

# LEGISLATIVE ASSEMBLY

Friday 26 August 2011

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

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

## GAMING MACHINE TAX AMENDMENT BILL 2011

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

## GRAFFITI LEGISLATION AMENDMENT BILL 2011

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

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

## TRANSPORT LEGISLATION AMENDMENT BILL 2011

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

**Agreement in principle set down as an order of the day for a later hour.**

## ENVIRONMENTAL LAND COMPENSATION

**Debate resumed from 11 August 2011.**

**Mr DARYL MAGUIRE** (Wagga Wagga) [10.02 a.m.]: I move:

That this debate be now adjourned.

**Question—That the motion be agreed to—put.**

**Division called for and, pursuant to standing orders, deferred.**

## WHITE BAY CRUISE SHIP TERMINAL

**Mr JAMIE PARKER** (Balmain) [10.03 a.m.]: I move:

That this House:

- (1) notes that the former Government's decision to relocate a cruise ship terminal to White Bay is not supported by the main user of the terminal, the transport and tourism industry body, Leichhardt Council or the local community;
- (2) calls on the Government to reverse the decision to relocate the cruise ship terminal to White Bay; and
- (3) calls on the Government to complete a master plan for the White Bay precinct following extensive community consultation.

The saga of the transfer of the cruise ship terminal from Barangaroo to White Bay brings no credit on the former Labor Government or the various Ministers for planning and ports. The motion speaks of the incompetence and lack of vision that marked the years of the former New South Wales Labor Government when it comes to managing White Bay and the Bays Precinct. The White Bay site in my electorate is intimately linked to the Bays Precinct, which includes Rozelle Bay, White Bay, Glebe Island and Blackwattle Bay. The Bays Precinct as a whole has 80 hectares of waterfront land with over five kilometres of harbour foreshore, an incredibly precious community asset that has been managed very poorly.

It is important the House understand some of the tragic history of the site, which has been marked by broken promises and non-existent planning. The precinct has a long and proud marine history and offers a huge opportunity for the community, the economy and the environment of Sydney and beyond. One would have imagined that as a deepwater port and prime waterfront land its future would be well planned and in good hands. In fact, the opposite is true. The community and industry hoped that when the maritime and shipping leases and the stevedoring work for the site had expired the Government would have an integrated plan for the site, but we saw the ill-fated proposal for a cement processing facility. In the run-up to the 2008 election Premier Iemma made some commitments that had been hard won by the community. What did Premier Iemma say? On 13 March 2007 he was reported as follows:

Premier Morris Iemma today announced the NSW Government had agreed to establish a community reference panel to initiate the White Bay Master Planning process.

Mr Iemma said that a vote for Labor would ensure the Government delivers a Master Plan for the local area.

The then member for Balmain said:

This is another step forward in the Government's commitment on issues of concern to residents at White Bay—the proposal for the Cement Terminal has been withdrawn, a Master Plan has been announced, and now we're moving to set up a community reference panel.

Do we have a master plan today? No, we do not. Instead of a master plan we have an ad hoc series of development approvals that have been granted around the precinct. A good example is the Bailey's refuelling facility now on wharf 6, which emerged out of a botched expression of interest process by Sydney Ports as far back as 2004. In 2006 Bailey's Marine Fuels lodged an environmental assessment with the Minister and the department and in the chaos Minister Sartor, whom we all remember very well, recognised he had to create some legitimacy for the process and engaged Mr Refshauge to chair an independent review of the proposal. But there were two major flaws: the terms of reference excluded any examination of alternative sites and were based on the discredited 2000 master plan that even the Premier acknowledged had to be rewritten.

So of course the project was duly supported by a report on 9 July 2008. There was no integrated planning for the rest of the bay and no vision for the other wharves that would be impacted by the decision, just ad hoc approvals. It took the New South Wales Coordinator General, not a Minister, to realise the need for integration. In a letter of 25 August 2008, one month after this so-called independent report was submitted, the chief executive officer of the Sydney Harbour Foreshore Authority sent a letter to one of our local councillors, Mr John Stamolis, a great champion of the harbour, and our precinct committees, which had been working hard on this issue, stating:

The NSW Coordinator General has recently suggested that any determination of the major project application would be better informed if it was made in the context of the report by the Bays Precinct Taskforce.

This was a task force that was promised in 2007. In 2008 we still did not have the task force. The Coordinator General said it had to be approved in terms of the Bays Precinct task force results but we still do not have that today. The Minister agreed to "await the task force report before making a determination on the Bailey's application". There was no task force report and the Bailey's determination was made. When was it made? It was made by the then new Premier, Kristina Keneally. On Friday 12 June 2009 the Minister announced that:

Land and foreshore west of the Sydney Harbour Bridge will be recreated following one of the most interactive consultation processes in NSW Government history. Planning Minister Kristina Keneally today called on the people of Sydney, community groups, local businesses and councils to help conceive the future of Bays Precinct, in particular White Bay, Glebe Island and White Bay Power Station.

The disingenuous nature of this so-called consultation is demonstrated by the fact that the same press release that announced the consultation approved the Bailey's development on the site. So the Government announced the consultation but also approved developments on the site. It is clear that the consultation was a sham: it was a joke. In fact, the Bailey's refuelling depot on wharf 6 is on the site that the Sydney Harbour Foreshore Authority had identified for a headland park and that the Maritime Union of Australia had been fighting for as a perfect location for a ferry terminal. It was another betrayal of the community and any sense of principled consultation to announce approvals of development applications at the same time as announcing consultation for exactly the same site. It shows what a disgrace the planning process was. The Minister's press release went on to say:

Now is the time for the community to have its say on a permanent location for the Cruise Passenger terminal, be it at White Bay or some other location west of the Harbour Bridge.

What did the community say?

**Mr Paul Toole:** You tell us.

**Mr JAMIE PARKER:** Leichhardt Council, the City of Sydney, North Sydney Council, Woollahra Council—all those harbourside councils—the Barangaroo Action Group, the Friends of Barangaroo, the National Trust, the peak lobby group of the tourism and transport industry, the Tourism and Transport Forum, and users of the facility said, "We don't want it there." Anne Sherry, the Chief Executive of Carnival Cruises is quoted in the *Sydney Morning Herald* as saying:

The move away from Barangaroo was always a political, government decision. We flagged from the beginning we wanted to stay at Barangaroo.

The Government went ahead with this political decision, another example of a poor approvals process initiated under part 3A. It is a poor option because cruise ships will be located where there is minimal tourism infrastructure. More than 400 car parking spaces are proposed for this development, on prime waterfront, deep frontage land. The parking area is bigger than the cruise ship facility. The relocation will have a negative impact on the local community. It will come with a large opportunity cost. The Government is proposing to build a road right along the foreshore, sterilising the use of wharves 5, 4 and 3 towards the old White Bay Power Station. This is important land for Sydney, the community and the economy. Why build a road along it? Because the Government was trying to fix an insurmountable problem.

I acknowledge the recent review of Barangaroo undertaken by the Government and welcome many of its suggestions. It was noted that the passenger cruise terminal steering committee, without any council or community involvement, went through what it called a statutory planning process, which the review panel members described as not a community planning process—meaning that the traffic outcomes were much poorer. The cruise ship terminal is really a glorified function centre. It is proposed that it be used for cruise ships only 60 days a year. On the other 300-odd days it will be used by up to 2,500 people on amusement rides with amplified music. Leichhardt council has now sought to amend its consent to reduce the number of people allowed at the site to 500. That is now before the Minister for Planning and Infrastructure. The review panel stated:

It is our suggestion that the function centre proposal be abandoned and the non cruise ship uses of the Terminal should be determined by the Council in consultation with local residents. Council management is an option. Further, it is our view that foreshore access and landscaping should be planned in conjunction with the Council and local residents ...

Who will fund that proposal? Sydney Ports will not fund it. In June the Auditor-General said the costs had gone from \$37 million to \$47 million—and they are now \$62 million—plus the funding of the open space. If the Treasurer has got over his cold he might be able to hear this. He could save around \$70 million by shelving this project and getting serious about Garden Island. We should talk to the Commonwealth Government and the navy about its use because in the future cruise ships will not be able to travel under the Sydney Harbour Bridge, making these western options less than useful. We should also examine the National Trust proposal to move the terminal to the central area of the site, enlivening Barangaroo, especially on weekends. I conclude by addressing Sydney Ports, an agency out of control. It announces things without any reference to master plans and without any reference to integrated planning.

There is now an expression of interest for Glebe Island. Is it part of the master plan process that was promised by former Premier Iemma as far back as 2007, promised by then Premier Keneally in 2009 and included in commitments made by this Government to engage in a proper consultation process on a master plan? No. Sydney Ports needs to be pulled into line. The most recent action of Sydney Ports is evidence that it is not in step with the need for integrated planning. It is reminiscent of the old Roads and Traffic Authority. I call on the Minister for Roads and Ports to ensure that the Sydney Ports Corporation acts in unison with the Government and the Minister for Planning and Infrastructure, who has expressed positive notions with regard to this development, and that this express commitment be used to develop an integrated approach to planning the Bays Precinct. The Government should develop a master plan. Once and for all, let us get the planning right.

Let us look at maritime uses on that site. Let us look at community options for that site. We need an integrated plan for the industry, for the community and for our economy. I will be following this issue closely over the coming months to ensure that the new Government's performance lives up to its commitment to consult with the community. Frankly, it has a low bar to get over because the former Government was so incompetent on planning issues. I look forward to working with the Government on this to make sure we can move the cruise ship terminal out of White Bay and focus on the solution for the industry, which is Garden Island, and seriously consider the central option of Barangaroo.

**Mr CRAIG BAUMANN** (Port Stephens—Parliamentary Secretary) [10.13 a.m.]: I thank the member for Balmain for bringing the issue of the White Bay Cruise Ship Terminal before Parliament for debate. As Parliamentary Secretary for Regional Planning I am happy to make a contribution to this debate on behalf of the Government. The Government will not support this motion for a variety of good reasons. I should perhaps advise the House that although Victoria and I have lived and raised our family in Port Stephens, I spent the first 30 years of my life in Sydney. I was brought up in Strathfield, educated at Granville, Strathfield and Summer Hill, followed by a few hectic but enjoyable years at Sydney University, and lived and worked in and around Sydney until Victoria and I married and moved to paradise.

I very well remember driving into the city over the Glebe Island and Pyrmont bridges on many trips to Sydney Hospital just next door to pick up a young, attractive radiographer and take her to dinner. Coincidentally, I am in this place today and my wife is doing locum work across Macquarie Street—a happy coincidence. I remember with great fondness showing the wonders of Sydney to visiting friends from interstate or overseas—night climbs up the northern arch of the Sydney Harbour Bridge long before Bridge Climb became a reality. We used to climb the Opera House sails—that was in the days before terrorist threats and before our legal fraternity sued at the drop of a hat and in days when the police were not quite so enthusiastic.

I remember Darling Harbour as an industrial wasteland—I am not sure whether the member for Balmain is old enough to remember that. The replica *Endeavour* was moored as a floating and sailing private club under the western distributor and you approached it through broken chain wire fencing from a dirt car park—about where Imax is today. I remember launching my runabout at Cabarita and waterskiing in the bays, including White Bay and Darling Harbour, both well-protected when the wind was in the right direction. So I can assure the member for Balmain and the House that, for a regional member, I have a very good understanding of and affection for Sydney, the city, the harbor and the suburbs.

The permanent relocation of the existing cruise passenger terminal from Barangaroo Wharf No. 5 to White Bay was a decision of the former Labor Government. Following the decision to relocate the cruise passenger terminal from Barangaroo in May 2009 the former Government established the passenger cruise terminal steering committee comprising industry and government representatives to review the need for and location of future cruise passenger terminals for both west and east of the Sydney Harbour Bridge. In November 2009 the steering committee concluded that Sydney needs at least three terminals to ensure continued growth of the industry and to increase the opportunity for the State economy to gain additional revenue. It further concluded that one of the terminals should be a replacement terminal for the existing Barangaroo cruise passenger terminal, west of the Harbour Bridge.

The steering committee identified White Bay berth No. 5 as the preferred location for the terminal with a secondary berthing at White Bay berth No 4. This recommendation was based on a number of key factors, including suitable existing deep water quayside infrastructure, consistency with working harbour principles, and the ability of the site to deliver an accessible and high-quality multipurpose terminal facility with continued close proximity to the central business district. The proposed cruise passenger terminal development at White Bay was subject to a merit assessment process by the then Department of Planning prior to its approval by the former Minister for Planning on 2 February 2011. The project was placed on exhibition for 33 days in October and November 2010 and generated 161 submissions, comprising 10 from public authorities, including Leichhardt and City of Sydney councils, and 151 from the general public. The key issues raised in submissions were traffic and transport, site suitability, noise and vibration, amenity, visual impacts and public accessibility to the foreshore, and the requirement for a master plan for the site.

I am advised that in relation to site suitability there was considerable public concern regarding the need to complete the Bays Precinct planning process prior to determination of the project. In this respect the department considered the project in the context of the strategic planning work being undertaken by the Bays Precinct task force, which included a public consultation forum. The department concluded that the project was consistent with the set of 14 draft strategic planning principles formulated for consideration of the task force. The principles that were assessed to be specifically relevant to the project include maintenance of the working harbour character of the port area, public access, improving the built form, heritage and culture and development control. The project was also considered to be consistent with the City West Sydney Regional Environmental Plan and the current Glebe Island and White Bay Master Plan.

As we know, there was some discussion about having a cruise passenger terminal at Barangaroo but even a cursory glance at the Barangaroo proposal would show that this would not be practical. Barangaroo would be dominated by a wharf that could accommodate modern cruise ships. In fact, such a wharf would be

longer than the proposed Barangaroo Bay development. Modern security measures require that cruise ship passenger terminals have a 20-metre clear zone and a 40-metre buffer or security zone. No-one in this House would consider a 60-metre concrete desert and required security fencing along the Barangaroo waterfront an acceptable option.

Sydney Harbour is one of the best harbours in the world; second, of course, to Port Stephens harbour on the New South Wales coast. We are blessed to work alongside the natural wonder of Sydney Harbour. Our climate makes Sydney a real tourist destination. Last year Sydney had nearly 7.2 million domestic overnight visitors—tourists who spent 20.3 million nights in Sydney. Around 30 per cent of those visitors were in Sydney for holiday and leisure and spent nearly \$7 billion. Cruise ships must have wharf facilities with land transport links. Unlike the many naval personnel who also visit Sydney on goodwill visits, cruise ship passengers will not use tenders to get ashore. If the member for Balmain knows of another possible cruise ship terminal site west of the Sydney Harbour Bridge he should let the rest of us in on the secret. The suggestion of the member for Sydney to use part of Garden Island as a cruise ship passenger terminal has merit.

As I have Australia's most important air force base in my electorate, I know that such bases are strategically important to the nation and financially important to the local economy. As I said at the outset, the Government will not support this motion. I doubt whether the Opposition will support the motion since it approved the White Bay terminal proposal in government seven weeks before the election. However, hypocrisy is a trait the Labor Opposition can claim as its own. I thank the member for Balmain for the opportunity to debate this motion about the White Bay cruise ship terminal proposal, but I suggest he start working with the Government to get the best outcome for his constituents. He should be part of the solution rather than part of the problem.

**Ms CLOVER MOORE** (Sydney) [10.22 a.m.]: I make a contribution to the motion regarding the White Bay cruise ship terminal proposal. The cruise passenger industry is vital to Sydney's and Australia's economy. It is estimated to contribute \$3 billion to the country's economy, with most activity in and benefit to Australia's global city, Sydney. The Cruise Passenger Terminal Steering Committee report to the New South Wales Government in January highlighted that Sydney Harbour will not be able to accommodate the number of cruise ships requiring berths by 2015. Over the past decade this industry grew by an estimated 18 per cent each year and it is expected to grow by a further 17 per cent every year for the next decade. We must expand our cruise ship terminal capacity or miss out on this economic potential. Clearly, the outstanding attribute and attraction of Sydney is that it has the most extraordinary and beautiful harbour in the world. The Council of the City of Sydney prefers a cruise ship passenger terminal close to the city as it would prevent traffic and transport impacts and add to the city's economy and visitor experience.

The Government's review of the planning process for Barangaroo concluded that a cruise ship terminal was not compatible with the functions of Barangaroo, but recommended retaining deep water berthings for future alternative use to enable tall ships and other vessels to berth at Barangaroo. The review examined how far the work for the terminal at Barangaroo had progressed and determined that the site simply could not accommodate it. The Government review confirmed that the planning process to move the terminal to White Bay was not adequate. The decision was an indictment of the process by the former Government. The report refers to a rapid process that moved quickly from a government announcement, to declaration of the project under part 3A, to completion of the business case and approval of the proposal.

Not surprisingly, the community felt railroaded by another example of a poor process under part 3A. The community believed it had little opportunity for input and local residents remain concerned that traffic, transport, noise impacts, loss of visual amenity and public access had not been addressed properly. A new car park accommodating up to 180 cars and coaches, and a new access road around the harbour to the site in an already congested area is concerning. If White Bay becomes a cruise terminal it is essential that ferry links are provided to Circular Quay and Barangaroo so that international visitors can enjoy the harbour and not be part of increasing our already congested city traffic. The wider community is not confident that the necessary background work has been done to ensure that White Bay is an appropriate site for a cruise ship passenger terminal or that this location will provide the best outcome for Sydney.

Cruise ships are becoming larger and, increasingly, many are unable to pass under the Harbour Bridge to dock at a terminal. Sydney needs a secure berthing capacity east of the bridge, otherwise our city and State could lose this important sea-based tourism. Currently Dr Allan Hawke, AC, is undertaking for the Federal Government an independent review of the future use of the naval docks at Garden Island by visiting cruise ships that cannot fit under the Harbour Bridge. Garden Island is an option for expanding deepwater berths for cruise

ships east of the bridge as it is one of the last remaining accessible dock facilities near Sydney. I support a continuing naval presence at Garden Island, recognising its contribution to city diversity, history and heritage, local employment, tourism, the maritime industry, and national safety and security. I also support sharing deepwater berths between naval and commercial shipping, where appropriate, and managing the impact on the densely populated surrounding area to protect residential amenity.

Any decision on the future use of Garden Island must consider potential passenger access and circulation. If cruise ship berthing at Garden Island proceeds a ferry terminal with connections to Circular Quay should provide passenger access to the city. This would reduce traffic congestion and provide a direct and more scenic entry to the city. Currently the Garden Island ferry services provide access only to the Australian Navy Heritage Centre. The adjacent residential community also could benefit from access to improved public transport that is provided for cruise ship passengers. Garden Island has limited public access. For many years I have argued for public access to the northern tip of Garden Island as it would benefit the adjacent densely populated areas and provide another critical link in the Sydney Harbour Foreshore Walkway from the Botanical Gardens via Woolloomooloo Bay through to Elizabeth Bay.

Sydney Harbour belongs to the people of Sydney and beyond. It is an unrivalled attraction for tourists and provides considerable environmental, recreational and economic amenity for the people of greater Sydney. I strongly support a policy encouraging public foreshore walkways. I share the view of the Bays Precinct Community Reference Group that development proposals should not even be considered let alone approved for White Bay until a long-term strategic planning framework or master plan for the whole Bays Precinct area has been finalised. The Bays Precinct covers 80 hectares from the Fish Markets and Blackwattle Bay to Rozelle and White Bay in the inner harbour. While there have been various plans for specific sites, I welcome the Government's commitment to an agreed overall plan. Recently the Government invited the City of Sydney and Leichhardt councils to be part of that planning process. I support a working harbour for Sydney, but Sydney Harbour belongs to everyone and its future should be subject to a long-term master plan developed through an open and democratic process.

**Mr ROB STOKES** (Pittwater—Parliamentary Secretary) [10.27 a.m.]: I have listened to the debate with great interest and cannot help recalling the observation of Governor Phillip when he arrived in Sydney Harbour. He noted that it was the finest harbour he had ever seen, where—if my memory is correct—200 ships of the line could rest at anchor. Therefore, it is ironic that we are debating finding places to dock cruise ships. We should be able to follow in Governor Phillip's footsteps and explore the possibilities of the harbour. Clearly, cruise ship facilities in Sydney Harbour need to be enhanced. As the member for Sydney stated, this growing industry holds great promise for the city of Sydney and all its communities. We have a great opportunity to share with all citizens of the world this magnificent harbour that we all enjoy.

It is important to resolve this issue for cruise ship passenger facilities. The member for Balmain gave a passionate defence of his community's concerns, as is appropriate for his electorate. Nevertheless, his motion is expressed in negative terms and does not contain any suggestion of an alternative location for a cruise ship terminal. He suggested, as did my colleague and friend the member for Port Stephens, as well as the member for Sydney, that Garden Island should be considered as a possible dock for cruise ships. We should support those suggestions as they have merit. Dr Hawke's review hopefully will identify some potential for at least a co-location of our cruise ship passenger facilities at Garden Island. I do not profess to be a prophet in matters of military science, but I suspect that relations with Victoria, Tasmania and New Zealand are fairly good and unlikely to deteriorate so there could be the potential to move the Navy further north.

**Mr Craig Baumann:** The World Cup is coming up.

**Mr ROB STOKES:** As the member for Port Stephens notes, the World Cup is coming up so international relations with New Zealand may deteriorate. That aside, there could be the potential to move the Navy further north. I note that there may be great potential around Newcastle for an expansion of facilities.

**Mr Greg Piper:** Lake Macquarie.

**Mr ROB STOKES:** I note that the member for Lake Macquarie has put in a bid.

**Mr Stuart Ayres:** Penrith.

**Mr ROB STOKES:** I note that the member for Penrith would like the Navy to have facilities in Penrith. Under the Penrith Lakes Scheme perhaps Penrith would be a suitable place for the Navy to go. We have

our own naval facility in Pittwater. I have strayed from but will now return to the leave of the motion. The member for Sydney referred to the independent Barangaroo review commissioned by the Liberal-Nationals Government, which has been made public, which examined the critical relocation of the cruise passenger terminal to White Bay. That review established that based on the characteristics of a domestic cruise passenger terminal provided to it by Carnival Australia, the main user of the terminal, a cruise terminal was not compatible with the mixed use development that was planned for Barangaroo—a point made also by the member for Sydney.

If Barangaroo is not the right location for that terminal it has to be located somewhere else. The area decided upon by the former Government was White Bay and an approval was issued relating to that process. There are issues to do with a number of aspects of the Barangaroo planning process but, as the Premier noted, how does one unscramble an egg? Once approvals have been issued, costs have been expended and decisions have been made it is incredibly difficult to revisit those decisions without raising issues of compensation and sovereign risk. As the member for Balmain pointed out, the lessons learnt from the process followed by the former Government include how not to engage in a planning process. Those lessons have been learnt and we look forward to working with the community to achieve the best possible outcome for Barangaroo.

**Pursuant to standing orders business interrupted and set down for a later hour.**

### **ENVIRONMENTAL LAND COMPENSATION**

*[Deferred division.]*

**The SPEAKER:** Order! The House will now proceed with the deferred division on the question: That this debate be now adjourned.

**The House divided.**

#### **Ayes, 55**

Mr Anderson	Mr Fraser	Mr Roberts
Mr Annesley	Mr Gee	Mr Rowell
Mr Aplin	Mr George	Mrs Sage
Mr Ayres	Ms Gibbons	Mrs Skinner
Mr Baird	Ms Goward	Mr Smith
Mr Barilaro	Mr Grant	Mr Souris
Mr Baumann	Mr Hazzard	Mr Speakman
Ms Berejiklian	Ms Hodgkinson	Mr Spence
Mr Bromhead	Mr Holstein	Mr Stokes
Mr Brookes	Mr Issa	Mr Toole
Mr Conolly	Mr Kean	Ms Upton
Mr Cornwell	Mr Notley-Smith	Mr Ward
Mr Coure	Mr O'Dea	Mr Webber
Mrs Davies	Mr O'Farrell	Mr R. C. Williams
Mr Dominello	Mr Owen	Mrs Williams
Mr Edwards	Mr Page	
Mr Elliott	Mr Patterson	<i>Tellers,</i>
Mr Evans	Mr Piccoli	Mr Maguire
Mr Flowers	Mr Provest	Mr J. D. Williams

#### **Noes, 22**

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

**Question resolved in the affirmative.**

**Motion agreed to.**

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

## **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) [10.42 a.m.]: I move:

That standing and sessional orders be suspended to permit:

- (1) the interruption of the business before the House at 11.30 a.m. for the consideration of the Legislative Council amendments to the Graffiti Legislation Amendment Bill and for all questions before the House in relation to the amendments to be put on or before 12.15 p.m. and for each speaker to be limited to 10 minutes each; and
- (2) following consideration of Government Business, the House to consider General Business Notices of Motions (General Notices) up to 1.00 p.m.

Last night in the Legislative Council the Graffiti Legislation Amendment Bill was subject to a number of amendments that changed the tenor and intention of the Government in relation to that legislation. The Government went to the last election with a clear policy on graffiti and it had a mandate to introduce this legislation.

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

**Mr BRAD HAZZARD:** Government policy, particularly Government policy of the highest priority, will not be encumbered by games played by the other side. I have moved this motion so that at 11.30 this morning the business of the House will be interrupted so that the House can consider the Legislative Council amendments to the Graffiti Legislation Amendment Bill. The Legislative Council amendments having been dealt with, the House will then deal with one agreement in principle speech, which will take 10 to 15 minutes. Then the House will deal with Private Members' Notices of Motions in the time otherwise allocated to Government Business. Members will not lose to any great degree their capacity to deal with their notices of motions.

**Mr MICHAEL DALEY** (Maroubra) [10.44 p.m.]: It is telling of this Government that the most vexing issue before it today is the simple issue of graffiti.

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

**Mr MICHAEL DALEY:** In less than two weeks the Treasurer will deliver a budget of \$60 billion worth of expenditure. The Graffiti Legislation Amendment Bill has been before the House for 60 days and was debated for three days and 52 members spoke on it. Yet it comes back to this House because the Government, with its so-called mandate, still cannot get its act together. How can the Treasurer deliver a budget of \$60 billion worth of expenditure to manage this State when the Government cannot even get its act together in the upper House?

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

**Mr MICHAEL DALEY:** The Government cannot manage its friends in the upper House to get the graffiti bill through Parliament.

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

**Mr MICHAEL DALEY:** The bill was before this House for 60 days.

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

**Mr MICHAEL DALEY:** And 52 members spoke on it.

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

**Mr MICHAEL DALEY:** Yet it still vexes this Government. The Leader of the House just said that the Government had a mandate to introduce the graffiti bill.



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

**Mr MICHAEL DALEY:** The Government was able to negotiate through the upper House an occupational health and safety bill, for which it had no mandate. It was able to negotiate through the upper House the gutting of the Industrial Relations Commission of New South Wales, for which it had no mandate.

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

**Mr MICHAEL DALEY:** The Government was able to get through the upper House time limiting of debates in the Legislative Council for the first time in 106 years. It was able to get through the upper House other measures to attack and gut the conditions of workers in this State on an unprecedented level for the first time in the history of this State. All these matters for which it had no mandate the Government was able to negotiate through the upper House. But after 66 days of consideration, 52 speakers and three full days of debate on the simple issue of graffiti, it was unable to negotiate through the upper House the graffiti bill, for which it had a mandate.

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

**Mr MICHAEL DALEY:** On the Alan Jones program this morning the Premier said that the Opposition voted against the graffiti bill. That is a grossly misleading untruth. The Opposition supported the graffiti bill. The Government lost control of its own crossbenches in the upper House on an issue for which it had a mandate. The Government lost control. Now it comes into this Chamber and moves to interrupt the business of the House again, simply because it cannot manage the Parliament. If the Government cannot manage the Parliament, how in the hell will the Treasurer deliver a \$60 billion budget for the management of this State? We oppose the motion to suspend standing and sessional orders and call on the Government, which has cocked up Orica because it did not know what it was doing and is cocking up the budget—

**The SPEAKER:** Order! I warn the member for Maroubra about the use of unparliamentary language.

**Mr MICHAEL DALEY:** —to get out of opposition mode and get its act together.

**The SPEAKER:** Order! I warn all members about the use of unparliamentary language.

**Question—That the motion be agreed to—put.**

**The House divided.**

#### **Ayes, 58**

Mr Anderson	Mr Gee	Mr Roberts
Mr Annesley	Mr George	Mr Rowell
Mr Aplin	Ms Gibbons	Mrs Sage
Mr Ayres	Ms Goward	Mrs Skinner
Mr Baird	Mr Grant	Mr Smith
Mr Barilaro	Mr Hazzard	Mr Souris
Mr Baumann	Ms Hodgkinson	Mr Speakman
Ms Berejikian	Mr Holstein	Mr Spence
Mr Bromhead	Mr Humphries	Mr Stokes
Mr Brookes	Mr Issa	Mr Toole
Mr Conolly	Mr Kean	Mr Torbay
Mr Cornwell	Mr Notley-Smith	Ms Upton
Mr Coure	Mr O'Dea	Mr Ward
Mrs Davies	Mr O'Farrell	Mr Webber
Mr Dominello	Mr Owen	Mr R. C. Williams
Mr Edwards	Mr Page	Mrs Williams
Mr Elliott	Mr Patterson	
Mr Evans	Mr Piccoli	<i>Tellers,</i>
Mr Flowers	Mr Piper	Mr Maguire
Mr Fraser	Mr Provest	Mr J. D. Williams

**Noes, 20**

Mr Barr	Mr Lynch	Mr Robertson
Ms Burney	Dr McDonald	Ms Tebbutt
Ms Burton	Ms Mihailuk	Ms Watson
Mr Daley	Ms Moore	Mr Zangari
Mr Furolo	Mr Parker	<i>Tellers,</i>
Ms Hay	Mrs Perry	Mr Amery
Ms Hornery	Mr Rees	Mr Park

**Question resolved in the affirmative.**

**Motion agreed to.**

### **WHITE BAY CRUISE SHIP TERMINAL**

**Debate resumed from an earlier hour.**

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [10.57 a.m.]: Because the motion moved by the member for Balmain has three parts and various subsets it is a little confusing for some members to know exactly how it should proceed through the House. The member for Balmain raised each issue quite properly—issues of concern about which members on both sides of the House should express their views. As the Minister for Planning and as the Minister with responsibility for the final approval of these issues I indicate that the former Government's decision to relocate the cruise ship terminal to White Bay is highly problematic, in particular, because at the time the decision was made no clear explanations were given as to why the terminal was being moved to White Bay. Former Minister Tripodi made almost a capricious announcement.

These issues are complex. In addition to the relocation of a cruise ship terminal there was also to be—and this is still the case—the establishment of an entertainment facility which, quite properly, is a matter of concern to residents in the local area. The former Government excluded the City of Sydney and Leichhardt councils from any proper consideration of those issues. As Minister for Planning I have taken steps to appoint a representative from Leichhardt council to consider the whole area—not just the White Bay area but also Blackwattle Bay and surrounds. We must properly consider this issue. The review that I instigated recently relating to Barangaroo concluded that the terminal probably has to be in its current location, or at least in approximately that location. The review found also that there was no particular reason why we should proceed down the path of establishing an entertainment facility there.

I am concerned about the entertainment facility because of its likely impact on residents. As a Government, and as a Parliament, we must work constructively with the community. The member for Balmain and the member for Sydney and their councils should be involved in decision-making in this area. As the Minister for Planning, I have no difficulty with that. I note the concern set out in paragraph (1) of the motion, and I do not oppose that paragraph. I note that paragraph (2) of the motion calls on the Government to reverse the decision to relocate the cruise ship terminal to White Bay. I ask the member for Balmain to understand that we are working through that. Off the back of the review it is a bit hard for me to support paragraph (2) of the motion, and if a division is called we will be forced to vote against that. That is a problem for us, because the wording of the motion suggests that it was drafted before The Greens knew they had a Government that was prepared to work with them.

**Mr Jamie Parker:** March.

**Mr BRAD HAZZARD:** It was drafted in March, as the member says. The Government is prepared to work with those opposite to ensure the best outcome. We have made no presumptions on this issue. In regard to reversing the decision, I ask the members for Balmain and Sydney and other members to understand that it is tricky for the Government to say at this point exactly where it is going, but we will work with them and the community to determine precisely what we should do. My inclination is that the review by the independent reviewers from Victoria is probably reasonable. Perhaps we need a cruise ship terminal at White Bay, but if that is the case it should not have an entertainment facility. If White Bay has a cruise ship terminal, a lot of work will need to be done to ensure that it is suitable to the community and that it will enliven the area by providing opportunities. It certainly should not be something that damages the community. If it does cause massive damage then we will need to reconsider that.

The last part of the motion calls on the Government to complete a master plan for the White Bay precinct following extensive community consultation. I agree with that 100 per cent. In fact, I have been talking to my department and staff about how we can progress that. It was initiated by a couple of Ministers. I remember Minister Keneally, before she was Premier, made grand promises but they were not fulfilled. I will not make grand promises, but the Government agrees that there should be community consultation and there should be progression of a master plan. How we achieve the progression of the master plan is a challenge, because it has gone next to nowhere at this stage. I see no reason to oppose any part of the motion except for paragraph (2). I ask the member for Balmain to qualify that in his reply. If he can understand our position, hopefully we can achieve a productive outcome for everyone.

**Mr JAMIE PARKER** (Balmain) [11.02 a.m.], in reply: I thank all members who have participated in the debate on this motion. I thank the Minister for Planning for his positive approach and understanding of the issues that the community has been subject to in relation to the cruise ship terminal. As I mentioned earlier, the community has been demoralised and betrayed by decisions made by the former Government. I highlighted Premier Iemma's commitment to this community in 2007 in his press release dated 13 March that said a master plan would be delivered; it did not happen. I also highlighted that the former Premier, the then Minister for Planning, announced three years later that a master plan would be developed with community consultation. But the same press release contained an approval for one of the developments on White Bay that the community had opposed. It was a shocking process that undermined people's confidence in the planning decisions of this State. It undermined the confidence of industry about the cruise ship terminal.

It also undermined the confidence of the broader planning community, and the people of the Leichhardt municipality and the electorate of Balmain. I welcome the comments by those members of the Government who have acknowledged that this is a complex matter, but it is a matter that needs resolution. I understand that amending the motion is not possible at this time, but the decision to relocate the cruise ship terminal is clearly not supported by industry. Garden Island is the solution to this problem. Ships do not have to go under the harbour bridge to get to Garden Island. That is a significant part of the solution. I will support the cruise ship industry and the Tourism and Transport Forum to ensure that the Federal review is done in a positive manner to seek a solution. The decision to relocate the cruise ship terminal is strongly supported by people in my community because the review process was so poorly undertaken.

The cruise ship terminal will be used for only 60 days a year by cruise ships. For the other 300 days a year the former Government granted consent for the area to be used by up to 2,500 people as an entertainment complex, with amusement rides and amplified music. It is no wonder that people are concerned. At the moment there is only one road into and out of the site for 2,500 people to attend functions at a corporate entertainment facility. It was a ridiculous proposal. If the Government determines to proceed with it, of course I will work closely and cooperatively with the Government. I do, however, note that Sydney Ports has identified that if the entertainment complex is not taken forward it may cause some financial difficulties. It is easy to imagine their delight when they were looking at more entertainment complexes on this site with former member Mr Tripodi.

Obviously it is a concern for the community. With the cost now around \$70 million, originally proposed at \$37 million, it is not an inexpensive exercise. I would be disappointed if the Government spent \$70 million on this site, then had an opportunity at Garden Island and there was no money available. We know that Carnival Cruises and the Tourism and Transport Forum support Garden Island. As I said in my speech, the Chief Executive Officer of Carnival Cruises identified the political decision-making process. Finally I turn to the master plan. I am delighted that the Minister for Planning has stated his 100 per cent support for a master plan. This is how we govern a State: we plan it properly, we develop master plans, and we include the community.

This is five kilometres of waterfront land, 80 hectares of some of the most important waterfront land in this country. Yet there has been no plan or direction for the past 16 years. It is critical that this Government take that commitment forward. I thank all members who have contributed to the debate for their genuine interest in this matter. I commit myself and my community to work constructively with this Government to seek solutions to the cruise ship terminal issue. I am sure that the community will make its voice heard to ensure that, whatever happens with White Bay, the overarching position must be to develop a master plan for the site with genuine and thorough community consultation.

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

**Motion agreed to.**

**SAMARITAN KAIYU SERVICES**

**Ms SONIA HORNERY** (Wallsend) [11.08 a.m.]: I move:

That this House:

- (1) notes that Kaiyu programs will continue to operate as Samaritans Kaiyu Services and include early intervention for youth and development activities; and
- (2) congratulates Kaiyu Services.

I will make six brief points. First, I will speak about the reasons for the notice of motion. Secondly, I will speak briefly about the history of Kaiyu Clubhouse. Thirdly, I will talk about the former member for Lake Macquarie upon which Kaiyu Clubhouse in the Newcastle and Hunter area was based. I will refer to some of his speeches. Fourthly, I will refer to some of the earlier speeches I have given on Kaiyu. Fifthly, I will speak briefly about the visit I made to Kaiyu. Finally, I will talk about the reasons for the merger and conclude with a statement of a member of the management committee. The organisation of Kaiyu was formed on 25 March 1997 as a community response to the need for additional community support and rehabilitation services in the Lake Macquarie area. For anyone not aware, the electorate of Wallsend covers the Newcastle City Council local government area and the Lake Macquarie area.

The founders of the group in the Argenton area were mental health consumers, carers and concerned citizens who were impressed with the American clubhouse model and its success in helping people with mental illness live satisfying and productive lives. In June 1998, after lots of lobbying, the Labor Minister for Health at the time, Dr Andrew Refshauge, provided the first of a series of one-off grants to develop Kaiyu Clubhouse. It is interesting to note that in May 2000 the New South Wales boarding house reform strategy enabled the provision of social, recreational and skill development activities with former boarding house residents. I guess what they were saying at the time was that we needed to look at how we could help people living in boarding houses.

I said that I would refer to Jeff Hunter's speeches because it was in his electorate of Lake Macquarie that the clubhouse concept began in our patch. He made a speech in October 2001 and the theme of the speech, and that of his subsequent speech and my speech in 2007, was funding. Kaiyu has always had difficulty, not with the excellent work it does but with getting funding from various sources to continue to operate. Jeff Hunter was looking for an allocation of a large sum at the time, and he was fortunate to receive \$67,000 from the Labor Government for the Argenton-based service. At this point Kaiyu Clubhouse was run at the Argenton Community Hall, mostly through the benevolence of Lake Macquarie City Council.

I thank my colleague Greg Piper, the current member for Lake Macquarie, for the council's assistance with the clubhouse. The service operated three days a week—on Tuesday, Thursday and Friday—and provided activities for people with mental illness. In 2001 it supported and assisted more than 250 people with serious personal mental illness by providing meaningful activities and a safe place for them to go. The member for Lake Macquarie at the time talked about the theme of Mental Health Week in 2001, which was "Let's Work on It", and how Kaiyu Clubhouse helped people with mental illness integrate into normal day-to-day activities and improve their social lives, as well as give them skills. Jeff Hunter had this to say about raising funding, which was a perennial problem:

I raised this issue today because we must not allow this centre to close next year.

I worried about that.

We must ensure ongoing funding for Kaiyu Clubhouse because of the valuable service it provides, not only for the Lake Macquarie area but also for the Hunter region.

In supporting Jeff's statement, the Minister at the time, Richard Face, said:

Although Kaiyu Clubhouse is located in the honourable member's electorate at Argenton it affects many people in my constituency and in the constituencies of the honourable member for Wallsend—

That was John Mills at the time—

and other honourable members in the Lake Macquarie and Newcastle local government areas. Kaiyu Clubhouse, which has done some tremendous work, has not always enjoyed the support of the Hunter Area Health Service. I am not sure of the reason for that. However, local members have been supportive of the clubhouse because of the work that it does to assist people in that area who are depressed and lonely. I am glad that Kaiyu Clubhouse, a tremendous support group, will again be able to offer services to the mentally ill ...

In his speech in 2005, Jeff Hunter again referred to the need for more funding to keep the clubhouse open. He said he was proud to be a committee member of the group. He referred to the history of Kaiyu as follows:

The formation meeting of our organisation on 25 March 1997 is now a distant memory. These were heady days as a group of a dozen or so people who had experienced mental illness gathered supporters to help them increase additional mental health support and rehabilitation services in their local area. We chose to name our organisation "Kaiyu" as it is an Awabakal word meaning "to have power and ability". We think it best describes the way we see people with emotional and mental health issues.

The Awabakal are the local people in the area. In 2007 I made a speech about Kaiyu clubhouse and I was pleased to announce at the time that the Labor Government had increased funding from \$120,000 to \$200,000 per annum for a three-year period, which kept the club going for a while. That is something for us to bear in mind and it is very important to Kaiyu. I will refer briefly to the merger. As I said, the theme of the speeches is not only the wonderful work that Kaiyu clubhouse does for people in our area with mental illness, but Kaiyu's perennial problems with funding. Bernard Griffin, who has been on the management committee forever and has worked very hard for Kaiyu said:

Once the decision to merge Kaiyu with another NGO was made I was pleased that it was with Samaritans. The Samaritans proved to be a wise choice and the merger talks proceeded in a very professional manner.

While I regretted that Kaiyu was no longer autonomous, it was with a deal of pleasure that Kaiyu was able to establish several really worthwhile local projects to assist in the Mental Health field.

Through the Hunter TAFE Foundation, scholarships will be available to assist impecunious students through certificate courses relating to mental health. The University of Newcastle will benefit with some post graduate scholarships in mental health funded by Kaiyu assisted by Rotary International.

Finally, the Kaiyu Connect program within Samaritans will be left with a funding legacy to assist in special projects. Kaiyu during its 12 year tenure has cast a long and worthwhile shadow assisting many people with mental illness in Lake Macquarie and Newcastle.

One of the main reasons Kaiyu merged was to assist with funding. I am pleased to report that the members of the management committee are comfortable with the merger with Samaritans. We all look forward to ensuring that all the excellent programs that Kaiyu established with its many wonderful volunteers will be continued and enhanced by Kaiyu's merger with Samaritans.

**Ms MELANIE GIBBONS (Menai)** [11.17 a.m.]: I thank the member for Wallsend for moving this motion as it gives the House the opportunity to talk about an important mental health support service available to the people of Lake Macquarie. The freshly rebranded Samaritans Kaiyu Services has been serving the community since 1998. Previously operating as Kaiyu Enterprises Inc., it has now been taken into the fold of Samaritans. Mental health is a steadily growing issue in all our communities across New South Wales. It can affect people of all ages from all walks of life. Current statistics estimate that a shocking one in five Australians will experience some form of mental illness in their lives.

For some people, mental illness only appears during a particularly traumatic or stressful time such as the loss of a loved one, job stress or personal issues. For others, it is a lifelong battle to maintain a healthy balance without any obvious trigger. We all have bad days, but life with a mental illness is more than just a bad day. Depending on the particular condition, simple tasks like going to work, socialising or just getting out of bed in the morning become impossible. Research has shown that mental illness can be incredibly socially isolating. That is why community organisations like Samaritans Kaiyu Services are so important. They recognise the importance of social inclusion in assisting those experiencing mental illness.

Many people experiencing mental illness are often unaware of where to turn for assistance. I take this opportunity to tell the House a little about one of these programs that I believe provides a great deal of assistance. The Personal Helpers and Mentors service gives non-clinical support to people who have trouble functioning in everyday life due to a mental illness. It is also a national program. The Personal Helpers and Mentors program provides support for individuals to regain access to the community following a mental health episode. This support can link individuals to clinical support such as psychiatrists, psychologists, counsellors, legal aid, Housing NSW, and other agencies.

The Personal Helpers and Mentors program provides a holistic approach, and has the flexibility to involve the whole family if requested. Each participant works on goals that he or she has chosen to regain access to the community. These goals can be anything from simply getting support to opening their mail to advocating for them at Housing NSW to secure accommodation. Many of their programs deal with individuals who are homeless or at risk of homelessness. This is a basic human need and one that is the greatest achievement within

the Personal Helpers and Mentors program. Samaritans Kaiyu Services offers support that ultimately helps individuals to regain control and independence over their lives. It equips them with the appropriate skills needed to carry out everyday tasks and to care for themselves adequately.

Similar services are also operated within my electorate of Menai, through New Horizons, the Benevolent Society and After Care. I take comfort in knowing that locally people can access such valuable services. The Salvation Army offers Reconnect to work with local young people and their families where there are mental health concerns in the family. Menai Youth Services, operated by Shire Wide Youth Services, also gives young people the chance to hang out and talk to their peers and with councillors. The work they do for our young people and people at risk is invaluable. I believe Kaiyu Konnect recently elected to cease operations. A process was then started to find a new way to run this vital service.

Kaiyu Konnect engaged Hunter New England Local Health District and the Mental Health and Drug and Alcohol Office to ensure proper process was undertaken. In the Samaritan Foundation, Kaiyu Konnect has been able to identify an organisation that will continue the same level of commitment and effort to supporting people with a mental illness. From April this year programs are being delivered as the newly rebranded Samaritans Kaiyu Services. I take this opportunity to express our appreciation to Kaiyu Konnect for its commitment to the mental health of the people of New South Wales since 1998. I also congratulate the Samaritan Foundation on agreeing to continue to provide this important and well-established service.

One of the first priorities of the new Minister for Mental Health, Kevin Humphries, was to establish the New South Wales Mental Health Commission. The time has come to find better ways to reach those experiencing mental illness and, in turn, provide them with the necessary and most appropriate resources available. In April, it was announced that \$30 million would be allocated to establish the Mental Health Commission by the end of the year in an effort to rebuild the current system. The Government is committed to ensuring that the people of New South Wales have access to world-class mental health services informed by international best practice and service models that reflect the needs of people recovering from mental illness. The New South Wales Mental Health Commission will be based on the successful Western Australian model, and plans to deliver better outcomes for the one in five people affected by mental illness.

Recently I was asked to join my parliamentary colleagues the member for Northern Tablelands and the Hon. Adam Searle from the other place on the New South Wales Parliamentary Friends of Mental Illness group for the Schizophrenia Fellowship of New South Wales. This role provides an opportunity to organise guest speakers to address our members on this important cause and on the many different aspects of mental health. Many speakers have lived with their own mental illness, supported a family member with it or experienced it in the work place. I am pleased to support this motion and to assist people who suffer from mental illness to progress further in the community.

**Ms ANNA WATSON** (Shellharbour) [11.23 a.m.]: I support the Samaritans Kaiyu Services motion moved today by the member for Wallsend. Living with or recovering from a mental illness can be a long and difficult struggle. With one in five Australians experiencing mental illness, we will all know someone—family member, friend or workmate—who has been or is affected. As the symptoms of mental illness reduce, the person needs to regain confidence, skills, relationships with others and a sense of hope for the future. Today people with a mental illness have shorter and less frequent stays in hospital so the need for responsive community-based assistance is vital.

Kaiyu Enterprises was formed on 25 March 1997 as a community response to the need for additional community support and rehabilitation services in the Lake Macquarie area. The founders were a group of mental health consumers, carers and concerned citizens who were impressed with the Clubhouse model's success in helping people with a mental illness live satisfying and productive lives. The organisation's clear commitment was to bring the benefits of a Clubhouse model program to the Lake Macquarie area, and for 18 months the association lobbied for government funding. During this time volunteers provided monthly social support and skill development activities.

In June 1998 the then Minister for Health, Dr Andrew Refshauge, provided the first of a series of one-off grants to develop Kaiyu Clubhouse, a support and rehabilitation program based on the Fountain House Clubhouse model. In response to consumer and community need Kaiyu has expanded its service to assist people across the wider Hunter region. It has secured funding to provide mental health support in a broader range of services. In view of its expanded focus it changed its name in January 2003 from Lake Macquarie Clubhouse to Kaiyu Enterprises Inc. In May 2000 the New South Wales Boarding House Reform Strategy enabled the

provision of social, recreational and skill development activities with former boarding house residents. Although the people assisted by the community-based activities program live in the inner-Newcastle area, the activities they engage in are spread across a wider area.

The Department of Ageing, Disability and Home Care has also greatly assisted the viability of this program, through its approved funding contribution. In June 2002 Lake Macquarie Clubhouse was appointed as a provider for the Australian Government's Department of Family and Community Services' Personal Support Program. Under this program the Clubhouse received funding to assist people with a mental illness to improve their living circumstances. Centrelink will now refer people to the program with an aim to help people to stabilise their circumstances and enable them to achieve outcomes that match their abilities and capacity. These include social as well as economic outcomes.

July 2002 saw the commencement of the innovative Community Inclusion Project, funded by the Hunter Area Assistance Scheme. This project aims to assist mental health consumers to become active participants in the social and recreational activities of mainstream organisations such as clubs and neighbourhood centres. This project involves providing partial assistance to consumers in identifying and linking with social and recreational options. The project also provides information, training and support to mainstream organisations. The project, known at this time as the Lake Macquarie Clubhouse, concluded in June 2004. Thus Kaiyu Enterprises Inc. came to life. It commits its resources to developing opportunities and support within the lower Hunter—Newcastle, Lake Macquarie and surrounding areas—to continue to assist people with a mental illness or psychiatric disability to have satisfying and valued lives as full members of the community.

In 2009 Kaiyu was given accreditation status by Quality Improvement Services. Kaiyu met and exceeded all health and community services standards plus the mental health standards. Kaiyu Konnect provides an environment where you can be supported in achieving your goals in life. It offers people with a mental illness the opportunity to build their skills, stamina and confidence in an inclusive and supported environment. People who attend Konnect are members and are equally involved in all aspects of Konnect operations. Members work side by side with staff, sharing equally in decision-making. However, participation in Kaiyu Konnect is completely voluntary. I congratulate the member for Wallsend for moving her motion and I support it wholeheartedly.

**Mr CHRIS HOLSTEIN** (Gosford) [11.28 a.m.]: I congratulate the member for Wallsend on moving a motion that acknowledges a community organisation that has, for more than a decade, provided a range of mental health support services to the community of Lake Macquarie. I take the opportunity to highlight some facts and figures about mental illness that are alarming to say the least. Members who seek further information on mental health should look to the website of SANE Australia, a great organisation. It highlights the aspects of mental illness and is very informative for those who are not aware of the facts. Many facts about mental illness are not publicly available.

Many people experience mental illness. Around 20 per cent of adults are affected by some form of mental disorder every year. Anxiety disorders affect about 14 per cent of the adult population every year. Depression affects around 6 per cent of the adult population every year. The remainder are affected by substance abuse disorders, psychotic illness such as schizophrenia and personality disorders, and other conditions. Many people have more than one diagnosis. About 3 per cent of adults are psychologically disabled by the effects of a mental illness. Some people are so severely affected by mental illness that they become psychotically disabled. Schizophrenia can be a particularly disabling condition for some. It is a persistent form of mental illness that affects approximately 1 per cent of Australians at some stage of life.

Nearly 45 per cent of the population will experience a mental disorder at some stage. Almost one in five Australians, 20 per cent, will experience a mental illness in a 12-month period. During one year anxiety disorders will affect 14 per cent of the population and depression will affect approximately 6 per cent. Depression is one of the most common conditions in many young people and increases during adolescence. At least one-third of young people have an episode of mental illness by the time they are 25 years old. Members will find SANE Australia a great website from which to obtain more facts about mental illness. I take this opportunity to acknowledge the good work of Kaiyu Konnect, especially the work it has done for those suffering from mental illness in my electorate. Central Coast ARAFMI does an exceptional and outstanding job providing support for those suffering a mental illness and their families.

I support the motion of the member for Wallsend acknowledging the operations of Kaiyu. This Government is committed to supporting quality mental health service care to the people of New South Wales

and ensuring their access to world-class mental health services. The Government is informed by international best practice and service models that reflect the needs of people recovering from mental illness. By commencing work to establish the New South Wales Mental Health Commission, I am confident that we will continue to take mental health services forward for the people of New South Wales.

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

## **GRAFFITI LEGISLATION AMENDMENT BILL 2011**

### **Consideration in Detail**

#### **Consideration of the Legislative Council amendments.**

*Schedule of the amendments referred to in the Legislative Council's message of 25 August 2011*

- No. 1 Page 3, Schedule 1, line 1. Omit "**and Regulation**".
- No. 2 Pages 6–10, Schedule 1.4, line 9 on page 6 to line 22 on page 10. Omit all words on those lines.
- No. 3 Pages 10–11, Schedule 1.5, line 23 on page 10 to line 25 on page 11. Omit all words on those lines.
- No. 4 Page 11, Schedule 1.6, lines 26–28. Omit all words on those lines.
- No. 5 Page 11, Schedule 1.7 [2], line 35. Insert "that is the second or subsequent graffiti offence committed or alleged to have been committed by the child concerned" after "offence".
- No. 6 Page 12, Schedule 1.7 [3], line 6. Insert "that is the second or subsequent graffiti offence committed or alleged to have been committed by the child concerned" after "graffiti offence".
- No. 7 Page 12, Schedule 1.7 [7], line 20. Insert "that is the second or subsequent graffiti offence committed or alleged to have been committed by the child concerned" after "graffiti offence".
- No. 8 Page 12, Schedule 1.7 [8], line 22. Insert "that is the second or subsequent graffiti offence committed or alleged to have been committed by the child concerned" after "graffiti offence".
- No. 9 Page 12, Schedule 1.7 [10], lines 25–28. Omit all words on those lines.
- No. 10 Long title. Omit "the *Graffiti Control Act 2008* and other". Insert instead "certain".

**Mr BARRY O'FARRELL** (Ku-ring-gai—Premier, and Minister for Western Sydney) [11.32 a.m.]:

I move:

That the Legislative Council amendments to the Graffiti Legislation Amendment Bill 2011 be disagreed to for the following reasons:

1. The amendments would allow first-time offenders to avoid going before a court. This is inconsistent with the NSW Liberal and Nationals election commitment to ensure that juvenile graffiti offenders be brought before the court.
2. The amendments would remove sanctions on drivers licences, which would undermine one of the key purposes of the bill, which is to provide increased sentencing options for courts that reflect the serious nature of the offence.
3. The amendments seek to trivialise what the community regards as a very serious issue. Requiring juveniles to appear before a court and increasing sentencing options in relation to graffiti offences constitute essential components of the Government's approach to combating graffiti, which was overwhelmingly endorsed by the community on 26 March 2011.

Nothing could be clearer than that the Labor Party in particular has learned nothing from the election result on 26 March when 2.1 million people voted for Liberal-Nationals candidates across this State in part because of the specific graffiti policy that each Coalition candidate presented during the election campaign. The clear mandate for this legislation has been ignored by 21 members of the upper House who think they know better than the 2.1 million people across New South Wales who voted on 26 March for change, including a tougher approach to graffiti. There is not a community I visit—Campbelltown, Camden, East Hills or out in the western electorates of Penrith or Londonderry—where the issue of graffiti is not raised with me. Graffiti is a curse on modern society. It is not an art form, as The Greens suggested last night in debate on the bill; it is vandalism that costs the State \$100 million each year.

Yet The Greens, the Shooters and Fishers Party, and the out-of-touch Labor Party combined to reject the key elements of our policy. Graffiti causes distress to families as fences, cars and homes are attacked. It



causes enormous distress and cost in particular to small business operators. Of course, it also costs taxpayers as trains and schools are attacked by graffiti vandals across our community. During the election campaign the New South Wales Liberal Party and The Nationals made very clear that we needed some real solutions, not just to fiddle at the edges as Labor had done for 16 years. Our law needs clear deterrents for those who engage in graffiti vandalism. Principal amongst our solutions was to require juvenile graffiti vandals to appear before a court for the offence. That approach acknowledged that unless we made it clear to young juveniles who offend through this type of vandalism that it is a serious matter they simply will continue to engage in that activity.

Graffiti often is a gateway for juveniles to more serious criminal behaviour. Graffiti is a fact of life in the electorates of every person in this Parliament, yet the member for Maroubra calls it a simple matter. Is it a simple matter that affects families, small business, government and taxpayers? If so, it requires a serious response, which is what we are trying to provide. Yet those opposite, combining with The Greens, and the Shooters and Fishers Party, decided to give juvenile graffiti vandals a free pass on our proposal for them to front magistrates for a clear indication of the seriousness of their activity.

A second part of our legislation defeated by those opposite last night in the upper House related to driving licences. This was a contentious matter during the election campaign. No-one can say that this policy was swept under the carpet during the election campaign or that it was not clear, because those opposite campaigned aggressively against our plans to ensure that graffiti offenders could suffer penalties imposed by the courts that would seek to vary their licence entitlements. Two-thirds of graffiti offenders identified by police are under the age of 18 years, of which 50 per cent were young males. We know that in our society one of the great appealing things to young males is a drivers licence.

Our policy was clear: the court could impose penalties that might include delaying the period before a graffiti offender could apply for a learner's permit or extending the period they were on L-plates or P-plates. Those measures were designed to ensure that offender's felt the impact of their vandalism where it hurt most, which, of course, for young males is in relation to being able to drive. We happily put forward this sensible proposal that was welcomed by communities across this State and would have been used by New South Wales magistrates to send the clearest possible message to graffiti vandals. That message would not allow them to suffer fines that their parents could pay without their giving the matter a second thought; the punishment would directly affect the individual, particularly those young males, by focusing on their desire to drive. Labor opposed this proposal because it thought it was too tough.

Those opposite have no ticker: they are not prepared to take tough decisions, as evidenced over 16 years. They are not prepared to support tough decisions to fix the problems the new Government inherited. The legislation apparently offended The Greens' aesthetic view of the world because they see graffiti as art. They put it on the same pedestal with Cézanne, Nolan, Friend and Picasso. Like so many of The Greens' policies, that is completely out of touch with the reality not just of Australian communities but the realistic views of most people who live in this State. I have no idea why the Shooters and Fishers Party opposed this legislation, because none of its members spoke in the debate. On radio this morning I said, as I have said previously to colleagues, voting down contentious, tough but fair legislation such as this without speaking to it is political cowardice. We need to know from The Greens, from the Shooters and Fishers and from Labor why they opposed this legislation.

I assume it will take a week for this bill to be returned to the upper House, and in that time I will prosecute that case and ask the community to join us in this big issue. Once again the Labor Party sneers at the impact of graffiti on people's lives. Opposition members should go to the western suburbs, south-western suburbs, inner-eastern suburbs and even to the suburbs they still represent and ask shop owners about the impact of graffiti and the costs they bear because of these vandals. They should ask families and poor struggling taxpayers about the cost they have to bear because of the impact of graffiti on our schools and transport system.

We want to raise standards in New South Wales. Those opposite have never raised a standard in their lives. We want to send a clear message to those engaged in crime, whether they are young or old, that it is unacceptable to penalise others for the actions of one—whether collectively as taxpayers who foot the bill for what happens during school holidays far too often on our transport system and in many other parts of our society, individually as a home owner whose fence has been defaced with graffiti or as a small business operator whose business has been defaced.

I expect to have strong support from police in relation to this matter because the police are the ones who have to get out there and deal with this issue on a daily basis in the community. The community voted

strongly for change on 26 March—the people of Glenmore Park, Five Dock, East Hills, Charlestown, and in the seat of Newcastle. All of those people sought change. I know that graffiti is an issue in the central business district of Newcastle, making the area look shabby—and I am not speaking of shabby chic. We need to send a strong message about the mandate the Government received on 26 March. We need to send a strong message to those who engage in graffiti vandalism that it is unacceptable.

As the Parliament of New South Wales we need to send a message to the communities of New South Wales that we have heard the call for change—a call for change supported by 2.1 million people on 26 March. That call for change was arrogantly rejected last night by 21 members of the upper House who placed their heads in the sand, who are not in touch with communities across the State, and who do not want to send a strong message to graffiti vandals. They have instead green-lighted to graffiti vandals that it is okay to continue to attack fences, shops, homes, and government buildings with this scourge of graffiti.

**Mr PAUL LYNCH** (Liverpool) [11.42 a.m.]: I lead for the Opposition in this debate. We oppose the Premier's motion. There are two things the Premier said with which I agree: graffiti is an issue in every electorate, and it is a serious problem. It is profoundly regrettable that such a serious problem has been met with a thoroughly inadequate response by the current Government. One of the bases upon which the Government puts the argument for its position is that it has a mandate. If any Premier and Government is not entitled to rely upon the argument of the mandate it is this Premier and Government. They have trashed their mandate. This Premier and this Government have introduced legislation that was not disclosed to anyone—the Industrial Relations Amendment (Public Sector Conditions of Employment) Bill 2011. The Government has introduced a wages policy that was not revealed to the electorate. The Government has made promises about drunk and disorderly legislation that it has not implemented. The Government has made promises about mandatory life sentences which it has not delivered upon.

**Mr Greg Smith:** Point of order: The member well knows that he has to speak to the leave of the amendments. He is going into a wider range of issues dealt with in other bills. He has been a member for many years. He has suffered the brickbats thrown at him constantly for his intemperate comments. He should know the procedures of this Chamber yet he has not stuck to the issues concerning the bill and has shown a lack of concern about graffiti.

**The SPEAKER:** Order! The member is making introductory remarks.

**Mr PAUL LYNCH:** One of the provisions mentioned by the Premier included precisely the points that I just referred to. In relation to the history of this matter it might be worth getting on the record that the Opposition moved amendments in this place when the matter was dealt with subsequent to the end of the agreement in principle debate. Those amendments were defeated. It is worth making the point that the Opposition then voted for the bill. That seems to fly in the face of the rhetoric used by the Premier. Last night amendments moved in the other place were adopted. The amended bill was supported by the Opposition and by the Government. It seems to me that some of the rhetoric used is a little over the top. What the amendments do is remove one silly provision and improve another. The amendments were made in a constructive way: they were moved to improve the bill, to make the bill far more effective. Frankly, because of the Government's hubris and arrogance—discomforted by losing the numbers in the upper House—it cannot understand that.

The Government does not understand that the Opposition is trying to help. The Government does not understand that the amendments make the bill better. In relation to the substance of the amendments and the issue of licences, I am delighted to see in the House the member for Pittwater, who in 2008 criticised the approach the Government now adopts in relation to licences. The member for Pittwater made the point that the nature of the penalty should surely be linked to the nature of the offence. At this point I have agreed with two points made by the Premier and the argument put by the member for Pittwater. The member or Pittwater was correct then and that argument is right now. It is regrettable that the Government has not accepted that argument. Howard Brown from the Victims of Crime Assistance League adopts the opinion expressed by the member for Pittwater. He stated:

People are joking if they think graffiti offenders will be deterred by the prospect of losing their licence. If anything it will encourage them to commit a second illegal action of driving without a licence, because the punishment has no correlation with the initial offence.

Ken Marslew from Enough Is Enough stated:

I cannot see how suspending a licence is going to change a graffiti vandal's attitude. It won't stop them from doing graffiti.

It is interesting to hear the level of interjections, because the arguments I have put are precisely the arguments the Government was putting forward in relation to the debate concerning the Fines Amendment (Work and Development Orders) Bill 2011. The Government shows a lack of consistency by adopting the argument of secondary offending in regard to the Fines Amendment (Work and Development Orders) Bill 2011 but not applying the argument to the Graffiti Legislation Amendment Bill 2011.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member will direct his comments through the Chair.

**Mr PAUL LYNCH:** The Government does not understand that it has adopted inconsistent positions. In addition, the Law Society has made some effective criticisms of the nonsense of this approach of using drivers licence cancellation. One of the points it makes is that there is no evidence at all that suggests that the people who do graffiti are going to apply for a drivers licence. Stable, well-adjusted kids from stable, well-adjusted families—the kids from the families represented in this place—will be terrified of losing their licence, but they are not doing the graffiti. The Government's approach is a triumph of spin over substance: it is talking something up that will have no real effect in any way, shape or form.

In relation to the amendments concerning youth conference options, the Government prohibits pre-trial diversion for serial offenders. The situation is bizarre. We heard the Premier saying that the police will love it. If the Premier is so enthusiastic in his support of the police why amend the legislation in this area? The police at the moment have the capacity to refer an offender to court directly. An offender does not automatically have to go to a youth justice conference following a first offence. The police have that discretion. What the Government is demonstrating with this bill is a lack of trust in the police and their judgement. That is what the Government is doing: it is demonstrating a mistrust of the police. The Government is not prepared to allow the police to use their discretion in deciding whether an offender should go to court or through a diversionary process.

The interesting fact that the interjections reveal is that the vast majority of members on the other side of the House have not read the bill. Government members do not understand what they are supporting. They do not understand what it is they are putting their hands up for. Another interesting point is the claim by the Premier that the Government does not want to fiddle at the edges; it wishes to provide a clear deterrent. The reality is that the vast majority of people that commit graffiti are not apprehended. All the Premier's huffing and puffing about penalties at the end of the day will not have any impact at all. It is at best fiddling at the edges.

**Mrs Roza Sage:** How do you know?

**Mr PAUL LYNCH:** I acknowledge the interjection by the member for Blue Mountains. I know because of the speech made during the agreement in principle debate by the member for Wagga Wagga. The member for Wagga Wagga stated that in the Sydney basin alone there were 150,000 incidents of graffiti yet only 355 people were caught. That is what the learned Government Whip said in the debate. So, no matter what the penalties, this legislation is at best tinkering at the edges. It is spin without substance.

**Mr John Williams:** It is a deterrent.

**Mr PAUL LYNCH:** A deterrent only works if you get caught, you dill.

**Mr Darren Webber:** Put it in the too-hard basket. Sit on your hands and do nothing. We had 16 years of that.

**Mr PAUL LYNCH:** In response to the interjection by the bonehead from the Central Coast who said we did nothing for 16 years, I will list some of the measures we introduced. The previous Government banned the possession of spray cans for young people unless they had a legitimate reason for having them. We doubled imprisonment penalties for graffiti vandalism and the possession of graffiti implements. We designed out graffiti by making it a requirement of plans of all new State government buildings to take into consideration graffiti and crime prevention measures. We launched the \$1 million graffiti hot spot annual grants program to fund graffiti prevention design treatments in local areas. We introduced new clean-up orders for graffiti offenders, which the current Government has expanded and which we did not oppose in relation to the graffiti legislation.

**Mr Kevin Anderson:** Point of order: The House is considering Legislative Council amendments. The member is talking about days gone by. I ask that the member return to the leave of the bill.

**Ms Kristina Keneally:** What is the standing order?

**Mr Tim Owen:** She's back.

**Ms Kristina Keneally:** I have been here the whole time. Where's the rest of your team?

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! If the member for Heffron has something to say she should take a point of order. I remind the member that interjections are disorderly at all times.

**Mr PAUL LYNCH:** The graffiti bill is spin without any substance. It is tinkering at the edges. The Opposition is trying to make it better and improve it. The member for Pittwater was right when he said that the licence provision is silly. I believe a significant number of Government members feel the same way. Never before in my life have I seen such a small number of Government members in the House to support a Premier. It was interesting that half his members were not here. The Premier comes into the House to talk on an issue he has been huffing and puffing about all morning and he can only get half his party room to support him. That says a great deal. [*Time expired.*]

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! When I call members to order, I expect to be heard.

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [11.52 p.m.]: I remember on Graffiti Action Day going to the Blacktown municipality and the mayor of Blacktown told us all that the council spent \$850,000 a year cleaning up the graffiti mess in that municipality. That is probably the largest amount spent on cleaning up graffiti in any municipality. The Government's graffiti policy, which was put out during the campaign and for months before, was extremely well received. In fact, the citizens showed the same sort of passion for the Government's policy as the member for Liverpool showed in his response to interjections. He responded in a loud shrill. Ordinary people begged us to do something about graffiti because the previous Government's policies were failing. We said we would bring in legislation that would shock young people and make them sit up and listen and have a look at what they were doing so that they did not fall into criminality. Graffiti offences are the start of criminality.

The Opposition has not given any attention to that fact. According to the member for Maroubra, it is a trivial offence. Last night the Opposition effectively took out seven or eight pages of this legislation. I have the bill before me with red lines going through it. The legislation now does not have a provision relating to drivers licences. It is back to the bad old Labor days, which were rejected by so many people at the last election. Young offenders will now be able to have one warning. Under our legislation warnings can be given to young offenders. Police do not have to prosecute; they have discretion. We did not take away that discretion. If police decide to prosecute for an offence that has been committed then the matter goes to court.

I would have thought that the member for Liverpool had some experience of the criminal justice system. Police have discretion in relation to any crime. If police believe a matter is trivial or it can be sorted out then they can deal with it. In the old days they would kick offenders in the backside and send them home. Some say that was a much better solution, although I do not suggest that course of action. The drivers licence order is a sharp reminder to young people that they are in big trouble. They can lose what their ego craves: their driver licence. A driver licence represents status for them. They burn for it. The Opposition has gutted the legislation further by cutting out any provision allowing police to bring a first offence before the court: they have amended the requirement to relate to a second offence.

A young offender who has had a first offence will not say that he committed a second offence because he will have to go to court. His mate who does not have a first offence will take the rap. The Opposition is encouraging manipulation of the law. Graffiti generally occurs in groups. As I understand, it is not usually done by individuals. The previous Government's legislation was ineffective. The people of this State will not stand for a decision being made on this legislation by Labor. This Government clearly has a mandate. The Government has 69 members in this House and Labor has 20.

**Mr Robert Furolo:** There are members in the upper House as well.

**Mr GREG SMITH:** The former Government took a slaying in the upper House.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The Attorney General will address his comments through the Chair.

**Mr GREG SMITH:** Because upper House members are elected for a term of eight years, it takes time for the angry electorate to catch up with the weaknesses and failures of that mob. Through the upper House

system the electorate did not have the same opportunity to give us a mandate, although the Coalition won a record number of seats in the upper House at the last election as well. This House is the people's House, where the Premier and Treasurer sit and the Government dominates. The decision of this House has been ignored and rubbished by the upper House. If ever there were justification to have a system similar to that in Queensland this is it. I believe the removal of the upper House is part of Labor's policy. It used to be. I do not know whether Labor members have any policies anymore. They certainly do not have any new policies. Labor Party members have not discussed any policies since this term of Parliament began. All they have done is nitpick, and the biggest nitpicker in the world is my opponent, the member for Liverpool.

**Mr Paul Lynch:** Sounds like it's working.

**Mr GREG SMITH:** It is working because you are gutting good Government legislation. Courts also have discretion not to make an order to take away a drivers licence. They can deal with a matter by way of conference or issuing a caution. Courts have that right. The proposal was to make offenders appear before the court to give them a sharp warning and let them know that this type of behaviour was not acceptable. The Opposition wants these young people to be able to apply graffiti all over the place with impunity and not be brought before the court. The electorates will get angrier and angrier but they will not blame us; they will blame the member for Liverpool and his cronies who have worked on these amendments to gut this legislation. They will not put up with it and nor will we.

**Mr MICHAEL DALEY** (Maroubra) [11.58 a.m.]: This is illustrative of this Government, hissing and spitting because members in the other place have had the gall, temerity and arrogance to disagree with a proposition the Coalition has put. This is less about policy than about politics. The Premier is behaving like a jilted lover. His cohorts in the upper House have kicked him out of the bed that he himself has made. He made the bed after the election, he did a deal, he lay down with members of the Shooters and Fishers Party and Reverend the Hon. Fred Nile on occupational health and safety laws and they slept happily for a week or two.

He lay down with them again on industrial relations laws when they gutted the Industrial Relations Commission—gutted its jurisdiction in relation to workplace injuries and removed its jurisdiction in relation to wages and the rights of workers. He did a deal with Reverend the Hon. Fred Nile and lay down with him on ethics classes. The deal has gone sour and the Premier is behaving like a jilted lover. He spat out his dummy and he has come into the House and behaved like the arrogant political operator he is. There is not an ounce of statesman in this Premier.

**Mr Darren Webber:** Point of order: My point of order clearly relates to relevance. I do not know what planet the member for Maroubra is on.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Maroubra has the call.

**Mr MICHAEL DALEY:** The Premier is simply behaving like a jilted lover because, like the playground bully and political operative he is, with not an ounce of statesmanship about him, he simply cannot get his way. That is what this is all about. That is the tone of the Premier and that is the tone of the offering just given by the Attorney General. The Graffiti Legislation Amendment Bill 2011 was introduced in this place on 31 May, the agreement in principle speech was made on Wednesday 1 June and the bill did not pass through this House until Friday 5 August. That is demonstrative of the way in which this Government is behaving.

The Government has no serious legislation before this House. No serious considerations for the House are coming from Ministers. Despite a record number of sitting days that have been ordered by the Premier—we are sitting 60-odd days from May to December—it took 66 days for the bill to pass through this House and we are still debating it because the Government cannot get its act together, and the legislation has been rejected by the Government's cohorts in the upper House. That is what this is all about. One of the first bills we dealt with in this place was the national harmonisation of workplace laws—hundreds of pages of legislation that took years and years of negotiation.

**Mr Rob Stokes:** Point of order: Mr Deputy-Speaker, I ask that you keep the member for Maroubra relevant to the issue before the House.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I uphold the point of order. The member for Maroubra will return to the Legislative Council amendments.

**Mr MICHAEL DALEY:** Earlier today I referred to the simple matter of this graffiti legislation and the Premier criticised me a moment ago for using the phrase "simple matter". I draw the attention of the House to the contrast between the volume and complexity of laws such as the national harmonised workplace laws and this graffiti bill, which is full of simple but worthy propositions. However, we reject a couple of those propositions, and one is that young children who are hooked up by the police automatically have to be referred to court. The police have to be able to continue to act with the discretion that the common law has given them. There is nothing that the member for Wyong can tell me about policing—I spent a year as Minister for Police. The Premier said he hoped that this legislation would get strong support from the police. I will tell the House what got strong support from the police—the Graffiti Control Act that was introduced by the former Government. That Act doubled imprisonment penalties for graffiti vandalism from six months to 12 months—not a soft touch.

**Mr Andrew Gee:** Point of order: Mr Deputy-Speaker, I draw your attention to the member for Mount Druitt who paces the floor of this Chamber like a caged animal. Standing Order 54 states that members shall be seated unless entering, leaving or moving into any other part of the Chamber.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! As a former Whip I understand what the member for Mount Druitt is doing. I am sure the member for Mount Druitt is now fully aware of Standing Order 54.

**Mr MICHAEL DALEY:** The member for Orange should understand that one does not find common sense and things like that in the standing orders. The Graffiti Control Act doubled imprisonment penalties for the possession of graffiti implements from three to six months, and the police supported that; it banned the possession of paint spray cans by youths without a legitimate reason, and the police supported that; it empowered courts to order graffiti vandals to clean up their own graffiti, and the police supported that; it made it an offence for a person to sell a paint spray can to a minor, and the police supported that; and it made it an offence to supply a paint spray can to a minor, and the police supported that.

What this bill does not contain is the support that local government needs. International studies have clearly shown that one of the most effective ways of treating graffiti is to get rid of it within 24 hours. With its graffiti-busting trucks, my own council, Randwick council, does a tremendous job of removing graffiti within 24 hours. Members in this House who have local government backgrounds know that is the truth. Yet the Government is not giving local government an additional cent to support councils in their efforts to be front-line in graffiti removal. Over the past five months in this place we have shown time and again that if legislation is good legislation we will support it, but if there are elements of a stunt we will not support it. The Premier and the Government should stop behaving like arrogant bullies and criticising those in the upper House for doing what they want to do. The Premier walked into this place and accused members of the Shooters and Fishers Party of cowardice because they did not speak in debate on a bill, which is akin to the pot calling the kettle black.

The Premier has used the crossbenches in the upper House to gut the Industrial Relations Commission; he has used members on the crossbenches in the upper House to attack workers rights in New South Wales; he has used members on the crossbenches in the upper House to gag speeches in the upper House for the first time in 106 years; and today, because he does not get his own way, the Premier behaves like a jilted lover. This Premier is all about politics. He is still in opposition mode; he has not yet learned how to be a Premier and his Government does not know how to govern. To get out of opposition mode the Premier needs to become a statesman and learn how to govern. To spit the dummy and to carry on like they have been this morning because a couple of provisions in a bill were removed in the upper House is very telling about members of this Government.

**Mrs TANYA DAVIES (Mulgoa) [12.07 p.m.]:** What an absolute disappointment. On 26 March this year the Liberal-Nationals Coalition was voted into office by record numbers of people in our constituencies to run this State and to turn this State around. Regrettably, members of the Opposition in the upper House fail to recognise or respect the community's wishes. Members on this side of the House campaigned long and hard before the election and all our policies were out in the open. One of our policies was to change graffiti legislation. When I spoke to people on the streets and when I went doorknocking and talked to people about the Liberal-Nationals plans for graffiti I was wholeheartedly supported in what we wanted to achieve. People came running to vote for the Liberals and Nationals because they thought we had plans, policies and a clear direction that was going to begin to take this State back to its rightful place of being number one again.

Regrettably, and disappointingly, those in the upper House decided to ignore the wishes of the vast majority of people in New South Wales. We said we would introduce legislation that would give courts the power to reduce young people's rights to a driver licence. The community wanted that. Our voters supported us in that wish. They voted for us on 26 March because we said we would make it tougher and more inconvenient for offenders who were caught committing a graffiti offence. It is unbelievable that those opposite choose to ignore what graffiti costs our community. I was a Penrith city councillor. In 2009 to 2010 Penrith City Council spent over \$900,000 to remove graffiti from our local government area. How many additional footpaths, parking improvements or services to the community could we have provided with that money if graffiti was not such an offence and so intimidatory in our community? It is extraordinary that those opposite seek to deny the justice that the community wants and demanded on 26 March.

It has been proven that if young people commence the graffiti cycle, they often naturally progress to more serious acts of crime. Those opposite claim that they are endeavouring to protect young people by refusing our legislation in the other House when this legislation is protecting them as we are trying to stop their progression to more serious crimes by capturing them at the start of the crime cycle. We are endeavouring to protect our young people and to ensure that that crime cycle does not commence. Government members, who represent the majority of people in New South Wales, went to the election with clear and honest policies. The Liberals and Nationals went to the election with honesty and accountability. Unlike those opposite, Government members said to their constituencies, "We are members of the Liberal Party and The Nationals." Those opposite tried to hide their allegiance to the Labor Party. They tried to deceive their electorates by parading as Independents. Those opposite deceived their electorates in an attempt to try to win their seats.

**Mr Clayton Barr:** Point of order: My point of order relates to relevance under Standing Order 76. At the moment the member for Mulgoa is talking about Labor logos on campaign material.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! What is the member's point of order?

**Mr Clayton Barr:** My point of order relates to relevance. The member for Mulgoa is talking about Labor logos. The issue that is being debated at the moment relates to graffiti.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I was listening to the debate in my office, and I noted that neither side had been entirely relevant. The member has the call.

**Mrs TANYA DAVIES:** We went to the election with clear and upfront policies. The people knew that they were voting for a Liberal candidate or a Nationals candidate and they came to us in droves. We received 2.1 million votes because we presented them with policies and the direction in which we would take this State. We are endeavouring to follow through on our promises by passing the legislation through this House. I implore those in the other place to recognise and to value that constituents in New South Wales want to support our legislation.

**Mr ROBERT FUROLO (Lakemba) [12.14 p.m.]:** This is the biggest dummy spit I have seen by the new Government. Government members are filthy about the fact that democracy got in the way of their ham-fisted and table-thumping approach to what all members accept is a serious issue. The Government introduced the Graffiti Legislation Amendment Bill 2011, which was not opposed by the Opposition. The bill was sent to the other place where members who were elected to represent the people of New South Wales considered it, removed its objectionable elements and passed it. Democracy and the decisions made by the House of review are not good enough for the mob opposite. After more than 60 days of this bill being listed on the business paper, more than three full days of debate in this Chamber, and more than 50 speakers standing at the dispatch box and pronouncing their firm stance on graffiti, once again we are debating this bill.

The amendments that were moved and agreed to in the other place improve this bill, which is broadly supported. The collective representatives of the people of New South Wales have considered the Government's intentions behind this bill and have approved it with amendments. These amendments reflect the concerns of the duly elected representatives of the people of New South Wales. These amendments relate to two areas of the bill about which the Opposition is critical. The first area relates to the Government's proposal to remove the power for police to deal with young offenders who have committed graffiti offences by way of a caution, a warning or youth justice conferencing.

*[Time for debate expired.]*

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

**Motion agreed to.**

**Legislative Council amendments disagreed with.**

**Motion by Mr Brad Hazzard agreed to:**

That the following message be sent to the Legislative Council:

MR PRESIDENT

The Legislative Assembly having considered the message dated 25 August 2011 in which the Legislative Council requested the concurrence of the Legislative Assembly with amendments to the Graffiti Legislation Amendment Bill, informs the Legislative Council that the Legislative Assembly disagrees with the proposed amendments because:

1. The amendments would allow first time young offenders to avoid going before a court. This is inconsistent with the NSW Liberals and Nationals election commitment to ensure that juvenile graffiti offenders be brought before the court.
2. The amendments would remove sanctions on drivers licences, which would undermine one of the key purposes of the Bill, which is to provide increased sentencing options for courts that reflect the serious nature of the offence.
3. The amendments seek to trivialise what the community regards as a very serious issue. Requiring juveniles to appear before a court and increasing sentencing options in relation to graffiti offences constitute essential components of the Government's approach to combating graffiti which was overwhelmingly endorsed by the community at the 26 March 2011 election.

## **BUSINESS OF THE HOUSE**

### **Order of Business**

**Mr BRAD HAZZARD:** I again inform members that the Attorney General will now introduce the Courts and Other Legislation Further Amendment Bill 2001 and make his agreement in principle speech. Immediately upon the conclusion of his agreement in principle speech we will return to private members' notices of motions and proceed with them until 1.00 p.m. Two committee reports will then be dealt with and debated in this House. Government Business would normally be dealt with until 1.00 p.m. However, because the Government used the time normally taken to deal with private members' notices of motions to ensure the passage through this House of the Graffiti Legislation Amendment Bill 2011, we will now return to private members' notices of motions.

## **COURTS AND OTHER LEGISLATION FURTHER AMENDMENT BILL 2011**

**Bill introduced on motion by Mr Greg Smith.**

### **Agreement in Principle**

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [12.18 p.m.]: I move:

That this bill be now agreed to in principle.

The purpose of the Courts and Other Legislation Further Amendment Bill 2011 is to make miscellaneous amendments to legislation affecting the operation of courts in New South Wales and other legislation administered by the Attorney General and the Minister for Justice. The bill is part of the Government's regular legislative review and monitoring program and will amend a number of Acts to improve the efficiency and operation of our courts, as well as the operation of agencies within the Department of Attorney General and Justice. I now outline each of the amendments in turn. This bill contains an amendment to the Civil Procedure Act 2005 to postpone by up to 18 months the commencement of part 2A of that Act. Part 2A contains measures to encourage the early resolution of civil disputes, including a requirement that parties take reasonable steps to resolve the dispute by agreement or to narrow the issues in dispute before commencing court action. These requirements were enacted in late 2010.

Since the March 2011 election, a number of stakeholders have expressed mixed views about part 2A. Whilst the policy intention underpinning the provisions has received general support, concerns have been raised about its practical implementation. In particular, senior members of the judiciary, the legal profession and



industry groups have expressed concerns that part 2A, as currently drafted, could lead to increased costs and delays in resolving disputes for litigants and the courts. A particular concern raised by stakeholders has been that the reforms could give rise to satellite litigation about what constitutes "reasonable steps".

Part 2A contains examples of "reasonable steps" that could be taken before commencing court action, but it does not prescribe specific steps that must be taken and nor does it make any particular step, such as mediation, mandatory. Another concern is that the reforms will add to the cost of litigation, both in the pre-commencement phase, as a result of the requirement to take pre-litigation action, and due to satellite litigation after proceedings have commenced. Similar issues prompted the Victorian Parliament, in March this year, to repeal equivalent provisions enacted in that State.

Whilst the Government has carefully considered and appreciates the concerns raised, it is not proposed that part 2A be repealed at this time. The Government remains supportive of the overarching policy objectives of part 2A. That is, there is merit in seeking to find new ways to reduce the demand on court resources by encouraging parties to resolve their dispute or to clarify the real issues in dispute before commencing litigation. The courts should generally be reserved for those cases that are most deserving of judicial resources and justice should be delivered in these cases as efficiently as possible. However, it would be perverse if the reforms contained in part 2A actually led to a lengthening of disputes or an increase in costs, as predicted by some stakeholders. Accordingly, the Government believes that it is appropriate to defer the application of part 2A until there is an opportunity to consider how similar pre-litigation measures work in practice elsewhere in Australia.

In March 2011 the Commonwealth Parliament passed very similar provisions to part 2A. Those provisions commenced on 1 August 2011. Therefore, it is proposed that the application of part 2A be postponed to allow the equivalent Commonwealth provisions to be evaluated. This is expected to take approximately 12 to 18 months. Evaluation of the equivalent Commonwealth provisions will provide an evidence base to inform future decisions about part 2A. In particular, the evaluation period will provide an opportunity to test whether concerns raised by stakeholders will be realised in practice. Postponement is supported by the Chief Justice, the Chief Judge of the District Court and the Chief Magistrate. It is also supported by the Law Society of New South Wales and the New South Wales Bar Association.

To ensure that part 2A does not rest on the statute books indefinitely, the bill provides that part 2A will apply to civil proceedings commenced 18 months after the postponing provisions take effect, or such sooner date as is set by proclamation. The proposed amendment to the Guardianship Act 1987 will enable the Attorney General, as Minister responsible for the Act, to delegate the power to approve premises under section 13 of the Act as premises where a person may be placed in the care of the Director General of the Department of Family and Community Services. Approved premises are used to place people who have been removed from other premises under order of the Guardianship Tribunal under section 11 of the Act, or removed from premises by police under section 12 of the Act.

Following the transfer of responsibility for the Guardianship Act 1987 from the Minister for Disability Services to the Attorney General in June 2011, an issue was identified concerning the responsible Minister's power of delegation. Previously the Minister for Disability Services, as Minister responsible for the Guardianship Act 1987, had the power of approval under section 13 of the Act and was able to delegate this power under the provisions of section 5 of the Community Welfare Act 1987. However, there is no such power of delegation for the Attorney General, notwithstanding that he is now the Minister responsible for the Guardianship Act 1987, and the previous delegation to officers of Ageing, Disability and Home Care is now defunct.

The Attorney General's urgent approval of premises under section 13 of the Guardianship Act 1987 has recently been sought prior to Guardianship Tribunal hearings. Previously such decisions about the approval of premises had been delegated to officers of Ageing, Disability and Home Care, who are in a position to properly evaluate the suitability of such premises. This amendment will ensure that the Attorney General, as Minister responsible for the Guardianship Act 1987, will be able to delegate the power of approval, as was previously the case for the Minister for Disability Services.

Schedule 3 to the bill contains an amendment to the Land and Environment Court Act 1979 which will clarify that appeals by an Aboriginal land council against a refusal of a land claim fall within class 3 of the jurisdiction of the Land and Environment Court. Section 36 (7) of the Aboriginal Land Rights Act 1983 provides the Land and Environment Court with jurisdiction to hear and determine any appeal made to it by an

Aboriginal land council against a refusal of a land claim that council has made. The court's practice has been to allocate such appeals to class 3 of its jurisdiction, which is concerned with land tenure, valuation, rating and compensation matters. However, section 19 of the Land and Environment Court Act 1979, which lists those matters falling within class 3 of the court's jurisdiction, does not expressly refer to these appeals.

The Chief Judge of the Land and Environment Court has written expressing concern about this issue, particularly because, on one view of the legislation, an appeal under section 36 (7) of the Aboriginal Land Rights Act 1983 could fall within class 4 of the court's jurisdiction. There would be significant implications if, contrary to usual practice, these appeals were treated as class 4 matters, which relate to environmental planning and protection laws. Importantly, unlike class 4 matters, class 3 matters are hearings de novo, meaning that appeals are heard by way of rehearing, and fresh evidence may be considered.

The Land and Environment Court Act 1979 also provides that class 3 matters are to be conducted with minimal formality and technicality and enables commissioners with specialist knowledge of matters concerning land rights for Aborigines to assist a judge in hearing these matters. This manner of conducting proceedings would not be available if appeals under section 36 (7) of the Aboriginal Land Rights Act 1983 were treated as falling within class 4 of the court's jurisdiction. The bill will include such appeals in the list of class 3 matters referred to in section 19 of the Land and Environment Court Act 1979 in order to dispel any doubt that this is the correct approach.

The proposed amendment to the Victims Support and Rehabilitation Act 1996 concerns the circumstances in which the victims compensation court levy is imposed. Under the Act, the levy applies to all offences where a conviction is recorded, except those exempted by regulation. The levy is \$67 for summary offences and \$153 for indictable offences. Levies are directed to a fund from which all payments of statutory compensation to victims of crime, approved counselling services and other victims service-related costs are paid. Under the proposed amendment, the victims levy will not apply where a charge is dismissed under an order made pursuant to section 10 (1) (a) of the Crimes (Sentencing Procedure) Act 1999, except where an offence is punishable by imprisonment. Section 10 (1) (a) orders are made where a court finds a person guilty of an offence but, because of extenuating circumstances, such as a good criminal or driving record, directs that the charge be dismissed.

Several people have argued that the current situation, where a person has a charge for a summary offence dismissed but still has to pay the levy, is unduly harsh, as the offence is, in most cases, minor and the person otherwise has a history of good behaviour. The Government also wishes to ensure that vulnerable people, such as the homeless and mentally ill, do not face undue financial pressure because they have to pay the levy even when a charge has been dismissed, and that such people are not discouraged from attending court in relation to offences alleged by penalty notice. The amendments contained in the bill have been the subject of thorough consultation with key stakeholders. 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.**

### **SAMARITAN KAIYU SERVICES**

**Debate resumed from an earlier hour.**

**Mr CHRIS HOLSTEIN** (Gosford) [12.29 p.m.]: I return to the worthy motion by the member for Wallsend acknowledging Kaiyu Services, which supports the families of people in the Lake Macquarie area suffering from mental illness. I was at the point of acknowledging an organisation worthy of note in my local government area. It is the Association of Relatives and Friends of the Mentally Ill. This organisation has been based on the Central Coast for 35 years and provides a range of services to families, carers and friends of people with a mental illness. I also note the services that operate beyond my electorate—in Kincumber and Bateau Bay—and the support group in Woy Woy.

The service runs carer interest groups and a family drug support group, and provides information and resources, education and training courses, advocacy, referrals, and individual group support, particularly for children, as well as for adults who suffer mental illness. It is a good organisation. On 5 October—October being Mental Health Month—Kibble Park in Gosford will host a walk of pride. The Mental Health Authority is coordinating with the organisation New Horizons. I congratulate Kaiyu Services and Kaiyu Connect on their commitment to mental health. I also congratulate the Samaritans Foundation for agreeing to continue to provide

this important and well-established service. It appears that from 1 April it has been a smooth transition. I congratulate Kaiyu Konnect on not walking away from the project and ensuring that service is not lost to the community.

I reiterate that it is important to recognise non-government organisations for fulfilling part of a spectrum of services to assist people with mental health issues. The Coalition Government is committed to supporting quality mental health services to the people of New South Wales. We are committed to ensuring that the people of New South Wales have access to world-class mental health services, informed by international best practice, and service models that reflect the needs of people recovering from mental illness. With work commencing to establish a New South Wales Mental Health Commission, I am confident we can continue to take mental health service provision forward for the people of New South Wales. Kaiyu Konnect was a fine example. I wish the Samaritans all the best in taking that service to the people of Lake Macquarie into the future.

**Mr CLAYTON BARR** (Cessnock) [12.32 p.m.]: I support the member for Wallsend's acknowledgement of the Samaritans Kaiyu Service as an important and rightfully proud community-based organisation. Kaiyu is an Awabakal word that means "have power and ability". The Anglo-Saxon equivalent meaning would be empowerment. If someone has not registered "empowerment" as the name for a business or an organisation, someone should do so quickly. It speaks so much of what we would like for all of our citizens. That comes a little easier to those who do not have a mental illness, but it should be our goal for those suffering from a mental illness.

It has been said that one in five people will experience mental illness during their lives. Most people will not have a mental illness that is eventually diagnosed or characterised as a disability. Most people with a mental illness will be treated quickly, effectively and simply, but some will not. In recent times we have seen some significant, well-known and high-profile people with mental illnesses. Andrew Johns is one; John Brogden, the former Leader of the Opposition is one; and a radio announcer in Newcastle by the name of Craig Hamilton is another. They are all doing well with suitable treatment, medication and assistance.

Kaiyu is an important service. It supports those with a more long-term, chronic and debilitating condition. Sometimes a disability can be ongoing. I have spent time working for an organisation that had to seek out and make referrals to a range of providers treating mental illness. It is difficult. The mental illness register is as big as the *Yellow Pages*. Everyone is doing their own niche thing, and I am not saying any one of those things is more or less worthy than the other. It is just a complicated process. When you are on that journey, searching for help, you sometimes get to the point where it is just too hard. I am a normal, able-bodied person, and if I feel like that then imagine how much harder it would be for people under mental stress or strain.

Kaiyu, perhaps only one kilometre to the east of my electorate, is a fantastic resource. Some people in my electorate are heavily involved with the Kaiyu Service, in its administration, its services and its treatment. I commend to the House the motion moved by the member for Wallsend. Samaritans Kaiyu Service provides an important service to the community. The needs of those with a mental health condition should never be lost on members of this House. We need to do more and to do it better. We need to make more services available to better provide for those with a mental illness. One in five is a staggering number, and suggests that plenty in this House could use the assistance of those services.

**Ms SONIA HORNERY** (Wallsend) [12.36 p.m.], in reply: I acknowledge and thank for their excellent contributions the member for Menai, the member for Shellharbour, the member for Gosford and my colleague the member for Cessnock. I thank those members for their support of the Kaiyu-Samaritans merger. It is clear to all of us that the work of organisations such as Kaiyu is renowned not only in Wallsend but also in the Hunter and throughout New South Wales. The member for Menai made some very good points. She expressed her concern for mental health and informed us that one in five people may experience a mental illness throughout their lives. She also told us how mental illness can be so isolating in society; which reinforces the need for services such as Kaiyu. She also spoke about the need for people who are unwell to have goals to make life better.

Services such as Kaiyu help people with their goals and give their lives a purpose. Homelessness is another important issue to be considered when dealing with those who have a mental illness. The member for Shellharbour talked about the 20 per cent of our population who at some point might be affected by mental illness. She complimented the Clubhouse model on which Kaiyu was based and the benefits of that model to society. She mentioned the funding that has gone to Kaiyu from the Labor Government, which was very

generous to Kaiyu. It is always a struggle for an organisation like this. When I and my predecessors asked the former Government for help, it was given to us. The member also mentioned the importance of the support of mainstream organisations and their connections with groups such as Kaiyu.

The member for Gosford talked about the alarming facts and figures of mental illness, alarming not because people have a mental illness but because so many people in our society are crying out for help. He also mentioned the wonderful website and organisation called SANE Australia. It sounds fantastic and I appreciate the member for Gosford informing people about that organisation. He mentioned also how people with schizophrenia need assistance and that we should provide them with appropriate services. The member for Cessnock talked about the community-based organisations such as Kaiyu. He offered a clever definition of Kaiyu as "empowerment". He said that we need to make the mental illness registry process simpler for people to get help. His salient point was that going through a registry process is difficult when one feels well, but even more difficult when one is not so well. People often need society's assistance and hand-outs. I shall conclude with a quote from a speech I made about Kaiyu in 2007 in which I said:

Kaiyu people should be rightly proud of their individual and collective achievements. I commend Kaiyu, its dedicated staff and volunteers, and above all its consumers, for their resilience and resourcefulness, and for promoting awareness of mental health issues in the electorate of Wallsend and the greater Lake Macquarie area.

I thank all the members for their worthy contributions to this debate. I commend the motion to the House.

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

**Motion agreed to.**

#### **BALMAIN HOSPITAL 24-HOUR CASUALTY SERVICE**

**Mr JAMIE PARKER** (Balmain) [12.41 p.m.]: I move:

That this House:

- (1) notes that the former Government closed down the 24-hour casualty service at Balmain Hospital;
- (2) notes that this decision has denied the people of Balmain an important community service and has placed significant additional pressure on the casualty service at Royal Prince Alfred Hospital; and
- (3) calls on the Government to restore the 24-hour casualty service at Balmain Hospital.

In 2009 the 24-hour casualty service at Balmain Hospital was removed by the former State Government. Today I call on the Government to examine opportunities to overturn this decision and restore the service. This is an important issue for the people of my electorate who have been directly affected, and for the effectiveness of the New South Wales health system. This issue was steadfastly ignored by the former Government; I hope to receive a positive outcome from this Government after its assessment. Those who sit opposite believe that community-based medical services should be a government priority. Local residents who speak on these issues constantly acknowledge the importance of Balmain Hospital. In closing the 24-hour casualty service the former Government broke its promise of more than 10 years to the people of Balmain by downgrading emergency services to a 24-hour casualty service against the wishes of the council and the local community.

As Mayor of Leichhardt council at the time I attended a community meeting at Balmain Town Hall where local residents voiced their concerns about the impact of the closure. Importantly, this was another example of the former Government not consulting council or the community. We were summoned to a meeting at Balmain Hospital to discuss the issue and then were told of the cuts. Even if the Government was intent on closing the 24-hour casualty service, it should have at least consulted with council and spoken to the community. We are Balmain Hospital's greatest fans and supporters, and we would have done everything in our power to assist the hospital and the Government to make sure the service continued. Unfortunately, we were not given the opportunity to do that.

Residents spoke passionately at the meeting about the need for the service to continue and told stories of how they and their loved ones had relied on it. Many parents and families have told me that without the 24-hour casualty service they felt less safe in the knowledge that if an emergency occurred in the middle of the night, quick and effective care was not just a few minutes away. They spoke also about Royal Prince Alfred

Hospital emergency service unit and its amazing staff. Waiting times at Royal Prince Alfred Hospital are two, three and often four hours. It is not appropriate that elderly family members with chronic conditions have to endure such long and often painful delays in that hospital's overcrowded waiting rooms.

In a survey conducted by council to obtain feedback from local residents 88 per cent of respondents—and in some sections of the electorate every single respondent—supported the reintroduction of the service. Half of those surveyed had either used the service in the three years prior to its closure or a member of their household had used it. Almost half of the respondents reported having an existing condition that may require a visit to a casualty ward. This 24-hour service is particularly vital for low-income earners, especially those in social housing in Balmain and on the peninsula who depend on treatment from the casualty ward because they experience difficulty travelling to Royal Prince Alfred Hospital for treatment.

Reducing the hours at Balmain Hospital has forced patients to use the already overstretched facilities at Royal Prince Alfred Hospital. Instead of being attended to quickly, people often have to wait lengthy periods as Royal Prince Alfred Hospital tries to cope with demand from all over Sydney. My first question as the new member for Balmain to the Minister for Health was whether the Government would restore the 24-hour service. The Minister failed to commit to restoring the service, but I hold out hope that my community will be able to work to change the Government's mind. As I have demonstrated, there is evidence of strong community support to restore the service, but departmental data that claims the patient numbers are low undercounts the true use of the service.

The data supplied by the department deals only with overnight admissions and not with the large number of patients still being treated or admitted before 10.00 p.m. The data we received related to admissions between 10.00 p.m. and 8.00 a.m. and did not deal with patients seeking overnight monitoring or attending before 10.00 p.m. Anecdotal evidence from doctors who were employed in the service indicated that several patients were attended to regularly, thus significantly increasing the total number of patients being dealt with by the service. Further evidence revealed that this overnight service, or 24-hour coverage, was not promoted throughout the community: Many people did not know of its existence. The hospital was told that the council and the community would be delighted to promote the service, as there is no 24-hour medical service in close proximity to the peninsula.

Another issue raised by the department was lack of staffing, which echoed claims made at the 2009 meeting I attended with health officials. The primary reason given for the removal of the 24-hour service was an inability to manage the health services—frankly, a doctor could not be found; not through lack of need or insufficient demand. One could understand that could be the case if we were talking about western New South Wales, but it should not be too difficult to find a doctor in Balmain. When we challenged the claim we learned the facts. I can provide further data about the claim of challenges and staffing from a doctor who worked in the emergency room in Balmain's 24-hour service before it was closed. The change was in the qualification level required for a doctor to staff the site with a total cost difference of about \$25,000. From speaking to local doctors and clinicians, getting a doctor from Royal Prince Alfred Hospital or a training doctor with sufficient qualifications was difficult.

The level of planning undertaken by the former Government was hopelessly incompetent and meant that the hospital faced challenges along the lines of, "Well, enough people are using it." "No, hang on; we don't have a doctor." "No, I'm sorry, we've got different priorities." The Government could not genuinely claim that it could not afford to keep the service open for another \$25,000 a year. I am happy to make available for members figures provided by other medical practitioners who supported the service detailing options and opportunities in the funding model that council went through in great detail. The former Government made mistakes that impacted on our local communities. I call on the Government to consider reviewing this decision and working with me, my local community and council to demonstrate the need and opportunity to restore the service downgraded by the former Government.

At the last election the people of Balmain clearly expressed their dissatisfaction with the previous Government on many of these issues. The people of Balmain must not be made victims of the Government's failure to properly manage and invest in health care. Considering the evidence of strong and widespread community demand for this vital service, along with the clear economic viability—the low costs—and the ability to reduce pressure on the emergency wards at the Royal Prince Alfred Hospital it seems that there is a tremendous opportunity for this Government to re-examine this issue and not neglect the people of the Balmain electorate. The important issue to take note of is the impact on the Royal Prince Alfred Hospital. The former

Government committed to maintain a 24-hour casualty service at Balmain Hospital thereby reducing the pressure on the Royal Prince Alfred Hospital. The new Government has committed itself to ensuring that the people's voice and concerns are heard.

I am glad that I have the opportunity to represent the electorate of Balmain and I trust the Government intends to maintain a commitment to investigate the reinstatement of the Balmain hospital 24-hour casualty service. There is clearly an opportunity for us to make a decision to support what is not only a vital health service for the people of Balmain, but also to support a health service that is economically viable and provides a great relief to the Royal Prince Alfred Hospital. This Government must listen to the concerns of the electorate of Balmain and the greater population of Sydney and restore the 24-hour casualty service. The restoration of the 24-hour casualty service will benefit the health system and the local community. It would be well-constructed decision-making by the Government concerning important health matters.

**Mrs LESLIE WILLIAMS** (Port Macquarie) [12.51 p.m.]: Let us make sure that the details relating to the closure of the casualty service at Balmain Hospital are accurate. The Balmain Hospital changed its hours of operation in May 2009 because of a lack of senior doctors, as has been acknowledged, who wanted to work overnight for a service that by May 2009 saw only two to three patients per night on average. Additionally, it should be noted that Balmain Hospital's general practice service is not an emergency department—it is a general practice service for minor illnesses and injuries. At the time of the original decision in 2009 to change the working hours, the number of patients presenting to the Balmain Hospital general practice casualty after 10.00 p.m. had been declining. On average just three patients per night were presenting to the practice between 10.00 p.m. and 8.00 a.m. and in fact on some nights no patients attended the service.

My understanding is that at the time of the decision the Balmain Hospital community representatives, the division of general practice, local general practitioners, a paediatrician and emergency doctors were consulted and supported the change. I am sure members will agree it makes sense, for the sake of efficiency, to redeploy medical staff to where they are needed most. In response to this decrease in demand in 2009, the Balmain Hospital general practice casualty changed its hours and has been available between 8.00 a.m. and 10.00 p.m. with expanded services, including increased general practice working hours and two highly experienced nurses during the times when they are most needed.

In April 2009 an ambulatory care service within the general practice casualty was introduced to increase local community care options and better distribute the medical and nursing resources. The service hours are between 8.00 a.m. and 10.00 p.m. seven days a week. The services provided by the ambulatory care service are effective in reducing potentially avoidable hospital admissions and keeping people in their homes. The ambulatory care service also includes links with community health nurses for referral of patients. These changes to the service simply make common sense and are a much more effective use of public funds. The ambulatory care service between June 2010 and April 2011 has seen on average more than 260 patients per month.

In addition, the general practice casualty has increased its links with Royal Prince Alfred Hospital Emergency Department to provide care for patients presenting with less serious conditions that could be treated within the ambulatory care service. Patients with conditions such as skin infection, community-acquired pneumonia, kidney infections and complex wounds are referred to the general practice casualty for ongoing daily care rather than being admitted to hospital for their treatment. As members would be aware, the national shortage of doctors has affected the ability to recruit general practitioners and career medical officers to work the night shift, particularly between 10.00 p.m. and 8.00 a.m. Local general practitioners indicated they were not available for night cover and many have difficulty finding their own day cover to take study and personal leave.

There was a lack of senior doctors who wanted to work overnight for a service that on average saw only two to three patients per night. It is important to stress that the change in opening times does not alter the fact that all patients with serious or life threatening conditions should go to the nearby Royal Prince Alfred Hospital Emergency Department, as has always been the case. The Royal Prince Alfred Hospital Emergency Department is one of the finest in the world—with access 24 hours per day to a full range of emergency services including x-rays, pathology and other specialist services. Additionally I make it clear that this change does not affect the availability of staff on the inpatient wards at the Balmain Hospital. An appropriately qualified doctor is on site 24/7 to provide dedicated care to aged care and rehabilitation inpatients.

Each community is quite different, and has different needs. We look at health services on a case-by-case basis to ensure they meet local needs and are being used effectively. What also makes common sense and demonstrates again our Government's commitment to implement major reforms to the health service

across New South Wales is our announcement this week to devolve resources to the front line and eliminate some bureaucracy. Again we are delivering on a key election commitment, which shows yet again our plans to support front-line nurses and doctors in public hospitals across the State. The reforms announced this week will deliver genuine responsibility to local people, and allow for local decision-making and accountability. It will deliver more resources for the front line where they are needed most and will not result in the loss of any front-line jobs. This is a very different outcome from the previous Government, which continually cut front-line jobs particularly in regional areas.

In fact, the previous Government simply had too many people sitting behind desks and not enough front-line staff assisting the public when they needed it most—in times of crisis. The three clusters established by the previous Government just meant yet another layer of bureaucracy between the local health districts and the Department of Health. By removing this layer and devolving the majority of resources and staff to other parts of the public health system that are a higher priority we will see a much more effective use of public money. Removing this administrative layer of about 8,000 staff and devolving them to local health districts will mean more resources for front-line services, local decision-making by district board members and effective input by local clinicians. Regional New South Wales and centres like Port Macquarie will be winners in this restructuring by securing much-needed resources for hospitals and more resources for front-line services.

I also welcome the Minister for Health's announcement that a Deputy Director General will have key responsibility for supporting the planning and development of regional health services—this is a first and demonstrates the commitment of this side of the House to making real changes that will have real benefits for the delivery of health care in regional areas. In summary, the Balmain Hospital general practice service is not an emergency department. Patients presenting to the Balmain Hospital's general practice service during the night were declining in numbers and in fact on some nights there were no presentations. We have made a responsible decision to maintain the service in its current form to ensure the effective use of resources in our public hospitals. We will therefore oppose this motion.

**Dr ANDREW McDONALD** (Macquarie Fields) [12.58 p.m.]: Modern medical care needs to be safe and effective, and a good experience for patients. The Balmain Hospital does this very well. There is no night shift. I declare a vested interest: I am a former resident of Drummoyne in the Balmain Hospital catchment and I have some family in the area. I have family who have worked at Balmain Hospital. In a recent visit to Balmain Hospital I found the staff to be innovative and committed, and practicing high standards of care. I accept and sympathise with the views of the local residents because having a 24-hour emergency department is a comfort, but in 2011 the reality is that emergency care worldwide has changed forever. There is no going back. I accept that the decision to close the emergency department on the night shift was the right one for my family. I can only say to those who disagree with that decision that with my insider knowledge and experience: If it is good enough for my family I feel it should be good enough for theirs.

The model of a general practitioner emergency service with the ongoing engagement of local general practitioners is one that should be followed elsewhere. The model works well; it is safe, effective and delivers a good experience for those who visit. The question for anyone involved in health is how to ensure that this continues to be a safe, effective and good experience in the future. In this regard, the hospital moved the night nurse back on to the evening shift when demand is greatest, which means two nurses are present every shift 8 till 10 seven days a week. This increases the efficiency and throughput of the unit and reduces waiting times. It means that a nurse who previously on night shift saw fewer than five patients per shift now has a busy evening shift and the workload on the evening shift is acceptable for both nurses.

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

## **LEGISLATION REVIEW COMMITTEE**

### **Report: Legislation Review Digest No. 1/55**

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

**Mr STEPHEN BROMHEAD** (Myall Lakes) [1.00 p.m.]: I am pleased to speak to this take-note debate on the first Legislation Review Digest for the Fifty-fifth Parliament in my capacity as chair of the Legislation Review Committee. The committee, a joint committee established under the Legislation Review Act 1987, comprises eight members of the New South Wales Parliament—five Legislative Assembly members and

three Legislative Council members. The scrutiny of bills function was given to the committee in response to the Legislative Council's law and justice committee's inquiry into a New South Wales bill of rights. That function of the committee was established on 8 May 2003, prior to which it operated under the Regulation Review Committee under the Regulation Review Act 1987. The Standing Committee on Law and Justice had been concerned that a bill of rights may affect the independence of the judiciary and the supremacy of Parliament. It concluded that it was preferable that Parliament become a more effective guardian of human rights than handing over this role. It therefore recommended the establishment of a scrutiny of bills committee, stating its purpose as:

... to apply a systematic approach to the review of legislation at the time it is introduced, so as to alert the Parliament to possible breaches of individual rights and liberties, and provide an opportunity for Ministers to argue why they consider such breaches to be required.

The committee's functions are set out in section 8A of the Legislation Review Act. Its functions with respect to bills are to consider any bill introduced into Parliament and to report to both Houses of Parliament as to whether any such bill, by express words or otherwise, trespasses unduly on personal rights and liberties; or makes rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers; or makes rights, liberties or obligations unduly dependent upon non-reviewable decisions; or inappropriately delegates legislative powers; or insufficiently subjects the exercise of legislative power to parliamentary scrutiny.

Recognising that the subject matter of bills may be of urgency, section 8A (2) of the Legislation Review Act provides that the committee is not precluded from reporting on a bill because the bill has been passed by one House or both Houses or has become an Act. Legislation Review Digest No.1 contains a considerable number of reports on bills which fell within these categories. Each of the scrutiny criteria under section 8A requires the committee to make a value determination. For example, the question under section 8A (1) (b) (i) is not whether a bill trespasses on personal rights and liberties but whether it does so unduly. That is not always properly understood. A bill has to trespass unduly on personal rights and liberties. Some may argue that any legislation or regulation trespasses on personal rights, but the committee must consider whether the legislation trespasses unduly.

Whether the effects trespass unduly or are inappropriate or insufficient requires a political determination by the committee. However, experience elsewhere indicates that the success of the committee is largely dependent on its avoiding taking partisan positions. The five scrutiny criteria may be divided into two types: the scrutiny of how the bill could adversely affect personal rights and the scrutiny of how the bill affects the Parliament's legislative role or what has been called parliamentary propriety. There is no defined list of what comprises personal rights or liberties, inappropriate delegation or insufficient scrutiny. Some recognised rights, such as the right to silence, have longstanding traditions. Others, such as the right to privacy, are new to Australian law and are rapidly developing with changes to society and technology.

The steps the committee takes in discharging its bills scrutiny function are: to discover any provision in a bill which could raise concerns under the five scrutiny criteria; to identify the reasons and justifications for those provisions; to assess whether the committee considers the reasons to be sufficient and the provisions to be justified; and to report to Parliament noting any provisions of potential concern that the committee considers to be justified and bringing to the Parliament's attention any provisions of potential concern for which the committee has not been able to obtain sufficient explanation or that raise issues that the committee believes should be referred to the Parliament for its determination.

The committee held its first meeting on 23 June 2011, at which I was elected chair and Dr Geoff Lee, MP, the vice-chair. The other committee members are Mr Garry Edwards, MP, Mr John Flowers, MP, Ms Tania Mihailuk, MP, the Hon. Shaoquett Moselmane, MLC, the Hon. Dr Peter Phelps, MLC, and Mr David Shoebridge, MLC. A number of members had the opportunity to attend the biennial Scrutiny of Legislation Conference, which was hosted in Brisbane in July 2011 by the Queensland Parliament. The committee's purpose is to assist all members of Parliament to be aware of and make considered decisions on the rights and implications of legislation. The committee does not make specific recommendations on bills but identifies issues for the attention of all members of Parliament. The committee does not comment on government policy. By maintaining the link between the committee as author and members of Parliament as the reading public, the committee aims to ensure that the digest is most useful to the Parliament in raising awareness of human rights issues.

The committee also has a wide range of functions under section 9 of the Legislation Review Act. These are to consider all regulations while they are subject to disallowance by resolution of either or both Houses of



Parliament and to consider whether the special attention of Parliament should be drawn to any such regulation on any ground, including any of the following: that the regulation trespasses unduly on personal rights and liberties; that the regulation may have an adverse impact on the business community; that the regulation may not have been within the general objects of the legislation under which it was made; that the regulation may not accord with the spirit of the legislation under which it was made, even though it may have been legally made; that the objective of the regulation could have been achieved by alternative and more effective means; that the regulation duplicates, overlaps or conflicts with any other regulation or Act; that the form or intention of the regulation calls for elucidation; or that any of the other requirements of the Subordinate Legislation Act 1989 or of the guidelines and requirements in schedules 1 and 2 to that Act appear not to have been complied with to the extent that they were applicable in relation to the regulation.

The committee is to make such reports and recommendations to each House of Parliament as it thinks desirable as a result of its consideration of any such regulations, including reports, and set out its opinion that a regulation or portion of a regulation ought to be disallowed and the grounds on which it has formed that opinion. Similar to the provision made for bills, the committee is not precluded from exercising these functions in relation to a regulation after it has ceased to be subject to disallowance if while it is subject to disallowance the committee resolves to review and report to Parliament on the regulation. Further functions of the committee are: to initiate a systematic review of regulations, whether or not they are still subject to disallowance by either or both Houses of Parliament, based on the staged repeal of regulations, and to report to both Houses of Parliament in relation to the review from time to time; and to inquire into and report to both Houses of Parliament on any question in connection with regulations, whether or not they are still subject to disallowance by either or both Houses of Parliament, that is referred to it by a Minister of the Crown.

As with bills, the functions of the committee with respect to regulations do not include an examination of, inquiry into or report on a matter of government policy, except in so far as such an examination may be necessary to ascertain whether any regulations implement government policy, or the matter has been specifically referred to the committee under the Act by a Minister of the Crown. The committee did not report on any regulations in the first digest of the Fifty-fifth Parliament. However, I advise the House that the committee examined 242 regulations that had been made since Parliament rose in 2010 and did not find reason to draw any of these regulations to the attention of Parliament.

**Mr RICHARD AMERY** (Mount Druitt) [1.09 p.m.]: I do not intend to talk in any detail in this take-note debate or challenge anything that the chairman of the committee has put to the House. I congratulate the member for Myall Lakes on being elected as chair of the Legislation Review Committee, a position held previously by my neighbouring member Allan Shearan, who unfortunately lost the seat of Londonderry at the last election. I had many discussions with him in a number of meetings in relation to extensive advice sought by him and by members of the committee during his term of office. Of course, it is early days, and the member for Myall Lakes, the new chairman, would be aware that under the standing orders of this House during question time chairs of committees can be asked questions on matters that are before the committee or are being considered by the committee.

Looking at the list of legislation before the House in the digest I noticed the number of times that the committee says it makes no comment on the bill in respect of the issues raised. When I was Minister for Agriculture I recall coming into conflict with the chairs of the committee, even though they were from my own political party, who asked questions in relation to legislation that was before the Parliament. As a Minister in those days I was required to answer questions from the chairman, who I think was the member for Bankstown, Mr Doug Shedden, at that time. I encourage the new chairman in taking up his role to also ask questions of Ministers and of the Government in relation to bills that are before the House. I noticed in relation to the Firearms Legislation Amendment Bill that on page 44 of the digest the committee made no particular comment. In relation to a very controversial debate in this House the committee made an interesting recommendation, which reads:

The committee is always concerned where commencement of an Act is delegated to the Executive, once passed by the Legislature.

That is a common concern of the Legislation Review Committee and it always takes note of the fact when Parliament, for political reasons or otherwise, delegates various powers to the Executive away from elected officials. The digest referred to a comprehensive report on the graffiti legislation and the committee made a similar recommendation on that. It was interesting that a substantial debate took place in this Parliament on the Infrastructure NSW Bill and the committee made no comment on the bill with respect to the issues. Members

may be quite amused that in relation to the Library Amendment Bill 2011—which seemed to take up more words in debate than most libraries have in this State—the committee made no comment. I suspect that was because any comment that could possibly be made on the bill had already been made in this Chamber.

I conclude by making an observation on the presentation of the report, and I do not necessarily say this as a criticism. Members who were in the last Parliament will recall the yellow-cover reports that were in the House in large numbers every day. Members called upon to speak on legislation were able to easily pick up a Legislation Review Committee report and give details on the background of bills. The report is now to be circulated electronically. I note that the presentation of the report seems to have changed since the change of Government. This is not a major criticism but every time I came into the Parliament and went to my office in room 1018 over the last four years, and many years before that, there was always a copy of the Legislation Review Digest waiting for me.

Now that the digest is to be circulated differently continuing members will have to get used to that new mechanism. Having said that, I commend the member for Myall Lakes for bringing the report before the House and I congratulate him on his chairmanship of the committee. I also point out that, as the standing orders provide, where there are questions that the Legislation Review Committee can answer in relation to matters it is considering the Opposition will always reserve the right to ask the chairman a question at the appropriate time.

**ACTING-SPEAKER (Mr Gareth Ward):** I remind the member for Mt Druitt that copies of the reports are available at the table; they are just not yellow in colour.

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

**Report noted.**

#### **LEGISLATION REVIEW COMMITTEE**

##### **Report: Legislation Review Digest No. 2/55**

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

**Mr STEPHEN BROMHEAD** (Myall Lakes) [1.14 p.m.]: I am pleased to speak in this take-note debate on Legislation Review Digest No. 2 in the Fifty-fifth Parliament in my capacity as chair of the Legislation Review Committee. The committee had its first meeting in June. Parliament was prorogued in December of 2010 and there was a considerable amount of work that had to be done for all the regulations and other matters from then until Parliament commenced. Also, the Liberals and Nationals brought a substantial amount of legislation before this House in its first 100 days, so the first digest was very much a catch-up with all the passed legislation. I thank the member for Mount Druitt for his contribution to the take-note debate on Legislation Review Digest No. 1. I point out to him that the committee reported on 37 pieces of legislation and the committee made comments in the digest on 21 of them. The form of the comments was exactly the same as that used in the Fifty-fourth Parliament—we used the same historical way of expressing ourselves. We did no more and no less than what was the practice in the Fifty-fourth Parliament.

Legislation Review Digest No. 2 is still catching up with the work in the months when Parliament was disgracefully prorogued. In that period of time a substantial amount of legislation had to be dealt with, and much of that is contained in this digest. The style of the digest has changed insofar as the cover, but the substance within is exactly the same as it has always been. We made the change to the cover and the way the digest is circulated because the Government wants to cut costs and this is a way in which this committee can be more cost-effective in the way it delivers services. I know the member for Mount Druitt and others are keen to obtain everything they can by electronic means rather than having trees chopped down and causing problems in the environment. Having said that, I know that the staff and the members of the committee are always open to constructive suggestions on how we can do things better. We look forward to a detailed submission from the member for Mount Druitt.

I take this opportunity to thank the staff of the committee. I named the members of the committee in my remarks on Legislation Review Digest No. 1. I note that the member for Swansea is in the Chamber. He is a great local member. I thank the staff, Carly Sheen, Mel Keenan, Emma Wood and Leon Last, who do a phenomenal job. One can imagine the regulations and legislation that have come to this House between November last year and today. The staff have now caught up and each sitting week we will have a committee

meeting and a new digest will be printed. When we have back-to-back sitting weeks, as we have had—and there are more about to happen—that means a lot of hard work, but the staff do an excellent job and I commend them for their work.

**Mr RICHARD AMERY** (Mount Druitt) [1.20 p.m.]: I commend the new chairman of the Legislation Review Committee for presenting the report. Although I am not on the committee, I can endorse some of his comments in relation to the executive and staff of the committee. The people he referred to have also served on committees of which I have been a member and they should be complimented for the excellent job they do in putting forward a report and digest so quickly. In the aftermath of any election the member chosen to chair the Legislation Review Committee may be considered to have drawn the short straw. He or she has one of the busiest committees to work on. The Legislation Review Committee certainly has the most comprehensive agenda. Sometimes it has to get advice on bills and sometimes committee members have to put aside their political allegiances and make comments that might be taken as criticism in some quarters. The committee's job is certainly not an easy one.

I do not wish to take away from the evolution of technology and the way that we get our information; however, I note the comment made by the chairman in relation to the way reports are presented. I think he paid a compliment to his own Government by saying we have to cut costs, and he referred to cost cutting a couple of times more. It would appear that the publication of the committee's reports has been done on a lower budget. It was not the colour of the report that I was concerned about; it was the fact that the report and digest used to be circulated to all members of staff each sitting week. It formed part of the correspondence slipped under their doors and therefore members had ready access to it. Being a Whip, I was probably one of the first members to receive the digest. I went through the report earlier this week and found it most informative. My previous comment was merely an observation that the report is being distributed differently now, but no doubt we will get used to it.

I will not make any comment on the recommendations because I did so in my previous contribution. I do not wish to get involved in a political debate, although the member for Myall Lakes did try to bait me. I must not be in a biting mood today. But the member described the proroguing of Parliament in October or November last year as disgraceful. It in fact took place a couple of days before Christmas and was well canvassed by the media. I point out that it happened three weeks later than the last time the Liberal Government prorogued the Parliament, so I do not think the date of the proroguing is a big issue, despite the fact that legislation has been passed in relation to that matter since the newly-elected Government came into office.

I again compliment the chairman on the report. No doubt all members of the House will get used to the new format, but we will be carefully reading the comments made. We all hope that the contributions of the chairman and the committee about the bills under their review will be made in an objective fashion. That has been the trend of the committee over many years. The committee has not reviewed legislation in a partisan fashion. Although I have not detected partisanship in the two digests presented so far, it is something the chairman should always have on his mind: a digest presented to the Parliament should be an objective assessment of the legislation so that members get a nonpartisan summary of the bills before the House.

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

**Report noted.**

*[The Acting-Speaker (Mr Gareth Ward) left the chair at 1.24 p.m. The House resumed at 2.15 p.m.]*

#### **DISTINGUISHED VISITORS**

**The SPEAKER:** I acknowledge the presence in the gallery of Dr Alan Sexton, Senior Staff Specialist in the anaesthetic department at Westmead Hospital who has just returned from a humanitarian visit to Vietnam, guest of the member for Parramatta; Mr Les Taylor, AM, former general counsel of the Commonwealth Bank of Australia and a director of Arab Bank, guest of the member for Vacluse; and the Hon. Wendy Machin, President of the NRMA and former member of the New South Wales Legislative Assembly, guest of the member for Dubbo.

#### **QUESTION TIME**

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*[Question time commenced at 2.17 p.m.]*

#### **ORICA PLANT INCIDENT**

**Mr JOHN ROBERTSON:** My question is directed to the Premier. The Premier advised this House that his chief of staff was formally notified of the Orica leak on Thursday 11 August at 10.00 a.m. When was the Premier's office first informally advised?

**Mr BARRY O'FARRELL:** As I said in answer to a question earlier this week, my press office was contacted the night before—it is recorded in *Hansard*—about a possible story. That was the first time there was any suggestion about a story. The formal notification was the next morning.

### GRAFFITI

**Mr GLENN BROOKES:** My question is addressed to the Premier. What is the New South Wales Government doing to ensure community concern over graffiti is taken seriously?

**Mr BARRY O'FARRELL:** I did not hear the whole of the member's question because the microphone was not on but I heard the word "graffiti" and I know that the member for East Hills, as a former small businessman and local councillor, understands the scourge of graffiti across this city and this State. Last night in the Legislative Council The Greens, the Shooters and Fishers Party and the Labor Party engaged in irresponsible and reckless action in completely gutting the New South Wales Government's proposed new tough graffiti laws. Before I go into that, let us do some history.

We went into the election campaign with a policy of "You Spray, You Pay". It was not released in the last 33 days of the campaign, as the former member for Northern Tablelands—the current member's predecessor—would know; it was released in March 2010. We clearly went out and campaigned for a year, electorate by electorate, about the need for tough new policies. It had three main elements: one was to require juvenile graffiti offenders particularly to front up to a magistrate's court to impress upon them the seriousness of the crime. Secondly, it gave magistrates the power to extend the time graffiti offenders could spend on learner or provisional plates, or indeed delay the period before they could get their licence, to try to bring home that message. Thirdly, it required graffiti offenders to get out in the community and clean up their messes. I say again that we campaigned for a full 12 months in the lead-up to the March election and received extraordinarily positive community responses all the way through.

I remember being with candidates in the south-west of Sydney who became members of Parliament and campaigning on this issue with people like the member for Campbelltown, the member for Camden and the member for Wollondilly. There was strong support in local newspapers despite the opposition of the then Government to what we were proposing. There was strong support from the community and business and others that we met. There is no doubt that the 2.1 million people who supported us across the State on 26 March expected to have these tough laws. Now to last night: In the Legislative Council the Greens, the Shooters and Fishers Party and the Labor Party formed an unlikely coalition to remove the first two elements of that policy, which would have required graffiti vandals to front up in the magistrates court and which gave magistrates the power to extend the periods for which they are on L and P plates.

**Mrs Barbara Perry:** It is a bad policy.

**Mr BARRY O'FARRELL:** I hear the member for Auburn, normally a sensible member, say "a bad policy". But when it was debated in this Chamber and sent to the other House unamended the member for Auburn supported it. In the upper House last night, in an irresponsible and reckless act, the Labor Party, The Greens and the Shooters gave the green light to graffiti vandals to continue to deface other people's properties and cause those people to incur costs as they seek to clean it up. They have opposed the Government's attempts to strengthen graffiti laws across this State as we sought to stamp it out. It costs New South Wales \$100 million a year to deal with the scourge of graffiti. It costs RailCorp alone \$55 million in graffiti and vandalism across the railway system.

What is the Opposition's response? Its response is to state that we are being too tough. The response of The Greens—I hope it is not the response of the member for Balmain who is a former councillor and former mayor—is that it is art; leave it alone. Of course, the Shooters did not open their mouths. They did not say a word and simply voted against the proposals in what has to be one of the most unlikely coalitions that will ever be seen—The Greens and the Shooters sitting side by side in the upper House.

Every member on this side of the House—indeed, in that quadrant of the House—opposes graffiti. They want tougher graffiti laws. It is only those opposite, in concert with The Greens and the Shooters and Fishers Party in the upper House, who oppose efforts to crack down on graffiti. We are determined to hit graffiti vandals where it hurts. The Bureau of Crime Statistics and Research says that two-thirds of graffiti offenders identified by police are under the age of 18, and 50 per cent of them are males. What do most teenagers value? It is their licence and their ability to drive.

**Ms Cherie Burton:** What if they don't have a licence?

**Mr BARRY O'FARRELL:** The light has just turned on for those opposite. If they do not have the ability to drive and they continue to engage in graffiti vandalism, they may never be given an opportunity to drive. Those are the provisions that those opposite opposed last night. Labor, the Shooters and The Greens need to explain to the public why they are supporting graffiti vandals. They need to explain to the public why they oppose this legislation.

**Mr Michael Daley:** Point of order: A minute ago the Premier acknowledged that we supported the bill. Now he is saying that we opposed the bill. He is misleading the House.

**The SPEAKER:** Order! That is not a point of order. The member for Maroubra will resume his seat.

**Mr BARRY O'FARRELL:** I look forward to visiting Labor electorates over the next week to explain what Labor has done in the upper House.

**Mr GLENN BROOKES:** I ask that the Premier be given an extension of time to provide further information.

**The SPEAKER:** Order! The member has asked for further information. The Premier has an additional two minutes to provide that information.

**Mr BARRY O'FARRELL:** The point I want to make is simply this: What will the member for Toongabbie say to his constituents—those small business people in shopping centres across his electorate? What will the member for Keira say? What will the member for Wollongong say in her electorate—if she ever speaks in her electorate? The fact is that 2.1 million people voted for the New South Wales Liberals and The Nationals; they voted for change. This is an example of real change—toughening the State's graffiti laws, trying to tackle the problem that families, small businesses and government deal with on a daily basis and, in the past, on a bipartisan basis—that Opposition members tried to stamp out. Last night we set a new low: The Greens, the Shooters and the Labor Party voted to oppose tough new graffiti laws.

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

**Mr BARRY O'FARRELL:** They snubbed their noses at the electorate and the only reason they did so was because they could. At the last election about 28 per cent of voters voted for those three parties in the upper House. I am embarrassed to say that we secured about 50 per cent of the upper House vote. The decision to back the Liberal-Nationals on measures such as this was overwhelming. No wonder Labor is in trouble. No wonder under John Robertson it will do even worse than Julia Gillard will do at the next Federal election, if it continues to ignore local issues and it continues to dismiss issues such as graffiti—which is costing \$100 million a year—by describing it, as the member for Maroubra did, as a simple problem. Small-business operators have to ensure that they keep their doors open in order to employ people across the State. Day in and day out they battle this issue. Rotary groups and other voluntary groups use their own time to tackle the problem of graffiti. Last night in the upper House and today—

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

**Mr BARRY O'FARRELL:** —they have been slapped in the face by the Labor Party, The Greens and the Shooters, who do not understand the problem. The Labor Party, The Greens and the Shooters have never understood small business and they do not understand the distress and the cost graffiti causes to people across the State.

### ORICA PLANT INCIDENT

**Ms LINDA BURNEY:** My question is directed to the Minister for the Environment. Does the Minister accept the Westminster principle that she is responsible for major errors or failures committed within departments under her control and that she cannot blame others for the failings that occurred following the Orica leak?

**Mr Brad Hazzard:** Point of order: It is getting a bit tedious, but that question asked for an opinion, and that is against the standing orders. I ask you to rule the question out of order.

**The SPEAKER:** Order! I will allow the question. The member will resume his seat. I call the Minister for the Environment.

**Mr Brad Hazzard:** It is Standing Order 128.

**The SPEAKER:** Order! I am aware of Standing Order 128. I do not need advice from members in this Chamber. The Minister for the Environment has the call.

**Ms ROBYN PARKER:** What I do not accept are the failures of the former Labor Government and the legislation that we have to deal with and fix. I do not accept the way in which members opposite are frightening the people of Stockton and the way in which they are continuing to ask questions about this issue. We will fix the problem so that there is confidence in the regulator, so that the legislation is correct and so that the mistakes that those opposite failed to fix are rectified.

### **BUSINESS MIGRATION PROGRAM**

**Mr JONATHAN O'DEA:** My question is addressed to the Deputy Premier. How is the Government helping to create jobs to strengthen the New South Wales economy?

**Mr ANDREW STONER:** The member for Davidson clearly is concerned about the economy, jobs and investment in this State.

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

**Mr ANDREW STONER:** The Government has made no secret of the fact that its biggest priority is to grow the State's economy, to restore the State to its rightful place of number one in the nation in economic terms, and to make it the first place in which people want to do business. Part of our strategy is to seek more attractive, high-value businesses to our State—an area in which we have been underperforming for years under a complacent and lazy Labor Government. Today I am pleased to announce reforms to the Business Migration Program. Business migrants make an important contribution to the State's economy: they bring investment, skills and jobs to our State. New South Wales has been lagging in business migration and it is not getting a fair share of these business migrants due to the overly complex and bureaucratic process put in place by the former Labor Government. Effectively, that put in place barriers to business migrants and as a result this State did not get its fair share of the jobs and investment that those migrants would bring.

Unlike Labor, this Government welcomes business migration. We want the brightest and best businesspeople from around the world to live and work in New South Wales. The reforms to the New South Wales Business Migration Program I announced today include the removal of the requirement for pre-application visits on a 456 visa. This means that business migrants can undertake their business research visit on any visa. This ensures no disadvantage to any particular nationality. We are also removing the requirement for an onerous and lengthy business plan. Applicants will complete a five-page business commitment template, which will not be a discouragement.

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

**Mr ANDREW STONER:** This was the recommendation of a review that Labor commenced when it was in government. We will be conducting personal interviews of applicants to assess their genuineness and their business proposals, and provide them with the opportunity to ask questions and to make requests for any further assistance. Transitional arrangements will apply for two months for applications already in the system.

**The SPEAKER:** Order! The member for Mount Druitt will come to order. I call the member for Keira to order.

**Mr ANDREW STONER:** Whether it is payroll tax rebates, securing major events, new economic infrastructure, such as a convention centre for Sydney, simpler business regulation such as reforms to the Occupational Health and Safety Act, or improvements to our business migration system, this is a Government that is getting on with the job of fixing the State's economy and making New South Wales number one again.

### SOLAR BONUS SCHEME

**Mr JOHN ROBERTSON:** My question is directed to the Deputy Premier. Given revelations overnight that he did not pay for his solar panels until 28 October, will he now concede that he should not receive the 60¢ tariff and pay back the extra money he has received to date?

**Mr ANDREW STONER:** As I outlined to the House yesterday, in September last year, over a month before the then Government announced the closure of the Solar Bonus Scheme, my family sought to install solar panels. On 15 October 2010, almost two weeks before the then Government's announcement, I entered into an agreement with a local business to install solar panels on my residence. The installer did not request a deposit at this time. At the installer's request I then completed a Grid Connect form on 18 October 2010.

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

**Mr ANDREW STONER:** On 27 October 2010 I was contacted by the installer and asked for a deposit, which I made online that afternoon.

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

**Mr ANDREW STONER:** It has been reported today that my household was one of 237 contacted by that installer on that day regarding deposits.

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

**Mr ANDREW STONER:** The situation in which that installer and many others around the State found themselves was the direct result of the boom-and-bust mismanagement of the scheme by the former Labor Government. My bank statement and a receipt from the installer both show the date of the deposit as 27 October 2010.

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

**Mr ANDREW STONER:** The first time I became aware that the deposit may not have been received in the installer's bank account until the following day was when a journalist made that allegation in an email earlier this week.

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

**Mr ANDREW STONER:** The installer has confirmed in today's media that the payment was credited to his business account in the early hours of 28 October. Subsequently, I sought legal advice, which indicated that the date of payment by the purchaser is the legal date of a transaction, not the date the funds are cleared. I am advised further that for the purposes of the Electricity Supply (General Regulation) 2001 the applicable date for the scheme is the date on which I entered into a binding agreement with the installer. That is 15 October 2010. Once again the Leader of the Opposition is barking up the wrong tree. The one consistent thing about the old union bovver boy—

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

**Mr ANDREW STONER:** —is that he will never let a few facts get in the way of his mudslinging. Contrary to false claims by John Robertson, the man responsible for the mismanagement of the Solar Bonus Scheme, I did not rush to participate in the scheme and I did not leave Parliament to make the deposit. I was paired for one vote and there have been two press releases from the Leader of the Opposition since yesterday.

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

**Mr ANDREW STONER:** He should listen.

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

**Mr ANDREW STONER:** I was paired for one vote on 27 October. Why? It was requested by the former Labor Government. I reiterate that at no stage have I done anything wrong in relation to my household's

participation in the Solar Bonus Scheme. Unlike members of the then Labor Government, I had no insider information about the future of the scheme. If the Leader of the Opposition is calling for my household, which complied with all the requirements of the Solar Bonus Scheme well prior to its closure to drop to a 20¢ tariff, is he calling for the other 37,000 households in a similar position to do the same? Will he call on Tony Kelly and other members past and present of the former Labor Government who had inside information and accessed the Solar Bonus Scheme to drop to the lower tariff? I do not think he will. Once again, hypocrisy, thy name is Robertson.

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

## TRANSPORT POLICIES

**Mr BRUCE NOTLEY-SMITH:** My question is addressed to the Minister for Transport. What is the New South Wales Government doing to reform transport in New South Wales?

**Ms GLADYS BEREJIKLIAN:** I thank the member for his question and for his interest in public transport issues. As we know, on 26 March the voters of New South Wales made a decision. They decided to vote for a Liberal-Nationals Government. They voted in their droves to give Labor the boot. In all 93 seats there was a swing to the Liberals and The Nationals, and in three of those seats the swings were more than 30 per cent. Well done to the 30 per cent club. Our two-party preferred vote was 62 per cent in Sydney, more than 75 per cent in country New South Wales—well done—and in the traditional Labor heartlands of the Illawarra and the Hunter the result was more than 53 per cent, which is amazing. Make no mistake, the voters were sending a clear message that they wanted us to reform public transport.

They voted for us and for our plan to establish an integrated transport authority, about which we had been talking for more than three years since releasing our policy, "Towards One Network—The Need for an Integrated Transport Authority in NSW" in February 2008. That policy that the people of New South Wales endorsed at the March election said that the lack of an integrated transport authority meant there was inadequate coordination between modes of transport, resulting in poor services, lack of accountability in the delivery of major transport infrastructure projects and a failure to provide transport information to commuters.

**Mr Paul Lynch:** Point of order: My point of order refers to Standing Order 103 and Standing Order 104. Giving misinformation in an answer is a gross misuse of the forms of this House. Ministerial statements can be made at another time during ordinary business. Speakers Kelly and Ellis have sat Ministers down for doing this. Madam Speaker, you should do the same.

**The SPEAKER:** Order! That is not a point of order. The Minister has the call.

**Ms GLADYS BEREJIKLIAN:** We have been very clear about our plans for transport in New South Wales, and we have had many meetings with staff and unions about our plans. In fact, much of the feedback from staff has helped shape what would have been the final form of this new agency until the Opposition in the other place decided to ignore the crystal-clear wish of the people of New South Wales for us to transform public transport. Interestingly, when Unions NSW issued a media release about public service job levels a day after the bill we introduced became known, no mention was made of transport workers—not a mention—because those workers appreciated that what we proposed was fair for workers and critical for improving the lives of long-suffering commuters and motorists.

But the Labor Party—which clearly has not taken any lessons from 26 March—forced amendments to the bill, which means that not everyone in the new integrated transport authority, Transport for New South Wales, will be subject to the same conditions and entitlements. The public should know that the Opposition's harebrained changes are utterly illogical. The new award that will cover Transport for New South Wales will contain a no financial disadvantage clause, a safeguard that was enshrined in the legislation that went to the upper House. The Government wanted to avoid the bizarre situation the Opposition has created of staff coming into Transport for New South Wales being covered by seven different awards and agreements.

Labor's stubbornness means that we are stuck with a whole raft of anomalies, including staff doing the same job but working a different number of hours each week—some 35 hours and some 38 hours. Thanks to the Labor Party, staff who could have had their working week cut to 35 hours, will now work 38 hours. So much for the Labor Party supporting workers. Those workers will do three hours more each week than their colleagues doing the same job. They can thank the Labor Party for that anomaly. Happily, the new award that the



Government wanted to cover all employees will apply to new employees of the new agency. A very sensible and logical outcome would have had everybody on the same entitlements. Despite Labor's lies to the contrary—*[Time expired]*

**Mr BRUCE NOTLEY-SMITH:** I seek additional time for the Minister to provide further information.

**The SPEAKER:** Order! The Minister has an additional two minutes to provide further information.

**Ms GLADYS BEREJIKLIAN:** Despite Labor's lies to the contrary the conditions and entitlements of front-line transport workers—including train drivers, guards, bus drivers, ticket sellers, and cleaners—were never going to be affected by the establishment of Transport for New South Wales. Around 1,150 back office staff whose job it is to plan and deliver infrastructure, write timetables and develop policies and regulations will move into Transport for New South Wales. The Government understands the Opposition's embarrassment. For the first time they will work as one team across all modes. We make no apologies for doing what we always said we would do. In fact, back in 1995, Labor said it would do the same thing, but of course it never got around to it. I will quote what was said in 1995 by the former Director General of Transport and Director General of Premier and Cabinet under the former Labor Government, John Lee, now the Chief Executive Officer of the Transport and Tourism Forum, who labelled the move "strong and welcome". He said:

This is a positive move. The establishment of a new integrated transport authority will streamline delivery of transport services across New South Wales. We congratulate the Coalition Government on this achievement.

Aaron Gadiel of the Urban Taskforce said:

It's amazing that it has taken so many years to get to this point.

Like so many other things in transport, reform of planning and policy making was something Labor often promised, but never delivered. Sixteen years ago in the *Daily Telegraph* the former Labor Government stated:

Rail, bus and ferry services will be managed by a single authority under a plan to encourage commuters to use more public transport.

That was when Brian Langton was the Minister for Transport. The report continued:

The creation of the authority—the largest restructuring of the New South Wales public transport system for five years—fulfils an election promise to provide a more integrated and aggressively marketed transport system.

*[Time expired.]*

## SOLAR BONUS SCHEME

**Mr JOHN ROBERTSON:** My question is directed to the Deputy Premier. In light of revelations that his solar panel installer is a prominent member of The Nationals, will he table all documents relating to this matter to satisfy this House that he did not receive special treatment?

**Mr ANDREW STONER:** Once again no questions asked about policy and no questions asked about the issues that matter to the people of New South Wales. We would be waiting a long time if we were waiting for serious questions from the Opposition. I advise the House that I chose a local solar energy business, Harelec, because it was a reputable local company and because I know the proprietor.

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

**Mr ANDREW STONER:** I know the proprietor, Jamie Harrison, personally. I was aware that Mr Harrison was a member of The Nationals; however I was not aware of any donations he may have made to the party. Donations are properly a matter for the party organisation. At no stage did I suggest to Mr Harrison that he should do anything improper in relation to my household's participation in the solar bonus scheme.

## HARNESS RACING

**Mr JAI ROWELL:** My question is directed to the Minister for Hospitality and Racing. What is being done to ensure the integrity of harness racing in New South Wales?

**Mr GEORGE SOURIS** (Upper Hunter—Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts) [2.46 p.m.]: I thank the member for Wollondilly for his question, for his interest in harness racing and for his support for Menangle Park Paceway, which is located in his electorate. In recent weeks the integrity of harness racing in New South Wales has come under scrutiny. The allegations have been the subject of several news reports. Earlier this week on ABC television the *7.30 Report* ran an in-depth piece on allegations of race fixing and entrenched corruption within Harness Racing New South Wales. That report made serious allegations about the drugging of horses, and corrupt stewards, owners, trainers and drivers. It also canvassed the firebombing of the chief steward's car and other acts of intimidation. I assure the New South Wales public that I and my colleague the Minister for Police and Emergency Services are fully apprised of the ongoing two-track investigation by Harness Racing New South Wales and the police.

I have full confidence in both investigative tracks. The Minister for Police and Emergency Services and I are being constantly updated on the progress of these investigations. Last week I met with the Chief Executive Officer of Harness Racing New South Wales, Sam Nati, and Chairman Graeme Campbell to offer the Government's full support for their ongoing actions against these allegations. The management of integrity matters within harness racing is the responsibility of the controlling body, Harness Racing New South Wales, which also controls the administration and rules of the sport. I have offered my support to the current administrators, who are leaving no stone unturned in their quest to clean up the corruption in the industry—an industry that is worth hundreds of millions of dollars to the State economy and employs 29,000 people full time or part time across the State.

Harness Racing New South Wales can only administer the rules, and in that respect its powers are limited. The police investigation into the firebombing of Bill Cable's car and the alleged involvement of organised crime is ongoing. Both lines of investigation are proceeding, and the Minister for Police and Emergency Services and I are hopeful and confident that they will result in those responsible for any corrupt activities being brought to justice. The racing industry is far too important to the New South Wales economy to be compromised. Harness racing in New South Wales is a multimillion dollar industry. Its contribution to the New South Wales economy exceeds \$100 million per annum.

The industry has approximately 900 drivers and more than 1,000 trainers, the vast majority of whom are not only honest and decent people but also people who support every effort to keep the harness racing industry clean and corruption free. Already two harness racing stewards have been stood down and one owner has been warned off. I am advised that investigations are continuing. In the meantime Racing New South Wales, through its chief steward, Ray Murrihy, has offered the loan of some stewards to assist in the operation of harness racing in New South Wales, as has Mr Cameron George, the chief steward of racing in New Zealand. This is appreciated.

That is a clear indication of the determination of those involved in all racing codes to ensure the integrity of those codes. That determination is echoed by the New South Wales Government. The public and all other stakeholders must have total confidence in the integrity of the racing industry and confidence that it is being conducted properly without interference from unscrupulous and corrupt insiders and criminals. My colleague the Hon. Michael Gallagher and I share the resolve of authorities and law enforcement bodies in ensuring that harness racing in this State is beyond reproach and that all stakeholders can have confidence that every race is run and won on its merits without interference.

## SEWERAGE SERVICES

**Mr GREG PIPER:** My question is directed to the Treasurer, representing the Minister for Finance and Services. Acknowledging the Government's constrained upcoming budget, will the Government commit to addressing the backlog in sewerage for communities across New South Wales, particularly the 2,500 residents of Wyee in Lake Macquarie who have been disappointed by the indifference shown to their needs by successive previous Governments?

**Mr MIKE BAIRD:** In contrast to questions from the Opposition, the member for Lake Macquarie has asked a sensible and community-based question that reflects a deep understanding of his community. He is a good local member. I remember on election night the member's son looking on proudly as the member held onto his electorate, one of the most marginal in the State. He retained it because of hard work and an understanding of his community. His question is in contrast to questions from the Opposition. I cannot believe that today members opposite raised the Solar Bonus Scheme. The member for Toongabbie put it best: they have more front

than Woolworths. The scheme has a cost blowout of at least \$1 billion to taxpayers and they want to talk about it in the House. They have to be kidding. To top it off, they support graffiti. They love graffiti. That is something they can tell their kids about.

**Dr Andrew McDonald:** Point of order: I refer to Standing Order 129, relevance. The question was specifically about sewerage in the electorate of the member for Lake Macquarie. The Treasurer has not said anything in relation to the question.

**The SPEAKER:** Order! The Treasurer is about to answer the question. He is making introductory remarks, which is appropriate.

**Mr MIKE BAIRD:** The Government shares the concerns raised by the member for Lake Macquarie. The Office of Environment and Heritage has prepared an environmental assessment report prioritising areas based on risk to the environment or public health. I am advised by Hunter Water that Wyee is categorised as high priority. I also am advised that the Wyee area is located in a growth corridor between the expanding Warnervale area and Morisset.

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

**Mr MIKE BAIRD:** Unfortunately, an existing village of approximately 450 lots does not have reticulated sewerage services, thanks to Labor's ongoing mismanagement and lack of priority on community issues. This critical community issue was neglected by Labor.

**Mr John Robertson:** Are you going to fix it?

**Mr MIKE BAIRD:** That is a great question. The Government has already identified the problem and has taken action to rectify it. We made an election commitment to fast-track delivery of sewerage services in south-west and north-west Sydney to 2,900 houses across eight Sydney communities up to two years ahead of schedule. The plan will be achieved by doubling the subsidy paid to Sydney Water and revising the operating licence to mandate faster connection. We will clear most of Labor's sewerage backlog—although that remains to be seen. Some communities have been waiting for 40 to 50 years to have a sewer connected.

Lake Macquarie City Council has sought Hunter Water's assistance to prepare a submission for funding from the Federal Regional Development Fund. I can advise that Hunter Water will assist in this process. Should the council and/or the developer obtain funding from the Regional Development Fund for the lead-in infrastructure, Hunter Water will then act to develop a program with the New South Wales Government to provide reticulated sewerage services to Wyee under the Priority Sewerage Program. We look forward to working with the member for Lake Macquarie to address this critical issue.

## UNION DAY OF CHAOS

**Mr THOMAS GEORGE:** Is the Premier aware of statements about a union day of chaos?

**Mr BARRY O'FARRELL:** I thank the member for Lismore for his question. "Chaos" is not a word one thinks of in relation to the member for Lismore. As The Nationals Whip and Deputy-Speaker he is the opposite of chaos. When I saw headlines in the newspapers and heard on the airwaves a few weeks ago about a Labor day of chaos I remembered the last Labor day of chaos: 26 March 2011, when the member for Heffron made history. She is the leader who took Labor to its worst ever defeat. The only event that is likely to overshadow that disastrous record as Labor leader is when the Prime Minister has the guts to call a Federal election. Labor was decimated in the March election this year and is facing obliteration in the next Federal campaign because it is a party that never learns. It has not learnt the lessons of the election defeat. As the Deputy Premier has said a couple of times this week, Labor members have not asked any questions on basic issues. The member for Wollongong has not asked any questions on BlueScope Steel.

**The SPEAKER:** Order! The Premier does not need the assistance of Government members.

**Mr BARRY O'FARRELL:** Despite being smashed in the Hunter and Illawarra, they still have not got the message that people elected this Government to focus on the basics: growing the economy, improving services, and investing in infrastructure.

**Ms Carmel Tebbutt:** Point of order: I refer to Standing Order 129, relevance. The Premier was asked a question about the union day of chaos. He has not mentioned unions in his answer. I ask that the Premier be drawn back to the leave of the question.

**The SPEAKER:** Order! I heard the question. The Premier addressed the question early in his answer and is proceeding to answer it.

**Mr BARRY O'FARRELL:** I am coming back to it. The Opposition never seems to learn. The Government is determined to end the rorts and mismanagement, and to fix this State. We want to end those rorts that Labor presided over for 16 years. We want to not only make the New South Wales public service efficient but also ensure that the services it provides are more reliable. We want to start building the infrastructure that New South Wales so desperately needs and that those opposite neglected for so long. What is the response of the Opposition to our plans? What is the response of their mates in the union movement?

It is always important to remember that the Opposition is the parliamentary wing of the industrial arm of Labor. What is the response of the union movement? It wants to have a day of chaos. After this State has had 16 years of chaos, it wants to remind people six months on why they voted Labor out. It wants a day of chaos because it cannot stand that the people of New South Wales have elected a Government to bring Labor's chaos to an end and fix the problems across the State. The unions' response to our attempts to reform the public service is to walk off the job. Unions NSW is organising this walkout because of our wages policy.

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

**Mr BARRY O'FARRELL:** The excuse they are using is our wages policy, the very same wages policy that Labor put in place in 2007, but with one difference: We have the guts to implement the wages policy and we are prepared to stand up to the unions to ensure that the agreements they enter into are delivered upon. The unions also want to protest about the old unattached list. They want to keep in place the old system that kept people on the payroll, for up to 15 years in one case, when they did not have a permanent job. The Leader of the Opposition, a former union boss, supports this tactic. He supports the unions walking off the job so that public servants can obtain wage rises without productivity improvements.

**Mr John Robertson:** Point of order: At no point have those words passed my lips. I ask that you ask the Premier to withdraw those comments because I have never said that.

**The SPEAKER:** Order! Will the Premier withdraw his comments?

**Mr BARRY O'FARRELL:** Is the Leader of the Opposition suggesting he does not support the day of chaos?

**The SPEAKER:** Order! The Premier refuses to withdraw.

**Mr BARRY O'FARRELL:** It is no wonder that the Labor Party supports us.

**Mr THOMAS GEORGE:** Will the Premier provide additional information?

**The SPEAKER:** Order! The Premier has two minutes to provide additional information.

**Mr BARRY O'FARRELL:** The Leader of the Opposition supports individuals remaining on the payroll at a cost of \$10 million a year when they do not have a permanent job. It is no wonder that the Labor Party's lifelong supporters are starting to oppose it. Labor's favourite lobbyist, the campaign director for the member for Heffron—the man whose company made millions of dollars out of the taxpayers of New South Wales under the former Government—warned this week that Labor "runs the risk of becoming a third force in politics for the first time in a century". We should remember that the defeat of the member for Heffron was the worst in more than a century. Why did Mr Hawker say this? He said it because Labor was letting unionists run the show. Mr Hawker said:

Unless it can once again become a broadly appealing and inclusive party—

I am looking at the member for Wollongong—

the future will be grim. That means addressing the unprecedented power of the affiliated unions within the party. Their influence in the choice of candidates and policies must be reduced if membership is to grow and in doing so, appeal to a broader constituency.

That is Bruce Hawker speaking—a rusted-on Labor supporter, although not too rusted-on because he earned a lot of money out of the Labor Government. Yet what is the response of those opposite in New South Wales? They doff their caps to the unions' day of chaos. They are prepared to sacrifice the public of New South Wales to allow them to be reminded—I am grateful—of the close relationship between the union movement and those opposite that for 16 years saw a lack of improvement in services for people across this State, not because workers did not want it, not because residents did not want it, not because taxpayers did not deserve it but because their union masters would not allow them to do it. It is not just Craig Thomson who was a rotten union boss; so too is the Leader of the Opposition when he sits in this Chamber and defends this sort of stuff.

### MARK STANDEN INVESTIGATION

**Mr PAUL LYNCH:** My question is directed to the Attorney General. Given that in 2008 the Attorney General described the proposition that the Police Integrity Commission could investigate the New South Wales Crime Commission and retain public confidence as laughable, why will the Attorney General not support a judicial review into the Mark Standen affair?

**Mr GREG SMITH:** The Mark Standen affair continues because he has not been sentenced yet, but he has been convicted recently of the most heinous corruption. He has let down the police and investigators of this country and he has let down a very great agency that has done much for this State. The Wood royal commission owes much of its success to the work of the Crime Commission. The conviction of the criminal Phuong Ngo, who was responsible for killing a Labor member of Parliament, despite the background of rushed preselections thereafter when John Della Bosca called Reba Meagher in the next day to put in for the nomination—

**The SPEAKER:** Order! The member for Liverpool will come to order. The Attorney General is answering the question.

**Mr GREG SMITH:** We will have an appropriate inquiry into the Crime Commission. The former Government gave the monitoring role of the Crime Commission to the Police Integrity Commission, which is receiving and has received matters dealing with complaints against Mr Standen. The former Government decided that that was the appropriate body to investigate Standen and any allegations about people in the Crime Commission. We continue that confidence in the Police Integrity Commission. These organisations, particularly the Crime Commission, began to have problems because the former Government never instituted any proper monitoring. For years and years that organisation has not had an Inspector General. For years and years there has been no appropriate parliamentary committee. It suited the former Government to use the Crime Commission to gather money from criminals through its forfeiture provisions and to investigate matters, but the former Government was not aware of and did not care to know what was going on behind the scenes.

The former Government failed this State badly. The Crime Commission is a great organisation and will be again after the Government's review and after we organise proper monitoring of the commission and proper guidelines for it to follow. The Commissioner of the Crime Commission, Mr Bradley, has done a fine job in running the commission, but it should have been monitored just as any other commission is monitored. The member for Liverpool sits on the other side with a smug look on his face and makes constant comments. He has contributed nothing whatsoever to criminal justice or investigation in this State; nought to the public interest of this State. I thought he was going to ask me a question about Craig Thomson, one of his mates.

**Mr Paul Lynch:** He's not one of my mates.

**Mr GREG SMITH:** Oh, he's not one of your mates?

**Mr Paul Lynch:** You were in his faction.

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

**Mr GREG SMITH:** If we get the member for Liverpool some valium we might get some sense out of him. As I said, the Crime Commission is being properly investigated by a special commission of inquiry, which the Government has announced, and I am sure that members on the other side who might want to contribute to that inquiry can do so by way of submission. However, I am sure the member for Liverpool will not make any contribution because he has not done so for the past 20 or so years he has been in this House.

**Question time concluded at 3.06 p.m.**

## PETITIONS

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

### **Walsh Bay Precinct Public Transport**

Petition requesting improved bus services for the Walsh Bay precinct, and ferry services for the new wharf at pier 2/3, received from **Ms Clover Moore**.

### **Companion Animals Travel**

Petition requesting that companion animals be allowed to travel on all public transport, received from **Ms Clover Moore**.

### **Mental Health Services**

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

## PRINTING OF PAPERS

**Motion, by leave, by Mr Brad Hazzard agreed to:**

That the following papers be printed:

Report of the Pharmacy Board of New South Wales for the nine-month period ended 30 June 2010  
Report of the Official Community Visitor Scheme for the year ended 30 June 2010  
Report of the New South Wales Osteopaths Registration Board for the year ended 30 June 2010  
Report of the Optical Dispensers Licensing Board for the year ended 30 June 2010  
Report of the New South Wales Physiotherapists Registration Board for the year ended 30 June 2010  
Report of the Serious Offenders Review Council 2010

## BUSINESS OF THE HOUSE

### **Notices of Motions**

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

## PRIVATE MEMBERS' STATEMENTS

### **TRIBUTE TO FATHER GRAHAM KINGS**

**Mrs BARBARA PERRY** (Auburn) [3.16 p.m.]: I welcome this opportunity to place on the public record my great respect and regard for Father Kings as he marks his Golden Jubilee of service to the Catholic Church and our community at large. Father Kings was officially honoured by the Archbishop of Sydney, George Cardinal Pell, at the former St Patricks Seminary at Manly on Wednesday 20 July where Father Kings and other priests were praised for their devotion and service. The *Catholic Weekly* 31 July edition carried this story as its front page feature, together with the fact that the local community honoured Father Kings for his service. It is a privilege for me to do my part in honouring Father Kings today for the parliamentary record. I am immensely pleased that Father Kings has been able to be here in the gallery to join us, with John and Helen Le Mottee and Moya Lewis, our faithful parish secretary.

Fifty years is a long stretch by any measure. Yet in the case of Father Kings, the passing of time, however long it is, serves only as a dim reflection of how vast his achievements are and how great his impact has been on innumerable individuals, families and communities across this city and State. Anyone who chooses a life of service and selfless devotion to God and others is a hero in my book and worthy of notable honour and mention—Father Kings especially so. Born Graham Kings on 9 May 1936 and raised in Rozelle, Father Kings is a Sydney boy through and through who remains, as staunch as ever, a faithful and lifelong Balmain Tigers supporter. But sports are not his main passion.

At age 25 Father Kings felt a deep calling to give his life to the service of God and the Catholic Church, and was ordained at St Mary's Cathedral on 15 July 1961. That was a day destined to change his life and the lives

of innumerable parishioners and community members throughout the many dioceses he has served over the past 50 years. His love and devotion to God and others has taken him to parishes in Chatswood, Mona Vale, Maroubra, Collaroy, Gosford and finally to Berala, a suburb in my electorate, in August 1980, where he has been ever since. Father Kings is the second-longest serving priest at St Peter Chanel's and his 31 years of service to my community is worthy of separate recognition and special mention. His impact is not restricted to the lives of those he has counselled and nourished as parish priest, as great an achievement as that is in its own right.

Rather, his influence extends to such areas of significance as our health and educational system, where his initiatives and guidance have been instrumental in shaping and developing some of our most prized schools and hospitals. Father Kings advised on the board of St Joseph's Hospital in Auburn, which is a key and highly valued provider of rehabilitation, psychiatry for the aged, palliative care and outpatient services. The hospital is also renowned for its outstanding charitable spirit and deep and abiding compassion for the sick and vulnerable that is embodied in all staff, and attested to by its patients. Father Kings is also deeply appreciated and cherished by staff and residents at the aged nursing home Berala on the Park, where he visits frequently to administer the sacraments and nurture the elderly and frail.

Father Kings was one of the central players in the pioneering days of Trinity Catholic College, which established a campus in Regents Park for years 7 and 8 and a second campus in Auburn for years 9 to 12. Trinity College is a highly esteemed educational institution in my electorate. Its students are renowned for their exceptional academic performance, maturity and community-mindedness, and I am most proud of my association with them, their teachers and staff and their principal, Paul Fensom. Father Kings had a further impact on the educational sector as a prominent member of the Sydney Catholic Archdiocese High School Board. During his terms the guidance, insight and wisdom he brought were invaluable in helping the board manage and develop the entirety of the Catholic high school network.

Father Kings also made a notable contribution on the Site Committee of the Sydney Archdiocese, where his views helped guide important decisions regarding where to place churches and schools. Father Kings is an exceedingly loving, compassionate, wise, gracious and humble man. He has never sought earthly reward or honour nor have his love and service to our community ever known any bounds. Father Kings is a man most deserving of our respect, our goodwill and our gratitude, and I know that I speak for many people when I say this. It is my prayer and hope that he will receive all the blessings he deserves.

**The DEPUTY-SPEAKER (Mr Thomas George):** I join with the member for Auburn in congratulating Father Kings on his achievements over 50 years not only in the church but also in education. I am sure I speak on behalf of all members in the House in expressing the hope that God will continue to bless him in his work.

### **CRONULLA ELECTORATE SURF LIFESAVING CLUBS**

**Mr MARK SPEAKMAN** (Cronulla) [3.21 p.m.]: I have recently attended the annual general meetings of my four local surf lifesaving clubs, Cronulla, North Cronulla, Elouera and Wanda, and I draw the House's attention today to those clubs' invaluable work in the 2010-11 season. The clubs have from 900 to more than 1,400 members each showing the strong support for active lifestyles and community building in the Sutherland shire. Each club relies on the volunteer work of its members, from lifesavers to junior nippers competitions and social events off the beach. For example, North Cronulla Surf Life Saving Club logged over 12,900 hours of volunteer work on patrol in 2010-11 and is proud of its surf sports competition at local, regional, State, national and international levels—noting that its commitment to excellence is second only to the safety of visitors to the beach.

I am extremely happy to report that, through the diligence and vigilance of these volunteers, all four clubs recorded that no lives were lost while their lifesavers were on patrol in the 2010-11 season. That is a testament to the training, dedication and pride that these clubs maintain in their commitment to the beach community, visitors and locals alike. For this, I congratulate each club.

Despite being neighbours, each club upholds its separate identity. For example, Cronulla club prides itself on having a strong nippers community, where over 600 young people show their skills in beach competitions. The club's increasing use of social media has also helped it to connect with a wider base. Wanda is particularly proud of its 17-year-old member John Woods, who was recently the joint winner of the Junior Athlete of the Year award at the New South Wales Awards of Excellence night. North Cronulla associates itself with its distinctive blue and gold uniforms. Elouera notes an almost even split of male and female members.

Overall, the surf life saving culture in the shire promotes leadership and teamwork skills. Individuals are strongly encouraged to complete their Bronze Medallion or Surf Rescue Certificate to bolster patrol numbers, along with building skills in relevant areas including advanced resuscitation techniques, spinal management and advanced emergency care. The four clubs have successfully teamed up with Sutherland Shire Council to give junior members access to training with professional lifeguards through the inaugural Working Together Development Program.

The longevity of the clubs points to a strong and continued enthusiasm for surf lifesaving and the community that it creates. This year Wanda won the eighty-fifth annual Cronulla-Sutherland District Interclub Competition. The competition captures the spirit of teamwork, leadership, healthy living and outstanding efforts of all those involved with such an important facet of life in Cronulla. In conclusion, the character of lifesaving in my area can be summed up with a couple of lines from the surf lifesavers prayer:

May I never be disheartened by difficulties or discouraged by discipline. May the standard of my life be a help to those who look to me for an example.

### **PARKINSON'S UNITY WALK**

**Mr CLAYTON BARR** (Cessnock) [3.25 p.m.]: I rise to speak of a fantastic event to be staged this Sunday, the Parkinson's Disease Unity Walk. The unity walk is in its fourth year and is a major fundraiser for Parkinson's New South Wales. Moneys raised go toward research and investigation into Parkinson's disease. The target for the fundraising efforts this weekend is \$250,000.

Parkinson's disease is a movement disorder typically presenting with symptoms such as slowness of movement, muscle rigidity, instability and tremor. The condition was first described by Dr James Parkinson in England in 1817, but was being treated in India as long as 2,000 years ago. It is estimated that there are some 80,000 Australians living with Parkinson's disease and it is most commonly diagnosed in people between 50 and 60 years of age, but has afflicted a friend of mine in his forties. Parkinson's disease is considered the second most common progressive neurological disease, dementia being the most common. It is believed the incidence of Parkinson's could be as high as 1 in 100 people over the age of 65.

What triggers the disease is not known but it is understood that the neurones in a particular part of the brain are damaged or lost and as a result the production of an important brain chemical called dopamine is reduced. Dopamine is a chemical that assists in coordinating movement. There is no cure for Parkinson's disease but thanks to ongoing research there are various treatments and therapies that manage the symptoms and afford people many years of independent and productive living.

Some famous people have been afflicted with Parkinson's including Muhammad Ali, Michael J. Fox, Pope John Paul II and Don Chipp, but none is a bigger celebrity in Cessnock than a man by the name of Phil Papworth. Those members who were attentive during my inaugural speech will recall that Phil Papworth, or "Pappy", was a significant person who gave me a go at the earliest stage of my career path. At the time he was the principal of Mount View High School in Cessnock. Phil was principal at Mount View High School for eight years and was renowned for his willingness to seek out the best in students, fight for his staff and never be afraid to live life large and without embarrassment. It is because of this latter attribute that Pappy became famous for his skits, riddles, verses, songs and dances and his smile.

Pappy had spent life travelling the State as a teacher and then as an executive teacher, deputy principal and finally principal. He must have taught in dozens of communities and engaged with tens of thousands of students. Pappy would tell stories of the various students he had taught that had gone on to greatness, including a range of Australian cricket, soccer, rugby and rugby league players. Pappy would never tell those stories to skite or lay claim to their talents. No, his message for the young students at Mount View High School was always very simple: You can be anything and you can come from anywhere; all that you need is the dream and the drive. This important message is something that every student needs to hear time and again.

At some time after leaving teaching, or maybe towards the end, Pappy was diagnosed with Parkinson's disease. In the decade since his condition has continued to rein in his usual exuberance. This weekend it will be my absolute privilege to join current students from Mount View High School in the Parkinson's Unity Walk. I will have the esteemed pleasure of pushing Pappy along the four-kilometre path for this important fundraising event. Such is Phil's reputation and recognised contribution to Mount View High School that, nine years after



his departure, the school still supports him in this cause. Students that attend on Sunday, in their own time, under the watchful eye of teacher Karen Blandon, may not have been taught by Phil but I am sure that his name must still be whispered in the hallowed corridors of Mount View High School.

Pappy and I will talk and argue as we wander the course, but there is no doubt that I will finish the journey a little wiser. Phil will poke and prod and challenge my thoughts and opinions, push me to think outside the square and pull on the brakes when I go completely off the trail. Pappy will not offer me the world-according-to-Phil-Papworth version of things; he never does that. He has never seen his role as telling people what they should think. He sees his role as helping people to find what they think. Pappy still has a little bit of cheek left in him. As chair of the Coalfields Parkinson's Support Group he has taken great delight in naming its newsletter "Movers & Shakers". Phil Papworth is a short man with a rough head that was obviously packed into the front row of far too many rugby scrums—but he is a giant of a human being. It is my privilege and honour to be sharing my Sunday with him this week for Parkinson's Unity Walk.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I am sure all members of the House join with me in wishing you every success on Sunday—not only in the walk but in the time you share with a lot of wonderful people.

### NEW ZEALAND APPLE IMPORTS

**Mr DARYL MAGUIRE** (Wagga Wagga) [3.31 p.m.]: I draw to members' attention an article published in the *Land* on 25 August—yesterday. Its title is, "Rotten deal". It refers to the importation of New Zealand apples, which arrived within 72 hours of the green light being given. A number of members represent fruit-growing areas—Bathurst and Orange—and Wagga Wagga has the famous Batlow apples. Enormous concern was expressed when 110 boxes of New Zealand apples were in transit within 72 hours of the green light being given. Producers have asked, rightly: How did this come about? A process was to take place: protocols had to be adhered to. The question must be asked: How did the New Zealand growers know that the green light was going to be given and how were those apples inspected ready to be shipped 72 hours after the announcement?

This is a serious issue for apple growers. Anyone who knows anything about fire blight understands that it can be transmitted by the spores produced in the apple. It can be transmitted on the wind and through ornamental trees and plants. If fire blight were to get a hold in Australia, which is recognised throughout the world as one of the cleanest, greenest environments for the production of fruit and vegetables, terrible problems could be caused. One can understand the concern of growers such as John Robson, the Chairman of Batlow Apples, because the industry's future could be put at risk because of fire blight. Australia has World Trade Organization disease-free status. That is a badge producers in Australia wear with honour but want to protect.

Not a lot has been said about this, but apples being exported from New Zealand to Taiwan were halted for a period because of the discovery of codling moths in a Fuji apple. This was from a Hawkes Bay orchard and packing house, which was suspended from exporting apples until the end of the year. Already, within 72 hours of receiving the green light, we are receiving apples from New Zealand which are, I am reliably informed, only checked by people examining them visually. There are no scientific checks using microscopes: it is basically an inspection by individuals.

I put on record my absolute concern about this decision. Apple growers, particularly at Batlow, and Apple and Pear Australia Ltd have fought this decision hard. I have continually complained to the Federal Government that the process is flawed. One can understand why the front page of the *Land* has titled this article "Rotten deal". It is a rotten deal. It should concern all growers. It should concern those people who depend on the industry—the pickers, those involved in processing and the packing houses and so on. There is a real risk, as demonstrated by the fact that the Taiwanese halted exports from New Zealand because of the discovery of codling moth. As I said before, a Hawkes Bay orchard and packing house was also suspended from exporting apples until the end of the year. However, the Federal Government has made the decision to allow the import of these apples from New Zealand when other countries have seen fit to put a hold on any imports because of the danger of importing diseased fruit which would have terrible consequences for growers.

### TRIBUTE TO JACK AUBURN

**Mr PAUL TOOLE** (Bathurst—Parliamentary Secretary) [3.36 p.m.]: First I thank the House for granting me leave to attend a funeral in Bathurst yesterday. By being there I was able to celebrate the life of a

well-known identity in Bathurst, Jack Auburn. Jack was 90 years of age. He was probably one of the finest gentlemen in my electorate. I extend my condolences to his wife, Ruth, to his children, Warren and Dianne, their families, Ann-Maree and Colin, and their extended family and friends. Jack's life was an interesting one and he was outstandingly involved in the community.

He was a member of Rotary or a Rotary organisation for 49 years. During that time he had a 100 per cent record of attendance. It was only in his last year, on a couple of occasions, that he missed meetings because of his failing health. He was known as Mr Rotary because of his impeccable attendance at meetings. When he was sick and in hospital on a number of occasions he would check himself out of hospital, attend the Rotary meeting and then go back to the hospital and check himself in. Yesterday members of Rotary spoke about a person who always gave of his time. If there was a school visit he would be there. If there was a barbecue to be cooked at Bunnings he would be there. If there were raffle tickets to be sold he would be there.

He was a prominent businessman in the Bathurst area. He owned an auto parts business called Auburn Brothers. He was also a strong motor sports fan. When the first Bathurst classic race was held at Mount Panorama in 1962 he was there watching the famous race. He would be watching every year—whether at the mountain or at home in his lounge chair—taking a keen interest in the races. In March this year he was invited, along with many citizens, to celebrate his ninetieth birthday at the 12-hour event. He had a birthday cake and people sang happy birthday to him. He was very surprised because Craig Lowndes and Warren Luff came along and spent about half an hour speaking with him about some of his achievements as well as their achievements in the racing world.

He was Citizen of the Year in 1998. Due to the prominent work he had done in the electorate he was recognised by the council many years ago. In 1994 Jack Auburn saw there was a need to recognise the youth of the community. He introduced a 2BS Jack Auburn Young Citizen of the Year Award. This saw a young citizen nominated every month for their contribution to the community. At the end of the year there was a special celebration and on Australia Day the Young Citizen of the Year was named.

Jack would attend the ceremony and would have donated the trophy or plaque for the award. He also would have made sure that he spoke to the recipients, highlighting their achievements and encouraging the young of our community. One of Jack's favourite sayings was that he never saw it so good. He never complained, always had a positive outlook and always had the Bathurst community at heart. He has had a large influence on the lives of so many people in the Bathurst electorate, either through his business or personal relationships. The Bathurst electorate is only the better for having known such a great man.

### **TRIBUTE TO ERNEST EDWARD YALLOP**

### **TRIBUTE TO KEVIN MOSS, FORMER MEMBER FOR CANTERBURY**

**Ms LINDA BURNEY** (Canterbury) [3.41 p.m.]: I speak today about two significant members of the Canterbury community. First I speak about the sad passing of Mr Ernest Edward Yallop—fondly known as Ted Yallop—on Thursday 4 August, who left behind his devoted wife, Neta, loving family and many friends. His funeral was held on Wednesday 10 August at St Phillips Uniting Church in Campsie. I knew Ted well. He was a totally community-minded worker who did so much for the Canterbury community and beyond. I shall list a few of his achievements. Most recently Ted was President of the Canterbury City Community Centre in Lakemba. He set up the first and very successful Men's Shed at Canterbury Boys High School that has gone on to achieve great things. He supported aged care services over many years.

He was a member of the Georges River Uniting Church Presbytery Aged Care Board, a chaplain at Canterbury Hospital and he was treasurer of Campsie Uniting Church. He also set up a Drop-in Group at the church. In 2007 Ted won the Canterbury Senior Citizen of the Year Award, and in 1999 he received an OAM in recognition of his voluntary community contribution over many decades. I place on record my great respect for Ted and my enormous gratitude to him and his family. He will be very much missed. Many tears were shed, but there was also a great celebration of the life of Ted Yallop. He truly was one of nature's gentlemen. Rest in peace, Ted. Thank you for all you have done. You have left behind some big shoes to fill and a great legacy in the Canterbury area.

This year the former member for Canterbury, Kevin Moss, was awarded life membership of the Australian Labor Party. Kevin was elected as the member for Canterbury on 1 February 1986 on his fortieth birthday and remained in this place until February 2003. He served the electorate of Canterbury in this

Parliament for 17 years. Prior to his election he served as an alderman, deputy mayor and Mayor of Canterbury. During his last few years as the member for Canterbury he served as Parliamentary Secretary for Transport. Kevin joined the Labor Party in 1972. He was a true Labor man, serving the party with dignity, honour and enthusiasm over those years. His passion was evident and he is extremely proud of receiving life membership of the Australian Labor Party.

Since my election to this House in 2003 I have often called on his knowledge, expertise and wise counsel, which he gave freely on each occasion. Kevin can be depended upon to assist at the local branch level at Canterbury north branch and has helped me during my campaigns on every occasion. He has a wonderful sense of humour and an enormous love of life. He has lived his entire life in Canterbury. He is well known locally and enjoys the respect of all who know him. He has also witnessed firsthand the multicultural change in our area over decades and welcomes and supports this diversity. It is people like Kevin who deserve this life membership award as he has set the benchmark of loyalty, devotion and a willingness to give of himself for the benefit of the Australian Labor Party and for others to follow.

I thank Kevin Moss for all the considerable support he has given me, and for his camaraderie. I congratulate Kevin on this public acknowledgement of his life membership of the Labor Party. Life membership of the Australian Labor Party is awarded after enormous contribution and meeting stringent criteria, which Kevin Moss went beyond. He is a true Labor man. He gave me a wonderful start as the member for Canterbury and he continues to support me. These two men, Mr Kevin Moss and Mr Ted Yallop, have given their lives to working for the Canterbury electorate.

### WYEE SEWERAGE SERVICES

**Mr GREG PIPER** (Lake Macquarie) [3.46 p.m.]: I raise the inequity and growing burden on the people of Wyee who have been pleading for years to have a sewerage service provided to their properties. I note the reply to my question in the House today by the Treasurer and wish to add information attesting to the need for this infrastructure. Wyee is near the southern boundary of the city of Lake Macquarie and close to the centre of the Lake Macquarie electorate. With its centrally located railway station and ready access to main roads, Wyee has good access to the commercial and employment hubs of Morisset and Wyong. Wyee's population is around 2,338 and should exceed 2,500 when the current census is completed. The population will have nearly doubled from the 2001 figure of 1,487. Many people have found Wyee a good option, as property generally has been quite affordable. Unfortunately, for those on the effluent pump-out service, the real cost of living there is growing.

Wyee's desirability and its population have progressed, but access to basic services has not kept pace. It is an anachronism that, in 2011, residents still depend on a contractor to arrive in a truck and pump out the contents of a septic tank. It can be considered an accident of history that sewerage was not provided at Wyee and an indictment of the Hunter Water Corporation for not providing the service in the ensuing years. Management of sewage disposal has been left to Lake Macquarie City Council, but this should not be so. Hunter Water's area of responsibility can be traced back through the Hunter Water Act 1991, the Hunter Water Board Act 1998, the Hunter District Water, Sewerage and Drainage Act 1938, and the Hunter District Water Supply and Sewerage Act 1892. The second reading speech for the 1938 Act named the shire of Lake Macquarie as being covered by the Act and included the statement that:

... sewerage services will be conveyed to most of the centres which at the present time are not served.

Perhaps that was the proposal, but Wyee has been a glaring omission. Over the years Lake Macquarie City Council has attempted to address the problem by lobbying for sewerage infrastructure, and more recently sought funding from the Local Infrastructure Fund in 2009 and the Commonwealth's Housing Affordability Fund in 2010. Neither application was successful, but not because of merit. It had been hoped that Wyee's potential as recognised under the Lower Hunter Regional Strategy would be the impetus to resolve this problem. Development of around 1,000 residential lots on a large private landholding has been proposed by the Wyee Development Fund [WDF]. Hunter Water, under then Managing Director Kevin Young, had been working with council and the Wyee Development Fund to find a solution. I understand that a recommendation for funding was ready for Cabinet at the end of last year, but faltered when the Wyee Development Fund was unable to secure loan funds in the prevailing financial climate.

This was a blow for the people of Wyee, including those at Wyee west. This older subdivision is one of those notorious paper subdivisions so problematic for the provision of basics such as roads, power, water and

sewerage and drainage. A significant number of lots have been occupied and the lack of basic services raises many social issues. Providing sewerage in conjunction with the Wyee Development Fund would be the best chance to resolve that issue. While too many properties remain on a pump-out service, not enough provide an economy of scale to keep the cost close to what equivalent sewered properties pay for effluent removal. Council has sought to assist by cross-subsidising the pump-out service through the domestic waste service charge. A modest citywide charge of less than a dollar per property would provide some equity, but this was disallowed by the State Government.

We have been tantalizingly close to a resolution but this gives no relief to home owners doing it tough. Wyee's median household weekly income of \$879 is 13 per cent below the national figure, and the median weekly rent is 8 per cent above the national figure. Clearly, this community's households should not be paying an additional \$1,814 annually above their water rates for pump-out services while those on sewer pay less than \$700 for a better service. The lack of sewerage also impacts on businesses, which pay \$3.15 per 100 litres for removal.

Karen and Ian O'Connor, the proprietors of the Wyee Child Care Centre, are struggling with this cost and I am frustrated that I have not been able to find a way to assist them. It is difficult to reconcile why this responsibility lies with council when the area has a dedicated sewerage and water authority. If the Hunter Water Corporation had responsibility for managing these pump-out services I am sure that sewerage would have been provided many years ago. I call on the Government to address this issue by providing sewerage to Wyee and in the interim transferring responsibility for pump-out services across Lake Macquarie to the Hunter Water Corporation. I acknowledge also the response from the Treasurer in question time today and thank him for indicating to me that it is the Government's intention to try to resolve this issue.

### WORLD RALLY CHAMPIONSHIP

**Mr ANDREW FRASER** (Coffs Harbour—The Assistant-Speaker) [3.51 p.m.]: I draw to the attention of members the World Rally Championship round that will be held in Coffs Harbour from 8 to 11 September and I congratulate the local rally club; Michael Masi, chief executive officer of World Rally, Coffs Harbour; Andrew Papadopoulos, Australian President of the Confederation of Australian Motor Sport; and the FIA for having the foresight and commonsense to hold this rally in Coffs Harbour. Coffs Harbour has some of the best surfaced roads in Australia, if not the world. The business community and the public in Coffs Harbour support this World Rally Championship round.

Yesterday I read with dismay a notice of motion that was placed on the *Business Paper* in the Legislative Council by Dr John Kaye, which refers to the effect that the World Rally Championship super special stages will have on mutton birds on Mutton Bird Island in the Coffs Harbour Jetty area. I have had discussions with Desnee McCosker and others from the Jetty Dune Care Group, Coffs Harbour. The three-stage event that will be held over three nights has been designed to ensure that these mutton birds are not greatly disturbed. About 30 years ago, when I was a volunteer with Apex, Lyons and Rotary, we rebuilt the jetty foreshore area which everyone now loves to use.

Every day I am bemused by the statements being made by the Jetty Dune Care Group—which I commend for its work—about the magnificent littoral rainforest. I claim credit for planting that forest when nothing else was there. That littoral rainforest was planted by the service clubs and by me to make the area beautiful so it could be used for events such as this and for family barbecues and picnics at other times. Initially, Mutton Bird Island was cared for by the locals. Eventually the National Parks and Wildlife Service took over responsibility for its upkeep and erected a boardwalk for people to walk along and view migratory whales during the migratory season. I have not heard a whimper from Dr John Kaye about that issue.

**Mr Paul Toole:** He probably doesn't even know where Coffs is.

**Mr ANDREW FRASER:** He knows where it is; he has been there and he has caused trouble on several fronts. The Greens do not understand that the FIA has taken every precaution to ensure that no wildlife in the jetty area is unduly disturbed or affected by the World Rally Championship, which will be broadcast to 153 countries around the world. The member for Parramatta, who is a horticulturist and who has a great interest in vegetation, would know that the organisers have done their homework. Dr John Kaye claimed that there had been no community consultation when the community of Coffs Harbour has been consulted over the past six or seven months or more.

The Greens were invited to attend those consultations. One-on-one consultations were held at which assurances were given by Michael Masi and Martin Quinn, father of Nathan Quinn, a local hopeful who might win one of the three stages. The Greens try to beat the drum on every issue and they are scaremongering about a magnificent event that will bring an estimated \$18 million into the Coffs Harbour local community. The Greens are moving a motion in an attempt to shift the rally at this late stage. Dr John Kaye should come to Coffs Harbour, enjoy what will be a world-class event and stop muckraking. He should help us to ensure that this event goes ahead as planned and that it receives the prominence it so correctly deserves.

### **MARRICKVILLE ROTARY CLUB**

**Ms CARMEL TEBBUTT** (Marrickville) [3.56 p.m.]: I pay tribute to the good work of Marrickville Rotary Club. Recently I had the pleasure of attending the changeover dinner, a great night held at a local Greek restaurant. I pay tribute, in particular, to the immediate past president, the very hardworking Mr Geoff Clouting, who has had a successful and effective year, and the new president Emanuel Tsardoulis who is full of enthusiasm and excitement about his plans for the year ahead. Emanuel Tsardoulis is a councillor on Marrickville Council and has a great love for and an understanding of the communities of Marrickville and Dulwich Hill. He will make a great president. He joins a long list of very fine club presidents, including Mr Colin Mills who was the president in 1994-95 and who was also the former general manager of Marrickville Council at the time I was a councillor. He is a man of great integrity and compassion.

The other directors should also be recognised for their dedication and commitment, including Mr Tony Zahra, vice-president, who did a great job as emcee on the night; Mr Joseph Kitowicz, secretary; Mr Gilbert Mak, treasurer; Mr Joe Naayen, president elect; and board members Mr Abu Bangura, Mr Wayne Cook, Mr Aris Dendrinis, Mr Max Taylor and Mr Robert Taylor. Service clubs such as Rotary provide a great opportunity for networking and companionship. They also play an important role supporting those who are disadvantaged through their fundraising and in building community capacity. Marrickville Rotary is no different. In addition to the office bearers, I pay tribute also to the members of Marrickville Rotary, without whom the club would not be the success that it is.

Marrickville Rotary Club is now in its sixty-first year, and many organisations and individuals in Australia and internationally have been the beneficiaries of its good work and fundraising. In his very detailed report the outgoing president outlined some of the activities in which the club has been involved over the past year. The club has a particular focus on services to help children and young people, thanks to the tireless and active youth services leader, Aris Dendrinis. The club organised a trip for refugee children from Sierra Leone to the Blue Mountains and donated \$15,000 to the St George Special School towards a wheelchair capable bus, and \$7,800 to Sailability at Kogarah for a sailing dinghy. The club also contributed \$1,000 to the Salvation Army at Dulwich Hill in support of its youth programs. Many other organisations benefit from the Marrickville Rotary Club's fundraising efforts, including the Motor Neurone Association, Australian Rotary Health and the District Disaster Trust Fund to support those affected by the disastrous floods along the east coast.

Rotary Marrickville is particularly proud of its involvement in ShelterBox which provides unique support in a box to people affected by natural disasters in both Australia and overseas. The club has both purchased a shelter box and taken part in promotions for ShelterBox. Internationally, Marrickville Rotary has donated more than \$5,000 to establish a library at a school in Sierra Leone, raised \$4,000 for a scholarship for a talented student in rural Thailand and donated funds to supply school equipment in Tanzania and Kenya. I am sure the House will join me in congratulating Geoff Clouting, the outgoing president, and his wonderful wife, Margaret, for their outstanding efforts, and in wishing Emanuel Tsardoulis all the very best for his term ahead. He is very busy at the moment organising a major fundraiser for the Oncology Unit of the Sydney Eye Hospital on behalf of Rotary. Many people have cause to be grateful for the hard work and commitment of the members of the Marrickville Rotary Club and I thank them for all their efforts.

### **RANDWICK CITY COUNCIL BUSINESS AWARDS**

**Mr BRUCE NOTLEY-SMITH** (Coogee) [4.01 p.m.]: It gives me great pleasure today to commend the recipients of Randwick City Council Business Awards for 2011. The Liberal Party is the party of small business. The Coalition Government is the new government of small business. It is the lifeblood and the engine room of our economy. Hundreds of thousands, indeed millions, of people are employed by small businesses in our nation. If you drive down any main road in my electorate you will find a small business on almost every corner. I know a little bit about small business because my family, as far back as I can research—more than 150 years—has been in small business. My family started off in England as plumbers, farmers, electricians. My dad was a printer and I started a contract cleaning company.

For five generations we have all been self-employed, so I know a little bit about small business. People who run small businesses put everything on the line every day of their lives, they make great sacrifices and pour their all into serving their customers and their community. In this difficult climate, which will become even more difficult due to the Gillard Government's toxic carbon tax, we should recognise the hardworking small business people in our community. This, above all else, is what these awards are about. Our small business people are some of the hardest working in the community. They are often the sales team, the accounts department, the legal department, the human resources program, the chief executive officer, the information technology department and the receptionist all rolled into one person.

This year the Randwick City Council business awards received nearly 11,000 votes for local businesses, which was narrowed down to 149 finalists. The winners range from the Sweet Spot Patisserie in Randwick, known for its impeccably presented cakes and pastries to the Kingsford Bus Stop Newsagency, which supplies commuters with their newspapers and bus tickets every morning to Randwick Platinum Preschool, a fantastic preschool that is going from strength to strength. There is no better place to relax with a beer or wine than the historic Royal Hotel in the centre of Coogee, an establishment that has been going strong for more than 120 years. Just down the road is the Royal Randwick Fruit Market, which is renowned for its fresh produce.

**Mr John Sidoti:** What's his name?

**Mr BRUCE NOTLEY-SMITH:** Grace Guerrera is the name of the owner and proprietor. Move across to Clovelly and you can enjoy Out of the Blue's famed fish burgers and visit Bravo Boutique on Belmore Road, which supplies the fashionable women of Randwick with all their fashion needs. Speaking of beauty—we have some here on the Government benches—Creations for Beautiful Skin in Kensington pampers its clients with service second to none; New Outlook Fitness in Kensington keeps the constituents of Coogee fit and healthy; Touch-up Hair and Colour Specialists in Coogee will keep your fringe in order; and the Sydney Eye Specialist Centre makes sure Coogee residents can see our beautiful city without hindrance.

Travellers to Coogee can enjoy the award-winning facilities at Royal Randwick Racecourse, and local travellers heading off can use Anywhere Travel to satisfy their booking needs. There is the Sauce Bar and Grill on Coogee Beach—a fantastic restaurant. There are some big businesses as well: Westpac bank in Kingsford won an award this year, as did Amber Tiles in Kingsford for providing tiles to decorate our homes for years. If you are buying a house Ray White Clovelly-Coogee and Bondi Junction will help you, and if you need your house rewired think Brian Geraghty Electrical in Coogee. All the businesses I have just mentioned are winners in their categories of Randwick City Council business awards for 2011. I had the pleasure of attending the awards ceremony and congratulating them on the night.

#### **FATHER ATANASIO GONELLI CHARITABLE FUND**

##### **EASTS LEAGUES CLUB FUNDRAISING EVENT**

**Mr JOHN SIDOTI** (Drummoyne) [4.06 p.m.]: It gives me great pleasure to speak of the official launch of the Father Atanasio Gonelli Charitable Fund, which will take place on Thursday 8 September at the Le Montage function venue in Leichhardt. The Italian community of New South Wales has been privileged to have Father Atanasio Gonelli as their spiritual leader since his arrival in Sydney in 1949. Father Atanasio was born in 1923 in the small village of Cattognano, Italy. He entered the order of the Capuchin Friars in 1940. During World War II Father Atanasio served as a chaplain in hospitals and provided assistance to the wounded and the infirm. In 1949, he came to Australia as a volunteer and began his studies amongst the Italian migrants settling in Sydney.

As a young Capuchin friar he began by providing Italian migrants with housing assistance, helping them to find work, visiting those who were in hospital and attending to the Italian community's spiritual needs. The work Father Atanasio Gonelli commenced in 1949 continues. The records of St Fiacre's Church in Catherine Street, Leichhardt, where Father Atanasio has served as a chaplain for 61 years, indicate that thousands of Italian Australians have been baptised and married by Father Atanasio. By establishing the Father Atanasio Gonelli Charitable Fund, the Italian Australian community of New South Wales intends to acknowledge the caring, compassionate and spiritual leadership that Father Atanasio has provided the Italian Australian community over the past 61 years and to continue his legacy.

Father Atanasio has been a great ambassador for the Italian community across Sydney. You only have to attend any Italian-related function in New South Wales and more times than not you will find that Father

Atanasio is in attendance. His work is unparalleled and his efforts tireless. I encourage the entire community at large to get behind a person that has given so much to a community and support this wonderful organisation. I congratulate in advance the Chairman of this committee, Mr Felice Montrone, who has put a lot of work and effort into this organisation. I know it is going to be a huge success. I believe a number of invitations have gone out to dignitaries, including the Premier.

I take this opportunity to talk about an event I attended last night at the Eastern Suburbs Leagues Club. The function was in aid of a young gentleman, 39 years old, who suffers from motor neurone disease. I am a keen Roosters supporter, and via a website called the "chook pen" members of the club can communicate and tell other members of problems and forthcoming functions. This young man—who has been a Roosters supporter for a long time—told of his battle with motor neurone disease. Consequently a function was organised yesterday evening. It was a successful function, and it was fully attended. The master of ceremonies for the evening was Tim Webster and the auctioneer was Mr Ray Hadley.

It was such a fantastic night and I witnessed something that I thought was extra special. When I arrived at the club after the conclusion of Parliament a couple dining at the club noticed the function, came to the door and said, "Can we attend? We are happy to pay for the tickets". They were told, "Unfortunately it is sold out and you cannot come in". A person inside the function heard this and came to the door and said, "We have paid for a table of 10, but there are only eight people. They can sit on our table". They did not want to eat anything. They sat down and bought \$250 worth of raffle tickets and they won the car. But it gets better: They donated the car to the man suffering from motor neurone disease. It is such a fantastic story.

To be honest, I was not aware of all the problems associated with motor neurone disease, but it is a really saddening illness. It is with great sadness that this morning I attended the funeral of a member of our community whom I have known for many, many years, Connie Lopresti. She and her husband, Tony, operated a milk-vending machine for a number of years. Her funeral was held at All Hallows Church. She was loved by her community. My condolences go out to her husband, Tony, her children, her brother, Joe, her sister and the entire family. It is a big loss to the community. Our hearts are with you, Connie. We wish Tony all the very best.

### GLEBE PATHWAYS PROJECT

**Mr JAMIE PARKER** (Balmain) [4.11 p.m.]: I speak about a project that is very close to my heart—a project that has had great success in changing the lives of young people in my electorate of Balmain. Last week I met with some of the dedicated staff of Glebe Youth Centre, including youth worker Keiran Kevans. I have been aware of the excellent work that the Glebe Youth Centre has been doing for a great deal of time and have taken a particular interest in its involvement in the Glebe Pathways Project, which is a community-based learning program. The development and maintenance of different parts of the program is a collaborative undertaking that is shared among the partners. The partners include Sydney Secondary College, Glebe Youth Service, the University of Sydney Faculty of Education and Social Work, TAFE Outreach, Big Picture Education Australia, Glebe Public School and the City of Sydney.

This project is an alternative for students who for a range of different reasons have difficulty succeeding in the broader high school environment. Often these students come from a relatively small primary school and have trouble with the transition to high school, where they find themselves in large classes with little personal attention. This project provides a genuine and effective alternative for students, incorporating a holistic approach to learning that recognises the importance of an individualised approach to education. The students involved in the program were previously not attending school, work or any other form of training. Now they are responsive, engaged, and curious; they are exploring their creativity, and learning and communicating about their cultural heritage in particular. I note that the majority of the students are Indigenous students and that they have a fantastic commitment to their culture and heritage. They have been greatly affected by this project.

Initiatives such as the Glebe Pathways Project provide great benefits not only to the students and their families but also to the local community and broader society, giving these young people constructive and positive educational uses of their time. This initiative provides fair access to the many benefits that education can achieve. It recognises that diversity in our students, like diversity in our communities, must be met with innovative, creative and holistic responses. Every young person deserves the many opportunities that education offers; however, many are denied this because they do not fit within a certain mould. The aim of the project is to reconnect these young people with a successful learning pathway that may lead back to formal schooling, a traineeship or apprenticeship, employment, or university.

This initiative is not simply about good intentions; it is about genuine outcomes and success in re-engaging young people with education and the many opportunities that follow. Recently, the University of Sydney completed a review of the project. The results have been very impressive. This type of evidence-based reviewing of educational outcomes is critical to indicate to government where the education dollar should be invested. A number of community organisations and local businesses have also developed relationships with the program, engaging with the students on a variety of levels. Students have attended workshops and activities. In a recently released evaluation of the program that I mentioned, a parent of a student who had previously not been attending school, said:

I'm very happy with pathways. My son has been to lots of schools but none treated him with the respect that he gets at Glebe. I have seen a big change in him since he started—mood changes. He used to come home from school angry and fight with his sister. He's calm now, he's settled—happier.

This project has created many success stories—re-engaging and inspiring young people and creating new and positive connections throughout the community. The review undertaken by the University of Sydney confirmed its effectiveness, not only qualitatively but also from the point of view of quantitative indicators. Experienced educators and academics have worked to design the project and ensure it is embedded within an Indigenous cultural framework. This program has changed the lives of these young people—who were not previously attending school. I draw particular attention to the work of Ms Doreen Wilson, the Principal of Balmain Secondary College—an excellent public school with three campuses in my electorate.

This program is creating valuable connections within the community. Ms Wilson speaks of the great joy she experiences when interacting with the parents of kids who were previously what some might have called difficult students. Now, instead of contacting parents in order to suspend their children from school, she is having conversations with their parents over cups of tea and discussing their children's progress and enjoyment of learning. It is a wonderful and inspiring example of the holistic approach to teaching and learning. I congratulate each of the organisations involved in this project on the success of this innovative and creative program. In particular I thank Doreen Wilson, Principal of Balmain Secondary College, all of the staff working on the project, and all of the organisations that have made such a great contribution.

I recently raised this project with the Minister for Aboriginal Affairs, the member for Ryde, indicating that the project is rightly instilling pride and confidence in these young Indigenous people. It is the type of project that the Government needs to look at because of its independent verification and the evidence that demonstrates how effective it is. I will take this matter up with the Minister for Education, whom I encourage to demonstrate practical, innovate, evidence-based projects that make a real difference in the lives of young people in our community. Again, I thank all those involved in the project. Congratulations to the students, both past and present, for their excellent work. I look forward to many more years of this project continuing successfully.

**Private members' statements concluded.**

**The House adjourned, pursuant to standing and sessional orders, at 4.16 p.m. until  
Tuesday 6 September 2011 at 12 noon.**

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