the Aboriginal community is overrepresented in unemployment, particularly in regional and remote communities, mainly because they become victims of the fine default system. They then cannot obtain a driving licence and so become further dissociated from the mainstream community, and it becomes too difficult to find the solution. This bill goes a long way to enhance some of the second chance programs we want to develop.

The Attorney General has a commitment to other programs such as the Drug Court and the Magistrates Early Referral into Treatment Program. If early intervention is undertaken and people are treated appropriately they receive support through their recovery period. This results in reoffending statistics dropping significantly. Second-chance programs do work. It is incumbent on us as a responsible government to extend those programs. More than 50 per cent of Australia's jail population is based in this State. We must do more to target second-chance programs. This bill will go a long way to achieve that aim. I commend the bill to the House.

Mr RICHARD AMERY (Mount Druitt) [5.24 p.m.]: I support the Fines Amendment (Work and Development Orders) Bill 2011, which has an interesting history. The overview of the bill explains some of its history, going back to 1996 when legislation included a process for people to pay a penalty they had incurred through not paying a fine. Putting aside the comments of some Government members who take credit for the bill, this debate has outlined clearly that the pilot scheme of the former Government was to expand the number of people who could access a way to work off fines they had incurred for various reasons. The objects of the bill list those extra categories and include people with serious drug addictions, problems with alcohol and volatile substances, mental health issues, and poverty, or difficult financial circumstances.

My Mount Druitt electorate office will see the benefits of these options almost immediately, as the major representations I receive relate to problems with unpaid fines. I am happy that the pilot scheme, as it has been referred to, has been accepted by the Government and the legislation has proceeded through the various processes. We have come a long way in how we deal with fine defaulters for parking offences and various other summary offences through the court system. The member for The Entrance referred to the downside of the former system, referencing particularly the case in the 1980s when young Jamie Partlic was put in jail because of unpaid parking fines and was savagely attacked.

The member for Campbelltown was a serving police officer, as I was, and he spoke of his experience in dealing with fine defaulters under the previous system. I too dealt with the enforcement of warrants, summonses et cetera for a couple of years at Parramatta police station. Commitment warrants were issued for the non-payment of fines. Apprehension warrants were basically the same thing but issued from another State. First instance warrants involved collecting no money but basically taking the person into custody. To provide further background, the system referred to by the member for Campbelltown involved a member of the public being issued with a traffic fine, let us say hypothetically, and being given a certain time in which to pay it.

When that fine was not paid in the normal course a commitment warrant was issued to enforce the fine, and invariably the amount on the warrant included the amount of the original fine, with perhaps court costs and other administrative costs added to it. This amount was recorded on the police central warrant index and the warrant was sent for enforcement to a police station. Police handling of these matters varied. As mentioned by the member for The Entrance, police see the tragic side of life, but we also saw many other sides. The most common end to these unpaid fine matters was that once police called at the home of a fine defaulter the money was paid or an arrangement was made for payment at a police station at some agreed future time.

Depending on how well known the person was to the police, a judgement was made as to whether the money or the body would be taken or whether a more lenient arrangement could be made. Unofficial arrangements could be made—the rules and regulations certainly did not offer it—to pay off a number of warrants over a period as long as the entire warrant amount was paid off. For example, if a person had 10 warrants for traffic offences, and the police were satisfied that the person was reputable, that is, in employment and trying their best to get on top of their financial circumstances, police would allow them to make weekly payments to pay off the warrant and then remove it from the system.

Such consideration was not given to persistent offenders or persons who were—perhaps I could describe it as—unfavourably known to the police. The immediate payment of a fine was then often demanded and when that was not possible the person was taken into custody and the default was recorded on the warrant. This was dealt with without incident or headlines such as the dramatic case highlighted in this debate. Some people were regular offenders. They were not criminals; they could be poor drivers or truck drivers who use their vehicle as their everyday business. They would make inquiries about the number of outstanding warrants in existence and they would surrender themselves to a police station from a Friday afternoon.

The benefit for the fine defaulter was that they only served out time for the largest warrant; all other warrants cut out concurrently, in which case many warrants were taken out of the system, although the person may have served only one, two or three days in custody. In many of these cases the offender would serve the time in the local police lockup. However, more and more often, as time moved on, they were transferred to a prison. This was common when the time to be served exceeded 48 hours or three days, whatever the default time was on the warrant. Many offenders were able to manipulate the system by having large amounts of fines written off without any return to the community, as is the case now where people do work ordered by the court such as removing graffiti and picking up rubbish.

In this way if the community cannot get the money into consolidated revenue they can get some work-in-kind that benefits their area. The other aspect of the system was the amount of police time required to manage the system. Police stations such as Parramatta could have three or four police dealing with court process. This could vary, but all police in those days would be given the job of entering up large amounts of warrants sent to them by the central warrant index, writing off warrants, doing reports, referring to other stations and so on. It took up a lot of front-line police, and in country areas the task was left to the general duties patrolman, who would travel to villages and towns around the State with a clipboard full of inquiries, many of which were summonses, warrants and the like.

Not all matters relating to the commitment warrant system were negative, especially as they related to the work for an operational police officer. For example, police attending many disturbances—I hope I do not horrify any lawyers in the Chamber—where a clear breach of the peace was unknown,could inquire of the central warrant index and, upon ascertaining that a warrant was in existence, take the person into custody on the warrant, thereby removinge that person from what could become a difficult situation and avert a potentially dangerous incident. It was common sense. The commitment warrant, perhaps like the old drunkenness offence, could be used to diffuse many situations—this may not be in any legal text books—particularly some domestic violence matters.

In years gone by domestic violence laws were not as they are now, whereby police have the power to take action against a perpetrator irrespective of whether the victim will proceed with a complaint or give evidence. The police in those days were confronted by a situation in which, due to domestic or financial circumstances, a complaint would not be laid and an offender could not be taken into custody unless an assault or some other offence was committed. In that situation they would fall back on some of the other tools left to the operational police officer. On many occasions a phone call was made to see whether a commitment or other warrant was in existence for that person. That person was not given any time to pay and was placed into custody on the commitment warrant, thereby—in many cases—solving a domestic violence situation which could have escalated.

I do not want to add anymore to it or give too much away with so many civil libertarian lawyers in the Chamber. Notwithstanding those so-called benefits to the operational police officer, the death of Jamie Partlic proves that the price of that system was too high a price to pay, and it is appropriate to move to a system in with another more appopriate form of dealing with a fine defaulter. I am pleased and proud that the various Labor governments that were in office during this time addressed this issue. Unfortunately, and dramatically in the case of Jamie Partlic, it took a violent and tragic situation to jolt a change to the system. At the moment outstanding fines total in the hundreds of millions of dollars. Coincidentally, hundreds of millions of dollars of fines were left outstanding under the old system. Both systems are similar in that way. It is better to encourage people to pay their fines, but if they are unable to pay they should do community work to prevent their ending up in a cell for what could be the offence of parking at a bus stop or double parking. The old system is best left in the past. I commend the bill to the House.

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [5.36 p.m.], in reply: I thank the members for the electorates of Orange, Liverpool, Blue Mountains, Keira, Riverstone, Cabramatta, Cronulla, Marrickville, Drummoyne, Auburn, Granville, Kogarah, Castle Hill, Bankstown, The Entrance, Myall Lakes, Gosford, Wollondilly, Camden, Mulgoa, Campbelltown, Murray Darling, Wakehurst, Balmain, Barwon and Mount Druitt for their contributions to debate on the bill. It was interesting to hear some of the contributions from former policemen who had experience of the system of warrants to deal with unpaid fines. It was also interesting to hear that hundreds of millions of dollars in unpaid fines remain a problem. I will address some of the particular matters by members. The member for Keira commented on the need for better promotion of the work development orders scheme.

The Government is aware that this was one of the limitations of the trial. The Government has therefore committed resources for the development of educational and promotional materials, including pamphlets and a

DVD. These materials will be used to promote the scheme, and to educate organisations, medical practitioners and eligible individuals about participating in the scheme. Furthermore, the Government has committed resources to establish a statewide network of regional work development orders support teams through Legal Aid and the Aboriginal Legal Service. These work development orders support teams will also promote the scheme, and help organisations, health practitioners and eligible people to participate in the scheme. The member for Marrickville raised the concerns of the Marrickville Legal Centre that, during the trial, the State Debt Recovery Office did not have enough resources to efficiently process all the work development order applications it received.

As the member acknowledged, this issue is being addressed through changes to the application process being made by this bill. In addition, the Government has committed resources to upgrade the State Debt Recovery Office's computer system for administering the work development order scheme. This will also improve processing times. The provisions in this bill expand and improve the work and development order scheme—a highly successful program that gives vulnerable people the chance to work off their fines. Under the amendments, people will be able to apply for a work and development order on the ground that they have a serious addiction to drugs, alcohol or volatile substances. The application process in the work and development order scheme will also be streamlined, because the State Debt Recovery Office will be able to rely on the eligibility assessment undertaken by approved organisations and health practitioners. 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.

CROWN LAW OFFICERS LEGISLATION AMENDMENT (RETIREMENT AGE) BILL 2011

Agreement in Principle

Debate resumed from 23 August 2011.

Mr CHRIS PATTERSON (Camden) [5.39 p.m.]: I speak on the Crown Law Officers Legislation Amendment (Retirement Age) Bill 2011. This bill will increase the retirement age of a range of statutory offices from 65 to 72 years to be consistent with that for the Director of Public Prosecutions and Solicitor General. To some people retiring can be a very daunting decision. For people to be told at the age of 65 that they are no longer required can be devastating. After working from a young age and finding themselves in the prime of their careers and with the knowledge and experience they have acquired, it is difficult to understand why all of a sudden they are considered to have nothing further to offer. Many mature workers take on some form of volunteer work to keep their hands in their trade and their minds sharp. They are not dinosaurs in the working world and clearly still have the ability to hone their experience and pass on a lifetime of knowledge. Some people cannot wait to retire but others see themselves as capable of working way beyond what is considered a normal working life and they have the capacity to do so.

This bill will enable those distinguished and respected members of the legal profession to be able to make that decision and to continue to serve the community in the same manner that they currently do. These men and women have spent many years gaining experience in their field. They are at the peak of their abilities and it is when they are in their senior years that the experience they have gained is required and should be utilised by this State. Increasing the retirement age to 72 will make senior positions within the Office of the Director of Public Prosecutions and the Public Defenders Office more desirable. With life expectancy increasing and changes to public policy aimed at encouraging older workers to stay in the workforce, the conditions under which people decide to retire have changed. Those who continue to work beyond the age of retirement, which is now 67 for all Australians, find that their lives can continue to be enriched. If people feel they are capable of continuing to work after retirement age they should be encouraged to do so.

It was once a woman's prerogative to lie about her age but these days it is a sacking offence. In 2002 it was reported that a Western Australian magistrate was dismissed for pretending to be younger than she was. In 1987 Deborah Bennett-Borlase, who was 53 years of age, claimed on an application form for a magistrate's job to be 46. At the age of 68 she was reported for having worked three years beyond the compulsory retirement age for the Western Australian judiciary. Employers are wrong to assume a link between age and performance. Businesses and management are realising that older workers have a work ethic that seems to be vanishing in today's society. Their knowledge and ability to think on their feet is also a skill that comes only with years of experience in the workforce. The Western Australian magistrate's sin was to put the wrong date of birth in a job application form and then to continue to work beyond the compulsory retirement age of 65.

Ageing gracefully is getting harder to do. For the mature-aged the job market is cruel. The onus is on them to be honourable. It is against the law to advertise jobs for people of a certain age but when a mature-aged person applies, all the excuses are pulled out of the drawer as to why they do not qualify for the job. This bill recognises that older people in the Crown law offices who are currently required to retire at the age of 65 will be able to make a decision to continue with their work, knowing that they will not be tapped on the shoulder at 65. It also will mean that talented Crown prosecutors and public defenders are not forced into retirement prematurely. At a time when they are mentally sharp and still have a great deal to offer the New South Wales justice system they will be able to continue working. I commend the bill to the House.

Mr JOHN SIDOTI (Drummoyne) [5.44 p.m.]: I support the Crown Law Officers Legislation Amendment (Retirement Age) Bill 2011. In essence, this bill increases the retirement age from 65 to 72 years of age for the following statutory offices: Deputy Director of Public Prosecutions, Solicitor for Public Prosecutions, Crown prosecutors, senior Crown prosecutors, deputy senior Crown prosecutors, public defenders, senior public defenders and deputy senior public defenders. In order for these changes to be adopted a number of Acts will be amended, that is, the Director of Public Prosecutions Act 1986, the Crown Prosecutors Act 1986 and the Public Defenders Act 1995. Over the years various changes to the Acts have caused conflicting and overlapping legislation.

For example, a person at the age of 60 who was appointed for a fixed maximum term of seven years would not have been able to work for the entire seven years. This amending bill tidies up the legislation. The current legislation has allowed some officers, for example, the Director of Public Prosecutions and the Solicitor General, to retire at the age of 72 as opposed to the age of 65 for other positions. This amending bill ensures that 72 years is the consistent benchmark for the age of retirement. It adds uniformity to the system. I commend the Attorney General, the Hon. Greg Smith, for his expertise in this area. The transitional adjustments proposed in the legislation will ensure that those appointed with life tenure before 1 November 2007 are not forced to retire at a particular age. Extensive consultation has taken place and the Director of Public Prosecutions supports the proposed amendment. I commend the bill to the House.

Mr TONY ISSA (Granville) [5.46 p.m.]: I support the Crown Law Officers Legislation Amendment (Retirement Age) Bill 2011, which increases the retirement age from 65 to 72 years of age for the holders of certain statutory offices. The 2007 amending Act introduced different retirement ages for different offices, making a retirement age of 72 years for the Director of Public Prosecutions and the Solicitor General and 65 years for other offices. This bill will make the retirement age for holders of certain statutory offices the same as the retirement age for the Director of Public Prosecutions, judges and magistrates. The retirement age should be consistent, given the important and multifaceted roles that all these offices play in our legal system.

I highlight the office of the Deputy Director of Public Prosecutions to show why the amendments in the bill are sensible. It makes little sense for the Deputy Director of Public Prosecutions to be forced to retire seven years earlier than the Director of Public Prosecutions or judges. As the Deputy Director of Public Prosecutions exercises many of the same functions as the Director of Public Prosecutions, it does not make sense that the Deputy Director of Public Prosecutions has an earlier retirement age. It does not make sense to force these law officers to retire at an age when they can continue to contribute to society. The Australian Institute of Health and Welfare has reported on the increased life expectancy of Australians, particularly since the early part of the twentieth century. As a society we need to recognise these changes by ensuring that people can continue to work, not only for the benefit of the community but also to ensure that individuals remain independent and valued members of this great State. I commend the bill to the House.

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [5.49 p.m.], in reply: I thank the member for Myall Lakes, the member for Castle Hill, the member for Balmain, the member for Riverstone, the member for Cronulla, the member for Camden, the member for Drummoyne, the member for Granville and

the member for Liverpool for their contributions to debate on the Crown Law Officers Legislation Amendment (Retirement Age) Bill 2011. Before concluding I will address a matter raised in debate by the member for Balmain, who asked whether the Government had considered abolishing age limits.

At this point in time the Government is not considering abolishing retirement ages for the holders of statutory offices affected by this bill, nor is the Government considering abolishing the retirement ages of other holders of statutory offices, such as judges, magistrates, the Director of Public Prosecutions and the Solicitor General. It is considered appropriate that there be a fixed retirement age for holders of those offices. To paraphrase the member for Riverstone, who quoted from the Association of Australian Magistrates early in the debate on this bill: a mandatory retirement age helps infuse the officers in question with contemporary social attitudes and community values, and, as the member for Cronulla added, it is appropriate that the term of holders of statutory offices has an outer limit in order to maintain vigour and dynamism in them. I commend the early work of the new Director of Public Prosecutions, Lloyd Babb, SC, who is showing that dynamism.

As a former Deputy Director of Public Prosecutions I make the point that another anomaly is that deputy directors are delegated the full powers of the director except for the power of delegation. Therefore, other duties, such as no-billing, ex officio indictments, recommending immunities or indemnities, consenting to prosecutions and other matters, vest also in deputy directors. Again, it is anomalous to have deputy directors retiring at 65 and directors at 72. In conclusion, the bill contains amendments to increase the retirement age from 65 to 72 years for the holders of the following statutory offices: the Deputy Director of Public Prosecutions and the Solicitor for Public Prosecutions, requiring an amendment to the Director of Public Prosecutions Act 1986; Crown prosecutors, senior Crown prosecutors and deputy senior Crown prosecutors, requiring amendment to the Crown Prosecutors Act 1986; and public defenders, senior public defenders and deputy senior public defenders, requiring amendments to the Public Defenders Act 1995. 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.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

[*During the giving of notices of motions*]

ACTING-SPEAKER (Ms Sonia Hornery): Order! It is the usual custom and practice that members keep their notices of motions brief; perhaps three or four sentences.

UNIVERSITY OF WOLLONGONG SIXTIETH ANNIVERSARY

Matter of Public Importance

Mr GARETH WARD (Kiama) [6.00 p.m.]: This year the University of Wollongong reaches an important milestone by celebrating 60 years of educating our region. As a graduate from the university, I am proud to be part of the rich history of this remarkably successful institution. I still serve the university as one of two alumni representatives on our university council and I have found this experience to be extremely rewarding and fulfilling. Today the university has more than 26,000 students and 2,000 staff, and contributes an estimated $1 billion annually into the Illawarra economy. Indeed, a number of members in this place have graduated from this university. I acknowledge my friend and colleague the member for Keira, who is one of those graduates. As we see our region's manufacturing industries face significant market challenges, the university's economic contribution is important to increasing the knowledge industries in our region and providing a doorway to innovation that will assist our region to diversify to meet the challenges of the future.

In celebrating the history of this institution, it is important that I record for the benefit of the House some important milestones in the university's history. The university found its genesis in 1951 as a small divisional college established in Wollongong to provide engineering and chemistry courses for the steelworks. It was part of the New South Wales University of Technology, later known as the University of New South Wales. It was based at Wollongong Technical College in Gladstone Avenue. In 1962, following a public appeal that raised close to £200,000 from industry and the community, the Wollongong University College moved to the current campus fronting the Princes Highway and Northfields Avenue.

In 1975, following a long struggle for autonomy from the University of New South Wales, the University of Wollongong became an autonomous, standalone university. Professor Michael Birt was the foundation vice-chancellor and Justice Robert Hope the foundation chancellor. In 1981 Professor Birt left to become vice-chancellor at the University of New South Wales and Professor Ken McKinnon took over the role at the University of Wollongong. His arrival signalled the beginning of a major growth phase as the student population of the University of Wollongong increased from 3,000 to 10,000 over the next decade.

In 1993 the university established a campus in Dubai and one in the Shoalhaven at Berry—the forerunner of a network of satellite campuses in west Nowra, Batemans Bay, Bega, Moss Vale and two in Sydney. I studied a component of my degrees at the Shoalhaven campus and can attest firsthand to the fact that the satellite campuses offer the same quality experience in education that is obtained from the mother campus in Wollongong. The benefit of these campuses to regional communities is enormous: these campuses have provided an opportunity to obtain a level of education that would otherwise simply have been out of reach for so many.

On this point, I commend and remember the contribution of the late Ray Cleary for his tenacious pursuit of a campus in the Shoalhaven. I acknowledge the hard work and dedication of Federal member for Gilmore, Joanna Gash, and former Mayor Greg Watson in pursuing this objective. In 1995 Ken McKinnon retired and Professor Gerard Sutton became vice-chancellor. As I stated in my inaugural speech in this place, Professor Sutton will retire later this year. Having had the privilege to witness his leadership and extraordinary commitment to tertiary education, the incoming vice-chancellor, Professor Paul Wellings, will have significant shoes to fill.

In 1999 the University of Wollongong was named Australian University of the Year for 1999-2000. In 2000 the university was named Australian University of the Year for 2000-2001—the first to win the title in successive years. In 2006 the university was named inaugural Commonwealth University of the Year. In 2007 the university expanded the courses it offered, with the Graduate School of Medicine accepting its first students. In 2009, Reserve Bank board member Jillian Broadbent was appointed chancellor. In 60 years the university has grown from a provincial feeder college with 300 students to an international university with over 26,000 students spread across three campuses and five access centres.

The university now offers a wide range of courses across nine faculties including arts, education, health and behavioural sciences, engineering, law, science, informatics, commerce and creative arts. Since its foundation, the university has conferred more than 52,000 degrees, diplomas and certificates. Its student population, originally drawn predominantly from the local Illawarra region, now comprises students from over 70 countries with international students accounting for more than 30 per cent of total enrolments. Today, the university offers courses in conjunction with affiliate institutions in a number of offshore locations including Singapore, Malaysia and Hong Kong.

The university has always had a strong research focus and has developed an international reputation for its applied research which has been aided by partnership with industry or government in areas relevant to national economic, technological and social goals. The University of Wollongong is home to eight research institutes and three Australian Research Council Key Centres for Teaching and Research—in smart foods, bulk solids and particulate technologies, and Asia-Pacific social transformation studies. In addition, the university is a partner in four cooperative research centres—intelligent manufacturing systems, railway and engineering technologies, welded structures and smart internet technology.

The university has developed as a State centre of excellence in telecommunications. It is one of the largest sites of information technology, multimedia and telecommunications research in the Southern Hemisphere with the University of Wollongong producing more information technology graduates than any other university in the nation. Other areas of expertise include superconductors, intelligent polymers, steel

processing and products, microwave technology, biomedical research, medical radiation, physics and environmental research. While it is important to acknowledge the university's considerable successes to date, it is also vital to look to its very bright and promising future.

For those who have visited, the Innovation Campus is striking for its architecture and presentation and, most importantly, its research and results. The Innovation Campus's first building, iC Central, opened in mid-2008, followed by the Australian Institute for Innovative Material and the Institute for Transnational and Maritime Security in 2009. The Sydney Business School and Digital Media Centre officially welcomed its first intake of students in 2010. To be developed in stages, the campus will provide a total of 135,000 square metres of gross floor area over the 33-hectare site for research and office space, retail and service facilities, hotel and conference centre and residential accommodation.

The Innovation Campus is a long-term project that will span 10 to 15 years. Upon its completion some 5,000 people will be part of the Innovation Campus's working community of business and research enterprises. The strength of education in our State is certainly a matter of public importance. Given the considerable and ongoing success of this institution, I am delighted to have had this opportunity to pay tribute to a university that has served our region well—but its best days are yet to come.

Mr RYAN PARK (Keira) [6.07 p.m.]: I thank the member for Kiama, my good friend and colleague in this place, once again for joining me in talking about the University of Wollongong. It is not the first time we have talked about the University of Wollongong in this place, which demonstrates the important role it plays in a community about which we are passionate. I pay tribute also to the member for Wollongong who shares the university with me. Her electorate takes in the Innovation Campus and my electorate of Keira takes in the main campus. I have worked closely with her over many months on the development of the Innovation Campus and I look forward to working with all my colleagues on the development of the University of Wollongong.

As the member for Kiama said, the University of Wollongong is a proud institution. It is an institution that had humble beginnings in 1951 when it was a division of the New South Wales University of Technology. The University of Wollongong has come a long way since then. In 1961 it changed its name, as the member for Kiama said, to the Wollongong College of the University of New South Wales. In 1975 this place made it an independent institution of higher learning. Since then it has progressed in leaps and bounds. The University of Wollongong has changed the Illawarra and the way in which universities in Australia and around the world conduct research in information technology and medical research. It has been influential in the study of education which is the field that I studied.

I completed an education with an honours degree and I then obtained a Masters degree in educational leadership. At the University of Wollongong I was privileged to have some of the finest mentors and the finest tutors that anyone could ever ask for. It is less than 10 minutes from home and it is now in the top 2 per cent of educational institutions around the globe. That is an incredible achievement for a regional university. It is no longer just a regional university; it is now a university of the calibre of any of the sandstone universities around the world.

Mr Gareth Ward: Better.

Mr RYAN PARK: I agree with the member for Kiama; it is better than many of them and for many different reasons. The University of Wollongong is a hub of the economy and a hub of the local community. It sees itself as far more than just an education institution. It sees itself as a key driver of our local economy and of the way in which the Illawarra will shape its future. Professor Gerard Sutton, our vice chancellor, has made it clear from day one of his tenure that he has a greater responsibility to our community than seeing graduates go through his door. He has been there through the most difficult times the Illawarra has faced and I am confident that as we go through a particularly challenging and difficult time for our community the University of Wollongong will play a leading role in our recovery and continued growth, and our transformation from a traditional steel-based centre to an educational centre and region of great excellence.

As the member for Kiama said, the university has more than 27,000 students from a diverse range of cultures. One of the main groups of students we have now is international students. Of all the universities around the world that they could choose they have selected the University of Wollongong to undertake their tertiary education, whether at an undergraduate or postgraduate level. It is their institution of choice. That says an enormous amount about the staff, the students and the community. Together we have created a place that is

considered second to none when it comes to getting a qualification that is essentially a passport for our region. I pay tribute to a number of academic staff at the University of Wollongong, particularly in the education faculty.

I refer to Professor John Patterson, who is a leading academic in the area of education, particularly educational leadership. There are very few things that John Patterson does not know about educational management and leadership. He is an inspirational human being who contributes enormously to the University of Wollongong and to the profession of teaching at all levels. I also pay tribute to Kim McKeon and Doug Hearne, two fine lecturers who contribute enormously to that faculty. I also pay my respects and look forward to working—along with the member the Kiama, the member for Wollongong, the member for Heathcote and the member for Shellharbour, our local members—with the new vice chancellor, Paul Wellings. I am sure he will bring with him an energy and focus that he has gained both here and overseas. I look forward to his taking the university to another level.

Today is an opportunity to pay tribute to an institution that has served not just the Illawarra, New South Wales and Australia extremely well, but also the international community. It is a credit to the leadership of the university that it has transformed it from a somewhat small college to one of the leading educational institutions in the world. I am proud to be an alumnus of that university. It gives me great pride to talk about it in this place. I thank the member for Kiama for providing me with the opportunity to do so. I look forward to working with the university and the members of this place to advance it and our region.

Mr LEE EVANS (Heathcote) [6.14 p.m.]: I too acknowledge the importance and value of the University of Wollongong as this great institution of the Illawarra celebrates its sixtieth anniversary. The university demonstrated this value recently by announcing it would join forces with TAFE Illawarra to broaden the region's employment base and secure its future in the wake of the BlueScope Steel job cuts. Both institutions have signed a memorandum of understanding outlining their strategy to drive growth by creating new industries. I believe we will realise the true advantage of having these education and employment powerhouses in our corner through these difficult times. The university began as a division of the New South Wales University of Technology in 1951 and the name Wollongong College was adopted after 10 years, in 1961, the year of my birth.

The University of Wollongong we know today was only established in its own right in 1975 when the New South Wales Parliament incorporated it as an independent institution of higher education. The 1980s marked a great period of growth for the university; it began the decade with 23 professors and finished it with more than double that number. A significant milestone was reached in 1993 when the university's first offshore campus opened in Dubai. From a small beginning opposite the Al Mulla Plaza to its current home at Dubai Knowledge Village, the campus now has 3,500 enrolled students from almost 100 national backgrounds. It is the United Arab Emirates' oldest and most prestigious university. The Shoalhaven campus was opened in 2000, with some lectures live streamed between the two locations. University Education Centres have opened in Bega, Batemans Bay, Moss Vale, Loftus, and the Sydney Business School. The university also offers courses in conjunction with partner institutions in locations including Singapore, Malaysia and Hong Kong.

In Wollongong, the main campus covers an area of 82.4 hectares with 94 permanent buildings including six student residences. Though originally established solely to provide technical education for engineers and metallurgists required for the region's steel industry, the university now offers a wide range of courses across faculties including arts, education, health and behavioural sciences, engineering, law, science, informatics, commerce and creative arts. These faculties incorporate 40 teaching units with 865 members, academic staff and more than 1,700 staff overall. It is home to eight research institutes and three Australian Research Council key centres for teaching and research—in smart foods, bulk solids and particulate technologies, and Asia-Pacific social transformation studies. It is a partner in four cooperative research centres in intelligent manufacturing systems, railway and engineering technologies, welded structures and smart internet technology.

An unmistakable sign of the university's bright future is the Innovation Campus, currently being developed in stages across 33 hectares. With support from the New South Wales Government, this state-of-the-art facility puts commercial entities alongside world-class researchers to incubate productive partnerships. Over 10 to 15 years, more than 5,000 people will be part of the campus's working community of business and research enterprises. In total the university currently has an incredible 27,000 enrolled students across the three campuses and five access centres, and is internationally renowned for the quality of its teaching and research. This has been acknowledged consistently throughout the university's history and last year it was rated in the top 2 per cent of the world's research universities.

As I said earlier, the real measure of the university's worth and success, aside from awards and ratings, is the sheer number of students it has equipped for the workforce. Since its foundation the university has conferred 52,000 degrees, diplomas and certificates. Its student body, originally drawn from the surrounding Illawarra region, now includes students from 70 countries. I congratulate the University of Wollongong on all its truly remarkable accomplishments over its 60-year history. I thank everyone who has contributed to this prestigious university and look forward to another 60 years of equal triumph.

Mr GARETH WARD (Kiama) [6.19 p.m.], in reply: I thank all members who participated in this important debate on the sixtieth anniversary of the University of Wollongong. This matter of public importance is a good opportunity for the House to debate the successes of a great institution that is celebrating 60 years of operation. I thank the member for Keira for his comments. As he stated, the university is an iconic part of the Illawarra area. It is important that we recognise a facility that has serviced both his electorate and mine extremely well. I thank the member for Heathcote for his comments about the effect the university has on his electorate in places such as Loftus in the Sutherland shire. It was remiss of me not to mention the opal of the south-west, the member for Campbelltown, who is a graduate in management from the university. I understand some of the articles he wrote during his time at the university have been published. That is a fitting tribute to a great member who obviously received an outstanding education from the institution. Had he not attended the University of Wollongong, I am sure he would not be in this House today.

Mr Ryan Park: Well said.

Mr GARETH WARD: I am sure the member for Keira would have been here regardless. In spite of all the teaching, lecturing and help, he still got here. I pay tribute to a couple of lecturers I feel deserve it. Diana Kelly, the Chair of the Academic Senate, is someone I have sparred with politically in my time at the university, but her commitment to student development is unquestioned and unparalleled. She is a champion of students and of education. I pay tribute to members of a number of faculties. Professor Greg Melleuish from the politics faculty is a long-serving staff member. Nadia Verrucci is not only an important staff member but also a constituent of mine. This university not only teaches it also employs people from right across our district and makes a valuable contribution. As we look to the future of our region, growing the knowledge industries will be critical.

Many wonderful institutions around our State are doing the same thing but the university's commitment to research, innovation and development is second to none. I thank the many members of the Government who have visited the university. The Premier visited when he was Opposition leader and he has visited since. I thank him for his support of the university. I call on both sides of politics to continue to talk about education in this House. It is a fundamental part of our culture and history, and is fundamental to our growth and development. The university's celebration of 60 years is the result of a number of individuals playing an important part. I thank the leaders of the past, the leaders of today and the leaders of tomorrow, who will not only continue to build the institution but will protect its reputation and enhance its capacity to be an excellent educational institution now and into the future.

Discussion concluded.

PRIVATE MEMBERS' STATEMENTS

BULLYING

Mr JONATHAN O'DEA (Davidson) [6.23 p.m.]: I have spoken previously in this place on bullying and I am aware that numerous other members have done likewise. I return to that topic today. Julie Weber is a 14-year-old school student who lives at St Ives in my electorate of Davidson. Julia is a year 9 student on the upper North Shore and in recent times has become an anti-bullying campaigner. Julia has recently published a self-help book about bullying, which is receiving increasing attention. It is a book to help teenage girls cope with adolescent issues such as bullying by learning to love and value themselves. The book was written as a result of her own quest to find happiness in an uncertain and destabilising world for today's teenagers, as they deal with many complex issues. Julia has been physically bullied and cyberbullied. However, her resilience and sense of humour, assisted by a very positive self-image and strong support from family and friends, have enabled her to survive brutal attacks and become more determined to help others.

Cyberbullying means that people can now be bullied 24 hours a day, in their lounge rooms and bedrooms, rather than just in the playground or on the bus. While much has been done in our schools, in the

broader community and indeed in this place to counter bullying, Julia believes we need to do more, including, first, teach bullies about relevant laws and ensure they understand the consequences, including prosecuting those who persist; and, secondly, make inactive bystanders realise they are also doing the wrong thing. We need to create a very antisocial impression of those who stand by and do nothing. Julia calls for more media-based education to encourage this group to stand up when their friends are bullied. Thirdly, she believes we should improve education for those who are most vulnerable, so that they have coping strategies when they are treated badly.

Bullying is a difficult problem that only gets worse when it is ignored. According to the Australian Schools Communities' website "Bullying. No Way!", research shows that bystanders play a significant role in bullying. This research indicates that bystanders are present most of the time bullying occurs. It indicates that most young people feel uncomfortable when bullying occurs, but very few know what to do to stop it from happening. Bullying behaviour is reinforced when people watch but do nothing and when bystanders do intervene, most of the time the bullying is more likely to stop quickly. Solutions involve not only students but also school staff and parents—indeed, all of us. Members of the whole school community may be involved in bullying, in being bullied or in being aware that bullying is happening.

Each person can be part of the problem or part of the solution. It is up to everyone to create a safe school environment, and we can all help. Motivating bystanders to act is now being promoted as a major positive response, not just in schools but in communities and in workplaces. We all learn from and are supported by those we live and work with, as I have been in the past from two former work colleagues who are in the gallery tonight—Jim Hughes and John Robertson. I have no doubt that Julia Weber has done likewise. I wish her well with her book and her efforts to counter bullying in our local and wider communities. I also acknowledge Julia's presence in the gallery tonight along with her mother, Lisa Sweeney, and stepfather, John Lord.

ACTING-SPEAKER (Ms Sonia Hornery): Order! On behalf of all members, I also wish Julia all the best with her book.

BANKSTOWN ELECTORATE REGISTERED CLUBS

Ms TANIA MIHAILUK (Bankstown) [6.28 p.m.]: Once again, I advise the House of the great work of registered clubs in the Bankstown electorate. Last Tuesday I had the pleasure of attending the Community Development and Support Expenditure cheque presentation at Bankstown Sports Club. It was a great day for our community and many groups received much-needed financial support. I acknowledge that my colleagues the member for Auburn, the member for Fairfield and the member for East Hills were also in attendance, as was Helen Westwood from the other place and Councillor Khal Asfour, Mayor of Bankstown.

The Government introduced the Community Development and Support Expenditure initiative in 1998. The scheme provides clubs with tax deductions to match community grants in recognition of financial support they provide to the community. The Bankstown Community Development and Support Expenditure committee has existed since 2002, and in that time funds provided to the community have almost quadrupled. I thank the chair of the Community Development and Support Expenditure, Chris Passanah of the Bankstown Sport Club, and I thank John Mackay and John Murray from the club for their role in hosting the presentation.

I acknowledge also the Bankstown Sports Club for its substantial financial contribution to the community through the Community Development and Support Expenditure program, as well as the other participating clubs, including Chester Hill RSL, Mount Lewis Bowling Club, Bankstown RSL, Panania Diggers Club, Bankstown Trotting and Recreation Club, Padstow RSL and Revesby Workers Club. Some of the grants awarded last week include close to $250,000 to Bankstown City Aged Care and $100,000 for the Gillawarna Village Sustainability Project by Bankstown Sports Club, which will help the Gillawarna Village Aged Care Facility reduce its carbon footprint.

Revesby Workers Club gave $100,000 for the Yallambee Village Sustainability Project, which will help Yallambee Village aged care facility reduce its carbon footprint. Bankstown RSL gave $37,500 for the Georges Hall Aged Care Facility to upgrade its amenities. Other grants included $25,000 to East Hills Public School for its Support Unit Autism Subcommittee to build a sensory playground, and $15,000 to the Bankstown Dementia Carers Group to provide social support. In total, almost $800,000 worth of cheques was presented to 72 worthwhile causes. I particularly mention a grant provided by the Bankstown Sports Club to the Bankstown Women's Health centre to provide accommodation to women and children escaping domestic violence.

I acknowledge that Minister Souris attended the cheque presentation. Unfortunately, the Minister completely misjudged the nature of the event and the interest of the audience. Sadly, he decided to use the opportunity to criticise the Leader of the Opposition. The Minister's speech would have been acceptable in this place, but it was not appropriate for a community ceremony. Once again, I commend all participating clubs in the Community Development and Support Expenditure funding allocations and congratulate all the worthy community groups on the support they have received. I look forward to seeing those organisations fulfil their many different recreational, sporting and cultural programs over the next 12 months. I take this opportunity to congratulate Bankstown City Council, which helped to administer this program.

ILLAWARRA AND SOUTH COAST COMMUNITY CABINET

Mr GARETH WARD (Kiama) [6.33 p.m.]: I inform the House that on Monday 15 August I had much pleasure in hosting the Illawarra and South Coast Community Cabinet in the Kiama electorate. I began the morning with my colleague and friend Victor Dominello, the Minister for Citizenship and Communities, and Minister for Aboriginal Affairs, visiting the Albion Park Men's Shed with coordinator Ron Dybra to inspect the progress of this great community project where retired tradesmen meet for companionship or hobby purposes to pass on their skills and experience to disadvantaged young people and the unemployed. I then travelled up the road to Wollongong with my colleague Lee Evans, the member for Heathcote, and Duncan Gay, the Minister for Roads and Ports, for an announcement calling on the Federal Government to extend the national highway network to include the Princes Highway south of Gwynneville to Jervis Bay, south of Nowra.

With the expansion of Port Kembla and the National Freight Strategy giving preference to access ports in major centres of industrial activity, the New South Wales Government believes that the national highway network should be extended south. I support these calls. The network should be extended from Gwynneville to Port Kembla, and from Port Kembla to Jervis Bay because this highway is an important piece of infrastructure for which the Federal Government should pay its fair share. It is important for the Illawarra and South Coast, and major contributors to the national economy in output critical to the national economy and export income. It is imperative that the major highway linking the region is included in the national network.

Afterwards, I joined my colleague the Speaker and member for South Coast, the Minister for Health and the Minister for Ageing, and Minister for Disability Services on site at Shoalhaven Hospital to announce that the New South Wales Government had approved the 1.9 hectare portion known as Nowra Park on Scenic Drive for the expansion of the Shoalhaven Hospital car park to create an additional 117 car parking spaces for patients and health professionals. This was a tremendous victory for local doctors, nurses, allied health professionals and patients who have had difficulty with parking at the hospital for many years. I pay tribute to my good friend and member for South Coast who has fought tirelessly for the past four years to secure this funding. Both of us were proud of this achievement.

This commitment ensures that staff and patients have safe and accessible parking at their local hospital. We will work with the community, Shoalhaven City Council and local clinicians to facilitate planning for the resealing of the existing car park and the creation of extra spaces. Following finalisation of planning procedures, construction of the car park is expected to commence in November and be completed by May 2012. The land will allow for the development of the new Shoalhaven Regional Cancer Centre, which will include one linear accelerator, two radiotherapy bunkers, eight additional chemotherapy chairs, a range of oncology-related treatment and planning equipment, and a 10-bedroom cancer patient accommodation facility. Works on the new cancer centre are expected to begin by the end of March 2012.

Following this announcement I travelled back to Kiama Pavilion. It was outstanding to see so many local groups from my electorate having stakeholder meetings with Cabinet Ministers, including Kiama South Precinct Committee, Kiama District Chamber of Commerce, Shoalhaven Business Chamber, Warrigal Care, Shoalhaven Children's Wish Foundation, Country Women's Association, Kiama Rugby Club, Shoalcoast Community Legal Centre, Shoalhaven Mental Health Fellowship, Jamberoo Rural Fire Brigade, Wingecarribee Adult Day Care, Wingecarribee Family Support Services, Kiama Knights Junior Rugby League, Disability Trust, Princes Highway Phase Group, and other groups. The Cabinet was opened by local student Rachel Murray, who gave an award-winning public speech on leadership at a recent public speaking competition.

The evening session was open to members of the public and questions were facilitated through the member for South Coast. This was real democracy in action: direct face-to-face action for community organisations. The Illawarra and Shoalhaven community had the opportunity to ask questions directly of Cabinet

Ministers and the Premier. More than 300 people in attendance ensured some robust questions to the Premier and Ministers, with topics ranging from the recently abolished part 3A legislation and reforming local government to gambling and poker machine laws.

I conclude by paying tribute to the fantastic job of the management and catering staff at the Kiama Pavilion that ensured the smooth running of such a large event. Many of my colleagues have commented on the quality of the Kiama Pavilion, its tremendous facilities and location, and its overall success as a host venue. Unlike the former Labor Government, the O'Farrell Government has demonstrated once again its commitment to listening and delivering for the Illawarra and South Coast. I was delighted to host the Premier and Cabinet members. This demonstrates that we are prepared to deliver on our promises, and listen to the community to continue the Government's hard work. I thank the Premier for allowing the event to be held in Kiama.

PITTWATER ARMENIAN COMMUNITY

Mr ROB STOKES (Pittwater—Parliamentary Secretary) [6.38 p.m.]: I advise the House about the contribution of the Armenian community within the Pittwater area. Members are aware that this week saw the creation of the Parliamentary Friends of Armenia, chaired by my colleague, neighbour and friend the member for Davidson. Members may be aware also that next month the Armenian community will celebrate the twentieth anniversary of the independence of the Republic of Armenia from the Soviet Union. However, members may not know of the enormous contribution that members of Australia's Armenian community make within the Pittwater electorate. While Pittwater is not an area of New South Wales known for its cultural diversity, it is blessed to have not one, but two Armenian schools, and many residents who proudly enjoy Armenian heritage.

For 21 years this month the Alexander Primary School at Duffy's Forest has served as a bilingual Armenian Christian school since its establishment by the Armenian General Benevolent Union. The Alexander Primary School is a beautiful little school in a beautiful corner of Pittwater, and I offer principal Manoug Demirjian, the school board, and the school community all the best for the future. Also in Pittwater is Galstaun College, also known as Hamazkaine Arshak and Sophie Galstaun College, which operates as the only K-12 school designed specifically to serve the Armenian community in New South Wales. Galstaun College is located at the iconic Smoky Dawson's ranch in Ingleside, which was donated by the college's major benefactor, Mr Arshak Galstaun, who was a friend of Smoky and Dot Dawson.

Smoky and Dot loved children but had none of their own, so a special arrangement was made whereby Smoky's ranch was purchased to be used as a school for children of Armenian heritage. Today, the school is very proud of its location, and its association with this great Australian. I have been very fortunate to attend this great school on several occasions and have been unfailingly impressed by its teachers and students, who have developed a wonderful community of learning under the direction of a professional board and great leadership. In particular, I acknowledge the long and distinguished service of former principal Kaylar Michaelian, who has been awarded the Republic of Armenia medallion for his services to education in the Diaspora. Kaylar took every opportunity to involve me in the activities of the school, and is a warm, intelligent and much-respected educator. The college is currently led by Carolyn Blanden, an experienced and talented school leader who is a worthy successor to Kaylar.

Elsewhere in Pittwater, Australians of Armenian heritage are making a real contribution to the development and leadership of our community. Mack Vahanian and John Nazarian are both successful business people who have been long-time members of the Pittwater Liberals, while my good friend Hagop Kiyork has served as President of the Medical Staff Council at Mona Vale Hospital and is one of the area's leading orthopaedic surgeons. In fact, when I reflect on these men I am reminded of Congressman Adam Schiff's assertion that "the legacy of the Armenian Genocide is woven into the fabric of America". The same observation could be made in relation to Pittwater and Australia more generally.

The outrage of the Armenian genocide, in which 1.5 million innocent men, women and children were murdered by the Ottoman Turkish authorities under cover of the First World War, resulted in a forced migration that led many Armenian families to settle in Australia. And our society has been enriched by the contribution of a people who remain the trustees of an ancient culture and who retain such a deep love of family, history and identity. An Armenian friend is a true friend, and a friend for life. My own family has benefited from this reality. My own grandfather served as a stretcher bearer at Gallipoli following his enlistment at Manly Beach in 1915. He was befriended by a wonderful Armenian man called George Hampursian, with whom he had several

adventures in Europe in the period immediately following World War I. Later, following my grandfather's untimely death after World War II, George continued to look after my father's family at a very bleak time, and his name will always be remembered by us with affection and gratitude.

The horrors of the genocide have left an indelible mark on every Armenian. No family escaped unscathed. The Armenians are a people who have been subjected to untold horrors, which seem to me to have left them with a real consciousness of life, love and loss. The experience of loss means that the Armenians I know and those in Pittwater hold their families close and value their community and friends. Life is savoured and valued in a way that is quite different from the looser arrangements that have been traditional in Pittwater. Yet the horrors experienced by the Armenian people could be visited on any culture or community. That is why their experience of genocide must be acknowledged by the descendants of its perpetrators and why all of us must reflect on how precious are our communities, our families and our lives.

LIFELINE MACARTHUR

Mr CHRIS PATTERSON (Camden) [6.43 p.m.]: I was very privileged and humbled to be asked by Lifeline Macarthur to be an Ambassador for the organisation. The former New South Wales Police Commissioner, Ken Moroney, AO, APM, recently accepted the role of patron and I look forward to working with him. Lifeline Macarthur was formed in 1978 in a shed in Larkin Place, Camden, under the umbrella of the Uniting Church, with Margaret Appelby on board to run the organisation, to meet the needs of people in crisis in the Macarthur community. Margaret has given over 30 years service to Lifeline in our area and is truly one of Camden's inspirational people. In 1980 Lifeline Macarthur opened a shop in Camden selling affordable items to the community. The very next year Lifeline Macarthur moved into its first factory unit in Narellan.

Lifeline Macarthur grew with the community, opening new shops, a depot, acquiring a cottage for services' use, and in 2004 moving to its current premises in Smeaton Grange. The building in Smeaton Grange is named after a very close personal friend who passed away in 2001, Paul Dooner. This new facility was built in 2004. The sponsors board in the foyer of the building shows all of the businesses and individuals that gave their time, labour or product at reduced or no cost to ensure this building was built. Barry Dickinson and Ian Tyson, who coordinated and drove this project, must be applauded for their actions.

Lifeline is a not-for-profit organisation providing the Australian community with access to support, suicide prevention and mental health support. Every minute somewhere in Australia Lifeline accepts a new call from someone needing to talk about their personal issues. It is Lifeline's mission to provide effective counselling and companion services through competent, accredited and specialised counsellors using a 24-hour crisis telephone counselling service. The 24-hour telephone counselling service is Lifeline's core service and also offers face-to-face budget counselling, financial counselling, suicide prevention, counselling for people with drug, alcohol and gambling problems, support for people bereaved by suicide, education seminars on suicide prevention, and an anxiety and an obsessive-compulsive disorder clinic.

I am very proud the O'Farrell Government has committed $2 million a year over this term of Government to support Lifeline in New South Wales. In Lifeline Macarthur's 33 years of service it has answered thousands of calls from people needing help and thousands of lives have been saved—especially people who were suicidal. Lifeline has supported thousands of people in crisis and encouraged them to look at the best options to move forward with their lives.

The volunteers at Lifeline are the real heroes in this organisation. Without volunteers giving their time and expertise to listen or act upon concerns of those in our community who feel they are at the end of their tether, or worse—feel they need to end it all—this organisation would not function. These volunteers are there 24/7 to offer support or just an ear for someone to talk to when they feel no-one else is listening. The volunteers take on so much but never question their role. Volunteer counsellors offer a non-judgemental ear to people who feel as if they have no-one to talk to. Volunteers also help Lifeline by volunteering in Lifeline retail shops, at the distribution centre, and gift wrapping at shopping centres and at Lifeline's annual book fair.

I know Lifeline Macarthur's chief executive officer Peter Mihajlovic is leading an organisation whose main priority is to provide support and encouragement to those that need it. Peter and his wife, Nada, who also works at Lifeline, do a wonderful job. Jackie Moore, a personal friend, coordinates the team of volunteers and does a fantastic job in doing so. My parliamentary colleague, the member for Hornsby, Matt Keane, is very passionate in his support of Lifeline, as are a number of my parliamentary colleagues. The member for Hornsby

has been very proactive in highlighting what a wonderful organisation Lifeline is and singing its praises at every opportunity. I commend him for his efforts. Lifeline Macarthur is an organisation that deserves the support and awareness of government and the community.

MAITLAND ELECTORATE REGISTERED CLUBS COMMUNITY DEVELOPMENT SUPPORT

Ms ROBYN PARKER (Maitland—Minister for the Environment, and Minister for Heritage) [6.48 p.m.]: I inform the House about the distribution of community development support expenditure money by registered clubs in the Maitland electorate. Last week in Maitland I participated in the presentation of $37,211 in Community Development Support Expenditure category 1 funds to 14 organisations. As many of members may be aware, community development support contributions are made by registered clubs that earn more than $1 million in gaming tax revenue. Four Maitland clubs took part in the presentation: Easts Bowling, Leisure and Golf Club; Telarah Bowling Club; Maitland City Bowls, Sport and Recreation Club; and Maitland District Leagues Club.

I take this opportunity to pay tribute to the registered clubs in my electorate that withstood many challenges over the past 10 years, and currently they face the Federal Government's proposed poker machine reforms. Recently the Coalition Government introduced the Gaming Machine Tax Amendment Bill. The Coalition made a key election commitment to ensure the sustainability of the clubs industry, to protect jobs, and protect and enhance the valuable community support it provides across the State, a commitment which was applauded by the representatives of the Maitland clubs during the presentation ceremony. Excessive tax rates levied by the former Government contributed to the closure of about 100 clubs, robbing local communities, particularly in regional New South Wales, of valuable facilities, services, jobs and financial support.

The Coalition Government's changes strike the right balance between the obligations on registered clubs to pay a fair amount of tax while ensuring their future financial viability. I am pleased to advise the House that Maitland District Leagues Club, Telarah Bowling Club, Maitland City Bowling Club and Easts Bowls, Leisure and Golf Club are delivering on their obligations to help our local community. They have supported organisations such as Hunter Life Education donating $1,800 to the Adopt-a-School sponsorship program.

All four clubs chipped in a total of $6,000 for Camp Quality's junior camp. Harry's House, a soon-to-open retreat for families with children living with cancer, was the recipient of $7,000. Maitland Blue Light Disco intends to show what it can do with $1,000 to stage a youth-oriented demonstration and market day at the Rutherford Youth Space in October. In addition to the support for our children, financial assistance has been given to those who help in a variety of other challenging situations through programs such as the short-term crisis accommodation provided by Dads In Distress, the Memory Van operated by Alzheimer's Australia and the community club's outreach program of the Hunter Prostate Cancer Alliance. The presentation was just part of a bigger story on how the Community Development Support Expenditure Scheme helps the Maitland community.

The Maitland City Bowls, Sport and Recreation Club, located at Rutherford, by the end of this tax year will have given $80,000 in category 1and 2 contributions. This figure excludes any spending on sporting facilities or the club's direct donations. Community development support expenditure donations of almost $173,000 in cash from the East Bowls Leisure and Golf Club have gone to approximately 85 organisations. Further, these clubs offer in-kind support for subsidised room hire, reduced cost and donated product. The Government will expand the Community Development Support Expenditure scheme and rename it ClubGRANTS, which will provide additional community support from registered clubs over the next four years. It will enable funds to be directed towards a club's core activities such as sport, a golf course or maintenance of bowling greens. Bowls is a popular sport in my electorate.

The changes also include a new ClubGRANTS Fund, with money provided by clubs, to provide a statewide funding pool for large-scale projects associated with sport, health and community infrastructure. I used last week's community development support expenditure presentation to encourage the representatives of the four clubs and other organisations in the Maitland electorate to be ready to take advantage of the funding opportunity. The New South Wales Liberal-Nationals Government is committed to delivering real relief and benefits to the clubs industry in line with the memorandum of understanding signed with ClubsNSW. I once again thank the registered clubs of Maitland for their commitment and contributions, which provide relief and benefits to the community organisations in my electorate. Those community organisations do a wonderful job and they all deserve to be supported. Although there are too many to name today, I assure the House that they all are deserving of funding from clubs. I commend the work of the clubs and the community organisations in Maitland.

ST JAMES PRIMARY SCHOOL MINI VINNIES

Mr GEOFF PROVEST (Tweed) [6.52 p.m.]: Today I bring to the attention of the House an important initiative being undertaken at St James Primary School, a great private school in the Tweed electorate. The school is involved in Mini Vinnies, which is an initiative of the broader St Vincent de Paul Society providing a community outreach program for young children in Catholic schools. It is run under the auspices of the Chaplaincy Program in Schools, which is funded by the Federal Government. The program is run by Allira Eppoc and Jacqui Malone. The aim of the Chaplaincy Program is to enhance existing services by encouraging young schoolchildren to become aware of and involved in aspects of their community that they would not otherwise be exposed to.

St James Primary School at Banora Point has adopted Mini Vinnies and places a special focus on homelessness in the Tweed region, a subject I have raised many times in the House. The students, led by 12-year-old president Claire Evans, have increasingly become involved in the plight of the homeless in the Tweed region. Recently they conducted a sleep-out in their school hall, away from family and home, in order to gain a greater understanding of the difficulties faced by the homeless in the Tweed. This event was held after the deaths of two young homeless men in my electorate, which upset the Mini Vinnies greatly and prompted them to write me letters asking for a drop-in centre in Tweed, similar to Matthew Talbot Hostel. I have been campaigning in this place for some time for such a facility. Matthew Talbot Hostel is a fine facility run by the St Vincent de Paul Society at Woolloomooloo. Every Thursday of a parliamentary sitting week I, together with the member for Murray-Darling, volunteer at the hostel serving breakfast and cleaning up afterwards.

The St James Primary School Mini Vinnies also makes weekly food donations to You Have A Friend, a wonderful association run by John Lee. This association, which has been running in the area for some time, aims to increase awareness in the community to remove the stigma that homeless people often have placed upon them. The 385 students at the primary school also enjoy pancake days, at which local Vinnies activist John Lee goes to the school to cook pancakes for the students to buy as a fundraiser. Since 2005 the principal, Mrs Vicki Whittaker, has led St James Primary School into a new era of learning for the twenty-first century but has continued the vision of the founders by building a community of faith and learning characterised by Christian values, attitudes and practices in a welcoming and caring educational environment.

The deputy principal, Jason Clark, spoke to me about the general excellence of St James Primary School, which is typical of the primary schools in Tweed. As well as producing sporting, academic and cultural excellence, these young boys and girls are banding together to help those less fortunate than themselves. Amy Magill, Monique Burns, Claire Evans, Caitlin Kirsner, Sophie Williams, Leila, Ebonnie Crompton, Jaime, Keely, Jasmine Jones-Calvert, Jayde Dempsey, Krystal Stevens, Mia Carlian and Naina Verma have written letters to me. Naina Verma wrote:

> We would like your help to help the homeless in every way you can like building a drop in centre where they could have a cup of tea, wash their clothes or maybe just to sit.

Ebonnie Crompton wrote:

> I want to be able to help with this important issue and you can help by donating money to help build a drop-in centre for Tweed Heads.
>
> Please reply.

Ebonnie, I am replying by raising this issue in Parliament. I believe there will be good news shortly. Caitlin Kirsner wrote:

> Imagine if you were homeless, frozen, you couldn't move, hungry, out of water, lonely and no one knew you existed.
>
> Now can you feel what they feel?
>
> We're raising awareness for the homeless and we want to help the homeless. We have raised over $500 for the organisation.

Well done. Jasmine Jones-Calvert wrote:

> We were told about Mother Teresa's message to all: don't look with your eyes in your head but the eyes of your heart and soul.
>
> We were told that two people died in the holidays by hypothermia on the Tweed.

That is unacceptable. She continued:

> One was thirty and the other one no-one knew who he was. The police looked into it and found he was from Taree.

It is a great endorsement of St James Primary School, led by its principal, that these young children aged 10 to 12 years are taking an active interest in the homeless and looking after those less fortunate than themselves. I am 100 per cent behind St James Primary School.

JOAN SUTHERLAND AND RICHARD BONYNGE VOCAL SCHOLARSHIP

Mr JOHN SIDOTI (Drummoyne) [6.57 p.m.]: It is with great pleasure that I make this private member's statement tonight. The world loves and respects Joan Sutherland and Richard Bonynge. Last weekend I attended the Joan Sutherland and Richard Bonynge Vocal Scholarship awards. Every year the Joan Sutherland Society of Sydney awards, as part of the McDonald's Sydney Eisteddfod, the Joan Sutherland and Richard Bonynge Vocal Scholarship. To be eligible singers must enter and perform an operatic aria and compete in at least two other events in the various sections of this Sydney festival. First, second and third place winners from each event will qualify automatically to sing in the semi-finals, from which eight singers will be selected to sing in the deciding final.

In 2010, as mayor of Burwood, I attended my first ever opera, which was held at the magnificent St Paul's historic church in Burwood, the very place that the great Sir Donald Bradman was married. Seeing is believing: vocalists, some at the tender age of 23, were absolutely mind-boggling. As I sat and listened I imagined the training, studying and travelling they had undertaken and I was amazed at their sheer talent. It is such a prodigious event. I was so impressed by the standard of competition I encouraged my council colleagues at the time to support the society's goals of bringing the highest standard of classical singing to the inner west. The sopranos, tenors, baritones and mezzo-sopranos were phenomenal. I thank Burwood Council, particularly the current mayor, Councillor John Faker, for continuing my vision and for agreeing to sponsor the first prize, $7,000.

The Joan Sutherland Society of Sydney was established in 1978 by a group of opera lovers who sought the blessing of Australia's most celebrated singer, Dame Joan Sutherland, to form a society of like-minded people. The society is the only one in the world to bear her name. I congratulate Naomi Johns of Woolloomooloo, a 26-year-old soprano born in Western Australia, who won the first prize. A 23-year-old baritone, Morgan Pearse, came second, and third was a sensational young gentleman—Samuel Sakker, a tenor from Surry Hills. I take this opportunity to thank Doug Cremer, President of the Joan Sutherland Society of Sydney, and Duncan and Annamaria Kinnon, vice-president and treasurer respectively of the association, for the wonderful hospitality they extended to me and other special guests.

I also thank the sponsors, because without their help this would not be possible: the University of New South Wales, Shore school, McDonald's, Overs Pianos, Burwood Council and June Dally-Watkins Education and Training. What a remarkable person is June Dally-Watkins. The compere of the event was radio host Alan Jones, who generously sponsored the second-place prize. I congratulate all those associated with the awards and I encourage everyone to participate and witness for themselves an experience that is unforgettable. I also had the pleasure of hosting a Briars at Greenlees Sporting Club businessmen's and sportsmen's lunch in the Strangers Dining Room here at Parliament House, which 150 guests attended. The Briars at Greenlees is a healthy, active group that maintains a strong culture in community and sport. The vision of the club is to be the community's most successful sporting club and to promote recreational activities for its members.

I commend the club's members for their vision and their healthy approach to building a strong club. I understand that, with the help of the City of Canada Bay Council, work is progressing on the upgrade of Rothwell Park's changing rooms and facilities, to be named in honour of a great man—Ted Stockdale—who did so much for the club. I believe the club is awaiting news on a grant to upgrade this terrific facility. I was also delighted to have been asked to be an honorary vice-president of the club. The master of ceremonies for this great event was John Blackman and the guest speaker was an unbelievably talented person, an Australian cricketing legend, Kerry O'Keeffe. There was the traditional raffle and auction. I commend the club for all its activities, including rugby, cricket, hockey, squash, netball and lawn bowls.

Mr Richard Amery: Hear! Hear!

Mr JOHN SIDOTI: The member for Mt Druitt probably plays lawn bowls. Greenlees is an absolutely great club. I thank the president, the board of the club, the members and the sponsors for their efforts and I look forward to a very close association with the club and its members.

TRIBUTES TO CHRIS SUTTON AND JACK McCULLOCH

Mr GRAHAM ANNESLEY (Miranda—Minister for Sport and Recreation) [7.02 p.m.]: Tonight I acknowledge and congratulate two outstanding young men from the Sutherland shire who have done their family, friends and the sport of cycling proud. Chris Sutton and Jack McCulloch have plenty in common. Both are members of the famous St George Cycling Club, home to numerous world and Olympic champions. Both call the shire their home, and both enjoyed the thrill of victory recently when 17-year-old Jack won the Under 19 New South Wales Road Championships and Chris won his first Grand Tour stage when he took out the second stage of the Tour of Spain.

In racing circles Chris Sutton—or CJ as his known to those involved in the sport—has a cycling pedigree second to none. Chris's father is Gary Sutton, a Commonwealth Games gold medallist and current head cycling coach at the New South Wales Institute of Sport. Like many athletes who make their mark on the world sporting stage, Chris commenced his passion for cycling at a very early age. In 2001, at the age of 17, he was rewarded for his hard work when he was named the New South Wales Under 19 Cyclist of the Year. The 2002 season saw Chris record no less than seven runner-up placings in events that included the Madison World Junior Titles and the Team Pursuit World Junior Titles. The adventure had well and truly begun for Chris Sutton.

The ensuing decade saw Chris cycle to victories in New South Wales, Queensland, Victoria, South Australia, Italy, France, the United Kingdom, and this year in Belgium and Spain. In February this year Chris won the Belgian 2011 mini-classic in a final sprint to the finish line. In the Belgian event cyclists traversed the 120-mile course in very testing weather conditions, with Chris's winning sprint to the line being described by the media as outstanding. In the spirit of a true young champion, Chris attributed his success to the work the team did for him, highlighting the importance of teamwork. Chris is quoted as saying:

> Every win you have is special, but they are all different. My Tour Down Under stage win last year was special. It was back in Australia and in front of my family and friends. But to win a mini classic today! I am just so thrilled and excited.

The spotlight continued to shine on the young man from Sylvania last week when he outsprinted a high-class field of international cyclists to win the second stage of the Tour of Spain. It was Chris's first Grand Tour stage victory and I am confident that it will not be his last. Gymea Bay's Jack McCulloch is another rising star in the sport of cycling and, like Chris Sutton, his success is due to hard work and family support, particularly from his big sister Carly.

Carly McCulloch's remarkable achievements to date include three world titles, and with team mate Anna Meares they are red-hot favourites to win the Team Sprint at the Olympic Games in London next year. Jack took up the sport of cycling less than two years ago and, to his credit, has publicly attributed much of his recent success to the guidance and advice offered by his big sister. Having a world champion prepare your training schedule, as is the case for Jack, has obvious benefits—benefits that saw the teenager win a silver medal in the State road time trial championships last month, followed by a victory in the Heinrich Haussler Junior 2 Day Tour in Inverell a week later.

Jack's performance in Inverell again highlighted his versatility because he not only won the 110-kilometre road race and criterium stage but was placed in both the time trial and the 55-kilometre road race. I have been informed by Jack's uncle, Phill Bates, President of the St George Cycling Club, that Jack has an excellent chance of representing Australia at the world championships next year. Jack attends Endeavour Sports High School. I should also add that his other sister, Abbey, is a State representative netballer. Sport is obviously in the genes of the McCulloch family and, with the good clean living environment of the shire as his training ground, Jack looks set to follow in his big sister's tracks. To both Chris and Jack I offer my congratulations on their past achievements and best wishes for their future sporting careers.

OAKHILL COLLEGE SEVENTY-FIFTH ANNIVERSARY

Mr DOMINIC PERROTTET (Castle Hill) [7.07 p.m.]: Tonight I congratulate Oakhill College in Castle Hill, which this year celebrates its seventy-fifth anniversary. Oakhill is an institution that turns young boys and girls into fine men and women of character. One does not need to look further than me for evidence of such a claim, for I was fortunate enough to walk the college's halls and play rugby in the school colours. Oakhill College exists today because of the commitment, love and zeal of the De La Salle Brothers, who have worked tirelessly across generations to build the school from its humble beginnings with four students to the 1,600 strong students it boasts today. From its humble rural beginnings in Castle Hill to the beacon of education and excellence it is today, the De La Salle Brothers have ensured students of the college are equipped with the faith, passion and leadership to enable them to make a difference across a broad range of endeavours.

Several weeks ago I attended the Oakhill College Gala Day, at which I was not only fortunate enough to don a ridiculous sparkly gold hat and spin the chocolate wheel but also I witnessed the sense of community that exists at the college. From young future students of the college to the mighty First 15, the soccer teams and their parents and grandparents, the pride of the college was there for all to see. Last Saturday night the Oakhill community celebrated its 75 years in style at the Darling Harbour Convention Centre. My wife Helen and I were delighted to attend, along with Gary Edwards, the member for Swansea—another old boy of the college. It was amazing to see the diverse characters that Oakhill College have forged, all of who provide an example worthy of the Lasallian tradition. Several people deserve mention in this place. The principal of the college, Brother Ken Ormerod, was a member of the teaching staff during the 1970s and 1980s and returned to Oakhill as principal in 2007. Brother Ken is an outstanding and experienced school leader who commands great respect from his staff, students and the wider Oakhill College community.

I was privileged to listen to several former students who have made a significant contribution not just to our country but throughout the world. Professor Stephen Hunyor, dux of the college in 1957, spoke at the event. Stephen holds a chair at the University of Sydney, he is director of the Cardiac Technology Centre, senior staff cardiologist and chairman of the section of cardiology at Sydney's Royal North Shore Hospital, and he has lectured at universities around the world, including Harvard. Another guest speaker was Dr Rebecca Hoile. College Captain in 1993, Rebecca works within the New South Wales Police Force, managing the forensic response to bioterrorism, and she has developed a number of protocols and procedures for preparing and responding to biological incidents. She has spent the last six years working on the Interpol Bioterrorism Working Group and has delivered training in the fields of chemical, biological and radiological response to police across six continents.

I make special mention of Brother Ambrose who spoke on the night about the future direction of the college. Brother Ambrose was headmaster during the time I attended the college. As the Provincial of the De La Salle Brothers in the district of Australia, New Zealand and Papua New Guinea, Brother Ambrose has led a distinguished career that has focused on service and sacrifice. Brother Ambrose was principal of Oakhill College from 1991 to 1998 and principal of LaSalle Catholic College at Bankstown from 1999 to 2004. His dedication to the community has seen his work recognised in the form of several significant awards, including becoming a Member of the Order of Australia in 1987, receiving an Office of the Order of Australia in 2005, and being awarded the Sir Harold Wyndham Medal in 1996 and the Premier's Award in 2004 for his contribution to community service.

The importance of education in this great State cannot be underestimated. Education covers a lot more than just reading, writing and arithmetic; it is about the character development of young men and women who will become the bright minds and future leaders of our society. I congratulate Oakhill College on 75 years of excellence in education and I wish the college all the best for the next 75 years.

TRIBUTE TO MARGARET HANNAH OLLEY, AC, AO

Mr THOMAS GEORGE (Lismore—The Deputy-Speaker) [7.12 p.m.]: Tonight I speak about the late Margaret Hannah Olley, AC, AO, an Australian icon. Margaret Olley was born just outside Kyogle at Collins Creek in my electorate and spent the first few years of her life there. I will not repeat the condolence motion that was extended by the Premier and supported by the Leader of the Opposition on 2 August. However, as the member for Lismore, I am proud that the Tweed River Art Gallery in Murwillumbah is the first stop on the Archibald Prize 2011 New South Wales regional tour. Susi Muddman, director of the Tweed River Art Gallery, was honoured that her gallery was selected to display the work of the 40 Archibald Prize finalists for 2011. Portraiture is the primary focus of the collection at the Tweed River Art Gallery which holds in its permanent collection many works of Archibald winners and finalists. The Archibald collection is a wonderful addition to its program as it complements and informs works included in its current exhibition entitled, "The Australian Character."

This year Ben Quilty won the Archibald Prize for his charismatic portrait of artist Margaret Olley, who sadly passed away in Sydney on 26 July. Margaret was the only person to be the subject of an Archibald Prize winning portrait on two occasions. William Dobel's portrait of her won the prize in 1948. In 2006 Margaret was the special guest of the Tweed River Art Gallery when she officially opened stage two of the gallery's building, which coincided with the opening of the 2006 Archibald Prize exhibition at the gallery. I pay tribute to Susi Muddman, director of the Tweed River Art Gallery. I had the honour of being at the gallery for the opening of the Archibald exhibition which is presently on display. The portrait of Margaret Olley was brought back from

Murwillumbah for the service that was held in Sydney yesterday. My wife, Deb, and I attended the opening of the exhibition at that gallery. It was an honour to be there because the special guest that evening was Ken Done who officially opened the celebrations at the gallery.

I was pleased to see the Hon. Doug Anthony and his wife, Margot, who together with the community were instrumental in ensuring that the art gallery was built in Murwillumbah. The people in the Northern Rivers region are proud, as I am sure every member in this House would be proud, of those arts achievements in country and regional areas. Yesterday I attended the State memorial service to celebrate the life of Margaret Hannah Olley, AC. Mr Edmond Capon, AM, OBE, was the master of ceremonies. Her Excellency Ms Quentin Bryce, AC, paid tribute, as did the Hon. Barry O'Farrell, the Premier of New South Wales. Margaret Olley's niece, Sally Wilkinson, and close friend Mr Phillip Bacon, AM, delivered eulogies. The mayor of Lismore, Jenny Dowell, attended the service and we were both honoured to be there representing an area of the State that made a contribution to the life of such a wonderful Australian icon. As the representative of the Lismore electorate I am proud to pay tribute tonight to Margaret Hannah Olley, AC, AO.

CORRECTIVE SERVICES COMMUNITY RELEASE PROGRAM

Mr KEVIN ANDERSON (Tamworth) [7.17 p.m.]: The Corrective Services NSW community release program, which is important in the Tamworth electorate, was recently placed under a cloud after a media report incorrectly implied that prisoners were taking work away from paid staff in Tamworth and Bathurst. On Sunday 14 August that longstanding and worthwhile program was suspended. The media report stated that Tamworth Regional Council "admitted the prisoners were taking work away from paid staff". However, council insisted that that was not the case. No council staff members lost their jobs as a result of the prisoner work release program. Tamworth Regional Council first made use of a Corrective Services NSW work release crew in 2004 for a grounds maintenance program at the Tamworth cemetery. The project was so successful that it was expanded to cover a range of maintenance and development projects across the region. The majority of the work that is undertaken is community project work for the volunteer groups that assist council with the development of parks, reserves and facilities. Examples include Moonbi and Bendemeer recreation reserves, Lioness Park, Firefighters Championship Track, Barraba Showground and regional facilities such as the Tamworth Botanic Garden and Tamworth Marsupial Park.

Since 1995 Tamworth Regional Council has been involved in the provision of projects for weekend detention and juvenile justice programs. This involves council staff directly supervising young offenders or correctional services officers taking a team of prisoners to Kingswood Park or Kootingal Recreation Reserve to mow, brush cut and maintain areas for community groups that adopt council parkland. It is understood that some local schools are involved in a similar program. The volunteer labour of the prisoners working alongside council staff and community group members has made it possible for a number of community projects to be completed. One of the biggest projects in the Tamworth region involving prisoners was at Tamworth Botanic Garden where prisoners, council employees and community members turned an area with a bed of roses into one with a spectacular water feature over three levels, and added a gazebo.

Prisoners have also helped out with clean-ups after major flood events and it is accepted across the Tamworth Regional Council workforce that work release programs have been highly successful. In 2007 the council nominated its work with Corrective Services NSW for a Civic Partnership Award as part of the Keep Australia Beautiful Tidy Towns Awards. This program provided positive benefits for the residents of the region. As a regional New South Wales council, Tamworth does not have access to the multimillion-dollar capital budgets with which metropolitan councils are provided. Tamworth and other regional councils have become resourceful in attempts to close the gap in providing community assets that metropolitan communities take for granted.

With this in mind, Tamworth Regional Council has accepted offers of help from Corrective Services NSW, Work for the Dole, Green Corps and any other community labour available. It is not easy, but the council has perfected this community contribution to assist in achieving our goals in meeting the expectations of local residents for the provision of facilities and services. The council is aware that community members behind the proposed Tamworth Men's Shed were hoping a team of prisoners involved in the community release program would have been able to build the facility. The council has provided the group with land for this project. Since the Sydney newspaper report last Sunday a number of community group members and residents have expressed their support for the community release program and the outcomes it has achieved across the region.

I can report this evening that New South Wales Corrective Services Commissioner Ron Woodham has lifted the suspension on community works projects after an investigation cleared Bathurst and Tamworth

councils of breaching the guidelines. This inquiry, involving prison officials and council executives, found there had been no abuse of the program and that guidelines involving offenders working in the community had been followed. This is an excellent result. I contacted Tamworth Regional Council this afternoon and it is delighted with the outcome and is looking forward to reinstating the program. It is a fine example of this new Government listening to people and applying common sense. I thank and congratulate the Attorney General, Greg Smith, and the commissioner on their swift action in setting up the inquiry and resolving the issue. It is a very important one for the community in my electorate of Tamworth.

Private members' statements concluded.

The House adjourned, pursuant to standing and sessional orders, at 7.22 p.m. until Friday 26 August 2011 at 10.00 a.m.