

LEGISLATIVE ASSEMBLY

Wednesday 19 October 2011

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

The Speaker read the Prayer and acknowledgement of country.

LOCAL GOVERNMENT AMENDMENT (ROADSIDE VEHICLE SALES) BILL 2011

STATE REVENUE LEGISLATION AMENDMENT BILL 2011

UNIVERSITIES GOVERNING BODIES BILL 2011

Messages received from the Legislative Council returning the bills without amendment.

SPORTING VENUES AUTHORITIES AMENDMENT (VENUES NSW) BILL 2011

Bill received from the Legislative Council and introduced.

Agreement in Principle

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [10.04 a.m.]: I move:

That this bill be now agreed to in principle.

The Sporting Venues Authorities Amendment (Venues NSW) Bill 2011 was introduced in the other place on 11 October 2011 in the same form as it has been introduced in this House today. The second reading speech on the bill in the other place appears at pages 10 to 12 in the *Hansard* galley for that day. 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 later hour.

BUSINESS OF THE HOUSE

Order of Business

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [10.04 a.m.]: I have kept members informed as the legislative program proceeds. In that regard I appreciate the strong support from the member for Liverpool. I indicated earlier this week that it may be necessary for the Legislative Assembly to sit on Friday. I can indicate to members who are concerned about other commitments that it is now not necessary to sit on Friday. It may be necessary, depending on the way matters proceed today and tomorrow, to sit later tonight and tomorrow night but I do not anticipate it will be for a lengthy period. I am hopeful that the House will not sit late at all. I will report to the House later today progress in this regard.

For the information of members, today the House will deal first with the Liquor Amendment (3 Strikes) Bill (No 2) 2011. I informed Opposition members yesterday that this bill would be dealt with today so that they are prepared as far as possible. I now anticipate that members will have more time to deal with this bill than my original estimation. The House will be able to deal with the bill until approximately 12.15 p.m. today, depending on the number of members who wish to speak on it. Thereafter the House will deal with the Children Legislation Amendment (Child Death Review Team) Bill 2011. I anticipate that debate on that bill will conclude prior to the House adjourning for lunch. This afternoon, at which time the House would usually deal with general business, if there are no bills we may commence Government business at 4.00 p.m. However, that will

depend on circumstances. I anticipate that at some stage between 4.00 p.m. and 6.00 p.m. the House will deal with the Statute Law (Miscellaneous Provisions) Bill 2011. I encourage members to be prepared for debates in that order. If the order changes, I will report back to the House.

AUDITOR-GENERAL'S REPORT

The Clerk announced, pursuant to section 63C of the Public Finance and Audit Act 1983, the receipt of a performance audit report of the Auditor-General entitled "Improving Road Safety: Young Drivers—Roads and Traffic Authority of NSW", dated October 2011, received 19 October 2011.

LIQUOR AMENDMENT (3 STRIKES) BILL 2011 (NO 2)

Agreement in Principle

Debate resumed from 18 October 2011.

Mr PAUL LYNCH (Liverpool) [10.07 a.m.]: I lead in this place on the Liquor Amendment (3 Strikes) Bill 2011 (No 2). The shadow Minister who has responsibility for this bill is the Hon. Steve Whan, who is in the other place. The bill was introduced yesterday and we are proceeding under the enabling Act, suspension of standing orders having been moved a couple of days ago. The shadow Minister was briefed yesterday at 1.00 p.m. To suggest that that gives the Opposition time for proper consideration is, of course, preposterous. The Government has the respect for democratic process of Parliament of the Long Parliament and the style of the Barebones Parliament. Clearly, we will not oppose the bill in this place but we reserve our position in the other place to consider it further.

The object of the bill is to introduce a three strikes disciplinary system for licences in respect of premises in which multiple breaches of the Act have occurred. Within a short space of seven months of this Parliament the bill has had a fascinating history. The legislation was promised within the first 100 days of the new Government. The rushing of the original bill was, to put it bluntly, an absolute disaster. The original Liquor Amendment (3 Strikes) Bill proposed serious penalties that could have been imposed for unproven allegations and had a number of major flaws, not the least of which was that it was a fundamental denial of natural justice. It was drafted in haste and introduced at the time without informing the Parliament that it was intended to be put out for consultation. That strikes me as an ex post facto justification. It is claimed that the industry was told, but the Parliament was not. The Opposition, legal experts and the industry all raised concerns about the initial bill. Indeed, a media release issued by the Hon. Steve Whan on 11 August states:

The O'Farrell Government should withdraw the deeply flawed Three Strikes legislation it has introduced to the NSW Parliament in a rush to pretend it had met the Premier's 100 Day Plan promise ...

In the Premier's rush to bring the Three Strikes legislation to Parliament to meet his 100 Day Plan deadline, he has produced a Bill which quite simply denies justice.

The bill was indeed discharged yesterday, indicating that the shadow Minister's call has been heeded by the Minister. When the Government initially refused to withdraw the bill, the Opposition suggested that it move a number of amendments to introduce some rationality and justice. I am pleased to note that this new version of the bill picks up many of the Opposition's amendments. In that regard, it begins to approach a decent piece of Labor legislation and it follows that the Opposition supports some aspects of it. We welcome the fact that the new bill provides that an offence must be proven. However, that raises the fundamental issue of whom the strike is against. As the Opposition understands it, in the case of a hotel the strike is recorded against the premises rather than the licensee.

The obvious question is whether it attaches to the licensee and whether the licensee can move on. I note the Minister's comment; it would be helpful if he would put that on the record. The process in this bill for dealing with three strikes is different from the process in the original bill. The first strike is determined by conviction for a serious offence. That strike is automatic and it is administered by either the police or the Casino, Liquor and Gaming Control Authority—which title was changed yesterday in legislation. The second strike, which is discretionary, is administered by the Director General of the Department of Trade and Investment, Regional Infrastructure and Services. The third strike, which is also discretionary, is administered by the Casino, Liquor and Gaming Control Authority.

The bill provides that the licensee/manager can make a submission with regard to a discretionary strike, and the business premises owner can also make a submission on the second and third strikes. That allows

transparency for owners and operators to appeal against alleged acts. This was denied to them in the original bill. That is obviously a significant improvement. Appeals against strikes issued by the Director General of the Department of Trade and Investment, Regional Infrastructure and Services will be dealt with by the Casino, Liquor and Gaming Control Authority, and reviews of decisions made by the authority will be dealt with by the Administrative Decisions Tribunal. That allows for a degree of transparency and provides some balance in the decision process.

After a first strike is issued, the Director General of the Department of Trade and Investment, Regional Infrastructure and Services can determine the particular restrictions to be imposed, such as requiring the licensee to develop a plan of management or an incident register, a prohibition on the use of glass and breakable plastic containers and/or engagement of dedicated staff to promote responsible service of alcohol. If a further strike is issued, further conditions can be imposed, such as a prohibition on serving alcohol prior to the venue closure and/or a reduction in trading hours before 10.00 a.m. or after 11.00 p.m. The conditions will depend on the severity of the strike.

The bill creates a list of serious offences against which the authorities will determine whether a strike will be incurred. They include permitting intoxication on licensed premises, the licensee/approved manager selling or supplying alcohol to a minor, the licensee/approved manager not complying with a direction issued by the director general to a licensee or staff member and so on. The bill requires a register to be provided to interested persons where a venue has incurred a strike. One issue that arises from that is whether the register will be available to the public or only to the industry. The Minister has made an indication about that and I would appreciate it if he would also put that on the record. The Opposition's concern is that if it is not made available to the public a prospective purchaser might not be aware of it.

The notice of a proposed second or third strike is to be provided to interested parties and recorded on licence records, and a condition can require a licensee to notify business and premises owners of strikes. That is also an improvement on the original bill. The bill has also been improved by providing that if an appeal is lodged against a discretionary decision, there will be an automatic stay. In addition, a strike will not be incurred until there is a conviction for an offence. The strike will commence from the offence date and will last for three years, whereupon it will be automatically extinguished. Once again, that is an improvement on the original bill. As I indicated, subject to reserving its position in the upper House, the Opposition does not oppose the passage of this bill in this place.

Mr CHRIS PATTERSON (Camden) [10.17 a.m.]: I support the Liquor Amendment (3 Strikes) Bill 2011 (No 2). New South Wales has more than 14,000 licensed premises and the majority of them have not been and are not associated with serious breaches of the liquor laws. However, I believe that this bill will have a deterrent effect on problem licensees who repeatedly offend. This policy aims to improve compliance within the Liquor Act. The Government wants licensees to be held accountable for the protection of their patrons and their community. Alcohol-related violence and antisocial behaviour will always be a problem when licensees repeatedly refuse to abide by the law. The provisions of the bill will apply to any restaurant, bottle shop, pub, club, nightclub or venue that holds a liquor licence. Any venue will be on notice that this Government is out to curb alcohol-related crime. The Premier and the Coalition Government have taken an extremely tough stance on alcohol-related and antisocial behaviour.

After extensive community and stakeholder consultation, the Government is now introducing a revised three-strikes scheme to Parliament. Industry concerns have been addressed while still targeting rogue licensees and repeat offenders. This legislation will be reviewed after four years to determine whether the policy is valid and whether it is appropriate given the policy objectives. The revised scheme is based on the previous bill, but with a number of important changes. Strikes may now be incurred only where there is a conviction for a serious offence, including payment of a penalty infringement notice. The 10 most serious offences under the Liquor Act are defined under the scheme. I will not detail them today because they are in the bill and they can be identified as needed.

A new offence is included in the scheme requiring licensees to comply with a notice restricting or prohibiting an activity that encourages misuse or abuse of alcohol. A strike can be incurred following a conviction for a single serious offence. The strike will commence retrospectively from the offence date when a conviction is recorded and it will last for three years. A first strike is automatic, with second and third strikes being discretionary based on the seriousness of any harm resulting from the offence. For a further conviction to result in a second or third strike, the offence must occur within three years of the imposition of the first strike, with any conditions imposed being reasonable given the behaviour that led to the strike.

Trading hours following a second strike can be restricted before 10.00 a.m. and after 11.00 p.m. and conditions prohibiting liquor sales prior to closure can also be imposed. Notice of a second or third strike will be provided to all persons recorded on licence records. Excluding registered clubs, at the third strike a licence can be suspended for 12 months or cancelled, a prohibition can be placed on the granting of a licence to the same business operators at the premises for 12 months, the licensee can be disqualified and conditions can be imposed on the licence. In relation to registered clubs, secretary/managers can be disqualified, any or all club directors can be dismissed, licence conditions can be imposed and/or an external person can be appointed to manage the club.

The decision-maker for conditions following a first or second strike will continue to be the Director General of the Department of Trade and Investment, Regional Infrastructure and Services, whilst the third strike decision maker will be the Casino, Liquor and Gaming Control Authority. The Casino, Liquor and Gaming Control Authority will be able to review decisions made by the Director General of the Department of Trade and Investment, Regional Infrastructure and Services. A number of factors must be taken into account by decision makers, including venue size, capacity, change of business practices, compliance, incident history and submissions from police and the New South Wales Bureau of Crime Statistics and Research. Consultation and input from a number of affected stakeholders will come into the determination and that will be by far the fairest way to determine ongoing strikes.

As a result of a first strike, conditions that can be imposed include a requirement for an incident register or a plan of management, the use of unbreakable plastic only, and the engagement of staff solely to promote responsible service of alcohol. Following a second strike, conditions that can be imposed include restrictions to trading hours and patron admittance times, a prohibition on the conduct of types of entertainment, a requirement to stop service of alcohol prior to closure of the venue, drink restrictions on high-alcohol content drinks and rapid consumption drinks, additional security measures, requirements that members of the governing body of a registered club undergo training, and restrictions on who may be appointed as manager of the premises. It can be seen that a number of practical measures can be imposed on licensed premises to ensure good community outcomes, good safety outcomes and good social outcomes.

The bill is fair and provides for due process and reviews. Licensees must be given 21 days to make a submission before a decision is made that could lead to a strike or conditions being imposed. An application for the review of a decision can also be made within 21 days of a discretionary decision. Having been in the industry myself for twenty-odd years, knowing how hard licensees work to provide a safe and responsible venue, knowing the time, money and energy spent on ensuring responsible service of alcohol, the security of patrons and being considerate of neighbours and the extended community, I know that responsible licensees will think that it is about time that this necessary legislation was introduced.

At 2.00 p.m. last Monday my mother and father retired after being in the same hotel in Camden for 27 years. They told me that they were busier on their first day of retirement than they had ever been in their 27 years in the hotel. I am not sure that that was the case. This bill demonstrates clearly just how our Government is tackling alcohol-related crime. The Government is already reinforcing the individual's responsibility when drinking alcohol through expanded move-on powers for police, the introduction of the offence of intoxicated and disorderly conduct, and the trial of sobering-up centres. Through the Liquor Amendment (3 Strikes) Bill 2011 (No 2) the Coalition Government is targeting licensed venues that are refusing to abide by the law and are fuelling alcohol-related violence and antisocial behaviour through their failure to serve alcohol responsibly.

I have spoken to a number of people about this bill. I single out Adam Zarth, the fresh-faced adviser to the health Minister, who said to me this morning that the bill enabled him, his wife and friends to go out and feel safe in licensed premises once more. Where there was a doubt in the past about safety there will now be surety. It is very uplifting to have people like the fresh-faced adviser come to me and say that. The member for Liverpool mentioned that this bill was promised in the first 100 days of the Government. I make no apologies, I am sure the Minister makes no apologies and certainly this Government makes no apologies for engaging in extensive community consultation to ensure that we get this bill right. Good government is about bringing good legislation to the Parliament.

Unfortunately, during the time of the former Government we saw far too often those on the other side rushing legislation through that later needed to be amended or reviewed. The Government's intention is to get this right the first time. The legislation will be in place for a long time, so that ensuring that the community benefits from good legislation and good policy will be a far better outcome. I commend the Minister for his hard

work. I know that considerable time and effort has gone into this legislation by the Minister and his staff. As a person who has been in this industry, and from talking to people in the industry, I know that this proposed legislation is very welcome. I make the point that 99 per cent of operators in the industry are good operators in both hotels and clubs. This legislation is about saying to those in the industry who are not good operators that enough is enough.

Mr George Souris: That's the point.

Mr CHRIS PATTERSON: It is the point: Enough is enough, and this Government takes this matter seriously. People should be able to go out and enjoy themselves and not feel that alcohol-related violence will impact on their evening. I commend the bill to the House.

Mr JAI ROWELL (Wollondilly) [10.26 a.m.]: The Liquor Amendment (3 Strikes) Bill 2011 (No 2) is an important piece of legislation because it has the ability to impact directly on the safety of our families, friends and loved ones—and safety is of the highest priority. The bill will help to prevent alcohol-induced violence and antisocial behaviour and will work to minimise any adverse effect that drinking to excess may have. The bill features a number of inclusions from the original bill that was introduced earlier this year as a draft; however, a number of areas have been revised after an extensive consultation period with key stakeholders.

The Government is committed to delivering our election commitments while ensuring that adequate consultation has been undertaken. In that light, we are now proposing to introduce a revised three strikes scheme via this bill. The scheme will address industry concerns while maintaining a robust system designed to target rogue licensees and repeat offenders. In my electorate of Wollondilly there are a number of establishments that residents, young and old, can visit for a social drink or a meal, or simply to socialise with friends. For the most part, patrons are happy to abide by the regulations set down by the establishment and abide by the law. However, at times situations can arise that require a system to deal with those who do not wish to abide by the law. Such a system is the intention of this bill. The legislation is not intended to hinder or disadvantage establishments but to ensure that the protection of patrons and the general public remains the highest concern.

The Liberal-Nationals Government is sending a strong message to rogue operators that they have no place in the New South Wales liquor industry. The Government is determined to ensure that our liquor licensing regime is not undermined and that alcohol is served and supplied responsibly and in line with community expectations. Through a series of targeted enforcement operations and new policy initiatives the Government is ensuring that those who break or attempt to undermine our liquor laws suffer the consequences. The centrepiece of our tough stance against alcohol-related violence and antisocial behaviour is the Government's comprehensive Three Strikes and You're Out policy, targeting rogue licensees who repeatedly break liquor laws. The scheme encompassed in the bill simplifies the policy and sends a clear message to rogue licensees: If you commit three serious offences and incur three strikes, you can lose your licence. This policy delivers the ultimate sanction to rogue licensees who repeatedly put the safety of patrons and the broader community at risk—loss of licence and disqualification from the industry.

The community should not have to tolerate licensees repeatedly committing serious liquor offences that lead to violence, antisocial behaviour and neighbourhood disturbance. This scheme will ensure that these types of venues face severe penalties if they do not reduce intoxication and violence and improve management and compliance standards. At the same time, the Government has carefully considered issues that were raised by industry and stakeholders about the scheme in order to ensure that it is robust but fair. The three-strikes policy delivers severe penalties when there is repeated non-compliance with the liquor laws. It is vital that the scheme operates fairly and effectively to deliver maximum benefits to communities, without undue impact on responsible licensees. Strikes can be imposed when the licensee or approved manager of a licensed venue is convicted of one of a range of serious offences under the Liquor Act.

The offences that are prescribed in the bill include permitting intoxication on licensed premises; permitting indecent, violent or quarrelsome conduct on licensed premises; selling or supplying alcohol to an intoxicated person or a minor; allowing alcohol to be sold or supplied to a minor on licensed premises; permitting the use or sale of substances which a licensee or manager suspects are illicit drugs; not complying with a direction issued by the director general to a licensee or staff member; selling or supplying alcohol outside of authorised trading hours; non-compliance with a closure order issued under the Liquor Act to prevent or reduce a significant risk to the public interest where there are serious breaches of the Act; and a breach of key liquor licence conditions applying to violent venues listed in schedule 4 to the Liquor Act or conditions imposed on a venue that has incurred three strikes. The defendant for these offences must be the licensee or the approved manager.

The first strike is automatically imposed upon conviction for an offence and is active for three years. A second and third strike can be imposed upon further convictions for these offences within the three-year period. When imposing strikes, venue size and capacity, change of licensee and business practices, compliance and incident history, and crime statistics will need to be taken into account. Submissions from police, the New South Wales Office of Liquor, Gaming and Racing, the NSW Bureau of Crime Statistics and Research, the licensee and business and premises owners will also need to be taken into account by decision-makers. A third strike can result in licence suspension or cancellation, disqualification of a licensee, and a 12-month moratorium on a new liquor licence being granted for the venue.

In the case of a registered club, a third strike can result in disqualification of a club secretary, dismissal of any or all of the club directors, and the appointment of an administrator. To provide an escalating response, conditions can be imposed on licensed venues in response to the behaviour that led to strikes being incurred. The bill allows for the imposition of the following conditions and restrictions as a result of a first strike: a requirement for a plan of management or an incident register; a prohibition on the use of glass and breakable plastic containers; engagement of dedicated staff to promote responsible service of alcohol; notification to persons that the strike has been incurred; and, in the case of a club licence, requiring members of the governing body of the club to undergo training.

The following conditions and restrictions can be imposed following a second strike: additional security measures; drink restrictions targeting high-strength and rapid-consumption drinks; lockouts, where patrons cannot be admitted after a certain hour; a requirement to cease serving alcohol prior to venue closure; a prohibition on the conduct of types of entertainment; a requirement that members of the governing body of a registered club undergo training; restrictions on who may be appointed as manager of the premises; and reductions to trading hours before 10.00 a.m. or after 11.00 p.m. Importantly, licensed venues will be able to request reviews of decisions made by the Director General of NSW Trade and Investment by the Casino, Liquor and Gaming Control Authority. A decision made by the authority can be reviewed by the Administrative Decisions Tribunal.

While they may seem complex, these changes will help to promote a more harmonious environment that balances regulation with measures designed to increase safety for patrons. It is important that we get the balance right. The Government does not want to burden business and industry with red tape like those opposite. However, the safety of our sons and daughters, brothers and sisters and other family members must remain a priority and the three-strikes bill will help in that regard. It is important to get the balance right because many licensed establishments in the Wollondilly and surrounding areas are very generous when it comes to community and charitable donations. I know that many are proud to support charities such as the Society 389 Charity Club and the Right Start Foundation. The family of Mr Chris Patterson, my good friend and the member for Camden, ran a local establishment and was generous in donating to the local community.

This bill is another sign that the Government is dedicated to delivering on its election promises, that it values consultation with key stakeholders and that it is actively working towards a better New South Wales. The New South Wales Government will continue to take decisive action to reduce alcohol-related antisocial behaviour and violence by targeting irresponsible licensees, as well as protecting the integrity of our liquor laws. I commend Mr George Souris for his dedication to the industry and for the amount of consultation that has gone into this process over the past six or seven months. I note that those opposite complained about the fact that the Government said it would introduce this legislation in its first 100 days in office. It is important for us to get the legislation right so that the safety of the industry is protected and we can get on with doing the job. I commend the Minister and I commend the bill to the House.

Mr MARK COURE (Oatley) [10.35 a.m.]: I support the Liquor Amendment (3 Strikes) Bill 2011 (No 2). The "three strikes and you are out" policy complements other measures introduced by the Liberal-Nationals to tackle alcohol problems in the community by reinforcing the need for personal responsibility. Alcohol-related violence and antisocial behaviour are significant concerns for the community and the Coalition Government intends to do something about the problem. That is why it is implementing a series of election commitments to tackle the irresponsible service and consumption of alcohol which results in neighbourhood disturbance, offensive behaviour, vandalism, assaults and other violent incidents. The New South Wales Government is sending a clear message that a culture permitting excessive consumption of alcohol, under-age drinking, violence and antisocial behaviour is unacceptable.

People are entitled to enjoy a night out without fear of having their evening ruined by drunken and violent hooligans. That is why the Liberal-Nationals have introduced the offence of intoxicated and disorderly

conduct and strengthened police move-on powers. This has provided police with further tools to give a measured but escalating response to intoxicated and disorderly conduct. Police can now issue move-on directions to individuals and prosecute should the offending behaviour continue in any public place. Intoxicated individuals who continue to engage in disorderly conduct in any public place after being given a move-on direction will be committing an offence. Police are now actively enforcing these powers which are designed to target individuals determined to drink to excess and who then ignore reasonable directions to go home before trouble starts, particularly in our entertainment precincts.

Enforcement operations by the Office of Liquor, Gaming and Racing and the New South Wales Police Force are also targeting rogue operators and ensuring that alcohol is not sold and supplied irresponsibly. In the lead-up to Schoolies Week, authorities have launched a crackdown on minors with fake identification in pubs and clubs in six police local area commands, in particular, beachside areas. The Juvenile Drinking Initiative is being rolled out in the Hunter Valley, Newcastle City, Lake Macquarie, Tuggerah Lakes, Brisbane Water and the Tweed-Byron local area commands. Inspectors from the Office of Liquor, Gaming and Racing and licensing and general duties police are conducting high-visibility inspections of licensed venues, sweeping for minors and checking identification. Officers are also ensuring that venue security officers are conducting proper checks at entry points to keep out minors and to catch anyone attempting to use a fake identification.

The operation is in response to teenagers bragging on social media sites such as Facebook and Twitter about using fake identification to get into licensed venues and to consume alcohol. While most venues do the right thing, clearly some are slipping through the cracks and this operation is targeting high-risk venues to stop minors getting into pubs and clubs or accessing alcohol through bottle shops. An emerging trend has been identified where teenagers are bypassing fake identification for borrowed identification from a relative or friend, if they have a similar appearance. This operation is catching out these people. In Newcastle police recently caught a 17-year-old girl inside a hotel with borrowed identification while another hotel stopped at the door three minors who were attempting to use other people's identification.

The message is clear: Any underage person caught unlawfully inside a licensed venue or buying alcohol will face a fine of up to \$2,200. Underage persons may even have to spend an additional six months on their provisional licence if caught using fake identification. Licensees who allow underage drinkers on their premises face a maximum penalty of \$11,000 and up to 12 months in jail. The Office of Liquor, Gaming and Racing is also targeting rogue operators attempting to bypass or undermine the liquor laws. Unlicensed alcohol operators using social media sites such as Facebook or Twitter to advertise 24-hour home delivery of alcohol have been targeted. Under New South Wales liquor laws the sale of liquor without a licence is illegal, with a maximum penalty of \$11,000 and up to 12 months imprisonment. A small number of operators were attempting to exploit the limited exemptions that exist for legitimate gift delivery businesses. Investigations found that they were not delivering gifts—they were simply delivering alcohol with a packet of chips or popcorn in the early hours of the morning.

A series of operations involving inspectors and police resulted in enforcement action against two operators—the Blind Pig, which the Minister mentioned in question time, and the Beer Baron—for the alleged unlicensed sale of alcohol and associated offences. This included the issuing of nearly \$5,000 in fines, court prosecution and the seizure of a delivery vehicle and a substantial amount of liquor. The Government also introduced legislation into the Parliament on 17 October that will strengthen the law relating to vendors who include liquor as a part of a gift. The new laws require vendors to market a genuine gift service, package the gift in such a way that the recipient would assume it to be a genuine gift, and limit delivery hours to between 7.00 a.m. and 7.00 p.m. This sends a clear message to those who take advantage of the gift seller exemption under the liquor laws that they must be genuine businesses selling gifts that are delivered to third persons and not to the person who has purchased the gifts.

At the same time the Office of Liquor, Gaming and Racing and police have targeted unlicensed wholesale businesses. In September authorities seized an estimated \$20,000 worth of beer, wine and spirits, as well as business records, from an unlicensed warehouse in Wetherill Park. It was alleged that liquor was being sold without a licence by a business operating from the warehouse to clubs, hotels and other businesses. The Office of Liquor, Gaming and Racing and police will continue to crack down on these unlicensed operations which increase the risk of alcohol being supplied irresponsibly and falling into the hands of minors. The sale of liquor is subject to a strict licensing regime to minimise the harm associated with alcohol abuse and protect the public.

The New South Wales Government is determined to protect the integrity of the industry, which is why it took decisive action earlier this year to stop the Kensington, an unlicensed venue in Newcastle, from using a

caterer's licence effectively to operate a nightclub. A statutory condition was imposed on the authorisation used by licensed caterers to sell liquor on premises other than their own permanent licensed premises. Now licensed caterers cannot sell or supply alcohol on premises which have been refused a liquor licence or extended trading hours in the previous two years. The New South Wales Government will continue to take decisive action to reduce alcohol-related antisocial behaviour and violence by targeting irresponsible individuals as well as protecting the integrity of our liquor laws. I commend the motion and I support the bill.

Mr BRUCE NOTLEY-SMITH (Coogee) [10.43 a.m.]: I support the Liquor Amendment (3 Strikes) Bill 2011 (No 2). Alcohol-related violence and antisocial behaviour are major concerns for people all over New South Wales. It has been of particular concern to the residents of Coogee for many years. More than 40 per cent of violent crime is alcohol related. This type of crime is often quite visible and confronting and can affect the lives of innocent people—as we have seen in my electorate over the past few years. During the election campaign we promised that a Liberal Government would introduce a range of initiatives to punish licensed venues that repeatedly flout the law and cause disruption to the neighbourhood. The community has given us a clear message that it has had enough of alcohol-related crime. This Government is honouring its election commitment by implementing these tough new laws.

Not all licensed premises have a problem with drunken, violent patrons and not all venues breach liquor laws. Very few of the 14,000 licensed establishments in this State are notorious for violence or overt intoxication. This policy targets venues that are associated with this unacceptable activity: the venues that repeatedly break the law under the Liquor Act. As I said before, there is no more effective way to control the management of a rogue venue than the real possibility of it losing its licence. The Government will tackle this problem head-on by applying tough sanctions to rogue licensees and problem venues.

The prescribed offences in the new policy are disturbingly common. They include a licensee permitting violent conduct, selling alcohol to a minor, allowing the sale and the use of illicit drugs or breaching key liquor licence conditions. Under this policy, venues that receive a conviction for a serious offence will incur a first strike against their licence. Repeated non-compliance with liquor laws will result in further strikes. A third strike will have a severe impact on the business of any licensed premises. It will serve as a deterrent to venues and put them on notice to clean up their act. The director general will be given some discretion in this process in the event that impropriety is suspected. Importantly, this bill espouses responsibility. It highlights the fact that licensees have a responsibility to take action to prevent circumstances that lead to violent conduct by their patrons. They have a responsibility to their patrons and the community and they have a responsibility to abide by the law. This is also a fair policy. It targets only the guilty—those who consistently flout the law. It deals with the problems of alcohol-fuelled violence at the source by taking dodgy owners and managers out of the industry.

As I said earlier, people in my electorate have put up with this type of behaviour for years. Drunken, antisocial behaviour, low-level crime and vandalism of private property and public infrastructure are often committed by people outside my electorate but this has seriously affected the lives of the people who live there. I am encouraged by some of the provisions in the bill which provide that a strike can be incurred following a conviction for a single serious offence rather than multiple offences as was previously proposed—so this legislation is even tougher. Trading hours following a second strike can be restricted before 10.00 a.m. and after 11.00 p.m., which is consistent with existing disturbance complaints within the Act. Following a second strike, conditions prohibiting liquor sales prior to closure may be imposed. Available options at the third-strike stage include licence suspension for up to 12 months, licence cancellation, prevention of a licence being granted to the same business operators at the premises for up to 12 months, disqualification of a licence, or the imposition of licence conditions. These are tough measures.

In the past few years residents in the Bondi Junction area formed a residents group with a view to cracking down on alcohol-fuelled antisocial behaviour. I have met with these residents before and I will meet with them again in a couple of weeks. Some improvement has been made but we still have a long way to go. This issue has been on the agenda of the Coogee Precinct Committee year in and year out. In 2004, when I became Deputy Mayor of Randwick, I began to attend the Liquor Accord meetings. I was surprised by the attitude of some of the licensees who seemed to believe that they were not in any way responsible for the antisocial, violent and drunken behaviour that was taking place in Coogee.

They attributed the violent and drunken behaviour to underage drinking—I do not know where the kids got the booze from—and that at 3.00 a.m. kids as young as 10 or 12 years were running amuck. I decided to witness for myself exactly what was happening. It was disturbing. I turned up outside those two major venues in

Coogee a couple of times at around 1.30 a.m. and stayed until about 4.30 a.m. One of the hotels had an enviable amount of security but the difference in the closing times of the two hotels meant that the patrons from one hotel migrated a few hundred metres across the road to cause an enormous ruckus before turning up at the other hotel. Those patrons were then turned away because they were too intoxicated, which left them to fend for themselves in the streets of Coogee right at taxi changeover time. It was a complete disaster.

In 2008, as the mayor of Randwick, I successfully got the council to adopt a 1.00 a.m. lockout policy for the Coogee Bay hotels but the council had no control as whether or not the lockout could be imposed. Later that year the former Labor Government adopted a 2.00 a.m. lockout, which amounted to a watered-down version of my policy. That 2.00 a.m. lockout has had a dramatic effect on the incidence of loutish behaviour in Coogee, but it will never entirely solve the problem. The tough sanctions in this bill will go a long way towards tackling irresponsible service of alcohol by rogue venues and the consequent loutish behaviour of patrons.

We need a change of culture in alcohol consumption in New South Wales and that change will start by making drinkers and licensed venues responsible for their actions. I thank the Minister for the amount of work he has put into this process. The Government is delivering on yet another of its election commitments. I will be watching developments with great interest to determine the success of this bill in managing licensees and licensed venues in the future. There is no silver bullet to resolve these alcohol-related problems. There is not one action that can be taken by any government, local council or residents action group to resolve this issue; there must be a combined effort. We must forever be vigilant to stamp out this type of behaviour. I commend the bill to the House.

Ms NOREEN HAY (Wollongong) [10.52 p.m.]: I speak in debate on the Liquor Amendment (3 Strikes) Bill 2011 (No 2) and state at the outset that the Opposition does not oppose the bill. The Opposition recognises that the Government gave an election commitment but notes that this legislation was promised within its first 100 days in office. To put it bluntly, the original bill that was proposed was a nightmare; it had a number of major flaws and the Opposition was concerned about it. For example, it proposed serious penalties that could have been imposed on licensed venues for unproven allegations, yet under our judicial system people are presumed innocent until proven guilty. In August this year the shadow Minister for Tourism, Major Events, Hospitality and Racing, the Hon. Steve Whan, called on the Government to withdraw the flawed three-strikes legislation and to review those aspects within the original bill that would have denied natural justice.

The original three-strikes bill was drafted in haste and the Opposition was not informed that it was intended to be for consultation. Upon advice from the Opposition, the liquor industry and others also raised concerns about the initial bill. We indicated that we would be moving amendments to the bill to make it more just. Pleasingly, many of the Opposition's foreshadowed amendments have been included by the Government in the new version of the bill. The Opposition is now generally supportive of the bill but it seeks further clarification of some issues. The Opposition welcomes the fact that an offence has to be proven but notes that a fundamental question remains about the person against whom the strike is listed. For example, in the case of a hotel, under this legislation the strike is recorded against the premises rather than the licensee. The Opposition would like more detail about this aspect of the legislation. It is of concern that a licensee could incur a strike at one premise and leave that premise without the strike moving with him or her.

The former Labor Government had an excellent record in introducing legislation that imposed serious penalties for failures in the responsible service of alcohol. The Hassel Free Nights program was very successful, and in the electorate of Wollongong it greatly assisted in the reduction of alcohol-related violence and antisocial behaviour. Under the former Labor Government crime was reduced in New South Wales. I, like the member for Coogee, have attended a number of Liquor Accord meetings and the majority of hoteliers, police and council representatives at those meetings took their roles very seriously. In my electorate the hoteliers were more than willing to make suggestions and they even undertook voluntary lockouts in a number of places. I acknowledge the role played by all stakeholders in working together to achieve an outcome that to date has not yet eliminated alcohol-related violence.

As the member for Coogee said earlier, there is no silver bullet to resolve these alcohol-related problems. But by working together we will achieve improved outcomes as we go forward. The Opposition is seeking further clarification on a number of issues. The Opposition's foreshadowed amendments that were included by the Government in its new version of this bill indicate the willingness of both sides of the House to achieve a beneficial solution for everyone in New South Wales. Hopefully this bill will result in a lowering of the incidence of alcohol-related violence.

Mr GLENN BROOKES (East Hills) [10.59 a.m.]: Within the East Hills electorate there are several pubs and 10 clubs but, based on recent available figures, alcohol-related crimes are not common in my electorate. In fact, the East Hills electorate is not a hot spot for alcohol-related assaults, non-domestic violence or non-domestic assaults. I am mindful that that very fortunate situation in the East Hills electorate could change quickly if appropriate laws are not in place to ensure that the operators of licensed premises are held accountable for the behaviour of their patrons. It is a situation that could quickly change if appropriate legislation is not in place to ensure that operators of licensed premises are reminded of their obligation to the community to provide safe premises that are free from alcohol-related violence and antisocial behaviour.

The Liquor Amendment (3 Strikes) Bill 2011 (No. 2) is intended to provide a deterrent to alcohol-related violence. It is intended also to provide a deterrent to antisocial behaviour. However, the bill does much more than that. The bill directly targets licensed venues that time after time are linked with serious offences under the Liquor Act. It also directly targets licensed venues that are not good corporate citizens and that fail to take appropriate measures to safeguard the community from alcohol-related violence and antisocial behaviour. Pubs and clubs that are good corporate citizens and that ensure their patrons behave themselves and that care about their place within the community have nothing to fear from this bill. Those pubs and clubs are not targeted by this bill because they are not the problem. Those pubs and clubs are not the reason it is necessary for the Government to introduce this type of legislation.

I have two teenage sons: one is 16 and the other is 17. In just 12 short months my eldest boy will be able to visit licensed premises either on his own or with his mates. Like every normal father, I am concerned about my son's safety. Like every normal father, I want my son to be able to have a night out without fear or worry. Like every normal father, I do not want my son to be a victim of alcohol-related violence. I do not want my son to be a victim of the problems associated with the irresponsible service of alcohol by careless venue operators. As I said, none of the pubs or clubs in my electorate has anything to fear from this bill because they are all good corporate citizens. But even though most people drive safely, we still need traffic laws.

Just as drivers can accumulate up to 12 demerit points, so a pub must have three strikes against it before its licence can be cancelled. Let us face it: if the owner of a pub does not get the message after the first strike and clean up their act and does not get the message after the second and third strikes and clean up their act, the owner of that pub does not deserve to keep their licence. Exactly the same applies to clubs. I congratulate the Government on taking the initiative and introducing this bill for the consideration of Parliament. I congratulate the Government on taking steps to ensure that my son is protected from alcohol-related violence and antisocial behaviour. I commend the bill to the House.

Ms CLOVER MOORE (Sydney) [11.04 a.m.]: Sydney has a thriving nightlife but it needs to be safe for everyone. Alcohol-related violence and antisocial behaviour are a serious ongoing problem, particularly in the inner city. In Kings Cross last year the City of Sydney recorded 80 violent incidents in just one hour between 1.00 a.m. and 2.00 a.m. on a Sunday—and police tell me such incidents are happening every weekend. Making our night-time economy safe is a priority. Our current approaches are very limited and crime safety experts, police, emergency workers, venue patrons and city residents all want something to be done. Having high quality, well-managed and safe late-trading premises is central to our reputation as a safe place to visit.

I support the Liquor Amendment (3 Strikes) Bill 2011 (No 2), which will encourage better venue management. The bill creates a strike system: serious offences such as supplying alcohol to drunken patrons or minors, or permitting assaults, can lead to a strike. Three strikes can result in a liquor licence being suspended for 12 months or being cancelled. The proposed system does not go as far as the initial bill introduced in June. Strikes are only possible for a serious offence, not for repeated offences that are not deemed serious, and only when there is a conviction for that offence.

The first strike will be automatic following a conviction, with discretion to impose a second and third strike following a second and third conviction depending on the seriousness of any potential harm. Action taken in response to a first or second strike must be a "reasonable" measure to deal with the offence that resulted in a strike. There are provisions for reduced trading hours and liquor sales prohibitions on a second strike and for cancellation or a 12-month suspension of liquor licence on a third strike. The system is fair on licensees, who will be able to appeal against a third strike in the Administrative Decisions Tribunal, and there is discretion to impose conditions instead of a strike. Good operators with well-managed venues should be allowed to trade but unscrupulous, irresponsible operators should be held accountable. Venue managers that do not address antisocial behaviour, that serve drunken customers and whose venue is the scene of repeated violence are a major problem and should not have free rein to trade late at night.

The proposed strike system would complement the late trading permit system that the City of Sydney has suggested to the Government. A permit system would encourage and reward good management, and such systems already operate successfully in Queensland and global cities such as Paris, Amsterdam, Edinburgh, Vancouver and New York. The nightlife in these cities now contributes extraordinary amounts of dollars to their local economies. Legislation should also be introduced to allow councils and the State Government to further manage liquor outlet density when assessing late-trading applications. Research shows that the density of liquor outlets in a particular area is directly linked to street violence, and we need to establish criteria to assess whether an area has reached saturation. I note that the Victorian Coalition Government has recently introduced such reform.

The liquor freeze has helped stabilise trading in the hot spots of George Street south, Oxford Street, Darlinghurst and Darlinghurst Road, Kings Cross, and I welcome the extension of the freeze to allow time to develop long-term reform that will create a sustainable night-time economy. Late night transport is a crucial issue and it is urgently needed. I welcome the Government's expansion of NightRide bus services. Drunken punters often roam the streets at night waiting for their train or bus service to resume because of the difficulty or prohibitive cost in catching a taxi. I do not blame people for that; no-one wants to pay \$100 to get a taxi from Kings Cross to Bondi. Such people are vulnerable to street violence and the sheer number of people walking the streets creates the potential for conflict and major noise impacts for residents who are living in the highest densities in Australia.

The City of Sydney is developing a 20-year vision for Sydney's nightlife, informed by recent consultation in which thousands of people participated. In fact, we talked to 6,000 people online and had many community meetings, and I hosted many roundtables with industry. Research includes a cost-benefit analysis of the night-time economy, which has not been done in Australia before, a comprehensive report on how people use late night entertainment areas, and an international review of what distinguishes other successful global cities' night-time economies. The City continues consulting with business, police, industry leaders, creative communities, residents and visitors. We recently announced a range of summer trials including streamlining the development application process, in response to business, activating underutilised venues, in response to residents, pissoir trials, in response to everyone, and precinct ambassadors to help people in the central business district.

We have listened to what Sydneysiders think about late-night activities in their city. The message is loud and clear that people want a safer night: they want to go out by themselves, they want a safer night for their friends and families, and they want better transport options to get home. We need a sophisticated approach to address late-night violence, an approach with a range of actions that acknowledge the complexities of this problem. I look forward to continuing to work with the Government and will share the results of the City of Sydney's late-night policy consultation research, and work closely with the Minister to identify the best solutions for the city. We need a range of solutions to deal with the cause of alcohol-related violence, and the new Government has recognised this and committed to a range of responses. I commend the Minister and the Government.

Mr CHRIS SPENCE (The Entrance) [11.09 a.m.]: I too speak in support of the Liquor Amendment (3 Strikes) Bill 2011 (No 2)—with the policy known as "three strikes and you're out". The prevalence of alcohol-related violence and antisocial behaviour is a significant concern to the community. These issues can be addressed from both the supply and the demand side. That is why a series of key election commitments on addressing the irresponsible service of alcohol and individual consumption of alcohol were given by the New South Wales Coalition prior to the March 2011 election.

Measures that this Government is introducing to address the demand side of these issues include reinforcement of the individual need for personal responsibility and accountability on the part of drinkers, recently passed expanded move-on powers for police, introduction of the new intoxicated and disorderly offence, and trialling of sobering centres. In addressing the supply side of this issue, the cornerstone of this Government's approach is the three strikes policy. I put on record comments made by the Minister in a media release relating to the bill. The Minister said:

The draft Liquor Amendment (3 Strikes) Bill 2011 was introduced in June with the express commitment that the industry would be consulted and have an opportunity to make submissions about this important legislation.

The Government has carefully considered submissions and representations to ensure this policy targets rogue operators and does not adversely impact on responsible licensees.

This policy delivers severe penalties so it is paramount that the scheme operates fairly and effectively to deliver maximum benefits to communities where there are incidents of unacceptable alcohol-related behaviour.

The scheme simplifies the policy and sends a clear message that there is no place for rogue licensees in the NSW liquor industry.

Key elements of the Three Strikes and You're Out policy are:

- Strikes are incurred when a licensed venue is convicted of one of a range of serious offences under the Liquor Act;
- offences include permitting intoxication, allowing violent behaviour on the premises, supplying alcohol to a minor or an intoxicated patron, selling alcohol outside authorised trading hours, allowing a substance on premises the licensee suspects is an illicit drug, failing to comply with an official direction, non-compliance with a closure order and breaching key licence conditions;
- The first strike is automatically incurred upon conviction for an offence and is in force for three years. A second and third strike can be incurred upon further offence convictions within three years;
- A decision that a venue incurs a second strike is made by the Director General of NSW Trade and Investment;
- The Casino, Liquor and Gaming Control Authority—the State's independent statutory body responsible for liquor licensing—will determine if a venue incurs a third strike and is subject to a review by the Administrative Decisions Tribunal;
- Venue size and capacity, change of licensee and business practices, compliance and incident history, and crime statistics will need to be taken into account;
- A third strike can result in licence suspension for up to 12 months, licence cancellation and a moratorium on a new liquor licence being granted at the venue for the same business operators for up to 12 months or disqualification of a licensee for any period of time;
- In the case of a registered club a third strike can result in disqualification of a club secretary, dismissal of any or all of the club directors or the appointment of an external administrator to manage the club;
- Conditions can be imposed on licensed venues in response to the behaviour that led to strikes being incurred. These include bans on glass and responsible service of alcohol marshals for venues with one strike, and reduced trading hours, lockouts, drink restrictions and extra security measures for those subject to two strikes;
- Licensees will also be required to comply with any notice issued by the Director General restricting or prohibiting any activity that encourages misuse or abuse of alcohol such as drinking games;
- Reviews of decisions will be available by the Authority or the Administrative Decisions Tribunal;
- The Office of Liquor, Gaming and Racing will maintain a public registry of strikes;
- The Three Strikes and You're Out legislation will be reviewed after four years to ensure it is operating effectively.

As the Minister said:

This policy can deliver the ultimate sanction to rogue licensees who repeatedly put the safety of patrons and the broader community at risk—loss of licence and disqualification from the industry.

In his agreement in principle speech the Minister said:

The aim of the Government's three strikes policy is for its deterrent effect to complement these regulatory and enforcement programs, thereby leading to improved compliance with the law, safer licensed premises and reduced levels of alcohol-related harm—including alcohol-related violence and antisocial behaviour.

After the bill's introduction in the House in June this year extensive community and industry consultation was undertaken on this bill. An express commitment was given for industry consultation and submissions were made. After careful consideration of the submissions amendments were made to help ensure that this policy targets rogue operators throughout the liquor industry and does not adversely impact on responsible licensees. This legislation has been designed to ensure that severe penalties are incurred by rogue operators.

The vast majority of the community want to visit venues for a nice meal, a cold drink and a good time. Unfortunately, there are a very small number of individuals who choose to let these occasions become too big, and their behaviours adversely impact upon others throughout the community. Examples of this type of behaviour include violence, intoxication, under-age drinking, excessive alcohol consumption and the use of illicit drugs. The bill is about taking action to make our community safer. It is in line with the commitment given by the Coalition before the March election. The Government has consulted, and that is why this second bill comes before the House. I commend the bill to the House.

Mr NICK LALICH (Cabramatta) [11.16 a.m.]: I speak on the Liquor Amendment (3 Strikes) Bill 2011 (No 2). Alcohol-related violence is one of the biggest challenges facing not only our Police Force but our society today. For better or worse, there exists a culture of drinking which at times can border on alcoholism. You just need to look at the roaring trade done by pubs, clubs and bars each Friday and Saturday night here in Sydney. No-one wants to disallow an alcoholic beverage when someone wants to unwind or relax after a long day or week's work; however, people need to drink responsibly. Unfortunately, these days not everyone does. The incidence of alcohol-related violence can unfortunately occur at licensed venues, and it can occur domestically. We often read or hear about violent incidents occurring in the city hotspots, incidents including bashings, stabbings, fights and drive-by shootings. These incidents are often fuelled by alcohol. It may sound like a pun but alcohol really does add fuel to the fire.

The Liquor Amendment (3 Strikes) Bill 2011 (No. 2) seeks to establish a three strikes disciplinary system in respect of liquor licences for venues at which multiple breaches of the Liquor Act 2007 are alleged to have occurred. The bill takes strong action against venues and owners of venues where alcohol-related incidents occur frequently. Licensed premises owners and staff have an obligation to serve their patrons responsibly and, where necessary, to cease serving alcohol to patrons who have consumed too much. This is not about New South Wales becoming a nanny state; it is about protecting the vast majority of licensed premises patrons who want to consume alcohol in a responsible manner. The vast majority of patrons obey the rules, understand the negative consequences of excessive alcohol consumption, and behave accordingly.

This bill establishes a clearer framework and process for three strikes, a definite improvement on the original bill tabled a few months ago. The process will be that strike one is determined by a conviction for a serious offence, and this strike is automatic, and it is administered by either the police or the Casino, Liquor and Gaming Control Authority. Strike two is administered by the Director General of the Department of Trade and Investment, Regional Infrastructure and Services. The third strike is administered by the Casino, Liquor and Gaming Control Authority. The process of appeals involves the licensee or manager making a submission in respect of a discretionary strike. The owner of the business premises also can make a submission regarding the imposition of second and third strikes. This improves on the first version of this bill as it allows improved transparency for owners and operators when they appeal against a decision.

Appeals against strikes issued by the director general will be dealt with by the Casino, Liquor and Gaming Control Authority, and reviews of these decisions will be undertaken by the Administrative Decisions Tribunal. The director general can impose a number of sanctions after the first strike, including requiring the licensee to develop an incident register, prohibiting the use of glass and breakable plastic containers, and requiring the engagement of dedicated staff to promote the responsible service of alcohol. It is important to note also that this bill creates a list of serious offences that the authorities will use to determine whether a strike is warranted. These offences include permitting intoxication on licensed premises, the licensee or manager selling or supplying alcohol to a minor, and the licensee or manager not complying with a direction issued by the director general to a licensee or staff and others. The Opposition wants the register to be made publicly available to ensure increased transparency in the industry and to enable both venue owners and potential licensees to see whether other parties have one strike or more incurred against them.

One great Aussie pastime is fishing a day's work and having a drink. I see nothing wrong with that as long as we do not allow society to lose control with alcohol and as long as everyone drinks responsibly. We have all seen or heard of the devastating effects that alcoholism has on people. Nothing is spared: physical and mental health suffers, family and interpersonal relationships are tested, often with distressing consequences, and work life is affected. Drinking responsibly and in moderation allows a person to enjoy a beverage without having to suffer unnecessary consequences. This bill gives incentive to owners to cease serving patrons who are inebriated or have consumed an excessive amount of alcohol. Venues that operate within the boundaries of the law and serve their patrons responsibly should fear nothing from the law.

Sanctions will be imposed on venues that blatantly and repeatedly transgress and breach the Liquor Act 2007. This is not acceptable business operation and, as I have already said, has far-reaching consequences for the community. It would be wrong to blame all alcohol-related incidents on the licensed premises industry. At the end of the day all individuals have to take responsibility for their behaviour and actions. Education and rehabilitation will ensure that one of our great Aussie pastimes does not cease to exist or lead us down a path of destruction. This bill is a step in the right direction to ensure that venue operators, owners and patrons share the onus of the responsible service of alcohol.

Dr GEOFF LEE (Parramatta) [11.22 a.m.]: It is a pleasure to contribute to the debate on the Liquor Amendment (3 Strikes) Bill 2011 (No 2). The object of the bill is to establish a three strikes disciplinary system

in respect of liquor licences for venues at which multiple breaches of the Liquor Act 2007 have occurred. This bill is part of the Liberal-Nationals key election commitment given and fulfilled by Minister Souris to make society a better and stronger place by getting rid of rogue operators that give everyone else a bad name. The bill also is part of the O'Farrell Government's suite of complementary legislation that it has introduced in the past six months, which included enhancing police move-on powers regarding intoxicated individuals by enabling them to be held in custody if they refuse to leave the vicinity to go home. This bill aims to make the community a better place in which to live and work.

Minister Souris informs me that the bill is not directed at good licensed venues or at those who serve alcohol responsibly by complying with legislation and having proactive strategies to control and manage the responsible service of alcohol or any issues that may arise within their establishments. Those organisations, clubs and pubs that serve patrons responsibly and comply with the legislation, should welcome this bill as a way to deal with problem rogue operators. Those organisations in harmony with their communities should not fear anything from this bill as it is directed at those recalcitrants who refuse to honour their commitments, as well as the requirements under the Liquor Act and their responsibilities to society to serve alcohol responsibly.

Residents in my electorate of Parramatta talk about the noise of drunk people walking down their streets at 2.00 a.m. or 3.00 a.m. making a hell of a racket and often damaging properties and cars. We need to stamp out that antisocial and criminal behaviour. The bill is directed at those recalcitrant organisations that refuse to cooperate by putting in place strategies to comply with the responsible service of alcohol. Parramatta is the capital of western Sydney but it is not immune from these issues; alcohol-related antisocial behaviour and violence have been an issue for Parramatta. I commend the police at Parramatta and Granville for their fantastic work, together with Parramatta council, in cleaning up many alcohol-related issues. The incidence of alcohol-related antisocial behaviour and crime is reducing constantly through the good work of the police and Parramatta council.

Recently the council withdrew the liquor licence for a hotel in one hot spot in Parramatta city adjacent to the major bus and rail interchange. The hotel closed down and the incidence of antisocial and criminal behaviour suddenly decreased. The Parramatta local area commander, with whom I have spoken on many occasions, consistently reflects on the relationship between alcohol and antisocial and criminal behaviour. The more places that serve alcohol, especially late at night, the more incidences there are of violence and antisocial behaviour, especially on Friday and Saturday nights. Those operators who serve alcohol responsibly and look after their patrons have nothing to fear from the provisions contained within this bill.

I shall not delve too far into police activities as I am sure the member for Campbelltown, representing the opal of the south-west, who has a long and distinguished career in policing matters and much experience in controlling people under the influence of alcohol, will talk from that perspective. Parramatta has some good venues that take the community commitment seriously. These venues include places such as the Parramatta RSL, which has thousands of members, and the Parramatta Leagues Club. I meet with the directors constantly to talk about their proactive strategies. We have places such as the Vikings Sports Club in the Telopea-Dundas area, Dundas Sports and Recreation Club, the Rose and Crown Hotel, the Commercial Hotel and, of course, Parramatta Stadium, where the almighty Eels rugby league team plays in front of 15,000 people. The stadium is a fantastic, small boutique venue that holds up to 20,000 people. Whilst this year was not the best of years for the almighty Eels, things are improving all the time. We support those organisations in their responsible service of alcohol.

What I really want to talk about is the drinking culture in Australia. The legislation tries to eliminate criminal and antisocial behaviour and make the license holders responsible for their service of alcohol when excessive and binge drinking is a societal issue, especially for young people. Other members have said that part of the Australian psyche is that you have to drink to have a good time. The excessive consumption of alcohol by young people and some older people can lead to incapacity and violence. Antisocial behaviour occurs when drunken people are on the street: either they are the perpetrators of fights and create damage and carnage, or they are the victims. The culture of binge drinking combined with taking illicit drugs further exacerbates problems. We must change our culture, especially the culture of young people, and provide appropriate role models.

Our message should be that you do not need to get drunk to have a good time: you do not have to drink for recreation. Society's attitude to drink-driving has changed over the past 10 to 20 years. Once upon a time it was accepted that people would drink and drive, even though it was illegal, but people now frown on that type of behaviour. The bill addresses how we influence the whole of society, especially young people such as those

I can see in the gallery. Lots of young people are in our gallery, which is fantastic. I welcome them to the Legislative Assembly. A number of people are in the lower gallery—the young at heart—and I welcome them also. The last word should be for the excellent Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts for introducing this legislation. The Minister is working hard for the community.

I will summarise the main points of the legislation. A strike is incurred when the licensee or manager of a licensed venue is convicted of one of a range of serious offences under the Liquor Act. Offences include permitting intoxication, allowing violent behaviour on premises, supplying alcohol to a minor or intoxicated person, selling alcohol outside authorised trading hours, allowing a substance on a premises that the licensee suspects is an illicit drug, failing to comply with an official direction, not complying with the closure order and breaching license conditions. They are very serious issues. This policy complements other measures introduced by the Liberal Party and The Nationals to tackle alcohol-related problems, including reinforcing the need for personal responsibility with expanded police move-on powers and a introducing a new intoxicated and disorderly offence.

Mr GUY ZANGARI (Fairfield) [11.35 a.m.]: I concur with my Labor colleagues and I support the Liquor Amendment (3 Strikes) Bill 2011 (No 2). I am pleased to note that the Coalition Government has listened to the concerns voiced in this Chamber and has redrafted the legislation to address some of the issues raised when the original bill was tabled. It was clear that the original bill was not drafted with due consideration of the implications for major the stakeholders the legislation sought to put on notice. The original bill had some major flaws, not the least of which was that it denied natural justice to those who would have been implicated under it. The original bill proposed the imposition of serious penalties for unproven allegations. I congratulate the Government on listening to those concerns.

The subject of this bill is of great concern to the community. Alcohol-related violence costs the taxpayers of this State a great deal of money. In 2005 the combined total alcohol activity salary cost for the time spent by New South Wales police in local area commands and the special purpose Vikings Unit was estimated to be just under \$50 million. To put it into perspective, \$50 million could provide New South Wales with approximately 1,000 full-time police constables. It was estimated that police officers spent an average of up to 15 per cent of their shift-time dealing with offences committed as a result of alcohol consumption, depending on the local area command. These are the costs that we can quantify. The costs to victims and their families are far greater. Serious assaults in which alcohol is a factor put people in hospital and cost families financially and emotionally—seeing a loved one suffering and in a great deal of pain is traumatic. Therefore it is important that this Government gets the legislation right.

On the flip-side, the bill places a great deal of responsibility on businesses and institutions that serve alcohol to the public, including pubs, hotels, bars, licensed restaurants and registered clubs. As I said, whilst I agree in principle with the general content of the bill it is important also to consider the roles that these establishments have in the community. Local clubs employ thousands of people across New South Wales and inject billion of dollars into the New South Wales economy. They are fundamental to many community groups. Indeed, local clubs play an important role in the community by providing a place to socialise with friends, be it over a couple of drinks or as a participant in the many sporting and social events that clubs organise. The local club is a place to bring your family for lunch or dinner and a place to catch up on a show and have a laugh—it is a place where people enjoy themselves.

Clubs give back to the community. As members would know, clubs provide millions of dollars in community grants and funds that are important to social services. That is why it is vital that this Government gets the legislation right. I am pleased to see that the Government has listened to a number of the concerns raised by my Labor colleagues. I note in particular that this amending bill has changed the process of the three strikes. Strike one will be incurred if a relevant person is convicted of a serious offence—the strike is automatic. It will be dealt with by the Police Force or Casino, Liquor and Gaming Control Authority. Strike two will be incurred if a relevant person commits a prescribed offence and the director general decides it warrants a strike because of the seriousness of any harm that may have resulted from, or have been associated with, the commission of the offence. It will be dealt with by the Director General of the Department of Trade and Investment, Regional Infrastructure and Services.

Strike three will be at the discretion of the Casino, Liquor and Gaming Control Authority. The repercussions for an establishment acquiring a third strike are severe, and rightly so. Establishments can have their licences suspended for up to 12 months. The authority can disqualify the business owner and prevent the business owner's associates from being granted a licence for premises in respect to which the strikes have been

imposed. It can disqualify a licence to the manager of the subject premises from holding a similar position in licensed premises elsewhere. As I have stated, the repercussions are severe. I am pleased that clubs and other institutions now have a line of appeal. They are able to make submissions addressing the imposition of discretionary strikes, which are strikes two and three. This will provide transparency for owners and operators to appeal any acts, which was previously denied under the first draft of the bill. Further, I note that a proper tiered appeals process is now in place.

The strikes given by the Director General of the Department of Trade and Investment, Regional Infrastructure and Services can be appealed to the Casino, Liquor and Gaming Control Authority. These decisions of the authority are reviewable by the Administrative Decisions Tribunal. The entire new regime implemented in this version of the bill provides for transparency and balance in the decision-making process.

The bill also makes provision for a register that is to be provided to interested persons where an establishment has incurred a strike. However, clarification is needed as to whether this register would become available to the public. It would be appropriate for the public to be aware of this information. After all, it is the members of the public who go to these institutions and rely on them to provide a safe environment so that they can enjoy themselves with their friends and families. Once again, I thank the Government for listening to the concerns raised by my fellow Labor colleagues.

Mr TROY GRANT (Dubbo—Parliamentary Secretary) [11.41 a.m.]: It gives me great pride to make a contribution to debate on the Liquor Amendment (3 Strikes) Bill 2011 (No 2). I do not intend to repeat the contributions made by previous speakers. My contribution will have more of a practical application. I had 22 years in the New South Wales Police Force, and the large majority of that time was spent on regional issues. I support the bill from a practical, on-the-ground perspective. I commend the Minister for Tourism, Major Events, Hospitality and Racing for introducing this bill. It was interesting to hear previous speaker refer to the alterations in this bill following its first incarnation, given the significant contribution of Opposition members when they failed to make a submission in relation to the bill. I am not sure where their contribution was—it must have been in their dreams, their thoughts or their prayers. Perhaps it was on a whiteboard, which is their *modus operandi*.

Let us not be mistaken: This bill was introduced by Minister Souris to send a clear message to the liquor industry and our community as a whole that we needed a serious conversation about the operation of the liquor industry. Rogue operators are having a significant impact on our community. They disregard their obligations to the community by trading without due regard or care for the community and the patrons they serve. The Minister introduced the bill to trigger significant and serious discussion on this issue, which is a fundamental blight on our community. It has triggered exceptional dialogue between industry, independent operators and the Minister.

The bill has given members on this side of the House the opportunity to speak to operators in their community who may have been affected by the bill. The bill originally introduced generated an enormous body of work, which has now resulted in a bill that is both pragmatic and practical. This bill strengthens the original intent of the Government, that is, to honour a key election commitment to ensure that we have tough sanctions for rogue operators. But in trying to achieve that outcome we did not want to scoop up legitimate operators. As the analogy goes, we did not want to let one bad apple spoil the barrel. I commend the Minister for his approach because the contents of this bill have achieved that outcome.

I will not talk about facts and figures. For too long our service agencies within New South Wales—police, health, welfare, housing—have been subjected to rogue operators across many areas of our communities. In particular, rogue operators in the licensed premises sphere, through their disregard and contempt for our community and without consideration of their obligations to the community, have caused enormous cost to and toil for our service agencies. It has ripped the guts out of their capacity to service their true goals. The Police Force has been diverted from achieving key policing outcomes because it has had to roster officers to meet the problems caused by rogue operators. That has detracted from its efforts to police the rest of the community.

Why did this happen? The former Government did not provide the tough legislation that we now have to properly address this issue. The mechanisms were in place but they had no teeth. It was like hitting the rogue operators with a feather duster. This perpetuated the actions of rogue operators and they became an untouchable breed. The whole industry became tarred and tarnished by a few. A key, fundamental aspect of the legislation is that those who have an incident in their licensed premises will no longer be tarred with the same brush. The legislation has plenty of checks and balances to keep the actions to address poor behaviour in perspective. It

gives the operators of licensed premises an opportunity to correct their behaviour. When serious incidents occur the legislation provides the capacity to accelerate those operators into a strike situation. They immediately come under notice and they will have to go through a prescriptive process. They will have to answer plenty of questions if they want to continue to operate.

About 15 years ago I was unfortunately a victim of a stabbing in the licensed premises of a rogue operator. There is no excuse for rogue operators to continue to be allowed to operate. Their operations directly impact on front-line police whose job it is to protect and serve the community from patrons who, on leaving those premises, wreak havoc, and cause malicious damage and vandalism. We all pay for the actions of their patrons, but the rogue operators never did. They may have received a slap on the wrist with a feather duster—the imposition of a fine of \$500 or \$5,000, which had no impact and was no deterrent. This legislation is a real deterrent. It works hand in hand with the industry to ensure that licensed premises are managed properly and in harmony with our community and our State services, such as police and health.

This legislation has a very clear structure for those who operate outside reasonable practice: If they choose to ignore the many warnings about their rogue behaviour they should not wonder their operations are eventually shut down for 12 months or even for life. There will be no recourse and no excuse as to why or how they got to that point. The message is clear: The people of New South Wales will no longer accept operators who are a blight on their community without proper recourse and without their being held to account. The amendments, which are the result of extensive consultation, mean that operators need not fear that they will be scooped up and banished from the industry for small indiscretions or for bad luck—unfortunately, things happen around licensed premises. This legislation is specifically designed and structured to target those in the community who need to be targeted, and the strength of this legislation will achieve that outcome.

This week the Police Association strongly supported the Minister and this legislation. For too long we have expected the police to pick up the pieces of a broken community because of the actions of a few. That responsibility will no longer rest solely on the shoulders of police and front-line workers in our communities; the mutual obligation will be on industry, operators and service providers to get it right. The Police Association has welcomed this initiative because it will take the enormous strain off our front-line and already stretched and finite resources. The community benefit from improved compliance will help the citizens of this State, who are currently paying the price for rogue operators. For example, operators fill people up with grog, allow them to behave badly and tip them out of their premises. Those people then walk along the street and may kick in a window.

Somebody has to pay for that damage through their insurance premium. When that happens we all pay because our insurance premiums go up. That is an example of the cumulative impact of that behaviour on our community. This legislation will help stymie that. Not everyone will pay the price for rogue operators and their behaviour—rogue operators will pay for it. This legislation makes good on the O'Farrell-Stoner Government commitment to the community to turn the tide on community standards. During the election campaign I proudly promised to strengthen police powers to deal unruly and antisocial behaviour, and that has been achieved through legislation introducing police move-on powers. Rogue operators within the industry were a key driver for the legislation. A lot of hard work will go into rebuilding this State.

I commend the Minister for this significant legislation, which provides a framework and the basis from which we can launch much more improved responses to social dysfunction within the community. Licensed premises in our State can be reassured that they will not be scooped up under draconian legislation. The industry and those who operate within the rules welcome this legislation; they do not want rogue operators in their industry because it gives them a bad name and it makes their jobs harder. As insurance costs increase and impact on the community, industry costs rise and that impacts on their sustainability. I thank the Minister for introducing this bill. I know that my fellow colleagues, particularly those from regional New South Wales, join me in congratulating him on the significant strengthening of the legislation. It is a great step forward in restoring some stability to our communities, making a contribution to the better structure of our communities and getting rid of rogue operators once and for all. I commend the bill to the House.

Mr BRYAN DOYLE (Campbelltown) [11.54 a.m.]: It gives me great pleasure to support the Liquor Amendment (3 Strikes) Bill 2011 (No 2). As the most senior police officer to have ever entered Parliament, I strongly endorse the comments of my colleague the member for Dubbo, who has also had a lengthy and illustrious career in the New South Wales Police Force. It is no surprise that the Police Association strongly supports this legislation. The Police Association president, Scott Weber, said that police were pleased that

Premier Barry O'Farrell's three strikes policy for licensed venues would soon be introduced. There is good reason for him to say that. Having a licence in our community is a privilege. A driver's licence is a privilege that allows us to drive on our roads.

Having a licence to sell alcohol is also a privilege—it is not a right—that should be respected and honoured. If that privilege is abused a licence can and will be removed. This legislation is all about community safety: the responsible service of alcohol and enabling people to go out and enjoy themselves without being harassed and offended by those who have seriously abused alcohol. In my 27 years of policing I have seen firsthand the problems that arise when alcohol is not served responsibly—problems not only for the police but also for the general community. Campbelltown—that great opal of the south-west—has a very strong liquor accord with police, licensees, the council and the Office of Liquor, Gaming and Racing working together, and these provisions will add to the good work that is already being done. I know this issue concerns many members of the House.

I know it concerns the member for Wollongong, the member for Cabramatta and the member for Riverstone. It affects all of us across New South Wales. This is good legislation presented by the wonderful Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts, which sends a clear message that the days of rogue operators who operate on the basis of fill them up with alcohol, empty their wallets and kick them out onto the streets for the rest of the community, the police and the hospital system to deal with are well and truly over. I commend the bill to the House.

Mr THOMAS GEORGE (Lismore—The Deputy-Speaker) [11.58 a.m.]: Much has been said about the detail in the Liquor Amendment (3 Strikes) Bill 2011 (No 2). I was involved in the consultation process and it amazes me that those on the other side claim that we have adopted their ideas. We have been criticised for taking a long time to introduce the bill; we have been criticised for carrying on a consultation process; and we have been criticised for apparently taking on board all the Opposition's amendments. I did not see any documents and I was involved in the consultation process. I represented the Minister at meetings with three organisations. Everything that was raised during the consultation process is covered in this bill. That is what a true consultation process is all about, and I compliment the Minister in that regard. If an organisation has three strikes against it, clearly it should not be in the industry. With liquor accords and responsible service of alcohol and gaming, organisations should not find themselves in that situation. As everyone has clearly articulated today—and I say this as a former publican—this industry has no room for rogue operators.

All the way through this process I have held concerns for mum and dad investors. However, I am sure that if the licensees of hotels in which they have invested receive a first strike those investors will negotiate with the licensees to ensure that they receive no further strikes. I encourage any mum and dad investors in hotels or freeholds to take that on board as it is in their best interests to do so. If one of their licensees receives a strike they should step in immediately and negotiate with that licensee on the future of the hotel. I commend the Minister for his work on this bill. He consulted widely with industry which is why this is the second version of the three-strikes bill to come before the Parliament. I also pay tribute to ClubsNSW and the Australian Hotels Association for their contribution.

Mr KEVIN ANDERSON (Tamworth) [12.00 p.m.]: I support the Liquor Amendment (3 Strikes) Bill 2011 (No 2). I will take a different line from the line taken by those who have supported the bill so far because I believe this issue needs a whole-of-community approach. Those who partake in alcohol need to take responsibility for their actions and they need to know when enough is enough. This is not just about dumping all the blame on licensees; this bill is targeted at rogue licensees. However, I am sure that 99 per cent of the industry is doing a great job. The Tamworth Liquor Accord is working well in my community to create an awareness of the responsible service of alcohol and to look after people who enter our venues, pubs and clubs. The accord, which comprises many stakeholders, works closely with licensees, council, police and NSW Health.

This proactive organisation, which has Roger Rumble as its chairman and John Begley as the Liquor Accord project officer, is committed to promoting public awareness and public education programs to promote the responsible consumption of alcohol. Some of the projects and programs that are rolled out across our region are well worth noting. During 2011 the Tamworth and District Liquor Accord is concentrating its efforts on underage drinking and looking at ways of educating the next generation of licensed premises patrons on the dangers of misuse of alcohol and what is expected of them when they enter licensed premises. The accord set up a partnership with student representative councils at the major high schools in Tamworth to find the best methods to address these problems. The accord believes that an authoritarian approach does not work. It aims to have student leaders come up with strategies and design the best way to deliver those strategies, including via Facebook.

The accord is also seeking State Government subsidies to conduct responsible service of alcohol courses at a price that is affordable by students. It is believed that this will give senior students an insight into the behaviour expected of them in licensed premises, which cuts to the heart of what we are talking about—a whole-of-community approach to ensure that patrons take responsibility for their actions and know when enough is enough. These issues will not be solved by dumping all the blame on licensees. The Tamworth Country Music Festival is a major event in my electorate. Up to 30,000 people come to our city and go to clubs and pubs to enjoy the entertainment on offer. At that time there is a major increase in police presence. We must ensure that those police who do a wonderful job do not act outside the boundaries in applying the heavy hand of the law. As I said, this is about a whole-of-community approach. We must recognise those licensees who do a good job and weed out those who do not. I commend the bill to the House.

Mr GEORGE SOURIS (Upper Hunter—Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts) [12.04 p.m.], in reply: I appreciate that no fewer than 16 members have spoken in debate on the Liquor Amendment (3 Strikes) 2011 Bill (No 2). The member for Balmain and the member for Cessnock were waiting to participate in debate but unfortunately we ran out of time. I acknowledge that they would have contributed greatly to debate on this bill. I express appreciation to the acting shadow Minister, the member for Liverpool, and to members for the electorates of Camden, Wollondilly, Oatley, Coogee, Wollongong, East Hills, Sydney, The Entrance, Cabramatta, Parramatta, Dubbo, Fairfield, Campbelltown, Lismore and Tamworth.

Many speakers have mentioned that this is a replacement bill. It follows the exposure draft of the bill for consultation prior to the winter break. I assure the House that there has been extensive consultation since that time. Notable fundamental issues were raised and have been addressed. The most important issues raised in the consultation process concerned two new features of the bill. Firstly, that the strikes regime is based on convictions and not charges and that there is an arm's length discretionary decision-making process with a review and appeal mechanism. That is a fundamental aspect of this bill. Secondly, that the three strikes scheme will apply to three serious offences over a three-year period, not six offences including minor offences as was first contemplated. I believe those two features represent the most significant aspects of this bill.

Good and responsible venues have licensees who take responsible service of alcohol seriously, operate venues in harmony with their neighbourhood and have a good history of compliance and of actions taken to address issues arising out of schedule 4 listings or through the imposition of strikes. This legislation is not specifically targeted at such venues; it is targeted at those operators who are irresponsible, have poorly managed venues and are not interested in their communities. This legislation is focused on those who we call rogue operators and who give the industry a bad name. Support for this legislation by the Australian Hotels Association and ClubsNSW has been published in today's press. Those organisations are the two principal stakeholders associated with this legislation. Of course, they are by no means the only stakeholders and they are not the only stakeholders who were extensively consulted. But I note, as published today, their in-principal support in general terms for this bill.

Yesterday the Police Association issued a media release in support of this legislation. I thank the association for its support. Over the past few days I have also received numerous messages which have taken various forms. I welcome the Labor Party's in-principle support. I commend the party for adopting a responsible approach and for raising two issues which I will now address. The first issue relates to the imposition and impact of strikes on licensees and landlords. The second issue is that the strikes register ought to be a publicly available document. Labor's position of support will not go unnoticed in the broad community. I appreciate the contributions made by previous speakers. The bill decouples real property from management. In determining the imposition of second and third strikes the decision-maker must consider changes to business practice, the licensee and management.

If a responsible landlord takes action to change the manager a second or third strike might not be applied. The bill strikes a fair balance to protect responsible operators and remove rogues who cause community harm. That is why it is important that strikes two and three remain discretionary. The bill prescribes that size and history are to be considered and also that the second strike and, importantly, the third strike retain a discretionary range of sanctions, including a venue suspension up to 12 months and up to life suspension of a licensee. It is important that this is not a mandatory scheme. It is a most important feature of this legislation that they remain discretionary options, otherwise it would not be possible to take into account the important issues that have been raised in this debate on both sides of the House.

Where a review relates to a second or third strike being incurred, business and premises owners can also apply for a review. Business and premises owners have a real interest in how the business is being operated

and the review right recognises this significant interest. I believe that addresses a significant industry concern regarding the rights of landlords. The member for Wollongong also raised a point regarding the imposition of strikes on licensees. It is expected also that responsible business operators will consider whether a proposed licensee or manager has incurred strikes at other licensed premises before employing them. The decision-maker will also consider a change in the manager and licensee before imposing a strike. Putting it plainly, any venue operator, including a landlord, who is considering employing someone who comes to them having incurred a strike at a previous venue would be taking a significant risk.

The protection of the discretionary powers included in the legislation would, by the actions of the venue owner, impair any chance the owner would have of a review. If a licensee incurs a strike or a second strike that fact would be part of the consideration in the discretionary application of the three-strikes scheme in determining the outcome of a subsequent potential strike. The second issue that was raised by the member for Wollongong related to the public register that will be maintained. I think I have already answered the question by using the word "public". This will provide a rich source of information about rogue operators and licensees. If a first, second or third strike is imposed it will be recorded. It would be a very rare thing for a licensee with one or two strikes to again become a licensee in the industry.

The decision-makers will have regard to the history of strikes in determining whether someone is a fit and proper person to hold a potential new licence. These are the aspects that would apply. Will the register be public? Yes it will, although it is not specifically provided for in the legislation. However, the intention is that as soon as a strike occurs it will be published and publicly available through the department's website. It is intended that the register be public. Finally, I thank the people involved in the Office of Liquor, Gaming and Racing, Elizabeth Tydd and Peter Cox, and my own staff, Frank Marzic, Jinesh Patel and my chief of staff, Matthew Hingerty. I appreciate that many others have been involved in the consultations apart from the people I have singled out. The period of consultation on and development of the bill has been extensive and intensive. I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

CHILDREN LEGISLATION AMENDMENT (CHILD DEATH REVIEW TEAM) BILL 2011

Bill introduced on motion by Ms Pru Goward.

Agreement in Principle

Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, and Minister for Women) [12.15 p.m.]: I move:

That this bill be now agreed to in principle.

The Government is pleased to introduce the Children Legislation Amendment (Child Death Review Team) Bill 2011. The bill delivers on the Government's election commitment to support the Ombudsman's role in independently reviewing child deaths in New South Wales. This Government is committed to real reform. I am working with my colleagues, including Andrew Constance, the Minister for Ageing and Minister for Disability Services, to improve services for vulnerable children, young people and families; improve accountability and transparency about what we do—what we do well, what we need to do better, and how we are working to improve; reduce the number of children in out-of-home care and increase restoration and permanency to their support and care; improve the performance of the Family and Community Services cluster and its divisions, including Community Services, to integrate services, including for regular clients of the cluster with complex and varied needs; and finally, of course, to keep our children safe.

This legislation is another example of this Government boosting accountability and transparency, and in so doing meeting an election commitment. The Child Death Review Team was established in 1996, with the

primary objective of preventing or reducing the incidence of child deaths in New South Wales. It does this by identifying trends and patterns relating to the causes of child deaths, and then making recommendations on legislation, policies, practices and services to government and non-government agencies and the community for the prevention of further child deaths.

In 2008 the Hon James Wood, AO, QC handed down the report of the Special Commission of Inquiry into Child Protection Services in New South Wales. The report recommended that the Ombudsman be appointed as the convener of the team, and that the secretariat and research functions associated with the team be transferred from the Commission for Children and Young People to the Ombudsman. Clearly, Justice Wood recognised the importance of allocating this task to an independent body with forensic capacity and a depth of experience in investigating the deaths of those children living in parlous circumstances. It is also implicit that the commission recognised the strong culture of independence within the Ombudsman's office.

In April 2009 the New South Wales Parliament passed legislation that finally transferred responsibility for the New South Wales Child Death Review Team from the Commission for Children and Young People to the New South Wales Ombudsman. At the time the Coalition knew and observed that the Labor Government's bill went only part-way to transferring the team. We said at the time that the Labor Government was seeking to pervert the commissioner's recommendation. That is why we, in opposition, proposed amendments to strengthen Labor's bill. On 5 March in this place, speaking to the Children Legislation Amendment (Wood Inquiry Recommendations) Bill 2009, I said:

It [the Labor Government] cherry-picked and supported the recommendation that reduced the authority of the Ombudsman but did not support the recommendation that ensured adequate systemic review, despite the loss of authority by the Ombudsman.

Public accountability in New South Wales is again the loser. Once before the Government reduced the authority of the Ombudsman to review child deaths. In this [Labor's bill in 2009] it has done so again.

Not that Labor, bitter and twisted about external scrutiny, had any intention of doing the job properly. Labor's transfer was so problematic, so ineffective, that on 4 November 2010 the Ombudsman went to the lengths of releasing a report. The report, entitled "Unresolved Issues in the transfer of NSW Child Death Review team to the Office of the NSW Ombudsman", detailed the difficulties experienced by the Ombudsman due to the botched and twisted nature of the former Government's transfer. Transparency and accountability were clearly foreign notions to the previous Government.

The transfer came into effect on 11 February 2011. Since then the Ombudsman has been the convener of the Child Death Review Team, and his office provides support and assistance to the team in the exercise of its functions. But the transfer remained incomplete, a bitter Labor piece of payback to an Ombudsman who had been too independent. Labor in government had to be dragged kicking and screaming to implement Justice Wood's recommendation in the first place. When it did make the transfer, which as I said came into effect in only February this year, it was, as Labor had always intended it to be—half-hearted. It did not fulfil Justice Wood's recommendation or indeed his vision.

With this bill the Liberal and Nationals Government will finish that job: it will complete that vision. Its measures will remove the administrative complexities brought about by Labor's half-hearted transfer and acknowledges the importance of the Ombudsman's independence. Let us hope now that Labor has the decency—even if belatedly—to do the right thing by children in New South Wales and support our efforts to do what it should have done. It is in everyone's interest that there be strongly independent oversight, and I would have thought that was especially attractive to oppositions.

This bill completes the transfer and boosts accountability and transparency by supporting the Ombudsman's independence and his office's work with child deaths. The team reports annually to Parliament on child deaths in New South Wales. To date it has published eight special research reports on issues including child deaths involving parental substance dependence, suicide and risk-taking deaths, and sudden unexpected deaths in infancy. The death of any child is a tragedy, and the work of the team is enormously important to the community. I would like to take this opportunity to thank the members of the Child Death Review Team for their dedication to this complex and difficult task. The bill will assist them in carrying out their work by strengthening their autonomy and ensuring that the Ombudsman can carry out his team functions more efficiently and, crucially, more effectively.

Some of the changes in the bill were the focus of the special report to Parliament by the Ombudsman in November 2010. Other changes in the bill were subsequently requested by the Ombudsman during consultation

on the bill. The first amendment I draw to the attention of the House concerns legislative provisions and parliamentary responsibility. The bill will transfer the legislative provisions regarding the Child Death Review Team out of the Commission for Children and Young People Act 1998 and into the Community Services (Complaints, Reviews and Monitoring) Act 1993. This will mean that the Ombudsman's functions in relation to the Child Death Review Team, and in relation to community services and reviewable deaths, will now all be contained in the same Act.

The bill will also ensure that the Ombudsman will not have to report to two different parliamentary joint committees in relation to his Child Death Review Team functions. Currently the Ombudsman reports to the Parliamentary Committee on the Office of the Ombudsman and the Police Integrity Commission in relation to all his functions. This includes his functions with respect to the Child Death Review Team that he took on in February this year. The Parliamentary Committee on Children and Young People also currently has parliamentary responsibility for monitoring and reviewing the work of the Child Death Review Team, as well as the Commission for Children and Young People. To avoid this duplication of roles in relation to the Child Death Review Team, the bill will transfer parliamentary responsibility for the Child Death Review Team from the Committee on Children and Young People to the Committee on the Office of the Ombudsman and the Police Integrity Commission.

The Committee on Children and Young People will continue to apply its valuable experience and knowledge on issues affecting children and young people, and it will continue to be responsible for monitoring and reviewing the work of the Commission for Children and Young People. The Committee on Children and Young People will continue to be responsible in general for examining trends and changes in services and issues affecting children and young people, but the bill will ensure that only one parliamentary committee—the Committee on the Office of the Ombudsman and Police Integrity Commission—will have oversight of the Child Death Review Team.

The bill also makes a small number of changes of an administrative nature relating to the appointment of members of the Child Death Review Team and the team's research and reporting functions. These changes were requested by the Ombudsman in order to enhance the efficiency of the Child Death Review Team. In relation to the members of the team, the bill will appoint the Deputy Ombudsman, in his capacity as Community and Disability Services Commissioner, to be a statutory member of the Child Death Review Team. The other statutory members of the team are the Ombudsman, as the convener of the team, and the Commissioner of the Commission for Children and Young People.

The Deputy Ombudsman leads the Community Services Division within the Ombudsman's office, and I understand that staff supporting the work of the Child Death Review Team are also within this division of the Ombudsman's office. Appointing the Deputy Ombudsman as a statutory member of the team will therefore ensure he is best placed to support the team in carrying out its functions. The non-statutory members of the team include experts in child health care, Indigenous health care, medical specialists and representatives from the New South Wales Police Force, the Coroner's office, the Department of Family and Community Services, the Department of Education and Communities, the Ministry of Health and the Department of Attorney General and Justice. The bill extends the maximum term of office of these members of the team from the current period of two years to three years. Team members are also eligible for reappointment.

With respect to the team's research functions, the bill will remove a requirement for the team to obtain ministerial approval before it can undertake research on preventing or reducing the likelihood of child deaths. The team will still require the approval of the Minister before conducting research in one specific area to do with "reviewable deaths", as those deaths are already looked at by the Ombudsman in another capacity, rather than by the team. This means the team's research cannot be constrained by the political agenda of the government of the day. For example, it cannot be sidetracked or sidelined from issues of public disquiet by the government of the day—perhaps a government obsessed by spin, say, keen to avoid scrutiny or any challenge to its authority.

With respect to the team's reporting functions, the bill removes the requirement to provide a copy of its draft reports to the Minister. Again, that removes that legislated final temptation for a government hiding from scrutiny and the responsibility to improve its service to the people of New South Wales. In addition, the bill makes it clear that a member of the team can disclose information, such as extracts from a draft report, to any person or organisation for the purpose of obtaining information or advice, or enabling comments to be made to the team, in connection with the draft report. This will ensure that the team will be able to consult more widely in the preparation of its reports and recommendations should it wish to do so.

The Child Death Review Team has a task that is vital to the welfare and wellbeing of the children of New South Wales. The team's work has greatly added to our capacity to understand the causes of child deaths in New South Wales and how to reduce the numbers of preventable child deaths. The recommendations that have flowed from the team's reports have led to improvements in our policies and practices. As a result of its work we now have better systems in place to prevent or reduce these deaths. The team's research is being translated into action to make our State a safer place for children. Its work has identified areas of concern for policymakers and the wider community, some of which would not have been recognised otherwise.

The team not only makes recommendations; it also monitors and follows up with agencies on the implementation of its recommendations. To take one example from its latest annual report, the team has been monitoring the implementation of its recommendation regarding the risk of drowning for children and young people with epilepsy. A fact sheet on epilepsy and seizures is now available from a number of New South Wales children's hospitals which includes educational messages on the dangers of children and young people swimming alone, and the importance of supervising children at risk of a seizure when bathing or swimming. The bill will assist the Child Death Review Team in carrying out its valuable role of researching and advising the government and the community on ways to prevent or reduce child deaths.

We are serious about reform to improve services and boost accountability and transparency in the work we do for vulnerable children, young people and families. After 16 years of Labor the reform process undoubtedly will be long and challenging—there is so much to do. This bill not only is part of that reform challenge; it meets another election commitment and is part of the Government's elevation of accountability and transparency about how we work and improve. I commend the bill to the House.

Mrs BARBARA PERRY (Auburn) [12.30 p.m.]: I lead for the Opposition on the Children Legislation Amendment (Child Death Review Team) Bill 2011. Though I had the benefit of a briefing late yesterday afternoon, the Opposition first saw this bill today as the Minister gave her agreement in principle speech. Yesterday I asked the Minister's chief of staff the same question I repeat now: What is the urgency of this bill? The briefing was full, but it does not replace the ability for the Opposition to examine the entire draft or proposed bill. For good democracy to work, time should be given to the Opposition for such important matters. I am concerned about the process involved with this bill, not about politicising the process in this House.

When we are considering important legislation the Opposition should be given more time to analyse the information in order to raise issues. The Opposition understands that some parts of the bill are appropriate and supports changes to the system, but it cannot support this bill. The bill seeks to do a number of things. For example, it seeks to transfer the legislative provisions regarding the Child Death Review Team from the Commission for Children and Young People Act 1998 to the Community Services (Complaints, Reviews and Monitoring) Act 1993. This has the effect of bringing the Child Death Review Team and its oversight under the purview of the Office of the Ombudsman and the Police Integrity Commission under legislation the Minister has nominated and over which she has jurisdiction.

The bill further seeks to transfer responsibility for parliamentary monitoring of the Child Death Review Team from the Committee on Children and Young People to the Committee on the Office of the Ombudsman and Police Integrity Commission. The bill seeks to appoint the Deputy Ombudsman, who is the Commissioner for Community and Disability Services, as a statutory member of the Child Death Review Team. The bill extends the maximum term of office of Child Death Review Team members from two years currently to three years. The bill also removes the requirement of the Child Death Review Team to provide a copy of its draft report to the Minister and takes away the current requirement that ministerial approval must be obtained before some Child Death Review Team research programs are undertaken.

The bill also enables the Child Death Review Team to disclose information for the purposes of obtaining information for a draft report. That will enable the Ombudsman to disclose information to other agencies, for example, in preparation and finalisation of the draft report. Obviously, that is to ensure better outcomes with respect to recommendations. This House is well aware, and the Minister has pointed out, that the Wood royal commission recommended the transfer of the secretariat and research functions of the Child Death Review Team from the Commission of Children and Young People to the Ombudsman. Parliament passed the related legislation in April 2009, with the transfer to take effect after the release of the Child Death Review Team report in October 2010, together with the resolution of funding and legislative issues raised by the Ombudsman.

To recap on the history further, after that legislation was passed the former Government accommodated many requests from the Ombudsman regarding the transfer of the Child Death Review Team, including

allowing the Ombudsman to determine rates of remuneration for review team members and improvements to information sharing. The former Government also provided funding to assist in the transfer of these functions. Initial funding was \$539,000, which included an additional \$318,000 sought by the Ombudsman. The Opposition accepts that some of the proposed amendments are important and make sense—for example, extending the maximum term of office of Child Death Review Team members from two years to three years, and enabling information flow, particularly when draft reports are being prepared—but a fundamental issue is at stake, which is the reason the Opposition opposes the bill.

That issue is: Who is best to oversight the Child Death Review Team? Our absolute priority is to uphold whatever brings about the best outcomes for children in this State. The Opposition believes that delivering the best outcomes for children in this State will come through being able to fully utilise the strengths, capacity and built-up knowledge of the Commission for Children and Young People and the Committee for Children and Young People. The Minister indicated perhaps some conflict and lack of transparency. I totally disagree, if that is what the Minister intended. Let me once again examine the history that is pertinent to my arguments and this bill.

The Child Death Review Team was set up in 1995. When the office of the Commissioner for Children and Young People was established in 1999 it took on the role of supporting the Child Death Review Team through conducting research, maintaining a child death register and being involved in implementing recommendations. The commissioner chaired the Child Death Review Team. The Committee on Children and Young People was established on or about 11 April 2000 and was re-established this year in the new Parliament on 22 June 2011. The committee's mandate states:

The Committee has a broader responsibility to examine trends and changes in services and issues affecting children and young people.

The committee looks at improving outcomes for children in New South Wales. It is made up of people who have built up an understanding of issues facing children and young people. Currently a member of that committee is Dr Andrew McDonald, a paediatrician with a wealth of knowledge to bring to the committee. Access to data on child deaths is an important source of information. I understand the need to oversight the committee to enable it to conduct inquiries not just based on child death data per se but to conduct broader inquiries that link in child death data and this oversight function of the Child Death Review Team to provide knowledge.

What this bill proposes to do is effectively lose that knowledge, lose the ability that comes with the Committee on Children and Young People and the knowledge associated with the agency, and effectively says that the Committee on Children and Young People can look at everything except deaths of children. That does not make sense because, given its broad agenda, its broad tenet that it has been set up under, one would think this is the best committee to oversight the Child Death Review Team and oversight the research that comes with it, and to use that in a way to benefit all children in this State in its future inquiries. For example, if the Child Death Review Team is examining deaths as a result of asthma, road trauma or suicide then the Committee on Children and Young People would have the knowledge from that data and be able to use that information and apply the data in a different range of forums.

One of the big causes of child deaths is motor vehicle accidents. Information on the circumstances surrounding the deaths assists the Committee on Children and Young People in examining such things as how to improve built environments for the benefit of children. This then becomes a planning issue. The commission and the committee are able to use this information. When I was the Chair of the Committee on Children and Young People I chaired an inquiry into children and young people and the built environment. It is a good example of the positive outcomes that occur as a result of the important information flow between the Child Death Review Team, the Committee on Children and Young People and the Commission for Children and Young People. But with the passing of this bill all that will be lost, and that is of great concern to the Opposition.

Contrast that with the role of the Committee on the Office of the Ombudsman and Police Integrity Commission. The primary aim and tenet of the set-up of that committee is oversight. It is also to monitor and review the functions of the Ombudsman's office to ensure the Ombudsman is fulfilling his mandate and his focus is on agencies that he reports on. Its primary aim is not to focus on children and young people in the same way that the Committee on Children and Young People does. I will be happy to hear from the Minister in relation on this. Is it intended that the Committee on the Ombudsman and Police Integrity Commission will conduct broader inquiries than the Committee on Children and Young People and utilise the data that comes out

of the information from the Child Death Review Team in the same way that the Committee on Children and Young People did? Is that what is intended? Is that what will happen or will this involve purely an oversight function? That is what concerns the Opposition.

We argue that the information will not be used in the same way and it will not be able to be used in practical ways. The Committee on Children and Young People, through its work, has been able to use the data in a way that the Committee on the Office of the Ombudsman and Police Integrity Commission does not. I say that with the greatest respect. We want to acknowledge the vital work of the Committee on the Office of the Ombudsman and Police Integrity Commission and the important work that is carried out. In no way do I want to have this taken as a criticism of that important work. Good governance is also about how best to use information, where it best sits and how it can be used to its full capacity. We need to use the knowledge that has been built up from the Child Death Review Team and in the Committee on Children and Young People to its fullest capacity. I think the issue is that the committee having oversight of the team potentially enables the committee to request analysis of unpublished data. It is more difficult to do this if it reports to the Committee on the Office of the Ombudsman and Police Integrity Commission because of confidentiality requirements.

Having not seen the bill, I will be happy to hear the Minister in reply. We have not been able to see the bill. The bill was not given to me, therefore the last comment I made was from the position of not having seen the bill. Accountability and transparency work in many ways but as Government and Opposition we should be looking at the best way of using the expertise and knowledge that has been gained. Today is a sad day because this bill proposes that expertise be lost to the State. The expertise around child deaths and the information that has been gained and the application of it will no longer be the same. What we are seeing is not a good thing for democracy, and that is a concern that many stakeholders in the sector will hold.

Mr ANDREW GEE (Orange) [12.45 p.m.]: I speak in support of the Children Legislation Amendment (Child Death Review Team) Bill 2011. I hear the arguments from those opposite but the reality is that the Special Commission of Inquiry into Child Protection Services in New South Wales recommended the transfer of responsibility for convening the Child Death Review Team from the Commission for Children and Young People to the Ombudsman. The New South Wales Liberals and Nationals, in opposition, strongly supported the transfer.

In April 2009 the Parliament passed legislation that transferred responsibility for the Child Death Review Team from the Commission for Children and Young People to the Ombudsman. The Liberals and Nationals in opposition proposed amendments to strengthen Labor's bill in this regard. On 4 November 2010 the Ombudsman released the report "Unresolved issues in the transfer of the NSW Child Death Review Team to the Office of the NSW Ombudsman", which detailed the difficulties experienced by the Ombudsman due to the incomplete nature of the former Government's transfer. That transfer came into effect on 11 February 2011. The Liberal-Nationals out-of-home care policy Recovering Children at Risk, released on 3 March 2011, included the commitment to support the Ombudsman's role in independently reviewing child deaths by transferring responsibility for coordinating the Child Death Review Team from the Commission for Children and Young People to the Ombudsman's office.

The commitment was made before the election and the Government has an overwhelming mandate to introduce it. The Ombudsman sought legislative and administrative amendments to enhance efficiencies in the operations of the Child Death Review Team to ensure the Ombudsman's independence is protected in this new role and create a better alignment between the research activities of the Child Death Review Team and his work on reviewable deaths. Changes agreed to by the Government meet that important election commitment. They enhance efficiencies and support the Ombudsman in his capacity as chair of the Child Death Review Team and provide the Ombudsman with greater autonomy over certain Child Death Review Team functions and makes sure the Ombudsman is supported in this respect.

The majority of the Ombudsman's requests have been supported. I note that the key changes include: transferring Child Death Review Team functions from the Commission for Children and Young People Act to the Community Services (Complaints Reviews and Monitoring) Act 1993; removing certain statutory roles for the Minister in relation to Child Death Review Team research and reports; rationalising the number of parliamentary committees to which the Ombudsman must report; extending the maximum term of office of Child Death Review Team members from the current period of two years to three years; removing a requirement to obtain ministerial approval before undertaking certain Child Death Review Team research programs and removing the requirement for the Child Death Review Team to provide a copy of its draft report to the Minister.

A copy of the final report will be provided to the Minister. This is an important reform because it should remove the political spin from the Child Death Review Team reports. I am a member of the Committee on Children and Young People and the member for Charlestown is the committee chair. I commend the Minister for this legislation. It is an important reforming piece of legislation that will make a difference to the way matters of this nature are dealt with in New South Wales. I commend the bill to the House.

Dr ANDREW McDONALD (Macquarie Fields) [12.50 p.m.]: The Opposition will oppose the Children Legislation Amendment (Child Death Review Team) Bill 2011. I refer to some comments made by the Minister for Family and Community Services. The Minister talked about the need for accountability, transparency, keeping children safe and protecting those in out-of-home care. How will one child be helped today by the passage of this bill through all stages in a couple of hours? The Premier, when in opposition, felt so strongly about this issue that his actions caused him to be ejected from the House. He also referred to the passage of legislation such as this without any scrutiny as "sausage factory" legislation. What is the hurry? This bill could easily have lain on the table for five days after the Minister's agreement in principle speech so that all stakeholders had the opportunity to look at the detail. In a bill such as this the devil is in the detail. This bill is a Trojan horse—we cannot see what is in it until it is too late.

While many of the changes proposed are acceptable, my position in relation to the oversight of the Child Death Review Team has not changed since 2009 when I argued against the move of the Child Death Review Team to the Office of the Ombudsman. I am the only member of the Child Death Review Team in this place. I have been involved with it for more than 10 years. I say to members who do not have the same experience with the Child Death Review Team as I do that if I think this bill is dodgy then they should question why. I am confounded as to why the oversight of the Child Death Review Team generates so much political heat. As an indicator, the Premier, when he was the Opposition leader, was thrown out of the House over this issue in 2009. As one who has been closely involved in child protection I am still confounded by the demands of the Ombudsman for the oversight of this team. Only some 6.5 per cent of all child deaths are reviewable by the Ombudsman. The result of the bill in 2009 was the move of the Child Death Review Team to the Office of the Ombudsman. In April 2009 Ms Pru Goward, the Minister at the table, spoke on the amendment. She said:

The Opposition was very much of the view that the Ombudsman should, as Justice Wood recommended, have the authority as convener of the Child Death Review Team. We believe this will enable the Ombudsman to continue to provide the independent oversight, which was, and has proved to be, so important in providing additional protections and measures to safeguard children in New South Wales, particularly addressing instances of neglect and abuse. This process was strongly opposed by the Government.

That is the then Labor Government. She continued:

To this day it is a mystery that the Government should oppose the continuing involvement of an office with such a demonstrably powerful track record of recommendations that have improved the child protection system.

In my contribution on that day in April 2009—and my views have not changed—I said:

I place my personal opposition to this amendment on the *Hansard* but I understand that the Government has agreed to the amendments.

I ask members to note that we were in government and I opposed the amendments. Sometimes we have to stand up to the Government that we are a part of. I continued:

I speak as the only former member of the Child Death Review Team in this place. This amendment is a mistake. There is no groundswell of opinion from my profession for this move. The move of the Child Death Review Team from the Commission for Children and Young People to the Ombudsman will reduce the ability of the Commission for Children and Young People to do its job as the Child Death Review Team is central to the ability of the Commission for Children and Young People to advocate for child health in New South Wales. The Child Death Review Team was doing an excellent job where it was. There was no need to change.

When I was a member of the Child Death Review Team there was no political influence over what I said in meetings or in the report. I was present when the report was drafted and ticked off by all independent members of the panel. The government of the day had no ability to modify what was said in the report. Child death is a complex issue. The Ombudsman has the authority to review reviewable deaths but, as I have said, the majority of child deaths are not reviewable. The 2009 Child Death Review Team report is the last report that will come from the review team with the Commission for Children and Young People as the convener. I have the report in

the House and I recommend it to every member. I hope the Ombudsman is able to produce a report as good as this report. The introduction of the report states that the transfer of responsibility for the Child Death Review Team was planned to occur in November 2009 following the tabling of the 2008 report, but it was delayed until after the 2009 report.

A function of the Child Death Review Team is to maintain a register of child deaths occurring in New South Wales. The register has recorded such deaths since 1 January 1996. Other functions of the Child Death Review Team include: to classify those deaths according to cause, demographic criteria and relevant factors; to analyse data to identify patterns and trends relating to those deaths; and, with the approval of the Minister, to undertake alone or with others research that aims to prevent or reduce the likelihood of child deaths. I note that this bill removes that approval. I agree with that provision. The functions also include: to make recommendations arising from the team's maintenance of the register and its research as to legislation, policies, practices and services for implementation by government and non-government agencies and the community to prevent and reduce the likelihood of child deaths; and to identify areas requiring further research by the team for other agencies or persons.

By contrast, the Ombudsman reviews deaths that result from or is suspicious of death due to abuse or neglect of a child in care or in detention at the time of death. I refer to the report on reviewable deaths in 2008-09, published in August 2011. It is a very good report from the Ombudsman's office. I pay tribute to the quality of the Ombudsman's reports. This report indicated that 6.5 per cent only of 1,181 children who died in that period were reviewable deaths by the Ombudsman. In 2009, the last year for which the report is available, there were 565 child deaths, of which 234 were reported to the Coroner. That indicates a fair degree of current oversight of child deaths. Of those 565 children 412 died of disease, 298 were less than one-year-old and the major causes were prematurity and congenital malformations. These deaths are not the role of the Ombudsman. Of those children 114 were older than one year of age.

Further, 92 deaths were due to external causes: 12 from drowning, 44 from transport—of which 26 were passengers, and of those 26 children 21 involved an element of risk-taking by the driver—seven from assault and 44 from sudden unexpected death in infancy. Again, many of those deaths have preventable features that require a whole-of-government response. The Commission for Children and Young People is vital in leading this response. For example, causes of sudden infant death included incorrect sleeping position, high rates of tobacco smoking, head covering and co-sleeping. Also, 17 deaths were from suicide, mainly older children; risk-taking was a factor in 34 deaths due to external causes; and inadequate supervision was involved in 13 deaths. Child deaths are significantly fewer than they were prior to the introduction of the Child Death Review Team in 1996. The number of deaths statewide has decreased from 833 to 565 and the direct standardised mortality rate has reduced from 51.4 to 32.5 deaths per 100,000 children.

There was a significant reduction in child deaths during the 16 years of the Labor Government, but that has not been mentioned once by those opposite. As I said, the Ombudsman reviews deaths that are as a result of, or if there is a suspicion of, death due to abuse or neglect; if the child was in care at the time of death; or if the child was in detention at the time of death. The Ombudsman's report in August 2011 on the review of 77 children who died in 2008-09 found that 20 died of abuse, plus six deaths involved the suspicion of abuse, making a total of 26; 23 died as a result of neglect, plus eight deaths involved the suspicion of neglect, making a total of 31; and 20 died in care. The report found that 21 per cent of deaths of children aged one to four were reviewable. The Commission for Children and Young People has bipartisan support from both sides of the House. It does not need to have one of its major functions removed when there has been no evidence whatsoever of the political influence that was suggested by those opposite in their contributions.

The Commission for Children and Young People was a provider of a secretariat and research for the Child Death Review Team, and I pay tribute to all the people who work at the commission, many of whom I have worked with—especially Trish Malins, the head of the research unit, who does a brilliant job and produces brilliant research results. The parliamentary Committee on Children and Young People will no longer oversee the Child Death Review Team's report. That is a retrograde step because, as I said, 93 per cent of children who die in New South Wales do not die of a condition reviewable by the Ombudsman. It is vital that we have a chance to review the report in detail. The Ombudsman no longer has to appear before the commission, as he says, "to rationalise"—which really means to reduce parliamentary scrutiny. There is no reason to make in one morning such a significant change that will affect every child in this State.

This is sausage factory legislation and, even worse, it is a Trojan horse bill. I had not seen the bill until five minutes ago. We do not know what is in this bill because we have not had a chance to look at it; nobody

outside this place has had a chance to examine the bill. If it is as good as the Minister says then all she had to do was deliver her agreement in principle speech, lay the bill on the table and let all stakeholders examine it, agree or disagree and then, if possible, move amendments to improve it. The Minister should explain what the hurry is. The Committee on Children and Young People, of which I am a member, will no longer be able to review the complex causes of child deaths in New South Wales. It is a reduction in the scrutiny of this Parliament of the complex causes of child deaths, and we are all poorer for that.

Ms MELANIE GIBBONS (Menai) [1.02 p.m.]: As a member of the Committee on Children and Young People I speak in support of the Children Legislation Amendment (Child Death Review Team) Bill 2011. I doubt anyone would disagree that ensuring our children are safe and protected is an important issue. Even those of us without children feel strongly about child safety and welfare, as obviously we should. Unfortunately, in far too many cases children are the victims of abuse, neglect and sometimes even untimely death. This sad fact of life is not something that most of us like to speak about, but it is something for which we must establish efficient and regulated rules. The Child Death Review Team was set up to assist the Government in preventing and reducing the number of deaths of children under the age of 18. These deaths are reviewed through data analysis, research and through making recommendations. The main functions of the Child Death Review Team are to maintain a register of child deaths in New South Wales; to identify trends and other relevant factors; and to make recommendations to government and non-government agencies for the prevention of further child deaths.

The 2008 the Wood Special Commission of Inquiry into Child Protection Services recommended that the Child Death Review Team be transferred from the Commission for Children and Young People to the Office of the NSW Ombudsman. Whilst not criticising the commission, these recommendations were put forward to improve the efficiency of the Child Death Review Team and to stop any unnecessary duplication of work. Despite the former Government accepting the majority of recommendations in the Wood report, the key recommendation—to transfer the Child Death Review Team from the Commission for Children and Young People—was rejected. The Child Death Review Team is comprised of expert advisers from the health sector and the Government to help the Government prevent and reduce the number of child deaths in New South Wales. However, despite the recommendations of the 2008 Wood commission of inquiry into child protection services, it lacks the true independence it deserves.

For such a sensitive and important issue as child deaths it is important that the system works well and efficiently. According to the NSW Ombudsman, as it stands there are still far too many issues, and that is why I support this bill today. In his report "Unresolved issues in the transfer of the NSW Child Death Review Team to the Office of the NSW Ombudsman", Bruce Barbour, the Ombudsman, said that it was incomprehensible that an Ombudsman has his independence compromised. He put forward a strong case for real reform to improve the support, care and protection of vulnerable children and young people in New South Wales. It does not make any sense for the NSW Ombudsman, who is meant to be independent, to ask permission from a Minister before carrying out his work. It does not help transparency.

The New South Wales Government shares the Ombudsman's concern at the lack of capacity in the child protection system, and with this bill the Government is bringing about real reform. To complete the final transfer the following changes will need to be made to the current legislation: removing the statutory requirement for the Ombudsman to submit draft reports to the Minister; transferring the Child Death Review Team functions to the Community Services (Complaints, Reviews and Monitoring) Act 1993; and allowing the Child Death Review Team to determine its research program without the need for ministerial approval. These changes are about achieving a new and effective system for reviewing and learning from the deaths of children in New South Wales. It is clear that currently such requirements are not compatible with and would have the effect of undermining the independence of the Office of the NSW Ombudsman.

This final step will ensure that the Child Death Review Team can be accountable and transparent—two key values that this Government is determined to instil. These amendments will also support the Ombudsman's independence and his office's work with child deaths. This is yet another election commitment that we are delivering on. It is a commitment I am proud to uphold and I believe it will bring the best outcomes for children in this State. I commend the Minister for Family and Community Services for her work on the complete transfer of the Child Death Review Team to the NSW Ombudsman, which will, in turn, provide the best system to investigate the deaths of children under the age of 18 in New South Wales.

Whilst giving the NSW Ombudsman more power to report on child deaths can bring greater political risk for the government of the day, it is the right thing to do. As the Minister stated earlier this month, this

removes the need for the Child Death Review Team to have to provide the Minister of the day with a report in advance of it being tabled. This then removes the capacity for any government to spin it, suppress it, distract from it or make up stories about it—it goes out there as it is for a response. This step is just one piece of the puzzle in restoring the work that the New South Wales Government is doing for children in and out of care. With improved systems, we can work towards protecting the younger and ultimately more vulnerable members of society. I commend the bill to the House.

Mr RYAN PARK (Keira) [1.08 p.m.]: I echo many of the submissions made by members on this side of the House and I take the opportunity to place on record that we believe there are components in the Children Legislation Amendment (Child Death Review Team) Bill 2011 that constitute a positive step forward. However, I am concerned that a couple of months ago in this place we spent day after day after day after day debating a library bill. Everyone in the Chamber spoke on the Library Amendment Bill 2011—they could not get enough of it. Time and time again, Government members talked about their local library, how many books are in their local library, how many journals are in their local library—

Mr Jai Rowell: Point of order: It goes to Standing Order 76, relevance. We are debating the transfer of the Child Death Review Team; the member is talking about libraries. I ask that you draw him back to the leave of the bill.

ACTING-SPEAKER (Mr Lee Evans): Order! I uphold the point of order. The member will return to the leave of the bill.

Mr RYAN PARK: But when it comes to some of the most important legislation that we could face as legislators—legislation about the protection of young people and investigations when something goes horribly wrong—we do not get days or hours notice of the debate; we get minutes in which to review the bill. The Minister deserves better than that. This is more important than the Library Amendment Bill 2011. I do not care what any member opposite says, the Minister's work is more important than the Library Amendment Bill. As a senior Minister with a sensitive portfolio her work is absolutely crucial. It is ridiculous to dump this legislation on the Opposition a couple of minutes before its introduction and say, "Read the bill and make your decision". I am confident that the bill contains some positive measures. So why not pay this Parliament—the place we all come to represent our communities—the respect it deserves and give all members fair notice and an opportunity to review the bill, contribute to debate and perhaps amend the bill to make it better?

The Minister plays an important role in this Government. I am sure she would be hard pressed to find a more sensitive issue than investigations, oversight, recommendations and reforms relating to child deaths. I think this is one of the most important issues we can consider. As a father of an 18-month-old, I could not imagine what it would be like to lose my child. But I would want to know that everything possible was being done by both sides in this place to ensure that the process of investigation, oversight and improvement is as good as it can be. That is not achieved by dropping a bill on members of this House at a minute's notice, delivering the agreement in principle speech and walking away. This is not necessarily the Minister's fault; it is the fault of the entire Government. Government members wasted day after day in this place debating stupid, menial pieces of legislation. Government members went on for days about the library bill and then the graffiti bill. Of course graffiti is important and of course libraries are important but—

Mr Jai Rowell: Point of order: My point of order relates to Standing Order 76. The Chair has already ruled on this matter and I ask you to draw the member back to the leave of the bill.

ACTING-SPEAKER (Ms Melanie Gibbons): Order! I uphold the point of order.

Mr RYAN PARK: Of course those issues are important, but not too many things are more important than this bill. I hope that in the next parliamentary session and beyond the Government will give its Ministers and its legislation the respect they deserve. Most importantly, I hope the Government will show this Parliament the respect it deserves. As representatives of our communities, members deserve more time to consider legislation. We deserve adequate explanations and an adequate review period. I hope the Government will improve the legislative process in the future.

Mr CHRIS PATTERSON (Camden) [1.13 p.m.]: I support the Children Legislation Amendment (Child Death Review Team) Bill 2011. The Government is fulfilling an election commitment to boost accountability and transparency in Community Services. Children are the most important beings in the world. By introducing this bill the Government is helping to prevent and reduce the number of child deaths. The Child

Death Review Team assists government in preventing and reducing the number of deaths of children in New South Wales. The Child Death Review Team does this through data analysis and research, and by making recommendations. The team maintains a register of child deaths in New South Wales, classifies deaths according to cause, demographic criteria and other relevant factors, identifies patterns and trends according to the deaths, and makes recommendations to government and non-government agencies to prevent further deaths.

The Wood Special Commission of Inquiry into Child Protection Services recommended the transfer of responsibility for convening the Child Death Review Team from the Commission for Children and Young People to the Ombudsman. The Coalition in opposition strongly supported that transfer. In April 2009 the Labor Government half-heartedly passed legislation to implement this recommendation, with the then Coalition Opposition proposing amendments to strengthen Labor's bill. In November 2010 the Ombudsman released the report "Unresolved issues in the transfer of the NSW Child Death Review Team to the Office of the NSW Ombudsman". The title speaks for itself, but for those on the other side who did not seem to understand I will explain that the report detailed the difficulties the Ombudsman was experiencing due to the incomplete nature of the former Labor Government's transfer.

The transfer came into effect on 11 February this year. Following the transfer, in March the Coalition released the out-of-home care policy *Recovering Children at Risk* and committed to supporting the Ombudsman's role in independently reviewing child deaths by transferring responsibility for coordinating the Child Death Review Team from the Commission for Children and Young people to the Ombudsman. This Government is supporting the majority of the Ombudsman's requests for legislative amendments to enhance efficiencies in the Child Death Review Team's operations, protect the Ombudsman's independence in his new role, and create better alignment between research activities of the Child Death Review Team and the Ombudsman's work on reviewable deaths.

Amendments to this bill will include: transferring the Child Death Review Team functions from the Commission for Children and Young People Act 1998 to the Community Services (Complaint, Reviews and Monitoring) Act 1993, removing certain statutory roles for the Minister in relation to the Child Death Review Team research and reports, rationalising the numbers of parliamentary committees to which the Ombudsman must report, extending the maximum term of office of Child Death Review Team members from the current period of two years to three years, removing a requirement to obtain ministerial approval before undertaking certain Child Death Review Team research programs, and removing the requirement for the team to provide a copy of its draft report to the Minister, with a final copy of the report instead being provided to the Minister.

Through these amendments the Coalition Government will finish the job that Labor failed to complete. This Government supports the Ombudsman's independence and the work of his office on child deaths. These amendments are an important step in boosting accountability, transparency and efficiency for the most important task of preventing child deaths. I am the father of four healthy children. Amelia is 10, Sophie and Tom are eight and Matthew is three. I am sure all members of this House agree with my belief that children deserve to have an independent, efficient and transparent Ombudsman responsible for coordinating the Child Death Review Team in its research and recommendation role to prevent child deaths. The member for Auburn summed up the Opposition's pathetic track record in relation to this extremely serious issue when she questioned the need to rush this legislation. But child welfare and wellbeing necessitate it.

We make no apologies—zero, zip, zilch—for bringing this legislation forward as quickly as possible and putting it in place. The concern of the member for Auburn with democracy ahead of child welfare falls flat. This is a very important bill that needs to be addressed immediately. The attitude of the member for Keira was, "This is positive, but ..." By referring to the Library Amendment Bill 2011 and the Graffiti Legislation Amendment Bill 2011 he put on record nothing more than waffle. He made not one constructive comment about this bill and the welfare of children in our State. To criticise the bill under the guise of "Let's fill up 15 minutes for the sake of filling up 15 minutes" is reprehensible. The member for Auburn, in leading for the Opposition, said, "We were briefed yesterday." Clearly something is wrong there.

I say: Get with the program; pick it up and run with it and support children in our State. The speech by the member for Keira was all about him: "Give me time to read the bill. Give me time to be across it." He should pick up the bill and run with it and say, "I want to support children. I want to do everything I can." That is where the member has lost sight of the objective. He should not oppose for the sake of opposition. This is a good bill and the reason it is being brought forward is that we are not going to sit on it for five days and not deal with it. We are going to deal with it today, and we make no apologies for doing so. I commend Minister Goward for her

work on this bill and the sincere passion she brings to her portfolio. She is to be commended because we finally have a Minister who lives, eats and breathes this portfolio, and who will do everything she possibly can to advance child welfare in this State. I commend the bill to the House.

Ms TANIA MIHAILUK (Bankstown) [1.21 p.m.]: I note at the outset that the Children Legislation Amendment (Child Death Review Team) Bill 2011 is an important bill that relates to an area of great concern to all members of this place. Like my colleagues the member for Auburn, the member for Macquarie Fields and the member for Keira, I too place on record my concern and my objection to the breakneck speed at which this bill is being considered. I appreciate the comments of the member for Camden, but Parliament should give all members the time to consider legislation appropriately. The speed with which the bill has been introduced and is being pushed through all stages today suggests that some members of Parliament are not being given the opportunity to consider legislation in a timely fashion. Once again, the Government is pushing legislation through this House in a matter of hours.

The Government continues to treat the House with contempt. All members should be outraged at the Government's appalling behaviour. It is absurd to give notice to bring on a bill and then push it through all stages in the same day. This House seems to spend its time either pushing through legislation as fast as possible or, as the member for Keira rightly said, listening to Government members drone on with nonsense about their childhood memories of libraries. I confirm that the Opposition strongly supports the Child Death Review Team and the great work it does to keep our children safe. I cannot stress enough our support for this initiative, which is of course a longstanding bipartisan issue. The Child Death Review Team includes an impressive concentration of talent from within the public service—representatives of NSW Health, the NSW Police Force, the Department of Education and Communities, the Department of Attorney General and Justice and several others. Furthermore, the Act requires the Minister to appoint at least two Aboriginal members to the team.

The team is non-political and parliamentarians are deliberately excluded from its ranks. The team maintains a register of child deaths in New South Wales and classifies these according to their causes in an attempt to identify patterns and make recommendations accordingly. The Opposition accepts parts of the bill, such as the amendment to include the Community and Disability Services Commissioner as a member of the team, the extension of the period of office of appointed members of the team, and the changes to the restrictions on disclosure of information. I also commend the Minister for removing the requirement for her approval for the team to undertake research in the exercise of its functions.

As this is a non-political entity, we support the removal of the Minister's direct oversight in the aforementioned capacity, and giving this well-qualified and constituted body greater autonomy. However, as my colleagues the members representing the electorates of Macquarie Fields, Auburn and Keira have noted, we do not support one part of the bill. The Opposition is opposed to the transfer of responsibility for the oversight of the Child Death Review Team from the Committee on Children and Young People to the Committee on the Office of the Ombudsman and the Police Integrity Commission.

As the member for Macquarie Fields and the member for Auburn said, the Committee on Children and Young People has specific expertise and experience in matters relating to children and young people in New South Wales. By moving responsibility for oversight of the team to the Committee on the Office of the Ombudsman and Police Integrity Commission, the Government is losing the valuable expertise that the other committee possesses. The Government is moving responsibility to a committee that does not have expertise and experience in this area. I stress that this is not a comment on the members of either committee but on the functions of those committees. It is the responsibility of the Committee on Children and Young People:

... to examine trends and changes in services and issues affecting children and young people.

For this reason it is logical for this committee to maintain its oversight of the Child Death Review Team. I urge the Government to reconsider this decision. As previously noted, there are parts of the bill that the Opposition supports. However, we do not support the change in oversight, and consequently cannot support the bill.

Mr JAI ROWELL (Wollondilly) [1.27 p.m.]: I support the Children Legislation Amendment (Child Death Review Team) Bill 2011. This is a significant step forward in improving the health and wellbeing of children in New South Wales. As a proud father of two young boys, I am very happy that Minister Pru Goward has introduced this legislation. The Child Death Review Team is an important initiative because it aims to prevent and reduce the number of deaths of children from birth to 17 years in New South Wales. This is to be done through the collection of data and its analysis with the intention of making recommendations. The main functions of the Child Death Review Team are to maintain a register of child deaths in New South Wales,

classify these deaths according to cause, demographic criteria and other relevant factors, identify patterns and trends relating to deaths and make recommendations to government and non-government agencies for the prevention of further child deaths.

A special commission of inquiry into child protection services in New South Wales recommended that responsibility for convening the Child Death Review Team be transferred from the Commission for Children and Young People to the Ombudsman. In opposition, and throughout the election campaign, this was strongly supported by the Coalition because there was a recommendation by a special commission of inquiry into the health and safety of our children, and we as a Government place the highest value on child safety. We did, however, oppose the legislation because we proposed amendments that would have strengthened the bill, which we believed needed improving. On 4 November the Ombudsman released a report entitled "Unresolved issues in the transfer of the NSW Child Death Review Team to the Office of the NSW Ombudsman". This report highlighted some of the difficulties associated with the transfer, and the mismanagement of the former Government—the failure of those opposite. Finally, the transfer came into effect on 11 February 2011.

As mentioned earlier, part of the Coalition's policy during the election campaign was a document entitled out-of-home care policy *Recovering Children at Risk*". Detailed in the policy were references in support of the NSW Ombudsman in the bid to change the management and coordination of the Child Death Review Team into the care and control of the NSW Ombudsman's office. Furthermore, the Ombudsman sought legislative and administrative amendments to achieve a number of things, including enhancing efficiencies in the operation of the Child Death Review Team, ensuring that the Ombudsman's independence is protected in this role, and creating a better alignment between the research activities of the review team and his work in reviewable deaths.

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

[The Acting-Speaker (Ms Melanie Gibbons) left the chair at 1.30 p.m. The House resumed at 2.15 p.m.]

BUSINESS OF THE HOUSE

Order of Business

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [2.15 p.m.]: I want to update the House on a position I announced earlier in the week. I am sure members will be pleased that, with the full concurrence of the Premier, the House will not sit on Friday.

Mr Barry O'Farrell: I wanted to sit on Friday, Saturday and Sunday!

Mr BRAD HAZZARD: At one stage the Premier was keen to have the House sit Friday, Saturday and Sunday; but good sense prevailed. At this point I anticipate that, due to the incredible cooperation of all members and the efficient use of time, there will be no requirement to sit late tonight or tomorrow. Also, I expect that Government Business will finish this afternoon in the normal course of events; and that tomorrow, with some slight variation, there will be some Government Business. The last sitting day of the week, tomorrow, is normally private members' day. But to pay tribute to 40 years of service by the esteemed Clerk of the Legislative Assembly, Mr Russell Grove, tomorrow will be Russell Grove Day in the New South Wales Parliament.

Mr Barry O'Farrell: Are we all wearing wigs?

Mr BRAD HAZZARD: The Premier would like us all to wear wigs tomorrow. In all seriousness, tomorrow at 10.00 a.m. there will be a debate acknowledging the contribution of Russell Grove to this Parliament. No-one has made a greater contribution. We ask that members be in the Chamber to hear the debate, which will be conducted from 10.00 a.m. until 11.15 a.m., at which time, with the agreement of the Opposition, the House will adjourn to a morning tea for Russell offered to us by the Speaker, in the Speaker's Garden. That invitation is open to all members and staff of the Parliament. It seems that a large number of members wish to take an active part in that debate; so, if necessary and with the agreement of the Opposition, the Russell Grove debate will resume when the morning tea is concluded, at approximately 12 noon or 12.15 p.m., until the luncheon adjournment. I will further update the House on that tomorrow. Tomorrow really is a very special day for Russell Grove, and we will all take part in what will be a memorable day.

I indicate also that there have been requests for additional private members' statements; so tomorrow there will be an additional six private members' statements. On the first return sitting week, I anticipate that extra opportunities will be provided to enable private members' statements to be given on both evenings of that week. I will further update the House on that, but I anticipate there will be at least another 10, or possibly 12, private members' statements on each night of those sitting days—to ensure, based on the current formula, that Opposition members also have an opportunity to make a couple of private members' statements. I again thank members for their indulgence and cooperation this week and last week.

LOUD SHIRT DAY

DAY FOR DANIEL

The SPEAKER: I remind members that tomorrow is Loud Shirt Day, and that the Clerk has had some success selling his loud shirts. If he has any left, members might wish to see him to get one. Also, tomorrow is the Day for Daniel, so members are asked to wear something red along with their loud shirts. I believe that tomorrow members have been asked also to wear a bandana.

DISTINGUISHED VISITOR

The SPEAKER: I give a very special and warm welcome to Mr Wayne Merton, former member of the Legislative Assembly between 1988 and 2011, a former Minister, a former Assistant Speaker, Captain of the Cocky Club—some members will know what that is; many will not—and a good bloke.

ASSENT TO BILL

Assent to the following bill was reported:

Thoroughbred Racing Amendment Bill 2011

HOME BUILDING AMENDMENT BILL 2011

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

QUESTION TIME

[Question time commenced at 2.24 p.m.]

ELECTRICITY ASSETS SALE

Mr JOHN ROBERTSON: My question is directed to the Premier. Will the Premier commit to put any proposal to sell or lease the State's electricity assets through the Parliament?

Mr BARRY O'FARRELL: For the benefit of the former member for Baulkham Hills who is in the gallery today, I advise that we have replaced the Hello Cocky Club with the Hello Dorothy Club. Today we saw another stunt from the Leader of the Opposition following his disgraceful participation yesterday in that piece of bastardry that affected commuters across the city.

Mr Michael Daley: Point of order: That is a piece of verbal bastardry brought upon the Leader of the Opposition.

The SPEAKER: Order! What is the member's point of order?

Mr Michael Daley: My point of order is that Standing Order 73 prevents even a passing comment like that from being made against the Leader of the Opposition or, indeed, any other member of this place.

The SPEAKER: Order! I understand the point of order but the member directed exactly the same term at the Premier. There is no point of order.

Mr BARRY O'FARRELL: I am their bastard.

The SPEAKER: Order! I call the Premier to order.

Mr BARRY O'FARRELL: Let me make something clear: there is no proposal to sell the State's electricity assets. That was perhaps best evidenced by a visit the Leader of the Opposition made to a Central Coast power station last month when that great newspaper the Central Coast *Express Advocate* under the headline, "Workers pull plug on Robbo power points" reported:

State Opposition Leader John Robertson should have been on safe ground when he addressed workers at Delta Vales Point Power Station on Wednesday.

Instead, he was met by a hostile group, angry with the Labor Party with some calling for Mr Robertson to resign as leader.

I am not surprised because this bloke, if ABC reported him accurately today, said, "If I had been leader, we would never have sold the State's electricity assets." When the member for Heffron and the member in the other place were arranging that disastrous gentrader sale, I do not recall at any stage the Leader of the Opposition speaking publicly against it. If he had principles, I should have thought he would have quit the ministry and walked away. That is the sort of fluidity about principles that upset the workers at that power station and that the people of New South Wales are quickly getting used to. Our commitment during the election campaign and as detailed at the Joan Sutherland Centre in Penrith at that time was to have an inquiry into the State's electricity assets to get to the bottom of Labor's flog-off and also to chart the best course forward.

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

Mr BARRY O'FARRELL: That inquiry, headed by Brian Tamberlin, is underway. As the report has not been handed to the Government, there is no point in speculating on what it may or may not recommend.

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

Mr Michael Daley: Point of order: The question did not ask the Premier to pre-empt what his outsourcing of this issue to Justice Tamberlin might have said.

The SPEAKER: What is the member's point of order?

Mr Michael Daley: Will the Premier commit? My point of order is relevance.

The SPEAKER: Order! There is no point of order. The member for Maroubra will resume his seat.

Mr Michael Daley: If Justice Tamberlin says it should be sold, will the Premier commit to it?

The SPEAKER: Order! The member for Maroubra will resume his seat. The Premier's answer is relevant.

Mr Michael Daley: Don't squib the answer. Don't outsource this one. It's very, very simple.

The SPEAKER: The member for Maroubra will cease interjecting once I have asked him to resume his seat. I call the member for Maroubra to order.

Mr Michael Daley: Just answer the question.

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

Mr BARRY O'FARRELL: We do not know what is in the report because it has not been completed or handed to the Government. One thing we do know, however—and the Leader of the Opposition knows this better than anyone else—is that parliamentary approval is required to sell public assets. How do we know this? Because those opposite went to enormous lengths, including commissioning independent legal advice, to see whether they could flog off State assets without parliamentary approval. When Labor went down the gentrader model did it introduce legislation? Of course it did not. It resorted to the sneaky incompetent approach pursued by the member for Heffron and her colleague in another place, which robbed taxpayers of billions of dollars.

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

Mr BARRY O'FARRELL: The Leader of the Opposition can perform all the stunts he wants.

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

Mr BARRY O'FARRELL: We already know that parliamentary approval is needed to enable the sale of public assets. That is why the Government will have legislation to cover the long-term lease of Port Botany, but in the absence of any recommendation—

[*Interruption*]

This is simply another stunt, Madam Speaker. I am surprised, when I get to the answer they want to shut me up. I am happy to go for another two minutes.

The SPEAKER: Order! The Premier's time for speaking has expired.

TRADE UNION MOVEMENT

Mr RAY WILLIAMS: My question is directed to the Premier. Will the New South Wales Government tolerate thuggery from union bosses?

Mr BARRY O'FARRELL: I will not ask the member to repeat that question. I think the word he used was "thuggery" on this occasion. The short answer is no. Let me say this very clearly: The Government will not tolerate the sort of thuggery we saw across this city yesterday—

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

Mr BARRY O'FARRELL: —which inconvenienced tens of thousands of workers and students, particularly those who are sitting the Higher School Certificate.

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

Mr BARRY O'FARRELL: The illegal action that occurred yesterday was not about bus safety, it was about wage negotiations, and the union bosses ought to come clean and acknowledge that fact. Let us get a few facts on the table.

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

Mr BARRY O'FARRELL: Safety is the highest priority for my Government, particularly when it comes to public transport. Immediate action was taken after the incident on Friday 29 July. First, the Office of Transport Safety Investigations was notified of the incident. Over the following weekend all 254 of the same class of bus involved in that incident were checked by experts and were deemed fit for use. On the following Tuesday, four days after the incident, union bosses were given an inspection of the bus involved. So much for the claims of a cover-up by union bosses on radio and TV yesterday. The fact is the union bosses waited 10 weeks to raise this matter and did so in a calculated way to cause maximum damage to commuters.

The SPEAKER: Order! I call the member for Shellharbour to order for a second time. The member for Wagga Wagga will come to order.

Mr BARRY O'FARRELL: The strike was in relation to wage negotiations, not in relation to bus safety issues. With regards the safety regulator, the Office of Transport Safety Investigations, I note the comments in today's *Daily Telegraph* that are attributed to the person heading up the inquiry into the incident. He stated very clearly that if the Office of Transport Safety Investigations had any safety concerns about the buses, they would have been pulled from service. I will let members opposite into a secret: The Government will take the word of safety experts ahead of union bosses every day. Yesterday's union action was union thuggery. It was union thuggery at its worst and I am not going to tolerate that type of behaviour across this State. It is the same sort of bastardry as that dished up by the Maritime Union of Australia a few weeks ago when that union stopped the ferries running, inconveniencing commuters in relation to an industrial matter that does not apply to those workers.

We do not intend to be intimidated by these sorts of actions. This Government was elected to fix this State, and it will not be diverted from doing so by these tactics. I take this opportunity to thank those heroes of yesterday's union action. I refer to the drivers who decided to stay on the job, who decided to put the interest of

commuters and public first. I want to thank each and every one of them and tell them that the Government and the public appreciate the effort they put in. The question about yesterday's stunt, the illegal action, is what the Leader of the Opposition knew about it. When did he know and what, if anything, did he do to try to stop this inconvenience to the public of New South Wales? I am absolutely sure that the former union boss did nothing. He did not lift a finger to say to those union bosses, "Do not be bloody stupid; do not inconvenience the public; do not bring public opinion down against yourself; and do not hurt my political chances."

There is not a skerrick of self-preservation amongst members opposite, let alone any concern about the public interest. What we are seeing from unions—whether on this issue, with the ferries, or what is happening at Qantas—is disgraceful. What is happening at Qantas not only threatens the nation's carrier; it is also affecting our tourism. That is bad for jobs. It is bad for the jobs of workers, whom the union is supposed to represent. Unions need to start acting responsibly. The unions need to understand that there has been a change of government. The unions need to understand that there is a Government in town determined to fix the problems across this State. The unions need to acknowledge that whilst they helped run this State for 16 years, they no longer do so. They may still run the Labor Party, but they do not run this Government and never will.

GAS-POWERED BUS FLEET

Ms LINDA BURNEY: My question is directed to the Minister for Transport. Given that the Office of Transport Safety Investigations is yet to determine the cause of the fire in July on a gas-powered bus, how can the Minister be sure that drivers and passengers travelling on these vehicles are safe?

Ms GLADYS BEREJIKLIAN (Willoughby—Minister for Transport): I thank the member for her question. I want to say at the outset that this Government takes all public safety issues extremely seriously. I want to say also that the action taken yesterday by the union was unacceptable. For the union to call a strike at short notice, without any warning, is completely unacceptable, and for it to use safety as an excuse is not tolerable. I wish to advise the House, as I did yesterday, that every action was taken to ensure the safety of the buses and that these buses are safe. I shall refer shortly to comments made this morning in that regard by the head of the Office of Transport Safety Investigations.

There is no excuse for the chaos that the unions caused yesterday. As the Premier said, every one of the 254 buses was checked and was deemed to be safe. Yesterday the union said it was kept in the dark about this issue. I reveal the following. Both Mr Gary Way and his colleague Chris Preston from the Rail Tram and Bus Union were given a tour of the burnt-out bus at the Leichhardt depot on Tuesday 2 August, three or four days after the incident. The State Transit Authority has been completely open with the union on this issue. The union used it as an excuse for their actions yesterday. The reason given for yesterday's snap strike was new video evidence that had just been revealed to the public.

The union used video footage it claimed it received only yesterday to justify this snap strike. I can now reveal that the union has been in possession of this footage for nearly three months. I am advised by the State Transit Authority that the footage used by the union to justify its snap strike yesterday was provided to a union delegate in the first week of August by the bus driver involved in the July incident. The driver whose bus was involved in the fire captured footage on his mobile phone, as did one of his neighbours who happened to be a witness to the incident. The driver provided footage from both videos to the State Transit Authority and a union delegate in the first week of August—not yesterday. I note that the Leader of the Opposition has changed his tune on the issue.

Today on 2GB radio the Leader of the Opposition said that he was disappointed with the union action. He used the word "disappointed." Not only was this footage provided to the union very shortly after the incident, but also from 2 August there was YouTube footage of the same incident publicly available. The same footage the union claimed it saw for the first time yesterday has been on YouTube since 2 August and viewed more than 1,000 times since it was posted two months ago. One union official, Mr Gary Wade, who toured the bus just four days after the incident—

Ms Linda Burney: Point of order: I refer to Standing Order 129. How can the Minister be sure that drivers and passengers travelling on these vehicles are safe? The question was not about YouTube; it was about the safety of passengers and drivers.

The SPEAKER: Order! There is no point of order. The member for Canterbury will resume her seat. Members cannot ask for a personal opinion in a question. I could have ruled the question out of order.

Ms GLADYS BEREJKLIAN: I extend an offer to the member for Canterbury: If she wants further information she can seek an extension of time and I would be happy to provide her with further information. All she has to do is ask for an extension of time and I would be happy to provide further information. In March the public voted to change the way public transport is run in New South Wales because for 16 years those opposite danced to the unions' tune. Who paid the price? Our commuters paid the price. The commuters can see straight through this union's campaign and see it for what it is: an attempt to bully the Government during sensitive wage negotiations. It is no coincidence. [*Time expired.*]

PUBLIC SCHOOLS MAINTENANCE

Mr JOHN WILLIAMS: My question is addressed to the Minister for Education. How is the Government working towards addressing the school maintenance backlog in our 2,200 New South Wales public schools?

Mr ADRIAN PICCOLI: I thank the member for Murray-Darling for his important question. The member represents more than one-third of New South Wales and he does a great job. He represents a huge part of New South Wales, which is completely foreign to those opposite.

Ms Linda Burney: You can't get up and lie, Adrian.

The SPEAKER: Order! I call the member for Canterbury to order. She should be very careful of the language she uses in interjections.

Mr ADRIAN PICCOLI: Apparently the member for Murray-Darling does not represent one-third of New South Wales. He should tell his wife that the reason he is not home every night is not that he has been to Deniliquin or up to Tibooburra. This is an important issue and I do not want any more interruptions from the other side. An assessment undertaken in 2008 indicated a school maintenance backlog across New South Wales of almost \$400 million. How did the then Labor Government deal with that neglect? It borrowed \$140 million and made its members look like heroes. I have already outlined this in answer to a previous excellent question from the shadow Minister for Education and Training. This Government now has to pay off that \$140 million plus the interest on the loan.

The Government is attempting to deal with this massive backlog of school maintenance. We have increased the maintenance spend in this year's budget by 11 per cent compared to last year. We are undertaking a condition-based assessment of all New South Wales schools so that we have a clear understanding of the disrepair left by those opposite. We are undertaking a review of school facility standards to address concerns arising from the mismanagement of the Building the Education Revolution [BER]. If members do not consider that is necessary, they should look at the schools in their electorates where building works cost three or four times more than they should have. We are doing this to bring schools in line with school facility standards.

The Government is conducting a trial of thermally comfortable and sustainable schools to determine ways to increase the thermal comfort of schools and to reduce the environmental footprint. Those on the other side are yabbering. I thought they would welcome this initiative because it is an attempt to deal with climate change. We are looking at ways of heating and cooling schools that will use less electricity or gas. It is about reducing energy consumption. Labor has introduced a massive tax to address this issue. We are getting on with some direct action. I have heard that somewhere before. We are delivering on our Local School, Local Decisions election commitment by increasing local decision-making at schools.

In particular, I refer to the \$60 million funding for school maintenance and school upgrades, which we committed to before the State election. Of that funding, \$40 million will be made available for all schools. All schools can apply for funding, but not all schools will receive it. Why would a brand new school be given additional money for maintenance? Many old schools, including those in Labor-held seats, will receive some of the money to deal with some of the backlog.

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

Mr ADRIAN PICCOLI: The former member for Keira did not do a very good job, which means that there are maintenance backlogs in the electorate of Keira. Schools in that electorate can apply for up to \$200,000.

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

Mr ADRIAN PICCOLI: We also have \$20 million in funding, which was going to be delivered over four years but in the way that the new Government has become accustomed, we have over-delivered. That money will now be made available to schools over an 18-month period. Each school will receive money on a pro rata basis. All schools can look forward to that. I refer to a visit I made with the member for Manly to Manly West Public School where we announced a minor capital works project for the upgrade of toilets. It was a terrific day. I refer to an article in the *Manly Daily*. I know that all members read the *Manly Daily* every day. The headline was "Very Well Dunny".

The SPEAKER: Order! The member for Macquarie Fields and the member for Toongabbie will come to order.

Mr ADRIAN PICCOLI: Part of the reason we have been able to make good decisions and deliver a good budget is due to the great work of the member for Manly as Treasurer.

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

Mr ADRIAN PICCOLI: A good budget and good decisions by this Government mean that we will have more money available to fix the problems across our public schools that were caused by those opposite.

The SPEAKER: Order! I call the member for Keira to order for the second time. I would have thought that Opposition members would be interested in that subject matter.

CRONULLA FISHERIES RESEARCH CENTRE

Mr JOHN ROBERTSON: My question is directed to the Premier. What does the Premier have to say to the 147 employees and their families whose lives will be turned upside down thanks to his Government's decision to close the Cronulla Fisheries Research Centre?

Mr BARRY O'FARRELL: This issue has been addressed in both Houses. The Government has made no secret about coming to office seeking to decentralise out of Sydney. We made no bones about the fact that if we were to be elected in March, as we were, we would seek to develop the whole of the State. There is more to New South Wales than Sydney. That was made clear going into the election campaign. That is consistent with what we did when we were last in office. As the Minister for Primary Industries detailed last week, we moved the then Department of Agriculture to Orange. It was a win-win for everyone. It was a win for the department and it was a win for that community.

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

Mr BARRY O'FARRELL: Those opposite, beyond the sole Country Labor member, the member for Keira, should understand that there is more than one fisheries establishment in New South Wales and more than one place people can go to seek fish or to seek those who engage in fishing. The Minister has put a sensible proposal that will ensure that whilst maintaining the research skill that exists within that fisheries office we are able to better co-locate those nominated officers.

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

Mr BARRY O'FARRELL: I will not recite again those statements in support of the decision, which the Minister for Primary Industries detailed last week.

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

Mr BARRY O'FARRELL: The Government is acting in accord with its election commitments. We are acting in the best interests of the State and on this occasion we are acting in the best interests of fishers in this State.

RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION

Mr JOHN SIDOTI: My question is addressed to the Minister for Transport. Will the Minister further update the House on yesterday's snap strike by the Rail, Tram and Bus Union?

Ms GLADYS BEREJIKLIAN: I certainly will. I reiterate that safety is our top priority in public transport, but it should not be used as an excuse for illegal union action. That is the nub of the issue. I reiterate that on the evening of the incident on 29 July 2011, which the union claims was the reason for the strike yesterday, the Transport Management Centre issued three media alerts. Not surprisingly, it was the subject of media reports that night and over the weekend. The State Transit Authority began its internal investigation that night and immediately informed the independent Office of Transport Safety Investigations, which deployed an investigator the next day to start its work.

The interim statement of the Office of Transport Safety Investigations on the incident was posted on its website on 10 August—more than two months ago. On the weekend after the incident every one of the same type of Mercedes bus in the State Transit fleet was inspected. After the weekend inspection I was advised that there were no systemic issues and the buses were safe. Even though the State Transit Authority has confirmed that the buses are safe, today I was advised by the State Transit Authority that last month it finalised a proposal to install a fire suppression system in the buses as an added precautionary measure. The State Transit Authority had been looking to install this system on this class of bus for more than a year, following an incident in Perth in 2009. I am advised that the tender for this work will be issued shortly. The chief investigator of the Office of Transport Safety Investigations, Paul O'Sullivan, shares the view that these buses should be on the road. He is quoted directly in the *Daily Telegraph* today as saying:

I have not arrived at the conclusion that they are unsafe. If I had concern about the entire fleet of buses then I would have taken some sort of action well and truly before this.

If there were any concern about the safety of these buses, State Transit would have taken them off the road. Yesterday 241 bus drivers walked off the job and 269 buses were confined to their depots for no reason at all, except that their union wanted to flex some muscle during pay negotiations. I note yesterday that the Leader of the Opposition, who was the Minister for Transport until the election, asked his first question about transport since the change of government. I waited for six months and I got the first question yesterday. He chose to ask about the snap strike called by his union mates. But today, as the truth has emerged, he has changed his tune. I will repeat what he said today on radio. The Leader of the Opposition described yesterday's industrial action as "a bit disappointing".

The unions made the outlandish claim that the State Transit Authority had covered up this incident. Nothing could be further from the truth. Union officials Gary Way and Chris Preston, with the State Transit Authority, were given a tour of a burnt-out bus at the Leichhardt depot on Tuesday 2 August. The State Transit Authority has always advised that the door is open to the union, and claims that the union has not been kept informed are simply false. It is also a fact that yesterday union executives were meeting to discuss their position on award negotiations following a less than amicable meeting with the State Transit Authority the previous day. What a coincidence: Yesterday and the day before they were discussing their pay conditions with the State Transit Authority.

Many of the bus drivers implored by their union to walk off the job stayed at work, and I thank them most sincerely for their commitment to customer service. I also place on the record my gratitude for the other transport staff who stepped up to the plate to ensure customer disruption was minimised. We are deeply grateful for their efforts. Yesterday we saw a great effort made by public transport staff, who understand that the customer should be at the centre of everything we do in public transport, and I thank them. It is a measure of their professionalism that this snap strike did not cause the wholesale chaos the union wanted to inflict on the travelling public. Their action is in stark contrast to the union, which yesterday, regrettably, showed no regard for the commuter.

CRONULLA FISHERIES RESEARCH CENTRE

Mr NICK LALICH: My question is directed to the Minister for Primary Industries. Will the debate on the 19,000 signature petition on the Cronulla Fisheries Research Centre closure have any bearing on the Government's decision to close the facility?

Ms KATRINA HODGKINSON: The member for Cabramatta may be a little bit slow, but he is about a week out of date. I was asked that question during a press conference about a week ago and a representative from just about every media outlet was there. It was pretty widely reported that night on the news. A week to catch up is not a bad effort. I notice that the Labor spokesman for this portfolio in another place put out a media release about this very issue earlier today.

The SPEAKER: Order! I call the member for Bankstown to order. She should curtail her interjections and be very careful with her language.

Ms KATRINA HODGKINSON: It seems he is having a little trouble remembering who is in government because in his press release he named himself the Minister for Primary Industries. He is having a little trouble letting go and coming to terms with the fact that he is now in opposition. I made the issue very clear a week ago and I do not think there has been any ambiguity in any of my statements made since the decision was made. Staff were informed and I do not want any confusion about that. There are some very real issues and significant challenges for the existing Cronulla fisheries site, and we know that.

Mr John Robertson: What are they?

The SPEAKER: Order! The Leader of the Opposition will come to order. If he is interested in what the Minister is saying, he should listen to the answer.

Ms KATRINA HODGKINSON: I am glad he asked that question. The site has limited accessibility; it is right at the end of the peninsula and with access to a residential area on one road. I have been to the site and I have seen it. It has very limited scope for expansion—there is very little room for any new infrastructure, as I have detailed to the House previously. The buildings and facilities are quite old and we recognise the heritage value of the buildings, and that makes modernisation, renewal and upgrade even more complex and costly. The Cronulla site was handed over to New South Wales when the former owners, the CSIRO Division of Fisheries, packed everything up more than 40 years ago and moved to a new site in Hobart, Tasmania, to be closer to their work. Decentralisation will allow New South Wales Fisheries scientists and managers to be based in far newer and more efficient offices, buildings and world-class facilities closer to their work, and stakeholder access will be far easier. I know that the Opposition is having trouble coming to terms with the many statements that we have made in this place, but we are willing to say the same things over and over again. I took great care when considering this very important decision.

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

Ms KATRINA HODGKINSON: I also carefully considered the process—

The SPEAKER: Order! I call the Leader of the Opposition to order for the third time. I will not tolerate any further interjections. Some of the interjections have been quite personal and I have reached my tolerance level. I warn members of the Opposition about the language and nature of some of their interjections. The Minister has the call.

Ms KATRINA HODGKINSON: I also carefully considered the process of informing the staff of Fisheries, which was done in a manner that ensured they were informed fully and in person. I am sure all members on this side of the House agree that it is far better to be informed personally than through the media.

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

Ms KATRINA HODGKINSON: For 16 years the former Government was government by press release. We have gone to great pains to ensure that everybody is very clear about the situation: the method in which this will go ahead, the locations, the options available to them, and the fact that it will not be a fly-by-night process that will happen tomorrow, next week or even next month—this will be a 12- to 18-month process.

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

Ms KATRINA HODGKINSON: There are very generous employment options and all assistance will be given to the employees to help them make this very important transition. I will reflect on what the Premier said in his earlier answer in relation to the move of the Department of Agriculture. At the time it was seen as absolutely outrageous decision. Fancy having the Department of Agriculture in an agricultural centre—my God! It was the end of the world. Take it out of Sydney, move it into the country and it will be the death of democracy as we know it. Public servants work with people over the phone or they write to them every day of the week. Yes, of course change is awkward and difficult, but sometimes change is necessary.

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

Ms KATRINA HODGKINSON: If we are going to progress into the twenty-first century, if we are going to make regionalisation a reality, this decentralisation will go ahead. It will be of great benefit to Port Stephens—not Port Macquarie as the member opposite said—to Coffs Harbour, to Nowra and to the regions that these public servants— [*Time expired.*]

LEGAL PROFESSION NATIONAL REFORMS

Mr JONATHAN O'DEA: My question is directed to the Attorney General, and Minister for Justice. How will New South Wales help shape national reforms to the legal profession?

The SPEAKER: Order! The member for Canterbury will come to order. The Minister has not even begun to answer the question.

Mr GREG SMITH: I thank the member for Davidson for his question—I know they love my pink shirt on the other side of the House—and for his interest in national reforms to the legal profession. As a former legal practitioner he understands the benefits of a national scheme.

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

Mr GREG SMITH: It is with much pleasure that I inform the House that New South Wales has been chosen as the home for the National Legal Services Board and the Office of the National Legal Services Commission. Four jurisdictions—New South Wales, Queensland, Victoria and the Northern Territory—are taking part in the reforms covering around 85 per cent of Australia's practising lawyers. Federal Attorney General, Robert McClelland—one of the Opposition's group and a very fine man—says he is confident the remaining jurisdictions will come on board once they see the clear benefits of the national scheme. Australia has a national economy and it makes sense that we have the same rules and entry requirements for those who work across State borders. Many lawyers do just that every day.

The New South Wales legal profession is Australia's largest. More than 40 per cent of the Australian local practitioners are based in this State. It is home to major national and international players, but also to countless rural and regional practices that constitute the majority of New South Wales practitioners. This State has a wealth of experience in regulating Australia's largest and most diverse legal services sector. It has the resources and expertise to take on this leadership role. New South Wales has been the driving force behind national reforms for the legal profession over the past decade and has driven the finalisation of the Council of Australian Governments reforms throughout 2011. Through this process, and as secretariat to the standing committee, New South Wales has developed strong working relationships with all jurisdictions and with key stakeholders. In particular there has been a lot of collaboration with Victoria and we look forward to that continuing.

A feature of the national legal reforms is a new complaint handling process that will benefit consumers. New South Wales is the first jurisdiction to introduce an independent statutory office to oversee complaint handling and lead the way in introducing dispute resolution for consumers. This expertise will be readily available to the board and New South Wales will ensure that the board is established on time, within budget and in premises that befit its role as the peak national regulator and the international face of the Australian profession. Locating the board in prominent Sydney central business district premises will guarantee the board can engage with local and international stakeholders on a regular basis and remain responsive, innovative and connected. This announcement has been welcomed by the State's legal profession.

Law Society President Stuart Westgarth said it was a sensible decision and that the society would give every assistance to the proposed board and the commissioner. President of the New South Wales Bar Association, Bernie Coles, QC, has also expressed strong support for the decision and rightly noted the contribution of his predecessor, recently appointed Chief Justice Tom Bathurst. Chief Justice Bathurst was a strong advocate for a national profession and even pressed the issue when he was sworn in on 1 June. I also mention the great contribution made by the Director General of the Department of Attorney General and Justice, Laurie Glanfield, and the strong support for the national reform shown by my predecessor, the Hon. John Hatzistergos. I believe all members will welcome this announcement. New South Wales looks forward to justifying the decision with sound leadership and an inclusive approach that will benefit all the nation's lawyers and legal consumers.

WALLARAH 2 COAL PROJECT

Mr JAMIE PARKER: My question is directed to the Minister for Energy and Resources. How does the Minister explain the contradiction between his statement in relation to the Wallarah 2 coal project, "We can't stop people lodging applications but we can make it very clear there will be no mining", and the Premier who said the project will be subject to a merit-based assessment?

Mr CHRIS HARTCHER: All applications in New South Wales are subject to merit-based assessment. Even applications in the Balmain electorate are subject to merit-based assessment. The people of New South Wales chose a government on the basis of merit on 26 March 2011. We are committed to developing a planning policy in this State through the Minister for Planning, my friend and colleague the member for Wakehurst, which will end 16 long years—

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

Mr CHRIS HARTCHER: —of planning behind closed doors by all the members opposite and their predecessors who worked under a system of donations and deals, and looked after their mates.

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

Mr CHRIS HARTCHER: One of their mates was the Hon. Ian Macdonald, who was well looked after during his mining assessments in this State. Another of Labor's mates was the General Secretary of the Construction, Forestry, Mining and Energy Union, John Maitland. The training mine at Doyles Creek somehow materialised into a massive profit for Mr John Maitland. All of this occurred with the willing connivance of the New South Wales Labor Party including—

Mr Michael Daley: Point of order: It is either or both of standing orders 73 and 129. This Minister's time in this place has been characterised by his refusal to answer questions. I ask that you ask him to be relevant.

The SPEAKER: Order! So far the Minister has been entirely relevant.

Mr CHRIS HARTCHER: All my answers are relevant because they all relate to this State that we took over on 26 March 2011 and our commitment to ensure that its planning process is not debauched as it was by members opposite. The member for Balmain represents a council and was mayor of a council that made many pronouncements on mining. It passed a motion on East Timor oil wells. There were few areas of international relations that the member for Balmain did not participate in. But, interestingly enough, it never passed a motion preventing Marrickville council—

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

Mr CHRIS HARTCHER: The member for Balmain was never party to that proceeding.

Mr Michael Daley: Point of order: The Minister has now strayed so far from the question that there is no possibility of relevance.

The SPEAKER: Order! I agree with the member for Maroubra and I uphold the point of order. The Minister will return to the leave of the question.

Mr CHRIS HARTCHER: Madam Speaker, I do honour your ruling as always. The member for Balmain has expressed an interest in the planning process. He will be aware that the planning process in this State will be transparent and above board.

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

Mr CHRIS HARTCHER: The planning process will be in the interests of the wider community and will not be decided behind closed doors, by political donations or by political mates.

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

Mr CHRIS HARTCHER: The member for Balmain has had that assurance. That assurance is repeated to him today. The people of New South Wales can have confidence that over the next four, eight, 12 and 16 years the Government will act in their interests and not in the interest of the union bosses or those that put them in government and kept them there.

DISABILITY EMPLOYMENT

Mr DARREN WEBBER: My question is directed to the Minister for Ageing, and Minister for Disability Services. How is this Government encouraging the employment of people with a disability?

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

Mr ANDREW CONSTANCE: I thank the member for his question and note his commitment to people with disabilities in his electorate. He is mounting a campaign to improve disability access at Toukley shopping centre. I think we all remember our first day at work and the hopes and aspirations that went with it. Yet the opportunities that the rest of us enjoy are simply not available for people with disabilities. It shows up in employment statistics. The unemployment rate for people with disabilities is much higher than that of the wider community. As a Government we are determined to provide as many incentives as possible to encourage business to take on people with disability. For a person with disability the opportunity that work provides is enormous.

Work provides self-esteem, independence and quality of life, and of course it also provides community inclusion, which the rest of us all too often take for granted. Yesterday the Treasurer and I introduced legislation in this place designed to provide incentives to business to take on employees with disability who participate in and come through the Government's Transition to Work program. The scheme that was introduced yesterday will provide \$4,000 in rebates to businesses to take on an employee with disability who has come through the program. We believe this will provide an enormous incentive around the State. It is an incentive that has been welcomed by organisations such as Nova Employment.

Transition to Work, the program that underpins it, currently provides some 800 people with disability with the opportunity to gain skills to go on to full-time employment. At the moment about 500 people each year take up employment as a result of that program. One of the key benefits of this program is that if those people were to remain in the specialist support system, the cost associated with that would be very significant. The Government can spend \$36,000 to get a person through the program and go on to full-time employment but if the program was not available, we would be spending of the order of \$1.1 million over the working life of that individual to keep him or her in a community participation program.

We are very determined to ensure that people with disabilities who enter the Transition to Work program go on to full-time employment. It is why we have set some very clear targets under NSW 2021 to increase the percentage of those going into full-time employment from the Transition to Work program. We want to see 65 per cent of those participants go on to full-time employment. The other target in NSW 2021 is to drive down the unemployment rate of people with disabilities. We want to reduce by 50 per cent the gap between the wider community unemployment figure and that for people with disability. We think these outcomes are achievable and that is why we are determined as a government to make sure these programs give incentives to business.

All members who participated in the debate yesterday in a bipartisan way recognised not only the great benefits this brings the individual but also the benefits to business in employing a person with disability. There is no more rewarding experience for an employer and a business than to have a person with disability working alongside all employees to deliver outcomes. It is vital that all of us in this place sell this program and opportunity to business to ensure that we provide greater opportunity and greater hope to people with disability in New South Wales.

Questions without notice concluded.

SPECIAL ADJOURNMENT

Motion by Mr Brad Hazzard agreed to:

That the House at its rising on Thursday 20 October 2011 do adjourn until Tuesday 8 November 2011 at 1.00 p.m.

INSPECTOR OF THE POLICE INTEGRITY COMMISSION

Report

The Speaker tabled, pursuant to section 103 of the Police Integrity Commission Act 1996, the special report of the Inspector of the Police Integrity Commission dealing with certain matters affecting the Police Integrity Commission, dated 14 October 2011.

Ordered to be printed.

OMBUDSMAN**Report**

Mr Greg Smith tabled the "Report under Section 242 (3C) of the Law Enforcement (Powers and Responsibilities) Act 2002, Criminal Organisations Search Warrants for the period ending 7 August 2011", dated October 2011

PETITIONS

The Speaker announced that the following petition signed by more than 10,000 persons was lodged for presentation:

Smoke-free Areas

Petition requesting that the House legislate for specific public areas to be made smoke-free, including those that are partially or entirely outdoors, with priority given to areas where food or drink is provided as part of a business, received from **Mrs Jillian Skinner**.

Discussion on petition set down as an order of the day for a future day.

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**.

Pet Shops

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

Animals Performing in Circuses

Petition requesting a ban on exotic animals performing in circuses, received from **Ms Clover Moore**.

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

Pittwater Fishing

Petition requesting the Government buy out commercial fishing operators within the Pittwater, received from **Mr Rob Stokes**.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**Rail, Tram and Bus Union Industrial Action**

Mr JOHN SIDOTI (Drummoyne) [3.15 p.m.]: My motion, which should be accorded priority, is in the following terms:

That this House condemns the illegal bus strike which caused commuter chaos.

This motion should be accorded priority because thousands of people have been inconvenienced by the union's action yesterday. Yesterday the Rail, Tram and Bus Union held negotiations about its new award and it is a coincidence that it then called a strike, inconveniencing commuters. I hope the union has not used safety as a tool to negotiate higher wages. This motion should be given priority because it is this side of politics, this side of the House, that cares about commuters. Just ask the people of Cabarita about their view on additional transport services in the Drummoyne electorate. This motion should be accorded priority because the Leader of the

Opposition should be debating it. He should be acting responsibly on this issue. He should be talking to his union buddies. This motion should be accorded priority because Labor and the unions do not understand public transport and condone the sort of behaviour we saw yesterday. This motion should be accorded priority because the Leader of the Opposition has to explain his role in the strike. We have to know: Did he pick up the phone?

Mr Michael Daley: Point of order: That statement presupposes that the Leader of the Opposition had a role in the strike when he had none. Standing Order 73—

The SPEAKER: Order! The member for Maroubra will resume his seat. I understand the point of order he is trying to raise. The member for Drummoyne asked a question; he did not make an assertion. I will listen very carefully to what the member has to say, but so far he has not made an assertion to that effect.

Mr JOHN SIDOTI: The member for Maroubra is wasting my time. We have to know whether the Leader of the Opposition picked up the phone and did anything. Did he instruct his union mates to do something? Did he have any involvement in yesterday's strike? There is a very close relationship between the Leader of the Opposition and the unions. I would like to quote from a Unions NSW article dated 31 March 2011 which states:

It's an honour for Unions NSW to have one of our former secretaries lead the State Parliamentary Labor Party and take up the cause of working people in the political arena.

Were the people who were inconvenienced yesterday not working people? This motion should be accorded priority because the failed transport Minister, the Leader of the Opposition, has some explaining to do. The industrial action was disappointing. There were no systemic safety issues. The strike was no more than the Rail, Tram and Bus Union bosses flexing their muscles yet again. The House needs to stand together with commuters who are frustrated by the out-of-touch bosses who think causing havoc for the travelling public is the proper way to behave during award negotiations. Opposition members need to decide whether they stand with commuters and whether they have learnt the lesson of the March election. Obviously, they have not.

This matter deserves priority so that responsible members of the Rail, Tram and Bus Union who stuck to their routes and continued to serve passengers know that this House will stand with them and will condemn the union bosses, whose aim was to disrupt people trying to get home to spend time with their families. Clearly, a number of members of the Rail, Tram and Bus Union have questions about the poor leadership of that union. The responsible members of the Rail, Tram and Bus Union who stuck to their routes yesterday want to know that members in this place will stand with them against the irresponsible and self-serving actions of those union bosses. That includes the shop steward who interjected. This motion deserves priority because it gives the Leader of the Opposition the chance to nail his colours to the mast. Does he stand with the commuters left stranded yesterday, or does he stand with the irresponsible bosses? [*Time expired.*]

Electricity Assets Sale

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [3.20 p.m.]: My motion is that the House calls on the Government to support the Opposition's bill ensuring that any attempt to sell or lease electricity assets is put before the Parliament. The motion deserves priority because Barry O'Farrell swore on his forefathers' graves he would not privatise the State's electricity distribution and generation assets. His Lithgow declaration of 28 January amounts to what Tony Abbott, the Federal Coalition Leader, would call a pledge in blood. This Parliament must scrutinise any attempt by the Premier to wriggle his way out of the commitment he made at Lithgow when he looked power workers in the eye and told them, the media and the community that he had no intention of privatising electricity.

The Premier said then that he had no intention of privatising the poles and wires because that is where the jobs are. He was out there telling anyone who would listen prior to 26 March that he had no plans to do what he now secretly wants to do. The Premier has been asked the question on many occasions since March, but we get no response from him. Again today, he failed to rule out what his real plans were, though he was given the opportunity to do just that. This motion deserves priority because the people of New South Wales have grave fears about this Premier. They fear that after just seven months the power is starting to go to his head.

The people of New South Wales fear he is softening the ground for a mammoth electricity privatisation that will cause blackouts, jack up power bills and put at risk thousands of jobs right across New South Wales. Many of those jobs are in regional areas. That is a matter that the House was lectured on by the Minister for

Primary Industries: how important it is to grow jobs in our regional areas. Yet the Government is prepared to jeopardise 15,000 jobs, many of them in regional locations, and simply flog off our electricity assets, pushing up electricity prices and causing more grief for the mums and dads who are already struggling to make ends meet.

The people of this State fear that the Premier has set up the Tamberlin inquiry as a giant smokescreen—in the hope that that will give him the cover to do what we know he has always wanted to do. There is an old saying, which the Premier knows better than most in this Chamber, "Don't ask a question unless you know the answer to it." That is why the Opposition has today introduced the Energy Utilities Protection Bill 2011, a bill that will force the Government to obtain the approval of both Houses of Parliament before it can privatise electricity. This matter deserves priority because in 2008 the now Deputy Premier came into this very Chamber, stood on this side of the House and proposed a very similar bill. I quote from *Hansard* what the Deputy Premier said then about the Coalition bill:

It will ensure that the public has some say and that the public interest is protected.

Well, for one very rare moment I find myself in agreement with the now Deputy Premier. Change as radical as full electricity privatisation, which is on the cards under this Government, must be brought before the Parliament. The Opposition bill will provide necessary checks and balances—checks and balances that will not be in place if the Government is allowed to proceed as it proposes. The bill reasserts the Parliament as the last line of defence against overreach by the Executive, in this case Premier Barry O'Farrell. If this bill is passed, there will be no opportunity for anything other than scrutiny by this Parliament.

If the Premier is locked into selling off electricity, he will be able to do that only if both Houses of the Parliament allow that to occur. I would have thought, in light of the fact that the Deputy Premier previously thought it was a great idea, he would be in this Chamber voting for this Opposition bill. I would have thought the Premier would have stood here and said very happily, "I am prepared to give a commitment that these matters will go before the Houses of this Parliament." But, once again, though given the opportunity, the Premier said absolutely nothing. I have already spoken about the Premier's Lithgow declaration—that commitment, as Tony Abbott would say, was given in blood. But on 1 February the Premier followed that up with the following statement, which was reported in the *Sydney Morning Herald*:

We have ruled out the sale of poles and wires because that is where the jobs are and we are determined to protect jobs.

[Time expired.]

Question—That the motion of the member for Drummoyne be accorded priority—put and resolved in the affirmative.

RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION

Motion Accorded Priority

Mr JOHN SIDOTI (Drummoyne) [3.27 p.m.]: I move:

That this House condemns the illegal bus strike which caused commuter chaos.

As I said just a few minutes ago, this debate gives the Leader of the Opposition an opportunity to nail his colours to the mast. Does he stand with the commuters left stranded yesterday, or does he stand with the irresponsible union bosses? I think we know the answer to that question. What was the first question on transport asked by the Leader of the Opposition in this House? It certainly was not on the new customer experience division, championed by the Minister for Transport, and it certainly was not on that critical piece of infrastructure known as the North West Rail Link. Did the Leader of the Opposition ask about the Minister for Transport restoring the Parramatta ferry services that he slashed from my electorate? No. The first question on transport from the Leader of the Opposition was asked on behalf of his union mates.

The Leader of the Opposition had an opportunity to clarify where he stood but he failed. The Leader of the Opposition had an opportunity to show that he had learned the lesson of the March election and will put commuters before his union bosses. Every working day the State Transit Authority operates more than 16,000 services with a fleet of over 21,000 buses. Some 269 buses were confined to the depot as a result of

241 drivers taking part in strike action that spread across Sydney. The action included 69 buses and drivers at Leichhardt, 60 buses and drivers at Kingsgrove, 70 buses and 42 drivers at Ryde, 16 buses and drivers at Port Botany, and 54 buses and drivers at Waverley.

This irresponsible strike action affected as many as 100,000 commuters trying to get home to their families. Without any notice or concern for the travelling public, the Rail, Tram and Bus Union called a snap strike and inconvenienced as many as 100,000 commuters. What a total shame. Those self-centred union bosses need to understand that this Government has put the customer at the centre of everything it does. Union bosses need to start thinking about the impact of their actions before embarking on gutless strike action. Around 4,000 bus drivers—

Ms Noreen Hay: Point of order: My point of order is relevance under Standing Order 129. The member so far has made no mention about the bus strike that took place yesterday. He has only criticised the Leader of the Opposition. I remind him that the members of that very union are the people from whom he sought votes in the State election.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! There is no point of order. The member for Drummoyne has the call.

Mr JOHN SIDOTI: I am glad that many responsible bus drivers chose to do the right thing and ignored their union bosses to continue to provide the public transport services on which people rely to get home to their families. Yesterday's industrial action shows that many bus operators question the poor level of leadership from the Rail, Tram and Bus Union.

Ms Anna Watson: Point of order: I ask that the member for Drummoyne return to the leave of his motion. He said repeatedly that the members of the Rail, Tram and Bus Union are not happy with the leadership of the union.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! There is no point of order. The member for Drummoyne has the call.

Mr JOHN SIDOTI: Instead of focusing on providing high-quality services to the customer, these union bosses were too busy trying to help the Leader of the Opposition frustrate transport reform in this city and State. This House needs to send a clear message to the Rail, Tram and Bus Union bosses and to those responsible members who stuck to their routes yesterday that the time for irresponsible and silly disruptions ended on 26 March. It ended when the people of New South Wales sent a clear message to the member for Blacktown and those opposite that enough is enough. It appears though that the Rail, Tram and Bus Union bosses failed to hear that message. It is time again for the Leader of the Opposition to stand with the Government and commuters and condemn that irresponsible action.

Ms Noreen Hay: Point of order—

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I trust that this is a legitimate point of order.

Ms Noreen Hay: My point of order relates to the terms of the motion on which the member for Drummoyne sought priority.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): What is the member's point of order?

Ms Noreen Hay: Again my point of order is relevance under Standing Order 129. The motion does not mention anything about the New South Wales Leader of the Opposition; it seeks only to blacken the names of union members who obviously took a vote to strike. Why did that bus explode?

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! There is no point of order. The motion states:

That this House condemns an illegal bus strike which caused commuter chaos.

The member is well and truly within the limits of his motion at this stage. The member for Drummoyne has the call.

Ms Anna Watson: Point of order—

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I will not take another point of order. The member for Drummoyne has the call.

Mr JOHN SIDOTI: Those drivers are appalled at the leadership of the Rail, Tram and Bus Union. I am glad to have the opportunity to condemn the irresponsible action of that union's bosses. I thank also CityRail and Sydney Ferries staff who worked hard to ensure that commuters were able to take alternative modes of transport with minimal fuss to get home. It was not just train and bus drivers who went above and beyond their duty to minimise the disruption caused yesterday by the union bosses; CityRail and State Transit Authority staff were at key transport interchanges to ensure that members of the public were fully informed of alternative arrangements. This Government has taken action and control over public sector wages. If that means it involves— [*Time expired.*]

Mr MICHAEL DALEY (Maroubra) [3.34 p.m.]: I find it telling that the seven-minute contribution of the member for Drummoyne on this priority motion and almost all of question time today was devoted to the Government pouring scorn, or attempting unsuccessfully to do so, on the Leader of the Opposition. It is clear that today the Premier instructed his lackeys and his Ministers during question time to attack the Leader of the Opposition. On behalf of the Leader of the Opposition, we on this side of the House accept that compliment from the Government. If it were not the case that the Leader of the Opposition was scoring points on this ineffectual Premier and getting under the skin of the Premier, members and Ministers would not be embarking on this course of action.

Mrs Tanya Davies: Point of order: My point of order is relevance under Standing Order 129. I ask that the member address the point of the motion accorded priority: that this House condemns the illegal bus strike that caused commuter chaos.

Mr MICHAEL DALEY: The member should read the standing orders to see what Standing Order 129 states before she takes another point of order under it.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! The member for Maroubra will not argue across the Chamber. I remind all members that Standing Order 129 pertains only to question time.

Mr MICHAEL DALEY: Exactly.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! Members should read the standing orders—from memory, it is Standing Order 76—and utilise that standing order. I point out to the member for Maroubra that this is not an attack on the Leader of the Opposition. The motion clearly states:

This House condemns the illegal bus strike which caused commuter chaos.

He should confine his comments to that motion.

Mr MICHAEL DALEY: That is correct and I am entitled in the course of the debate to respond to matters that have been raised by those opposite. I have done that. I move:

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

"this House notes that the Government is contributing to industrial unrest and calls upon the Government to consult with unions and workers on important industrial issues."

For the entirety of its short and disappointing life this Government has been characterised by inaction and reviews, lack of policy, lack of direction, lack of vision and lack of leadership. When Coalition members are in doubt, which always seems to be the case, they refer matters for review—reviews into electricity sales outsourced to Brian Tamberlin, and reviews on speed zones, health, local government, police resources. Name it and they are reviewing it. The exception to the reviews—

Mr Jai Rowell: Point of order: My point of order relates to Standing Order 76. The member is not debating the motion accorded priority or his amendment. I ask that he be drawn back to the leave of the motion.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I draw the attention of the member for Maroubra, first, to the motion and, second, to his amendment.

Mr MICHAEL DALEY: The exception to the Government's propensity to review and cogitate is when it comes to the treatment of employees, people and workers. On that subject it has total clarity, characterised by the propensity to disrespect, demean, diminish and blame. That is exactly what is happening in the House today.

Mr Jai Rowell: Point of order: My point of order again relates to Standing Order 76. Several rulings have been made today by a number of occupants of the Chair, including you, Mr Assistant-Speaker. The only person being disrespectful is the member for Maroubra for not adhering to your ruling.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! There is no point of order. I will hear further from the member for Maroubra.

Mr MICHAEL DALEY: Is it not telling that in this place, after so many years, we are debating the subject of industrial unrest? One thing characterised by the former Government for its entire 16 years in office—a time when the State economy remained strong, the triple-A credit rating was maintained and budget surpluses one after the other were delivered—is that, with one or two exceptions, there was industrial peace for almost 16 years.

Ms Robyn Parker: Remember Bob Carr out there?

Mr MICHAEL DALEY: There were disputes. Minister Parker is correct: there were times when there were savage blues between the union movement and the Government. And guess what happened? They sat down around a table, they consulted, they talked with respect and there was consultation and compromise. When a compromise could not be reached—and there were some telling occasions where that occurred—what happened? Off the parties went to the Industrial Relations Commission—the very Industrial Relations Commission that has been attacked, kneecapped, demeaned and disrespected by this Government. What happened? The same Industrial Relations Commission that had its occupational health and safety jurisdiction gutted, the same Industrial Relations Commission that had its jurisdiction to hear wages and conditions of employment gutted, got a knock on the door from Barry O'Farrell. The Premier who has done more to gut the commission was the first one to run down there and squeal. What a hypocrite.

There was industrial unrest yesterday and it was regretted. It was regretted by the Rail, Tram and Bus Union, which took the time to put notices in bus stops apologising for the action but very clearly explaining why the action was taken. There are two arguments floating around today and they are wholly irreconcilable. We have a choice about whether to believe this Government, which has characterised its six months in power by broken promises, by back-flips and doing a great many things that were not mentioned before the election, or believing the Rail, Tram and Bus Union. I took the time to inquire of the union about yesterday's action and I have been advised that the union received a video package yesterday that showed a different view of the accident from what it had received previously.

It is three months since the bus division wrote to the State Transit Authority and it has not received a response. That is what caused the snap action yesterday. There were two previous fires on buses that were not as catastrophic as the one in July, and there are two issues with buses at Newcastle in relation to fire suppression systems. This is an endemic issue that the union felt in good faith compromised safety. One thing has characterised the entire history of the union movement in Australia and that is that it does not compromise on safety—whether for firies, workers in the airline industry, bank tellers, bus drivers or commuters. The union will act when it feels safety is at risk. [*Time expired.*]

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! Can I draw the attention of members to Standing Order 52. The courtesies of this House dictate that members opposite be heard in silence. Members should extend that courtesy if they wish it returned.

Mr CHARLES CASUSCELLI (Strathfield) [3.41 p.m.]: I support the motion accorded priority: That this House condemns the illegal bus strike which caused commuter chaos. There are three words that go together: illegal, chaos and unions. There is a certain affinity between those three words. Let me address three issues that the member for Maroubra raised. In terms of treating unions with respect, may I remind the House that during the privatisation of some of the electricity assets in this State, when the unions were out the front protesting about the proposed courses of action, Bob Carr sneaked in through the back and poked his finger up at the unions. That is a healthy respectful way to address the people that support your politics.

Ms Anna Watson: Point of order: On relevance, I refer to Standing Order 76. We are here to talk about—

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! There is no point of order.

Ms Anna Watson: —this motion and you are going back to when Bob Carr was here. If you have not got anything to say, you may as well sit down.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! If the member for Shellharbour does not resume her seat, I will ask the Serjeant-at-Arms to remove her.

Ms Anna Watson: Don't talk about illegal strikes because there was not an illegal strike.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I call the member for Shellharbour to order for the third time. If she continues with this totally unacceptable behaviour, I will ask the Serjeant-at-Arms to escort her from the Chamber. I have referred members to Standing Order 52 and warned them about their behaviour.

Mr CHARLES CASUSCELLI: There were other issues raised by the member for Maroubra. He would have us believe that the State Transit Authority does not consult with unions. It was in consultation over some industrial relations issue and there was plenty of engagement with unions after the original incident on 29 July. Casting that aside, the member claimed that we are a government of reviews. We will see what the outcome of those reviews is. I can tell people what the Opposition did without the reviews: it made decisions about a CBD metro that cost the taxpayers \$500 million. What could we have done with that money? We could have spent it on public transport. In terms of whether it was a legal strike or not, I indicate to the House that the Industrial Relations Commission ordered the union back to work.

Ms Anna Watson: That doesn't mean it is illegal.

Mr CHARLES CASUSCELLI: It is a nuance. Let us talk about a snap strike. Two months after the cause the union calls a snap strike. The school kids, workers, those dependent on public transport, those going to and from medical appointments, those going home to their families, those travelling to job interviews—those opposite should listen to this, these are their constituents—and senior citizens just trying to move around our city because they cannot drive, all of them were sent a singular definitive message by the Rail, Tram and Bus Union leadership. The message was: We just do not care. It sounds like those opposite, wouldn't you say?

Mr Jai Rowell: Yes, 100 per cent.

Mr CHARLES CASUSCELLI: I am not surprised by bloody-minded reckless union action. I have been personally subjected to it. Perhaps I should not talk about it. I digress. Since June 1937 when the rail union tried to organise a boycott of business houses patronising road transport there are examples of the bloody-minded reckless action taken by rail and bus unions. That union and its predecessors have a history of not caring about the community. Yesterday, under the pretence of safety—and that was a disgrace—bus drivers went on strike without any warning to commuters. It was illegal. It was unjustified and it attracted no support or sympathy from any quarter. Let me enlighten members what the Government did, in contrast to the mindless and reckless actions of the union. I congratulate the Minister for Transport for taking every possible action to keep customers informed of what was going on.

Residents in my area advise me that information was placed on the 131500 number and on CityRail, Sydney Buses and the Department of Transport websites. The Government responded, in contrast to what the Opposition has done in similar situations previously. The Transport Management Centre emailed alerts and updates to newsrooms and conducted regular radio interviews for programs and news. It understands that the commuters of this State deserve a better deal than what they got from Labor for 16 years. There were extra rail staff and transit officers deployed to busy rail stations to assist with customer service and crowd management. We had standby trains to accommodate any additional passengers should that need arise. But it appears that there was no discernible impact on Sydney ferry services and additional measures were not required. To the union members who did not participate I say congratulations and thank you.

Mr NATHAN REES (Toongabbie) [3.46 p.m.]: I hope I can contribute some objectivity towards a debate that has been characterised from the other side by far more heat than light. It is worthwhile noting that for the last 45 minutes the public gallery and the Opposition have been subjected to this confected outrage from Government members about the asserted interruptions to transport arrangements yesterday. If they were so concerned about those interruptions, they can join me this evening at any station they pick between Blacktown

and Richmond, where instead of being able to catch a train home tonight people will be forced to get off their train and get on to a bus because of hopelessly scheduled track work. If the Government was concerned about commuters, it would be out there fixing that situation.

Further, I would be willing to bet that when this Chamber is full it contains Government members who at one point in their working lives have been union members and even union delegates. I would be willing to bet that. What I am pointing to is that there is a fundamental misunderstanding of the union movement and organised Labor being put about by the Government. The Government use the terms "union officials", "union delegates" and "union members" interchangeably. The Government thinks they are synonymous. Its reaction to the 30,000 people who protested in the Domain a few weeks ago was that they were Bolshevik red ragers—all paid-up union officials. Nothing could be further from the truth. They were ordinary mums and dads, brothers and sisters, people working at the coalface, nurses, teachers, police, agricultural scientists, hydrologists—and the list goes on. They were ordinary people deeply concerned about the security of their employment and their wages and conditions.

Earlier today the Minister for Transport actually used the word "delegate" as being synonymous with "official". For the benefit of those opposite who have not been anywhere near a union, a delegate is an unpaid representative of the workers in their workplace. These people do it because they believe in the cause. They do not have a credit card or payment from the union; they simply do it because they believe in the cause. It is worth running through some of the conditions that Government members and their family members, their sons and daughters, enjoy in their workplaces as a result of union activity over the last century. They include a 40-hour week, holidays every year, superannuation, WorkCover to make sure employees are looked after when they are injured on the job, workplace safety laws across Australia, long service leave—

Mr Charles Casuscelli: Point of order: The unions and members opposite told us it had nothing to do with conditions. Why are we discussing conditions? It is about safety.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! There is no point of order.

Mr NATHAN REES: The member for Strathfield has shown as much grasp of the standing orders as he has of industrial relations legislation. I was not going to raise this but he has zero idea of what constitutes so-called illegal industrial action. The fact remains, as has been canvassed by members on this side of the House, that it is about the safety issue. He needs to familiarise himself with that. It is a fundamental distinction that he has glossed over. It reflects on him poorly. I am reminded of Peter Boyle, head of a South Australian small business organisation, who, when John Hewson was introducing a \$3 an hour youth wage, said, "We need to reintroduce fear into workers' lives".

Despite the benefits for Australians, working families, mums and dads in ordinary workplaces across the country working under awards, doing nothing wrong other than working for award conditions and paying their rent or mortgage, despite the protestations of those opposite, including some who have been architects of policies such as WorkChoices, despite Australians and their unions having successfully secured decent pay and conditions and decent entitlements for workers over the last century, in economic terms the sky has not fallen in on Australia. Despite those gains made by unions on behalf of their members, Australia still enjoys an unemployment rate of only 5 per cent and a triple-A rated economy.

According to the Australian Bureau of Statistics the average household in Australia is worth some \$750,000 and one in five people in Australia have a net worth of in excess of \$1 million. That is not an indicator of a country that has been ruined by an excess of union power. Instead, it points to a system that has stood the test of a century. Where a dispute occurs between an employer and an employee it goes to conciliation and, if necessary, arbitration. Australia is the only country in the world that has enshrined in its Constitution that right to a sensible measured process for both employer and employee. That is the linchpin of a successful economy and a society characterised by people getting along with each other, not this class warfare that the Government has sought to introduce.

Mr JOHN SIDOTI (Drummoyne) [3.51 p.m.], in reply: I thank the member for Maroubra, the member for Toongabbie and the member for Strathfield for their contributions to the motion. I was expecting an articulation of the subject by Opposition members but they have caved in, as has their leader. The Government was elected and given a mandate to fight this style of guerrilla warfare. We are determined to work in the best interests of the public and not the unions, who became used to being in control of those opposite for 16 years. We saw yesterday "a snap strike that was a timely reminder of union thuggery and an act of bastardry". [*Quorum called for.*]

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

I thank members who contributed to debate on the motion. The Government was voted in with a mandate to take leadership, to not take a step backwards and to represent the community to the fullest. That is what we have done. We will not take punishment from anyone. We represent the community and its values. Yesterday's action was a sad indictment of unions. Hopefully, it will not take place again. It was coincidental that a strike occurred while wage negotiations were taking place. The union said it was about a safety issue. A fire did occur on a bus but it took the union 10 weeks to mount a strike. I understand that some people are a bit slow, but 10 weeks—holy moly. This Government is showing leadership. Those opposite have not learnt their lesson. I regularly say in this place that transport is the lifeline of my community. I know it also is the lifeline of the Strathfield community. I thank the member for Strathfield, Mr Charles Casuscelli, for his contribution. Yesterday's act highlights two issues: one, Labor does not understand public transport; and, two, Opposition members are hostage to the union movement.

Question—That the words stand—put.

The House divided.

Ayes, 59

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

Noes, 22

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

Pair

Mr Geoff Provest

Ms Sonia Hornery

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

CHILDREN LEGISLATION AMENDMENT (CHILD DEATH REVIEW TEAM) BILL 2011**Agreement in Principle****Debate resumed from an earlier hour.**

Mr JAI ROWELL (Wollondilly) [4.08 p.m.]: It was pleasing to see that the changes to the Children Legislation Amendment (Child Death Review Team) Bill 2011 are in line with our commitment made in the lead-up to the March 2011 election. The changes include transferring the Child Death Review Team functions from the Commission for Children and Young People Act 1998 to the Community Services Act 1993, removing the role of the Minister in certain aspects, altering the number of parliamentary committees that the Ombudsman must report to, extending the term of team members of the Child Death Review Team, and removing the requirement of ministerial approval before the team can undertake research. The Ombudsman no longer has to provide a draft to the Minister; only a final copy will be required.

Questions have been raised as to why the Government is removing the expert role of the Committee on Children and Young People in relation to child deaths. The Committee on Children and Young People is established under the Commission for Children and Young People Act and exists to monitor and review the activities of the Commissioner for Children and Young People. Once the Child Death Review Team is removed from the Commission for Children and Young People Act it falls out of the committee's purview. The parliamentary Committee on the Office of the Ombudsman and Police Integrity Commission is the appropriate body to consider all work undertaken by the Ombudsman, and that includes the Child Death Review Team. It makes no sense to require the Ombudsman to report to two committees.

Splitting child death reporting between two parliamentary committees would mean that neither committee would achieve a full understanding of the area. The Committee on Children and Young People has established expertise in the examination of child deaths. The Commissioner for Children and Young People is a member of the Child Death Review Team and may continue to keep the committee informed of the team's deliberations. Why is the Government removing the role of the Minister to endorse the Child Death Review Team's research program? The standard role of the Ombudsman requires a level of independence from government. This is not the case for the Commissioner for Children and Young People, who was the former convener of the Child Death Review Team.

In transferring the team into the jurisdiction of the Ombudsman it is appropriate that the Ombudsman is able to exercise the team's functions with more independence. The Government also believes that the Child Death Review Team, with its considerable expertise and experience, should be an important part of decisions about the team's research. It is for this reason that the Government proposes to require the Ombudsman to obtain the concurrence of the Child Death Review Team before commissioning research on the team's behalf. Why is the Ombudsman required to seek approval of the Minister in exercising his independent role? While the Child Death Review Team is convened and administered by the Ombudsman, it is not part of that office's independent review and monitoring functions.

The team exists to assist the Government to prevent and reduce child deaths. The approach is collaborative and advisory. This is distinct from the Ombudsman's watchdog role where the onus is on providing independent and impartial oversight of government agencies to ensure they fulfil their functions properly. It is appropriate that the review of the applicable legislation to the Ombudsman's oversight functions should be undertaken by parliamentary committees rather than by the Executive being held accountable. The same cannot be said for the Child Death Review Team, the role of which is to assist government. The Executive is the proper place for the review of the team's policy objectives. While this bill ensures that the Ombudsman is able to conduct his Child Death Review Team functions with more independence than was the case for the previous convener, it is appropriate that decisions about the team's policy remain under ministerial control.

Why is the Government removing the statutory requirement for the convener to submit draft Child Death Review Team reports to the Minister prior to tabling? As I said earlier, the standard role of the Ombudsman requires a level of independence from government. In transferring the team to the jurisdiction of the Ombudsman it is appropriate that the Ombudsman is able to exercise the team's functions with more independence. This change will provide the Ombudsman with greater independence from government. An administrative undertaking of this nature achieves an appropriate balance between the independence of the Ombudsman's functions and the reasonable expectation that government should be afforded an opportunity to review draft reports for factual errors.

Finally, the bill retains a statutory requirement for the Ombudsman to provide a copy of the final Child Death Review Team's report to the Minister, as is also the case for the Ombudsman reports made under the Ombudsman Act and Community Service (Complaints, Reviews and Monitoring) Act. However, we must remember that the recommendations made by Justice Wood were only partially implemented by those opposite. They had to be dragged kicking and screaming to implement the changes. The changes did not come into effect until February and they are half-hearted at best. Luckily, on 26 March we had a change of government. The people of New South Wales elected a government that was not tired, old and tarnished. We have a fresh approach and we respect the recommendations of key stakeholders, so we are getting on and finishing the job.

This is yet another example of this Government fulfilling its election promises. It is an important step in improving the health and wellbeing of our youth. The Child Death Review Team is an important entity, and relocating it to fall under the responsibility of the Ombudsman is a positive step for the residents of Wollondilly and all other people of New South Wales. I will spend a few moments addressing comments by some of those opposite. The member for Macquarie Fields—who in most circumstances is respected in his field outside this place—had the hide to come into this Chamber today and say that this legislation is a bit dodgy. Those opposite had 16 years to look at this.

In fact, they had three or four years after the report was published and what have they done? As usual, they sat on their hands. The member for Macquarie Fields also said that this Government is running a sausage factory, that there is too much work to be done and not enough consultation. Yet the shadow Minister, the member for Auburn, said at the start of this debate that she had had more than a day to look at the bill. Other members, including the member for Keira, said they had only had a couple of minutes. Again, we see nothing but spin from this Opposition that has no substance, no policy direction and is only here to scaremonger no matter what policy we are discussing.

Of course the member for Keira made no constructive contribution. He should spend more time focusing on children's needs as opposed to his aspiration to become the leader of the Labor Party at some future point. The member for Bankstown said she supports most of the legislation, but unfortunately she cannot support the bill. It is opposition for opposition's sake. Those opposite should get on with the job, focus on this and support the bill. The Minister Goward should be commended. She spends a lot of time consulting with stakeholders. I know that because she spends a lot of her time in my electorate visiting various groups, organisations and individuals. She is an example of a Minister who is taking politics out of it and is getting on with the job. I support the Minister and the bill, and I commend it to the House.

Mrs TANYA DAVIES (Mulgoa) [4.14 p.m.]: I fully support the Children Legislation Amendment (Child Death Review Team) Bill 2011. I congratulate the Minister for Family and Community Services. I also congratulate the Minister for Ageing, and Minister for Disability Services on the assistance he provided in formulating this extremely important bill. This bill was written to redress the failure of the former Labor Government and to fully implement Justice Wood's recommendations from the Special Commission of Inquiry into Child Protection Services in New South Wales. It is interesting to note that that special commission of inquiry was completed in 2008. I will reflect on the various comments made this morning by those opposite in relation to this bill. They said they had no notice of this bill and were not given enough time to consider its content.

The subject of this bill came out of a special commission of inquiry in 2008. Those opposite have had a number of years to digest the content of that commission of inquiry and to consider its recommendations. The Special Commission of Inquiry into Child Protection Services in New South Wales recommended the transfer of responsibility for convening the Child Death Review Team from the Commission for Children and Young People to the NSW Ombudsman. The New South Wales Liberal Party and The Nationals strongly supported this transfer while in opposition. In April 2009 this Parliament passed legislation that transferred the responsibility of the Child Death Review Team from the Commission for Children and Young People to the Ombudsman. At that time the Coalition in opposition proposed amendments to further strengthen this bill.

On 4 November 2010 the Ombudsman released the report "Unresolved issues in the transfer of NSW Child Death Review Team to the Office of the NSW Ombudsman". The report detailed the difficulties experienced by the Ombudsman due to the incomplete nature of the former Government's transfer. There were a number of opportunities for the then Labor Government to understand exactly what the Coalition while in opposition desired to achieve with the Child Death Review Team. They have had plenty of time to consider the implications of our policy position. In fact, on 3 March this year we announced in our out-of-home-care policy called "Recovering Children at Risk" that we would support the Ombudsman's role in independently reviewing child deaths in New South Wales by transferring responsibility for coordinating the Child Death Review Team from the Commission for Children and Young People to the Ombudsman's office.

When the former Labor Government eventually backed down from its initial objections after receiving Justice Wood's recommendations, it made only a half-hearted effort and did not fully implement the complete raft of recommendations. This bill is yet another example of the O'Farrell Government delivering on its election commitments. While those opposite claim they had no notice, we told them our policy position on 3 March. Perhaps they did not believe that we would deliver what we promised, because they did not do that while they were in government and running elections. This bill will boost accountability and transparency by supporting the Ombudsman's independence and the work of his office with child deaths. The objective of the Child Death Review Team is to assist government to prevent and reduce the number of deaths of children aged from birth to 17 years.

The Ombudsman's "Report of Reviewable Deaths 2008-2009—Volume 1: Child Deaths", is a difficult and challenging report to read. I ask any member of the House who has not yet read the report to take the time to do so. It is a very sobering review and it shines the spotlight on the situation in our State. From 1 January 2008 to 31 December 2009 a total of 77 child deaths were reviewable. Deaths that are required to be reviewed must meet these criteria: the child died as a result of abuse or neglect; the death occurred in suspicious circumstances; at the time of death the child was in care; at the time of death the child was in detention. Some 20 children died as a result of abuse—that is 20 children too many. It is a heartbreaking figure. Some 23 children died as a result of neglect; six children died in circumstances where there were suspicions of abuse and eight in circumstances suspicious of neglect; and 20 children died while in care.

As the mother of a 4½-year-old girl, it is a heartbreaking statistic that the majority of children whose deaths were reviewable were under five years of age. The death of any child is a tragedy so great that most parents can never fully recover. I have met families who have suffered the loss of a child through disease or accident, and their heartbreak lives with them forever. However, in the case of abused or neglected children, the murder of a perfectly healthy baby or child at the hands of those who are meant to protect and provide for that child is one of the most vile and evil actions of a human being. I question whether they can be called "human". I cannot comprehend an adult taking out their anger on an innocent baby or young person and causing that child's death. Statistics demonstrate that the 20 children who died from abuse and the six who died in circumstances suspicious of abuse did so at the hands of someone within their family.

The Special Commission of Inquiry into Child Protection Services in New South Wales recommended the transfer of responsibility for convening the Child Death Review Team from the Commission for Children and Young People to the NSW Ombudsman. The former Labor Government failed to completely deliver this transfer, as I noted earlier. I cannot comprehend the reason for this failure when we are dealing with the murders and deaths of children, the youngest citizens of this State. Children have no voice in many cases and in these particular families they certainly have no voice. Therefore, it is up to the wider community, the Government and the non-government sector to stand up and defend these young people who do not have a voice.

The bill delivers a range of changes, but I will focus specifically on two of them. The first is the removal of a requirement to obtain ministerial approval before undertaking certain Child Death Review Team research programs. I commend the Minister for taking this step. It shows that we are a Government that is willing to bring complete transparency to this process. It is a very serious role. It will ensure that the NSW Ombudsman's office will have full authority to investigate any matter it sees fit without any interference, coercion or direction from the Minister. The second provision is the removal of the requirement for the Child Death Review Team to provide a copy of its draft report to the Minister. Instead, a copy of the final report will be provided to the Minister.

When I read about that change I asked myself why the former Labor Government would want to retain that level of insight or control over a draft report. Why would it want to keep that within its power and influence? Why would it want to reduce the level of perceived transparency in a matter as critical as child deaths? To my mind there can be only one reason: it wanted to paper over the seriousness of what was contained in the report. It wanted to water down the detail and the implications that the report would make public. Shame on the former Labor Government for allowing that to happen—there are now 77 children in this State who no longer breathe and play. They died in dreadful circumstances.

I am proud to be part of an O'Farrell-Stoner Government that is prepared to face up to the tough situations. We are prepared to take a stand. We are prepared to work with all levels of government and all levels of the community to find every way we can to address this horrible scourge on our society. The O'Farrell Government will shine the white-hot flame of transparency through this bill. We will face the truth. We will be willing to see the full report as it stands. I commend Minister Goward for accepting these changes and

championing the cause in an absolutely brilliant way. We are determined to stand in the gap and defend our young citizens—babies, boys and girls who do not have a voice—and we will work with every sphere of society to reduce and eventually eliminate this scar on our society's conscience. I commend the bill to the House.

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [4.26 p.m.]: I strongly support Minister Goward's initiatives and those of the O'Farrell-Stoner Government to complete the transfer of the Child Death Review Team to the NSW Ombudsman, which the Children Legislation Amendment (Child Death Review Team) Bill 2011 will effect. I have been in this place for almost 21 years and during that time I held 18 or 19 portfolios in opposition. The one portfolio that touched me more profoundly than any other portfolio was that of shadow Minister for Community Services. The job of being Minister or shadow Minister in this portfolio area is demanding because it takes you up close and personal to some of the most horrific acts that can be done to our children.

As I sat here and listened to this debate I was thinking of a number of children who died, often in horrific circumstances, and their families. I remember the agony that was occasioned to the families in the aftermath of the deaths of those children. I particularly remember one little girl who died on the Central Coast. I will not name her. The family came from Wollongong. It was a profound breakdown of the duty of care that should have been offered by the Department of Community Services and the mental health team. I am particularly concerned that that family, and other families in similar situations, had to cope with the realisation that the government of the day had done more to cover up the failings of the system over which it presided than to put in place the necessary protections for the children that we are tasked with protecting in this State—the children who are at risk of harm.

When I was shadow Minister and observing and dealing with families that were in the most traumatised of circumstances I saw a Labor Government which, on the face of it, was talking about social justice and purporting to represent families and community, yet took a succession of steps that were more about protecting that Labor Government than about protecting children. For those in this place who do not recollect, in the early 1990s we had a Community Services Commissioner, Robert Fitzgerald, whose task—which he carried out very well—was to advocate on behalf of families in horrific circumstances, often when the Department of Community Services had been unable to look after children at risk of harm. That Labor Government removed the Community Services Commissioner.

At the same time I recollect that the Commission for Children and Young People usually—and I emphasise usually—published child death statistics. Yet I well remember the horrific reality one year of opening the report and finding that the figures on child deaths had completely disappeared from the report. There was no doubt in my mind at that time that the Labor Government of the day had taken a deliberate approach to shut down the transparency, accountability and openness necessary to protect children at risk. That culture permeated the Department of Community Services. Most caseworkers in the Department of Community Services are very fine workers, but the culture at the top was atrocious. I recollect also in my time as shadow Minister seeing reports that had been doctored at middle management level, apparently at the direction, but certainly with the approval, of senior management. That eventually led to two *60 Minutes* programs and one *Four Corners* program in which disclosures were made about the horrific cover-ups that were occurring.

I do not intend to say much more than this. In the first seven months of this Government more has been done under the direction of Minister Goward than I saw in the 16 years of the Labor Government, to introduce accountability, transparency and honesty in the reporting processes. There is no question that the job of this Parliament in protecting children at risk of harm, children who have come under the notice of government agencies, particularly Community Services, is paramount. It is the paramount duty of all members to ensure that children at risk of harm are well looked after. I say to the remaining Labor members who were members in those 16 years that the Government of which they were part should hang its head in shame. There are, probably fortunately, few of them left, because those sorts of actions were all too frequent under the former Government—cover-up, not clean up. It was never a case of actually addressing the underlying fundamental problems.

I am very supportive of this Government's initiative. Across all portfolios, we are seeking to shine the cold, hard light on what occurred behind closed doors. Justice Wood would be proud of the fact that this Government has listened to what he wanted to achieve, and the transfer to the Ombudsman is now complete. It will not be perfect; situations will still occur from time to time. We cannot expect that suddenly the resources issues or any other issues of the Department of Community Services will be solved overnight. But this

Government is making a fair dinkum effort. We will make sure that the community knows exactly what has been going on behind closed doors and, more importantly, what is happening now. In that, there is hope that the system will improve.

Mr ANDREW CORNWELL (Charlestown) [4.34 p.m.]: I speak on this important reform bill, the Children Legislation Amendment (Child Death Review Team) Bill 2011 wearing three hats: those of the member for Charlestown, the father of two young children, and Chair of the Committee for Children and Young People. I thank the vast majority of members who have spoken on this bill for conducting this debate with appropriate earnestness. The objective of the Child Death Review Team is to assist government to prevent and reduce the number of deaths of children from birth to 17 years in New South Wales through data analysis, research, and recommendations. The Child Death Review Team research functions are to: maintain a register of child deaths in New South Wales; classify those deaths according to cause, demographic criteria and other relevant factors; identify patterns and trends relating to the deaths; and make recommendations to government and non-government agencies for the prevention of further child deaths.

It is notable that over the period that the Child Death Review Team has existed there has been a gradual trend downwards in those figures. One of the important things about this reform is that we are not falling into complacency. It is important that we try continually to improve the situation. The Special Commission of Inquiry into Child Protection Services in New South Wales recommended the transfer of responsibility for convening the Child Death Review Team from the Commission for Children and Young People to the Ombudsman. The New South Wales Coalition in opposition strongly supported this transfer. In April 2009 the New South Wales Parliament passed legislation that transferred responsibility for the New South Wales Child Death Review Team from the Commission for Children and Young People to the NSW Ombudsman. The Coalition in opposition proposed amendments to strengthen Labor's bill.

On 4 November 2010 the Ombudsman released the report "Unresolved Issues in the transfer of the NSW Child Death Review Team to the Office of the NSW Ombudsman". The report detailed the difficulties experienced by the Ombudsman due to the incomplete nature of the former Government's transfer. The transfer came into effect on 11 February 2011. The Ombudsman sought legislative and administrative amendments to: enhance efficiencies in the operations of the Child Death Review Team, ensure the Ombudsman's independence is protected in this new role, and create better alignment between the research activities of the Child Death Review Team and his work on reviewable deaths. While the Child Death Review Team is convened and administered by the Ombudsman, it is not part of the independent review and monitoring functions of that office.

The Child Death Review Team exists to assist the Government to prevent and reduce child deaths. The approach is collaborative and advisory. This is distinct from the Ombudsman's watchdog role, where the onus is on providing independent and impartial oversight of government agencies to ensure they fulfil their functions properly. It is appropriate that the review of legislation applicable to the Ombudsman's oversight function should be undertaken by parliamentary committees, rather than by the very same Executive that is being held accountable. The same cannot be said for the Child Death Review Team, whose role is to assist government. The proper place for review of the team's policy objectives is the Executive.

While the bill ensures that the Ombudsman is able to conduct his Child Death Review Team functions with more independence than was the case for the previous convener, it is appropriate that decisions about the team's policy remit remain under ministerial control. I will address a few points raised by Opposition members. The member for Auburn recognised the importance of Justice Wood's recommendations, of which the transfer of the Child Death Review Team to the Ombudsman was one. I also note her recognition of the importance of the Committee for Children and Young People. Currently, the Ombudsman is reporting to two committees, creating an inefficient system without clear lines of authority.

The member for Macquarie Fields reiterated those concerns, asserting that the Committee for Children and Young People had been legislatively emasculated from conducting rigorous inquiries that may require input from the Child Death Review Team. I will point out some facts on this matter. The Commissioner for Children and Young People is a statutory appointee to the Child Death Review Team. The commissioner reports to the Committee for Children and Young People. Therefore, the commissioner can still report to the committee on matters within the remit of the Child Death Review Team. Also, like all parliamentary committees, the Committee for Children and Young People can call the Ombudsman to report to, and provide evidence to, a parliamentary inquiry. The Committee for Children and Young People will continue to conduct its work in the same rigorous manner it has always done.

I refer now to the breathless hyperbole from the member for Keira. Rather than speak to the substance of the bill, as the member for Macquarie Fields and the member for Auburn did, he stood at the lectern full of faux outrage and sanctimonious puffery complaining that these reforms have appeared suddenly. In April 2009 the Parliament passed legislation to remove the Child Death Review Team from the Commission for Children and Young People to the Ombudsman. On 4 November the Ombudsman released his report outlining that his dual lines of reporting were causing problems. We committed to this reform during the election; this is not a new proposal. The member for Bankstown continued the criticism of the bill, stating that it was being rushed through. She implied that we were not supporting children.

I take this opportunity to advise the House that the previous Committee for Children and Young People was unable to fulfil its statutory responsibilities last year because the then Premier prorogued Parliament. If the former Government was so committed to the Committee for Children and Young People, perhaps it would have considered at what stage its reporting program had reached before shutting down Parliament, thus rendering the committee unable to discharge its responsibilities. The crocodile tears being shed by a few Opposition members are either through ignorance or hypocrisy. I urge the Opposition to reconsider its objection to the bill. I place on record my admiration for the work the Commission for Children and Young People carries out under the guidance of its commissioner, Megan Mitchell. While these changes finally complete the separation of the Child Death Review Team from the commission, in no way does it reduce the team's ability to continue to make its valuable contribution to the children of New South Wales.

Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, and Minister for Women) [4.41 p.m.], in reply: I thank members for their contributions to the debate and for their support for the Children Legislation Amendment (Child Death Review Team) Bill 2011. This bill will facilitate the important work of the Child Death Review Team to reduce and prevent the deaths of children and young people in New South Wales. The Coalition signalled this uncontentious piece of legislation in opposition and in the early days of taking office after the election. The report of Justice James Wood, containing these recommendations, was tabled in the Parliament and received bipartisan support. Only later did the former Government pay lip-service to Justice James Wood while squiggling and wiggling on the stick because of ongoing resentment towards an Ombudsman who persisted in exercising his independence. That is the point we have reached today.

I cannot think of any opposition in a Western democracy that has not welcomed the opportunity for more open and accountable scrutiny of a government, and more independence. I cannot imagine any other Australian opposition knocking back the chance to have more open access to government information. But the New South Wales Opposition is a bit different. After 16 years in government the Labor Opposition still thinks its job is to keep the veils of secrecy over public administration in this State and to stop people from knowing what is going on. Obviously, the New South Wales Opposition has forgotten that in this instance it will stop itself from knowing what is going on.

How extraordinary and rare that the Opposition wants less scrutiny, less independence and less opportunity to interrogate the workings of the government of the day—certainly it has achieved a first. The Opposition has always known that this would be the end result. From the time we first responded in Parliament to the amending bill, the Opposition knew that we held these objections, as did the Ombudsman, who was so professionally offended by the nature of the legislation that he felt compelled to release a report in November last year on the unfinished business of the Child Death Review Team. This bill takes nothing from the Commissioner for Children and Young People, but reminds us of the clear reasons Justice Wood recommended the Ombudsman as the preferred carrier, team manager and leader for this important work. Of course, that relates to the high levels of independence enjoyed by the Ombudsman of New South Wales—indeed, ombudsmen more generally in Australia.

The faux outrage—as described by the member for Charlestown—was that the bill was introduced without enough notice. I would have thought that 18 months and debate in the media was enough notice. When a bill gives an opposition more access to information than it began with, I would have thought it would be very happy for the bill to pass quickly. When all the faux outrage was over, what were the Opposition's arguments and reasons for opposing the bill that would provide more independent and public scrutiny regarding the deaths of vulnerable children? My goodness, it did not attack the independence of the process, or that it would enable the Ombudsman to be more independent of government because that would have drawn attention to its own role in denying him his independence. The Opposition's fundamental issue was which parliamentary committee was best placed to oversight the team.

The member for Auburn, and shadow Minister, began by expressing her concern that the Child Death Review Team should report to the parliamentary Committee for Children and Young People because one of its

members was a paediatrician. We all love Dr Andrew McDonald and I am grateful that a member of that committee is a paediatrician. But the Opposition knows, or needs to know, that our reporting functions for independent statutory bodies cannot be constructed on the basis of committee memberships from term to term. That is not how it is done. Perhaps the member for Auburn needs to reconsider public administration in practice, if not in theory, if she considers that a valid argument.

The second argument raised by the member for Auburn was that the team should report to the Committee for Children and Young People because that committee has the expertise. No mention is made of the incredible work done by the parliamentary Committee on the Office of the Ombudsman and the Police Integrity Commission. Expertise is as expert as its members and we thank each member of the Committee for Children and Young People, chaired by our own wonderful member for Charlestown, for their expertise. But expertise does not decide which committee oversees the work of an independent body; that decision lies in the term "oversight". Who is best suited to oversight a function of a body such as the Ombudsman with a particular level and standard of independence from government? Clearly, it is the committee that oversees other aspects of the non-government or independent body system of government, such as the Police Integrity Commission and the other responsibilities of the Ombudsman.

I state clearly that the alternative was to have the Ombudsman report to one committee on some of his functions—a committee that appreciated the independence of the Ombudsman and the Police Integrity Commissioner. Through that framework the committee will oversight the work of the Ombudsman. The Child Death Review Team, under the old arrangements, would expect the Ombudsman to report to another committee under a completely different definition of independence and a different accountability framework. This bill confirms the Ombudsman's level of independence from government, which is what Justice Wood wanted it to do. That is why Justice Wood recommended that the Ombudsman be the convener of the Child Death Review Team.

If the Ombudsman is to be the convener, because of the importance of acquiring and employing his independence to improve and expand on the level of scrutiny, the parliamentary committee to which he or she reports should work in that same framework and at the same level of independence. If that is not what occurs the question that would have to be asked is: What level of independence does the Ombudsman have to meet to carry out his functions as the convener of the Child Death Review Team? That is what the amending bill was supposed to do. This amending bill will refer those matters to the Committee on the Office of the Ombudsman and Police Integrity Commission, which means that the Ombudsman's level of independence will be applied consistently to all his work, which will be supervised or overseen by the appropriate parliamentary committee. This will take nothing away from the wonderful work that is being done by the Committee on Children and Young People.

This bill will ensure consistency—a point that I hoped was perfectly obvious to Opposition members. It is apparent to me why Opposition members oppose this legislation. This is an opportunity for them to get back at the Ombudsman who dared to criticise the way in which the former Government ran this State. Opposition members want to ensure that he will be required to answer to a lower level of independence than this Government considers appropriate. As a statutory member of the Child Death Review Team the Commissioner for Children and Young People has every opportunity to answer to the Committee on Children and Young People and that committee can call the Ombudsman before it if it conducts an inquiry. As I said in my opening remarks, the bill makes it clear that:

... a member of the [Child Death Review] Team makes the disclosure to any person, body or organisation for the purpose of obtaining information, advice or comments in connection with draft reports prepared by the Team ...

Nothing in this bill prevents the Child Death Review Team or the Ombudsman from being exposed to other parliamentary committees. What is at issue is who oversees this work, which is why we are conferring this level of independence on the Child Death Review Team, through the Ombudsman, who is now leading that team. The Opposition cannot overlook this important point: The Child Death Review Team will be headed by the most independent officer that we have in this area who, without fear or favour, or the suggestion of a political wink and a nudge, will do the work that needs to be done, thus ensuring maximum scrutiny, debate and transparency in the driving of reform. Government members have always said that the best motivator for reform is scrutiny and the discomfort of criticism.

Sadly, the member for Macquarie Fields is still fighting the old war. He is still insisting that the Commissioner for Children and Young People should be the convener of the Child Death Review Team. I thought we had sorted out that issue a year ago and Justice Wood sorted out that issue more than a year ago.

Justice Wood saw the need for a transparent mechanism to drive change and reform, which is why he recommended these changes. Even though there is bipartisan support for this bill and Justice Wood's findings, it is sad that the member for Macquarie Fields has reverted to fighting an old war. That is a naïve argument from the member for Macquarie Fields, who once was a member of the Child Death Review Team. From time to time all members of this place have been members of other institutions. However, one's personal experience does not detract from the findings of a special commission of inquiry that has bipartisan support.

This report reflects the work of a respected member of the judiciary and those who supported and advised him. In future the Opposition's mantra should not be, "I was on it and it was okay when I was on it so let us not change it." Perhaps that mantra could be changed to, "It could be better". The legislative changes that have been made today will provide the Ombudsman with the necessary framework to carry out his or her functions on the Child Death Review Team. That team will be able to carry out its tasks with greater efficiency and the appropriate level of independence and scrutiny for the greater good of the people and children of New South Wales. I thank the staff in the Ombudsman's office for their advice. I also thank my staff, in particular, my chief of staff, Anthony Bencher, and Penny George and all those who have had such a committed and devoted interest in this subject. I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO 2) 2011

Bill introduced on motion by Mr Greg Smith.

Agreement in Principle

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [4.59 p.m.]: I move:

That this bill be now agreed to in principle.

The Statute Law (Miscellaneous Provisions) Bill (No 2) 2011 continues the statute law provision program that is recognised as a cost-effective and efficient method for dealing with amendments of the kind included in the bill. The form of the bill is similar to that of previous bills in the statute law provision program. Schedule 1 contains policy changes of a minor and non-controversial nature that the Minister responsible for the legislation to be amended considers to be too inconsequential to warrant the introduction of a separate amending bill. That schedule contains amendments to 24 Acts and one regulation. I will mention some of the amendments to give members an indication of the kinds of amendments that are included in this schedule.

An amendment made by schedule 1 will update the definition of "dog" in the Companion Animals Act 1998 by adopting the recently reclassified species name for dingoes to ensure that dingoes continue to be regulated under that Act. I expect my friend the member for Charlestown will give us his wisdom and learning on aspects of that amendment. Schedule 1 amends various Acts in the portfolios of the Minister for Fair Trading and the Minister for Finance and Services. An amendment to the Residential Parks Act 1998 will remove an offence relating to the contravention of a rent order, which is similar to an offence contained in the Consumer, Trader and Tenancy Tribunal Act 2001. Amendments to the Residential Tenancies Act 2010 will clarify that a rent increase is taken to be validly imposed for the purposes of the Act if the 12-month period prescribed for bringing proceedings to challenge the increase has expired without a challenge being made.

Schedule 1 makes a number of amendments to the Security Industry Act 1997. These include clarifying the types of bodyguard and crowd control activities that are security activities requiring a licence under the Act. Other amendments to that Act will clarify that patrolling or protecting property is a security activity if it involves the use of any dog, not just a patrol dog. Amendments to that Act, as well as to the Explosives Act

2003 and the Commercial Agents and Private Inquiry Agents Act 2004, will clarify that the restructure within the New South Wales Police Force that involved the replacement of the Security Industry Registry with the Security Licensing and Enforcement Directorate does not affect the delegation of the functions of the Commissioner of Police under those Acts.

Amendments made by schedule 1 to the National Parks and Wildlife Act 1974 will provide a defence to prosecution for environmental offences, such as picking native plants where the act was done with the authority of a licence issued under the Act to enable work to be done for scientific, educational or conservation purposes. The Road Transport (Vehicle Registration) Act 1997 amendments allow the Roads and Traffic Authority, or its successor, to cancel the registration of a vehicle immediately if it becomes a written-off vehicle rather than after 14 days notice has been given to the registered operator of the vehicle. However, a person does not commit an offence for driving an unregistered vehicle until the registered operator is notified of the cancellation of registration of the vehicle.

Amendments to the Superannuation Act 1916 replace references to HealthQuest, which was dissolved as a statutory health corporation in 2009. The amendments will enable the SAS Trustee Corporation to have regard to the medical advice of persons nominated by the corporation in determining whether a contributor is incapable of performing his or her duties and will enable persons nominated by the corporation to conduct medical examinations of employees retired through infirmity. Schedule 1 also amends the Innovation Council Act 1996 to change the name of the "New South Wales Innovation Council" to the "New South Wales Innovation and Productivity Council" to better reflect the current work of the council. Finally, in relation to schedule 1, I mention the amendments to the Water Management Act 2000. Schedule 1 includes a number of miscellaneous amendments to that Act to improve the operation of various provisions in relation to water entitlements and access licences.

Schedule 2 deals with matters of pure statute law revision consisting of minor technical changes to legislation that the Parliamentary Counsel considers are appropriate for inclusion in the bill. Examples of amendments in schedule 2 are those arising out of the enactment of other legislation, those correcting numbering and typographical errors and those updating terminology. Schedule 3 makes amendments by way of statute law revision consequent on the renaming of the Police Service Act 1990 to the Police Act 1990 and on the change of name of the policing organisation in New South Wales to the New South Wales Police Force. Schedules 4 and 5 continue the program of repealing Acts and instruments that are redundant or of no practical utility and consolidating Acts and instruments that have ongoing operation.

Schedule 4 contains amendments that enable or are consequential on the repeal of Acts and instruments by schedule 5. The amendments include the transfer into various Acts of the provisions of Acts and instruments repealed by schedule 5. Schedule 5 repeals 61 principal Acts and regulations and various provisions of Acts and instruments, including those that contain only amendments that have commenced. For abundant caution, the bill, in conjunction with section 29A of the Interpretation Act 1987, continues to provide a power for the Governor, by proclamation, to revoke the repeal of any Act or instrument repealed by the bill and restore its operation. Schedule 6 contains general savings, transitional and other provisions. These include provisions dealing with the effect of amendments on amending provisions and savings clauses for the repealed Acts.

The various amendments are explained in detail in explanatory notes set out beneath the amendments to each of the Acts and statutory instruments concerned or at the end of the schedule concerned. If any amendment causes concern or requires clarification, it should be brought to my attention. If necessary, I will arrange for government officers to provide additional information on the matters raised. If any particular matter of concern cannot be resolved and is likely to delay the passage of the bill, the Government is prepared to consider withdrawing the matter from the bill. I commend the bill to the House.

Mr PAUL LYNCH (Liverpool) [5.06 p.m.]: I lead for the Opposition in debate on the Statute Law (Miscellaneous Provisions) Bill (No 2) 2011. The objects of the bill are: to make minor amendments to various Acts and a regulation; to amend certain other Acts and instruments for the purpose of effecting statute law revision; to amend various Acts to enable the repeal of legislation; to repeal certain Acts and instruments and provisions of Acts and instruments; and to make other provisions of a consequential or ancillary nature. The bill has just been introduced and is being passed through all stages today. My counterpart in the other House, the Hon. Adam Searle, received a copy of the bill yesterday, which he shared with me, so I have perused the bill.

At this time the Opposition does not oppose the passage of the bill. It seems to be in the usual form and nature of statute law miscellaneous provisions reform. I note voluminous references in the bill to the Police

Service being replaced by the New South Wales Police Force. I note that the misspelling of various words is being remedied by this bill. If I had a more substantive comment, I would note the large number of amendments to the water management legislation. It is unusual to see so many amendments moved by way of this type of bill. I do not seek to delay the bill. The substance of those provisions does not seem to be of great import but it is interesting that so many are being included in a bill of this form. As the Opposition had about 24 hours notice, some matters are being pursued by shadow Ministers. My apprehension is they will not be issues. If they are we will raise them in another place. The Opposition does not oppose the bill.

Mr JAI ROWELL (Wollondilly) [5.08 p.m.]: I support the Statute Law (Miscellaneous Provisions) Bill (No 2) 2011. Statute law revision is a common practice of dealing with amendments across many statutes in an efficient way. This form of revision has never been more vital than as we sit in this House today after 16 years of Labor failings. Each proposed amendment is testament to this Government's ability to get on with the job in the most efficient way to benefit this State. Among other things, the revision will address current sections of legislation that hinder the ability of those it affects so that it clearly articulates the exact intention of the bills. For example, the provisions in section 28 (7) of the Consumer, Trader and Tenancy Tribunal Act 2001 will allow applicants under the Strata Schemes Management Act 1996 and Community Land Management Act 1989 to withdraw their proceedings from the tribunal. With the pressure our judicial system currently faces and with the increased reliance on tribunals and specialist tribunals to hear matters, it is a commonsense approach to legislative provisions that makes this Government stand out from those opposite.

The revision to section 78 (1) of the Community Land Management Act 1989 ensures the wording is consistent and clear. Simplifying sections of legislation will enable decision-makers to have a clear and concise understanding of the intention of the legislation. In this case it will permit the empowerment of making orders described in the subsection. Similarly, the change to schedule 4 of the Commercial Agents and Private Inquiry Agents Act 2004 again demonstrates this Government's effectiveness when it comes to ensuring that this State is run as effectively as possible and that it functions as intended. This proposal will clarify the recent restructure of the New South Wales Police Force and will allow this restructure to reflect the legislation which regulates the delegation function of the Commissioner of Police.

The change to section 98 (4) of the Environmental Planning and Assessment Act 1979—I note many councillors are in the Chamber, including the member for Camden, the member for Granville and the member for Smithfield, and that they pay particular attention to this Act—will permit a person who has objected to a development application for consent to carry out State-significant development under section 89F (3) to appeal to the Land and Environment Court against a determination to grant the development consent. This will increase the ability to scrutinise publicly any decision made with respect to State-significant development. This is another example of how the Coalition Government places an emphasis on open and accountable governance.

The change to section 115Y (2) of the Environmental Planning and Assessment Act 1979 provides that an environmental impact statement for State significant infrastructure must be in the form prescribed in the regulations. Currently there is an inherent inconsistency regarding the prescribed form in which environmental impact statements are to be provided. This adjustment is to establish regularity and continuity in the formalities involved in the Act. The Government has made a promise to the good people of New South Wales to end the chaotic and defective ways of past Labor governments and this is another step forward in the direction of competent and orderly management. Part 6, schedule 4, of the State Emergency and Rescue Management Act 1989, will be repealed as its existence is no longer necessary. Previously provisions had been placed into the Act to deal with a particular emergency event. Since then the required works have been carried out and these provisions are now redundant.

The Coalition Government's emphasis on ensuring unnecessary regulations are repealed demonstrates our ability to govern in the most efficient manner. Finally, another example of the Government's capacity to eliminate convoluted legislation and to provide clarity in its requirements is the amendment to section 61 (1) (a) of the Water Management Act 2000. We seek to amend that section to provide greater clarity as to the circumstances in which an application for an access licence can be made under this Act. All the proposed changes that this Government seeks to establish should be praised as it is about time this House sees good, efficient and productive leadership and management. Without going into the detail of every amendment I will briefly list the various Acts that are being amended to demonstrate that this Government takes its role as legislator seriously. They highlight the excellent work that our Attorney General is undertaking.

The Acts to be amended are the State Emergency and Rescue Management Act 1989, the National Parks and Wildlife Act 1974, the Environmental Planning and Assessment Act 1979, the Consumer, Trader and

Tenancy Tribunal Act 2001, the Commercial Agents and Private Inquiry Agents Act 2004, the Community Land Management Act 1989, the Water Management Act 2000, the Innovation Council Act 1996, the Health Records and Information Privacy Act 2002, the Health Care Complaints Act 1993, the Explosives Act 2003—and I am not talking about the Leader of the Opposition—the Sydney Olympic Park Authority Act 2001, the Property Stock and Business Agents Act 2002, the Residential Parks Act 1998, the Residential Tenancies Act 2010, the Retirement Villages Act 1999, the Road Transport (Vehicle Registration) Act 1997, the Roads Act 1993, the Security Industry Act 1997, the Strata Schemes Management Act 1996, the Superannuation Act 1916, the Water Management Act 2000, the Water Management Regulation (General) Regulation 2011, the Companion Animals Act 1998, and the Building Professionals Act 2005.

It can be seen that we are amending many Acts, but this Government is not afraid of hard work, unlike members of the previous Government, who sat on their hands and let the State run into the ground. Opposition members are very hypocritical. Yesterday they were complaining that there was not enough work for them and today they are complaining that there is too much. They forget why they are here, which of course is to make New South Wales prosper. The sheer volume of amendments is testament to how far off the ball they were in government. I am proud to be a part of a Government that is working hard to get the job done. I commend the most experienced Attorney General we have ever had and I thank him for his commitment. I commend the bill to the House.

Mr CHRIS PATTERSON (Camden) [5.14 p.m.]: I support the Statute Law (Miscellaneous Provisions) Bill (No 2) 2011. The bill effects only minor and non-controversial amendments to various Acts and continues the statute law revision program. Schedule 1 to the bill contains minor policy changes to Acts and statutory instruments that are too inconsequential to warrant the introduction of a separate amending bill. The Statute Law (Miscellaneous Provisions) Bill (No 2) 2011 allows these small policy changes to be efficiently dealt with. Schedules 2 and 3 comprise minor technical changes to legislation, and amendments will make minor corrections to ensure consistency of style and the repeal of spent legislation. Schedules 4 and 5 will include repeals and related amendments as part of the repeal program for redundant legislation, with the sixth schedule containing savings and transitional provisions.

The bill will include amendments to the Building Professionals Act 2005, the Commercial Agents and Private Inquiry Agents Act 2004, the Community Land Management Act 1989, the Companion Animals Act 1998, the Consumer, Trader and Tenancy Tribunal Act 2001, the Environmental Planning and Assessment Act 1979, the Explosives Act 2003, the Health Care Complaints Act 1993, the Health Records and Information Privacy Act 2002, the Innovation Council Act 1996, the National Parks and Wildlife Act 1974, the Property Stock and Business Agents Act 2002, the Residential Parks Act 1998, the Residential Tenancies Act 2010, the Retirement Villages Act 1999, the Road Transport (Vehicle Registration) Act 1997, the Roads Act 1993, the Security Industry Act 1997, the State Emergency and Rescue Management Act 1989, the Strata Schemes Act 1996, the Superannuation Act 1916, the Sydney Olympic Park Authority Act 2001, the Water Management Act 2000 and the Water Amendment Act 2010.

As I have just mentioned, a number of amendments have been or will be mentioned by other members, so I will focus on only a couple today. First, I will speak of my support for the amendment to section 24A (8) of the Retirement Villages Act 1999. This amendment will clarify that the information recorded on the register of retirement villages will be used for the purposes of a public list of private and State-owned retirement villages. Currently section 24 of the Act requires operators to notify the Registrar General of land being used as a retirement village, with subsection 8 stating that the information on the register may be used to establish a list of retirement villages. It was always intended that the register would be utilised to create a publicly accessible list of retirement villages for prospective residents.

This list of retirement villages would be of great use to prospective residents of Camden who may like to live in any one of the fine retirement villages in my area: Aveo Camden Downs, Carrington Retirement Village, Angus Bristow Village, Camden Village and the Four Lanterns Estate. I know the extent to which these villages go to provide a community lifestyle for their residents. They are all exceptionally well run and deserve to be on a list that will give potential residents enough information to make inquiries about a village of their interest and choice. Residents and any potential residents of Camden's retirement villages are certainly spoilt for choice.

In September I attended the Camden Downs Retirement Village with another fine Minister, the Minister for Fair Trading, for a presentation by Fair Trading NSW to inform residents to be aware of scams. Many residents attended and they were interested in the information provided since scammers are targeting us

all via many avenues. By no means were these scams news to any of the clued-up residents, but the seminar allowed them to build on their knowledge and to ask questions directly of Fair Trading. The Minister and I gained a lot of useful information at this seminar and we were made to feel right at home. I will briefly discuss the amendment to section 5.1 of the Companion Animals Act 1998. It will update the definition of "dog" to mean:

An animal (of either sex, or desexed, and whether or not domesticated) of the synonyms of *Canis familiaris*, *Canis lupus familiaris*, *Canis lupus dingo*, *Canis familiaris dingo*, *Canis dingo* and including a hybrid of any of those species.

The definition has previously been interpreted as including dingoes and their crossbreeds. Recent scientific findings have led to reclassification of the dingo as a different species. The NSW Scientific Committee has adopted the new species name, which makes it necessary to extend the definition of "dog". It will give council officers certainty when managing dingoes in a domestic setting under the Act and maintain the Government's policy position. This is important legislation because this Sunday Camden council will host a wonderful family event called Paws in the Park. Hundreds of dogs and up to 1,000 of their two-legged family members will take part in this wonderful community event to promote responsible animal ownership.

Camden councillor Lara Symkowiak and her committee deserve a lot of credit for organising this event. The mayor's cousin, celebrity vet Dr Katrina Warren, will be the special guest of the day. I refer to this issue because many prizes will be awarded at this event and it is a crying shame that this legislation will not be in place on Sunday. I would hate to see any dingoes disadvantaged by not being eligible for a prize. But we will rectify the situation for next year's event. I commend our wonderful Minister for introducing this bill which has my total support. I commend the bill to the House.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [5.22 p.m.]: I also congratulate the Minister for his hard work and the commitment he has shown in the new term of this Government—a Government that is working for the people. This Government is showing stability and is getting on with making decisions that are needed for the people of this State. It does not matter whether one lives in Parramatta, Bathurst, Dubbo, Orange, or Smithfield—this Government is helping all people and is ensuring equity across this State. I am pleased that the Minister introduced the Statute Law (Miscellaneous Provisions Bill) (No 2) 2011, which is intended to effect minor and non-controversial amendments to various Acts of this Parliament.

This bill continues the statute law revision program that was established in 1984 as a cost-effective and efficient mechanism for making such amendments. Our role as a new Government is to make New South Wales number one again, and we have already been working hard at it. If this State enjoyed even 65 per cent of the economic growth of Victoria during the time Labor was in government we would have an extra \$50 billion in our economy. That \$2.4 billion would have allowed the State to provide more revenue to spend on roads, hospitals, schools and increased front-line services.

Mr Richard Amery: Point of order: This is a statute law revision bill, which contains minor amendments to various pieces of legislation which do not justify a bill of their own. The matters raised by the member seem better suited to the budget debate, which is on the program for another day. Mr Deputy-Speaker, I ask you to draw him back to the limited scope of this minor piece of legislation.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I have heard enough on the point of order. We just had a Camden dog show and now we have this. The member will come back to the leave of the bill.

Mr PAUL TOOLE: I was making the point that this Government is getting on with the job of introducing larger bills and these amendments are all part of the process of good governance. The bill contains only minor amendments which fall into three categories. Schedule 1 encompasses minor policy changes to Acts and statutory instruments that are too small or inconsequential to warrant the introduction of a separate amending bill or the making of a separate amending statutory instrument. These matters may be properly and efficiently dealt with in the Statute Law (Miscellaneous Provisions Bill) 2011 rather than in a series of separate minor bills or statutory instruments. Schedules 2 and 3 are pure statute law revisions comprising minor technical changes to legislation.

The amendments cover, for example, minor corrections and changes relating to consistency of style and the repeal of spent legislation. Schedules 4 and 5 include repeals and related amendments as part of the ongoing repeal program for redundant legislation. In addition, a sixth schedule contains savings and transitional provisions. These amendments are about cutting red tape and continuing the good work of this Government. We

have already supported small business. We introduced our plumbing bill and home amendment bill. This Government is working to redress the failings of the previous Government's 16 years. This bill contains a proposed amendment to the Building Professionals Act 2005 which will extend the period for review of the Act from five years to seven years from the date of the Act.

This will enable the Act to be reviewed as part of the overall review of the planning system which was announced by the Minister for Planning on 12 July 2011. The amendment provides that the review of the Act is to commence in December 2012 and is to be completed by December 2013. This Government understands the needs of the people and is listening to local government. The previous Government crippled councils and attempted to place blanket covers on metropolitan, regional and rural areas. This Government is listening to the needs of each community regarding planning. The changes to the Building Professionals Act goes part of the way towards redressing that issue.

This bill amends other Acts including the Commercial Agents and Private Inquiry Agents Act, the Community Land Management Act, the Companion Animals Act, the Consumer, Trader and Tenancy Tribunal Act, the Environmental Planning and Assessment Act, the Explosives Act, the Health Care Complaints Act, the Health Records and Information Privacy Act, the Innovation Council Act, the National Parks and Wildlife Act, the Property, Stock and Business Agents Act, the Residential Parks Act, the Residential Tenancies Act, the Retirement Villages Act, the Road Transport (Vehicle Registration) Act, the Roads Act, the Security Industry Act, the State Emergency and Rescue Management Act, the Strata Schemes Management Act, the Superannuation Act, the Sydney Olympic Park Authority Act, the Water Management Act and the Water Management Act 2011. That list shows that the Minister is getting on with the job that the people require. I commend the work of the Minister and the Government for delivering to the people. I commend the bill to the House.

Mr RICHARD AMERY (Mount Druitt) [5.29 p.m.]: I speak in debate on the Statute Law (Miscellaneous Provisions) Bill (No 2) 2011 in accordance with standing orders. This bill tidies up a piece of legislation that may be altered by other pieces of legislation, changes to the law and so on. The objects of the bill are to make minor amendments to various Acts and regulations in schedule 1 and to amend certain other Acts and instruments for the purpose of effecting statute law revision. The Attorney General's department goes through legislation as part of a continuing review and looks at where words, terminology and figures change. An example can be found on page 27 where the Payroll Tax Rebate Scheme (Jobs Action Plan) Act 2011 is amended to omit the words "Baulkham Hills" and include the words "The Hills Shire". The explanatory note states that the proposed amendment updates a reference to a local government area.

If a particular council changes its name from a shire council to a city council and the former local government area is referred to in an Act the revision picks up that new name and includes it in a statute law revision bill. On page 37 there is an amendment that is close to my heart. A number of changes are made relating to the New South Wales Police Force. Being a former member of that organisation I can advise the House that some time ago the New South Wales Police Force changed its name to the New South Wales Police Service. It was then changed back to New South Wales Police Force or the Police Force generally. In other words, over time a number of minor changes have been made to the name of that organisation. I refer to the Fines Act 1996. The bill omits "Police Service", the previous name of that organisation, and inserts instead "NSW Police Force", and likewise with the Fire Brigades Act 1989 and the First State Superannuation Act 1992. All the changes are to delete the previous name of New South Wales Police Service and to insert instead "NSW Police Force".

I hope that explains matters for some of the newer members of the House, particularly Coalition members. It does not mean that if the bill makes a minor change to the name of the Police Force they can talk about police policy and enforcement over the past 100 years in this State. That would be an abuse of the standing orders and certainly beyond the scope of the bill. The general practice with bills that are brought before the House by most governments—Labor or Coalition—is that if there are objections to clauses in the bills because of omissions or concerns, those clauses will be omitted from the bills after negotiation between the Government and Opposition until the matter is resolved.

I raised two examples of the types of changes effected by this bill but there are many others. For example, the title of the Retirement Villages Act has been changed which means there have to be consequential changes to other legislation. In relation to the point of order I raised earlier, this is not an opportunity to speak on every portfolio and subject covered by this bill. If it were we would have to cancel the next two-week break. I commend the bill to the House.

Dr GEOFF LEE (Parramatta) [5.33 p.m.]: It gives me great pleasure to support the Statute Law (Miscellaneous Provisions) Bill (No 2) 2011. As the excellent Attorney General is in the House I commend him for his hard work over the past six months or so in refining the legislation and putting together the changes we need to make over time for the effective and efficient management of the State required to make New South Wales number one again. The main purpose of the bill is to effect minor and non-controversial amendments to various New South Wales Acts. The bill is the result of a statute law revision program that was established in 1984 as a cost-effective and efficient mechanism for making such amendments.

It is not my remit to refer to the different amendments because the Attorney General in introducing the bill did a superb job in outlining the provisions, as did the member for Liverpool in commending it and supporting the changes, and the member for Campbelltown, the member for Bathurst and the member for Mount Druitt. The first amendment I refer to is to section 5.1 of the Companion Animals Act 1998. The proposal is to update the definition of "dog" to mean "an animal (of either sex, or desexed, and whether or not domesticated) of the synonyms of *Canis familiaris*, *Canis lupus familiaris*, *Canis lupus dingo*, *Canis familiaris dingo*, *Canis dingo* and including a hybrid of any of those species".

The bill amends the definition of "dog" in the Act to make the dingo a separate species because the New South Wales scientific community has adopted the new species name. The Companion Animals Act is especially important to those who have companion animals. Animals play a vital role in the community, both for me—I have had animals for many years—and certainly for families. It is part of family socialisation to have a pet, whether it is a dog, a cat or a budgie. Companion animals can provide a lot of company for elderly people. When people come home the cat can sit with a person and a dog may show loving care and attention. I am certainly an advocate of companion animals for the elderly and people with disabilities. Even someone like me who comes home after a hard day's work and the dog there is waiting for me—

Mr Richard Amery: You'd be savaged.

Dr GEOFF LEE: I note the interjection. He is not a dingo; that is untrue. I support Holroyd Council's wonderful effort in holding a pet festival this year. I was fortunate enough to attend the pet festival along with 10,000 or 12,000 other people. The companion animals included big dogs, little dogs and cats. This year unfortunately one of the Holroyd residents in the Parramatta electorate was not able to bring his sheep along. Normally he spray paints about half a dozen sheep in the mighty Eels colours, which is always a real hit. It is important that we recognise the role animals play in creating a better society. People should be encouraged to have animals and to treat them responsibly.

The bill clarifies that the restructure of the New South Wales Police Force and the replacement of the Securities Industry Register and Security Licensing and Enforcement Directorate do not affect the delegation of the functions of the Commissioner of Police under the Act; it is about changing the names and some of the functions due to a restructure. Police play an important role in society, particularly in my electorate of Parramatta. I am fortunate to have several local commands, including Granville, Rosehill and Parramatta, in my electorate. I note the member for Granville nodding in agreement. I know he is one of the biggest supporters of the local police and the great work that they do.

I acknowledge the efforts of Rosehill Local Area Commander Bob Barnett and Parramatta Acting Local Area Commander Peter Marcon. Recently I attended the inaugural Neighbourhood Watch meeting initiated by Councillor Andrew Wilson and held in the Telopea and Dundas area. Bob Barnett came to the meeting and briefed the audience of community members on crime hotspots in the area and the command's strategies to deal with them. It was all about the community getting together on grassroots Neighbourhood Watch, and law and order issues, and sharing information. This will fit perfectly within the Eyewatch scheme, which provides complementary online monitoring of the neighbourhood, and helps reduce antisocial and criminal behaviour. This legislation shows the commitment of the Government and of the Attorney General, and Minister for Justice to getting on with the good governance of New South Wales in an effort to make New South Wales number one again. I commend the Attorney General for his dedication and hard work, and I commend the bill to the House.

Mr ANDREW CORNWELL (Charlestown) [5.41 p.m.]: I will make a brief contribution to the Statute Law (Miscellaneous Provisions) Bill (No 2) 2011, in particular its amendment of the Companion Animals Act. The proposed amendment will update the definition of "dog" in the Act by including certain new species names of dingoes to ensure dingoes continue to be regulated in accordance with the Act. Whilst the amendment, on its face, might seem a little twee, it is a very important reform. It changes dingoes from being categorised as fauna and captures them as a dog.

It is legal in New South Wales to keep a dingo without a licence, and therefore it does not change the ownership provisions. This is simply a nomenclature change; however it addresses an anomaly. Capturing dingoes as a dog under the dangerous dog provisions of the Companion Animals Act makes it easier for the Act to have authority over dingoes under those provisions. A person bitten by a dingo prior to this change may not have been able to be treated in the same way under the dangerous dogs provisions of the Companion Animals Act.

Mr Ryan Park: What about my toy poodle?

Mr ANDREW CORNWELL: I note the interjection by the member for Keira. I am glad he has a toy poodle. I thought a bichon frise might have been more appropriate. The change does not mean that the Government is promoting dingoes as an ideal pet. Unlike with the poodle of the member for Keira, the dingo has not had generations of genetic selection of behavioural qualities to make it a reliable companion animal. There have been incidents of pet dingoes being involved in serious biting incidents, and as we come into summer with people spending more time outdoors the potential for dog bites increases.

Wearing my hat as a member of Parliament, veterinarian and parent, I put on record that parents should never leave children with dogs unsupervised no matter how reliable the dogs have been. There are five major contributing factors to a dog bite: genetic predisposition, a lack of early socialisation, a deficit in continued training, concurrent medical problems, and victim behaviour. My message to the community is always to choose a pet that is appropriate to one's circumstances. I commend the changes to the House, and I commend the member for Keira for choosing a sensible dog such as a toy poodle.

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [5.43 p.m.]: I support the Government's Statute Law (Miscellaneous Provisions) Bill (No 2) 2011. As Minister for Planning I will clarify one issue regarding the amendment to the Building Professionals Act 2005. The question has been raised with me as to why the Government proposes omitting "5 years" from subsections (2) and (3) of section 97 of that Act and inserting instead "7 years". The Building Professionals Act regulates the private certification system, introduced by the former Government. Private certifiers were introduced in about 1997.

From time to time members of the community have expressed issues with the certification system. The Government shares some of those issues with the community and proposes that those matters be looked at in detail. Of course, as the House would be aware, and as I am sure the community is now aware, a complete review of the Environmental Planning and Assessment Act is being undertaken. On a couple of occasions I have referred to the fact that the review is being undertaken by chairpersons Tim Moore and Ron Dyer, who are doing excellent work and who are moving around New South Wales to consult with the community. I think there have been 40 consultations so far.

Mr Jai Rowell: They are in Campbelltown tonight.

Mr BRAD HAZZARD: The member for Wollondilly points out that the review process is taking place in Campbelltown tonight. It was in the Hunter last week. They have been all across the State. The review is taking place with a view to the overhaul of the Environmental Planning and Assessment Act, which is a very big challenge—the Act has been in place for 31 years, and it has been amended numerous times. I think there is general consensus now that the Act is past its use-by date and that the legislation should reflect contemporary needs in New South Wales.

In that regard it seemed logical to the Government that, rather than implement a five-yearly review, which would expire before the review and implementation of the new planning legislation, it makes more sense to extend the period for the review of the Building Professionals Act 2005 and to allow the review of the overarching planning framework to be considered first. That is the explanation for those in the community who felt the Building Professionals Act should be reviewed in a slightly more accelerated fashion. I understand that feeling but, in the big picture and in the sense of using taxpayer resources, and to ensure that the outcomes of the review fit within the new planning framework, it makes sense to defer the review of the Building Professionals Act for seven years rather than five years. I thank the House for its indulgence.

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [5.47 p.m.], in reply: I thank members from the electorates of Liverpool, Wollondilly, Camden, Bathurst, Mount Druitt, Parramatta, Charlestown and Wakehurst for their contributions to debate on the Statute Law (Miscellaneous Provisions) Bill

(No 2) 2011. I had not expected such detailed contributions, particularly about dingoes and matters of that sort. I thought a couple of other areas might have been developed, but they were not. We might be thankful for that. As there is nothing to which I need to respond, I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 2011-2012

Debate resumed from 15 September 2011.

Mr JAI ROWELL (Wollondilly) [5.49 p.m.]: The 2011-12 budget handed down by our great Treasurer, Mike Baird, is a sign that this Government is committed to making disciplined decisions to get this State moving again. As the member for Wollondilly, I am pleased that south-west Sydney is the recipient of a number of funding allocations that are fundamental to the future prosperity of the region. This budget confirms our election commitment to leave behind no town, suburb or village in New South Wales. Our commitment is to be a disciplined but fair Government for everyone, determined to invest in the services and infrastructure that are vitally needed in this State. This budget delivers front-line services including 900 more teachers, 2,475 more nurses and 550 more police officers. However, this budget goes one step further than simply highlighting the importance this Government places on south-west Sydney and the Wollondilly electorate: It provides a stark contrast to the level of neglect from those opposite over the past 16 years.

Mr Ryan Park: You're kidding.

Mr JAI ROWELL: The member for Keira agrees with me. Those opposite promised the world and did very little. They filled voters with false hope, yet went missing when they were needed most. They announced projects, then renounced projects and failed to deliver. After 16 years in power those opposite, right up to election day, remained content with the level of service they had given their electorates, yet ran this State into the ground. They created an infrastructure deficit so vast it had become embarrassing and they spent only a pittance on health across the State, and I refer in particular to Campbelltown Hospital. When we came to office just over seven months ago, we discovered just how dire the situation was. We had inherited a \$5.3 billion black hole, testament to the financial mismanagement of those opposite. Its concealment illustrates how rotten they had become.

It is with great relief that I speak today from the government benches and not from those opposite. Had Labor been allowed to return to power and stand on this side of the House, New South Wales would not have been presented with a budget like the one we received in September—a budget that is disciplined where necessary yet generous in the areas of health and infrastructure; a budget that has record spends in health and infrastructure to rebuild our broken State. These record spends are in areas that will make a real difference to the men, women and children in our electorates, particularly those in Wollondilly. My electorate was the proud recipient of multimillion-dollar funding for front-line services in hospitals and vital infrastructure to ease congestion on local roads. This budget is a sign that we are determined to fix New South Wales and make it number one again.

During the election campaign I visited every town, suburb and village in my electorate—not an easy task, given that it covers 2,607 square kilometres and has two distinctly different components. One side of my electorate is very rural, home to cattle farmers like the Biffins, dairy farmers like the Fairleys who own Country Valley Milk in Picton, and orchardists like the Silms who own Cedar Creek Orchid in Thirlmere. Residents in this rural component of my electorate have unique needs and demands that often differ from the urban side of my electorate. The urban side of Wollondilly, which encompasses a large portion of the Campbelltown City

Council local government area, is densely populated, and is home to many schools and community groups. In many respects residents in this portion of my electorate have a different lifestyle to those in rural areas. It is important to note that this budget did not discriminate.

Vital services were delivered to the residents of Wollondilly wherever they resided. Spending on hospitals and health capital works over the next four years amounts to \$4.7 billion—50 per cent more than those opposite provided over the past four years. A statewide focus on health sees this budget deliver 2,475 more nurses, while at a local level, Campbelltown Hospital, which services the entire Macarthur region, received \$139 million for upgrading, which includes the redevelopment and expansion of existing inpatient services by an additional 90 beds to provide a mix of acute services and enhanced specialist care. The upgrade includes also improvements to the emergency department; major expansion of wards and a new building, all to include 11 emergency places, four birthing suites, and a two-room cardiac catheter laboratory interventional suite; a co-located floor in the new building comprising ambulatory, outpatients, antenatal, allied health consult rooms and treatment spaces; supporting clinical space for pathology and clinical information; and the loading dock expansion.

Mr Ryan Park: Outstanding.

Mr JAI ROWELL: It is outstanding. Only recently Professor Phillip Harris, Chairman of the South Western Sydney Local Health District Board, welcomed this announcement:

I welcome today's state government announcement. This project will significantly enhance the capacity of the South Western Sydney District to provide quality care for the community.

Local Wollondilly doctor, Anna Pham, with whom the member for Macquarie Fields is acquainted, said:

An additional 70 beds will reduce waiting lists providing Wollondilly patients with better access and reduced waiting times for acute and enhanced specialist care.

They are sage words from two medical professionals who see the benefit of this funding to their community. They have not taken a negative stance for the sake of political grandstanding, which is more than I can say for the shadow Minister for Health and the Leader of the Opposition. For the first time in many years local papers ran headlines such as, "Cashed up Macarthur", "Big Bucks for Hospital Upgrades", "Our first time MP raises hopes", "Push to provide relief for sewerage fees", "Funding Boosts road safety" and "Pluses in first budget for shire". Gone are the days of neglect for south-western Sydney, left to be content with below-par services or failed, congested roads systems. This brings me to my next point and another major concern for residents in my electorate: roads that were neglected by those opposite.

Major arterial roads such as the M5, Narellan Road, Camden Valley Way leading to and from the city, and down to the coast, including Picton Road, have received funding for widening or improvements. In this budget, the Treasurer and the Premier have allocated more than \$348 million to western Sydney roads, including planning work for the upgrade of the M5 between King Georges Road and Camden Valley Way, \$25 million to complete construction of the joint-funded F5 freeway widening between Ingleburn and Campbelltown, \$15 million to continue construction of the four-lane upgrade of Camden Valley Way between Cobbitty Road and Narellan Road and, of course, \$15 million to widen Narellan Road from Camden Valley way to the M5 on ramp.

These funding commitments result from listening to the mums and dads in the Wollondilly electorate, the parents who travel to and from work, and our youth who drive to university each day. They sent a loud and clear message to Labor that a failure to invest in proper infrastructure is a failure to govern well. Opposition members should hang their heads in shame, as the member for Keira is doing. We are delivering on the South West Rail Link, with \$292 million allocated in the 2011-12 budget, including 10.5 kilometres of twin track between Glenfield and Leppington, two new stations at Edmondson Park and Leppington, car parking and a train stabling facility at Rossmore, and 16 new express train services to the city from Macarthur. This will provide commuters travelling to work with greater public transport options and better services. It will promote a reliable service on which people can depend, something those opposite failed to achieve.

How many times did we hear that the South West and North West rail links were planned and then scrapped? How many millions of dollars were wasted time and again? We are determined to be different. That is why we have taken a responsible and disciplined approach to this budget. But that is not all. Appin, an historic town in my electorate, is where Dharawal land starts. In keeping with tradition, Labor promised to make this a

national park in 1993. Labor's mate, Bob Carr, visited the site, spruiking green credentials in an effort to win seats, promising to declare it a national park. Would members on this side of the House believe me if I said that this too was another hollow promise and political rhetoric by those opposite? No, they probably would not.

Once again we took the time to listen to the residents who believed they had a worthy claim. The Premier was kind enough to accept my invitation to join me to see firsthand the beautiful landscape of Dharawal. We were so taken by its beauty that we spent almost half a day exploring the river systems with local environmental groups and nature activists. I proudly highlight that this budget has allocated \$107,000 to start the process of declaring Dharawal a national park, which is more than Bob Carr ever did. Yesterday those opposite voted against a motion on Dharawal national park, but I have more to reveal. My favourite is the sewerage connection to certain towns and suburbs in my electorate.

Bargo is one of the largest towns in New South Wales without a sewerage connection. Labor promised this infrastructure for more than a decade, bewitching voters with lies right before the election. My predecessor, Phil Costa, who was the local State member and the Minister for Water, continued to promise but did not deliver. The people of Bargo have been waiting for over a decade. Once again the Premier answered the call of the people and visited the town firsthand together with Minister Hodgkinson. We declared that we would fast-track sewerage connection to Bargo and Buxton. This budget will set aside funds for initial works to begin this program and further funding will be allocated in forward estimates. Finally, many people in the Wollondilly electorate no longer will have the burden of costly pump-out fees.

I have spoken at length about funding for vital services that the budget has allocated to Wollondilly. A worthy inclusion is funding for education and research. More than \$300,000 has been allocated to the Bingara Gorge Public School in Wilton to complete the \$8 million construction of a new education facility. That is coupled with more than \$12.5 million to upgrade biosecurity at the Elizabeth Macarthur Agricultural Institute. The centre is a highly responsive, world-class facility which has a strong focus on developing and applying cutting-edge bioscience to the diagnosis, surveillance, prevention and control of serious diseases and pests of animals and plants. I am proud that such an exciting and important facility is located in Wollondilly.

Earlier I referred to the differing components of my electorate. I spoke of how this budget allocated much-needed funding to both the rural and urban elements. It is pertinent that I express my appreciation for the significant funding my electorate received to assist in the building and maintenance of social housing, which is something I am very passionate about. The good work that is done by those involved is something I am acutely aware of and I see its benefits almost every day. In this budget the Wollondilly electorate received more than \$10 million in funding to assist this vital service. During the election campaign I had a campaign office in Rosemeadow shopping centre. I was inundated with requests for assistance with social housing and I can report that this has not continued after my election. Not a day would go by without at least one constituent seeking assistance with housing.

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

RUSSELL GROVE, PSM, CLERK OF THE LEGISLATIVE ASSEMBLY

Mr BRAD HAZZARD: For the benefit of members I indicate that the program tomorrow will be a little unusual. Tomorrow will be an unusual day because it is the last sitting day that Russell Grove, the Clerk of the Legislative Assembly, will sit in the chair that he has occupied for 40 years. It is entirely appropriate that members in this place on both sides of the Chamber and those who sit on the crossbench take time out to celebrate and reflect on the contribution and incredible service that Russell Grove has given to the people of New South Wales and the Legislative Assembly over those 40 years.

I encourage all members to be in the Chamber at 10.00 a.m., when Madam Speaker will take the chair and make certain remarks. When she has concluded her remarks the Premier and the Leader of the Opposition will each give a speech of approximately seven minutes duration. Members on both sides of the Chamber and those who sit on the crossbench will then have the opportunity to acknowledge the service of Russell Grove. I envisage that each of those speeches will be of the order of five minutes. However, that will depend on how many members nominate their desire to their respective Whips to contribute to that debate. We are at the stage already where I do not think it will be more than five minutes each.

At 11.15 a.m. the House will adjourn to allow members of this place and all those who work in the Parliament to attend a morning tea, which will be hosted by the Speaker of the Legislative Assembly in the

Speaker's Garden. We anticipate there will be an opportunity for words to be said in that setting. The House will resume on a long bell at 12.15 p.m. In view of members' enthusiasm to speak to Russell Grove's 40 years of service, I anticipate that the debate on the motion moved by the Speaker will conclude at approximately 1.00 p.m., or perhaps a little earlier.

The House will then proceed with General Business Notices of Motions and, if at all possible, Government business beyond notices of motion. At this stage it looks as though tomorrow morning will be Russell Grove's time in the Legislative Assembly. After 40 years he probably deserves the whole day, but we cannot exclude the opportunity for the Opposition to have a question time. I am sure Russell would like to be in the Chamber for the last question time of his service to this place. I ask members to be in the Chamber at 10 o'clock and to show their support for Russell Grove's 40 years of dedicated service.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

TECHNICAL AND FURTHER EDUCATION COMMISSION AMENDMENT (STAFF EMPLOYMENT) BILL 2011

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

ABORIGINAL LAND RIGHTS AMENDMENT (HOUSING) BILL 2011

Bill received from the Legislative Council and introduced.

Agreement in principle set down as an order of the day for a future day.

CRONULLA FISHERIES RESEARCH CENTRE

Discussion on Petition Signed by 10,000 or More Persons

Mr MARK SPEAKMAN (Cronulla) [6.15 p.m.]: This petition calls for the reversal of the decision of the Minister for Primary Industries to close the Cronulla Fisheries Research Centre. The decision contemplates moving research to Taylors Beach at Port Stephens, commercial fisheries management to Coffs Harbour and recreational and indigenous fisheries management to Nowra. Despite meeting the Minister three times and the Premier once to strongly urge the reversal of the decision, I have not succeeded in changing it. But I remain convinced that the decision is the wrong one.

Decentralisation is one way to ease Sydney's housing crisis, and I supported it in my inaugural speech. But I stated two fundamental qualifications: first, that functions can be performed just as effectively; and, second, that there was a benefit, or at least no cost, to the taxpayer. Neither of these fundamental qualifications is fulfilled here. The issues are analysed in detailed staff submissions at www.savecronullafisheries.net. I wholeheartedly endorse those submissions. My speech with a seven-minute time limit should be read incorporating those submissions by cross-reference. I oppose the closure because of the direct loss of 147 jobs in Cronulla and the multiplier effect this will have on the local economy. I also oppose the closure because from the State's viewpoint it will cost taxpayers dearly and produce inferior outcomes.

The Cronulla Fisheries Research Centre is not like a call centre that may be easily relocated. A detailed qualitative analysis shows that 80 to 95 per cent of staff will not or cannot move. The staff give individual reasons—for example, invalid parents, spouses who earn more or children in their final years of school. The closure of the Cronulla Fisheries Research Centre will not result in the relocation of its highly specialised expertise but it will result in the loss of most of that expertise and at a time when that expertise is vital and issues of food security mean we are likely to become increasingly reliant on fragile ocean ecosystems.

It is irrelevant whether Taylors Beach, Port Stephens, is an excellent research facility. The work performed at Taylors Beach is very different from that performed at Cronulla. On-site research at Taylors Beach specialises in aquaculture or fish breeding. In contrast, on-site research at Cronulla specialises in wild fish.

Taylor's Beach is in a mangrove. The saline water is acceptable for aquaculture. But it is different from ocean water and it is not acceptable, without treatment, for research on wild fish. Members should not just take my word for it; they should read what the experts say. In particular, Dr Jane Williamson, who also is chair of the government Fisheries Scientific Committee, writes that the water quality of Port Stephens is likely to invalidate the results of experiments done on wild-caught animals studied by scientists at Cronulla.

That is the scientific consensus. Even if a scientist with a contrary view exists, why move research to a location where the best-case scenario is that there will at least be a controversy about the validity of the research? To be able to obtain at Taylor's Beach anything like the quality of water at Cronulla requires a massively expensive installation of major recirculation and filtration systems, augmented by the trucking in of water. The existing water system at Taylor's Beach handles 40,000 litres a day. At Cronulla it is 1.75 million litres a day.

We are told that the facility is moving closer to stakeholders, but the biggest stakeholders are recreational fishers. There are one million recreational fishers but only 1,000 commercial fishers. Sixty per cent of recreational fishers are in the Sydney Basin but only 1 per cent are around Port Stephens and only 1 per cent are around Nowra; and 45 per cent of commercial fishers are here in Sydney and south of Sydney. One might find some commercial fishers in Coffs Harbour pleased by the decision but most are not, and there are three times more commercial fishers in Sydney than around Coffs Harbour.

We are told that Cronulla is old, cramped and inaccessible. That is wrong. It is old in the sense that it is iconic—it has been there for over a century and has a stellar international reputation. But the laboratories are state-of-the-art—upgraded only five years ago. It is not cramped—more staff were moved there only a fortnight before the closure was announced. It is not inaccessible—it is 35 minutes from the central business district and 25 minutes from the airport. Contrast Taylor's Beach, which is in marshland at the end of an old road, over a one-lane bridge, and with no public transport.

What will all this cost? If all staff are relocated the cost will be \$9 million, assuming \$60,000 for each employee. If most staff do not relocate the cost will be much higher because of redundancy payments. A new laboratory at Taylor's Beach and upgrades to the water system will cost many millions; there will be the cost of building, renting and refurbishing new offices elsewhere; and there will be the cost of moving equipment. If anyone disputes any of these propositions there is a simple answer: The decision must have been made with a detailed business plan with detailed assumptions and costings about precisely what redundancies and what staff locations are expected, what capital expenditure is expected and how the annual operating costs of undertaking the fisheries functions would change. It should be very easy to make that business plan public.

Any argument that costs will be recouped over time because Cronulla costs a certain amount to operate each year goes nowhere unless detailed calculations are released showing how this compares with expected operating costs for regional centres. My sincerity in opposing my own Government can be judged by the detailed and forthright nature of my criticisms, and by my focus on where I potentially could make a difference by arguing and using persuasion with decision-makers. Labor's sincerity will not be demonstrated by stunts such as procedural motions in this House—which are bound to fail, regardless of how I or other local members of Parliament vote—or by attacks on personalities, but by a willingness to pursue the substantive points that I have made in this speech and that the staff have made in their submissions. I commend the petition to the House.

ACTING-SPEAKER (Mr Lee Evans): Order! I remind those in the gallery that we are extending them a little bit of latitude in allowing them to wear their T-shirts. I ask them not to interrupt the debate.

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [6.22 p.m.]: This petition is straightforward. The Government has made a bad decision, and every one of those 19,000 signatures that were put onto that petition is testament to the fact that it is a bad decision. Taking away these staff will jeopardise the quality of research undertaken at the Cronulla facility. These are trained and experienced staff whose contribution in their fields is second to none. This is a facility with some of the world's leading experts on marine ecosystems who every day conduct vital research for the marine industry in Australia. These are the researchers who saved the oyster industry in the Hawkesbury River and who conduct vital research specific to the waters around Sydney, including important work on bull sharks.

Tagging and tracking sharks, along with long-term research on fish species and their growth and development are all undertaken from the Cronulla facility. The Cronulla Fisheries Research Centre has literally

saved lives, it has saved livelihoods and it has been a leader in fisheries research around the globe. But people do not have to take my word for it. This decision has been criticised literally by the whole world. When we raised this issue previously the Government laughed at us. The Minister—who stands in this House like a teapot and treats this matter as if it were a joke—laughed at this. But these are recognised experts around the world.

Mr Brad Hazzard: Point of order: This debate is being carried on in a reasonable and professional manner and the Leader of the Opposition knows the rules and standing orders. It does not become him to cast aspersions. I will not ask him to withdraw; rather, to continue the debate and to reflect the concerns of the community.

Mr JOHN ROBERTSON: I will give some examples of those who have criticised this decision: United States government fisheries managers, who were laughed at by the Minister; international centres of excellence in Germany, Canada, Brazil and Ireland; the New South Wales Advisory Council on Recreational Fishing; the Lobster Management Advisory Committee; the University of New South Wales; the Australian Marine Science Organisation; Macquarie University; the Chair of the Seventh World Recreational Fishing Conference; and the United Nations. But, most importantly, this decision has been criticised by the member for Miranda, the member for Heathcote, the member for Cronulla and even the Minister for Sport and Recreation. In fact the member for Cronulla even called the closure of the Cronulla Fisheries Research Centre illogical and "a waste of taxpayer dollars". He freely admitted the true effect of the closure by stating, "You won't have decentralisation, you will have destruction". For a while even members opposite were telling the Minister how bad her decision was.

This is not just about the member for Cronulla making a speech in this place; this is about the member for Cronulla standing up for his community. The member for Cronulla may refer to procedural motions as stunts, but they were opportunities for members not simply to make speeches but to vote with us to overturn this decision. There are 147 workers in Cronulla—that is, 147 families who are all directly affected by this decision. How have those 147 workers been treated? They have not been consulted by the Government—there was no consultation. We know that because the member for Cronulla appeared on the *7.30 Report* and said that he was not consulted, the caucus was not consulted and the Cabinet was not consulted. Those workers were told what was going to happen but they were not consulted by the Government.

The Government's track record on this issue is getting worse. The last time we had a Liberal Government it moved the Department of Agriculture to Orange. It also tried to move Fisheries to Orange, but it suddenly discovered that there was no coastline there and it had to overturn its decision because, funnily enough—most of us have been to Orange and we know this—there is no coastline. This decision is as logical as the last time the Liberals were in government when they sought to relocate the Department of Agriculture. This issue is about standing up for local communities, it is about consultation, it is about where this Government stands when it comes to dealing with workers and it is about how this Government is treating these people from the Cronulla Fisheries Research Centre.

It is all well and good to talk about decentralisation as though it were some wonderful idea, but the human cost associated with decentralisation is being completely ignored—ignored in this Chamber, ignored by the Minister for Primary Industries and ignored tonight in the way in which this petition will be dealt with when this debate concludes. The member for Cronulla knows that after he has spoken on this issue—and I do not doubt for one minute that he spoke on it with genuine passion and conviction—we will debate it and when the debate finishes that will be the end of the matter. I can tell the workers from the Cronulla Fisheries Research Centre that we will continue to pursue this matter, irrespective of what happens to this petition, because this research facility is worth maintaining.

We will not allow this Government to ridicule the work that those workers do and to mislead the House about the state of the research facility in Cronulla. Those issues have already been highlighted by the member for Cronulla who said that this facility was refurbished only five years ago. But the Minister stood in the House today and said that this facility was outdated and antiquated. She completely misrepresented the true state of operations at the research centre. This is about people and the human cost. The Government will continue to ignore the human cost at its peril. The way these workers are being treated is an absolute disgrace and if the Government were serious it would talk to them about their genuine concerns—about how they have elderly parents they are looking after; how they have kids at school and they are expected to uproot them and take them elsewhere in New South Wales.

The way these workers are being treated is unconscionable and members of the Government should hang their heads in shame. They cannot use the smokescreen of decentralisation to devastate 147 families in this

State who do great work, who are loyal to New South Wales, who have done so much for marine ecosystems and the fishing sector and who have done fantastic work to save industries such as the oyster industry. The Government will stand condemned for this.

Ms KATRINA HODGKINSON (Burrinjuck—Minister for Primary Industries, and Minister for Small Business) [6.29 p.m.]: I lead for the Government in debate on the petition before the House regarding the Government's decision to relocate the fisheries centre at Cronulla to a number of locations along the New South Wales coastline, including Port Stephens, Coffs Harbour and Nowra. I acknowledge the presence in the Chamber of the members representing those electorates. The petitioners have asked the Government to reverse its decision and to retain all services and staff at the current location in Cronulla. At the outset I acknowledge the member for Cronulla, Mr Mark Speakman—a strong advocate for his local community—who has clearly and forcefully articulated his concerns for his community in relation to this issue. I acknowledge his hard work on this matter.

Change is difficult and I have listened to the concerns raised in relation to the decision to relocate the centre. I can assure everyone that this decision was carefully made. As Minister for Primary Industries, and Minister for Small Business I have to take the entire State into consideration. I have to look continually at the big picture in relation to all the portfolio matters that I represent. Although the Cronulla site is historically important to the local community, it has long been recognised as having some challenges because of its limited access and constrained modernisation and expansion capacity. Conversely, the existing research facility at Port Stephens does not face the same limitations. I have visited those facilities.

I have listened to the concerns that have been raised about the water quality at the Port Stephens location. These concerns are misplaced and misleading. I have investigated this matter and I have spent several hours at the Port Stephens facility. I can assure the House that the water quality at the Port Stephens Fisheries Institute is of a high standard. It has outstanding facilities for water storage and treatment. It has excellent hatcheries and experimental laboratories. It has generated several hundred scientific papers on some of the most sensitive marine species bred, grown and experimented upon using water from Port Stephens.

I have also carefully considered the process of informing those employees working at the centre in Cronulla. I acknowledge their presence in the gallery tonight and I thank them for coming after work to listen to this debate. I also recognise the importance of the work that they perform and I thank them for that work. I wanted to ensure that the process of informing employees was done in a manner that ensured they were fully informed as soon as the decision was made. This was not done through media release and it did not become subject to rumour, which is the appropriate way to do things. Compare that with some of the ways in which—

Mr Daryl Maguire: Like the education department in Wagga Wagga.

Ms KATRINA HODGKINSON: As the member for Wagga Wagga said, under the former Government people were informed about some of those relocations through media release. I wanted to ensure that that did not happen under this Government, so those employees were personally informed. This Government will ensure that the relocation of the Cronulla Fisheries Research Centre is conducted professionally and with due diligence, taking into account the needs of staff and their families. Generous entitlements are available for employees who wish to be part of this project and who wish to continue to deliver valuable services to the New South Wales fishing community. That includes special leave, travelling and accommodation expenses, temporary accommodation and support for relocation, and property transactional costs. In addition, one-off grants of \$7,000 will be payable to individuals or families who relocate from Sydney to regional New South Wales and who meet that criteria.

The decision to relocate the centre demonstrates this Government's commitment to a decade of decentralisation. The New South Wales Liberals and Nationals have a proven track record in decentralisation. As I said in question time today, our landmark vision to relocate the former New South Wales agricultural headquarters to Orange in 1991 has been hailed as an unparalleled success, with increased efficiencies, greater interaction with farmers and a large injection of salaries into the local economy. I cannot express the excitement that is being felt by the regional communities of Port Stephens, Coffs Harbour and Nowra. The members representing those electorates have said to me on a number of occasions that they are happy to have jobs in this field relocated to their regions. I thank all members for their attention.

Mr RYAN PARK (Keira) [6.34 p.m.]: A government knows that it is in trouble when its own members start to raise questions about its policy. A government should well and truly know that it is in real

trouble when scientific professionals from across the globe write to members whose constituents work in this centre and appeal to them to get this decision reversed. I do not think too many things come before this House that involve international experts who are leaders in their field appealing to members to have a decision reversed. That does not happen every day of the week. But that is what has occurred in electorate offices such as mine whose constituents work in this valuable research centre.

Recently I attended a meeting with members of this workforce who live in the Keira electorate. For about an hour or an hour and a half they provided me with a detailed description of the work that is being done at that centre. I was impressed with the way in which the centre integrates the management and research components of this vital resource to ensure its long-term sustainability. I have lived on the coast all my life. We must ensure that our marine life is protected, enhanced, supported and researched to the nth degree to ensure that our stocks are maintained and resources are managed. That cannot be achieved without locating the best researchers at one centre to ensure the integration of work from a research and a management perspective and to ensure long-term sustainability.

But let me make one thing clear. This is not about decentralisation—an issue about which Opposition members have talked long and hard—but it is a policy that we support. Not one family in the Keira electorate that is employed at the fisheries research centre will move to Port Stephens or Nowra, so this is not decentralisation. This Government is merely ripping the heart out of a community that has already done it tough. In the past few months nearly 800 jobs have been lost in our local community. This selfish and mean-spirited Government decided, with one stroke of the pen, to stack some of The Nationals seats and to look after its mates whilst ripping the heart out of a community that is already doing it extremely tough. I will not allow that to happen and I will not support such action as it is bad for the long-term management of our natural environment and our resources, and it is bad for workers in a community which over the past few months has done it tougher than most communities. I will not support such action.

This is not about jobs because this Government has clearly shown in its first six months that it does not give a damn about workers. This is not about the management of a fishing resource because the changes that this Government made to the marine parks legislation clearly show that it does not give a damn about the environment. This is not about evidence in decision-making, because all the evidence is clear, as the member for Cronulla outlined. This centre is the place in which research and management of stock should take place. This is about getting some dollars into the bottom line. It is about selling off a public asset to try to featherbed some government-held electorates. This is bad policy by a bad government. It is mean policy by a mean government. We on this side will not sit by and allow it to happen.

Discussion concluded.

Mr JAMIE PARKER: I seek leave—

Leave not granted.

PRIVATE MEMBERS' STATEMENTS

GOSFORD MASTER PLAN

Mr CHRIS HOLSTEIN (Gosford) [6.40 p.m.]: On 29 September 2011 The Landing at Gosford master plan was launched at the Central Coast Leagues Club. This is a key step in the revitalisation of the Gosford central business district. It started in 2005-06 with Plan/Vision 2025 when Gosford council sought feedback from the community on the future direction of the city. In 2008 Gosford City Council commenced the Gosford Challenge, which was a comprehensive community participation approach to seek views on how the city will grow in the coming decades—for the next 20, 40 and 60 years. The community were canvassed on their ideas on what was needed to revitalise the city. The challenge produced the "Our City, Our Destiny" plan, establishing how the city would encompass a wide range of uses including business, government, retail, cultural, educational and recreational activities.

The city was identified as having five activity precincts: the waterfront, the arts and entertainment area, the city core, the railway precinct and the hospital precinct. They covered 350 hectares. The key goals were to provide a Central Coast community with the opportunity to participate and engage in the design and decision-making process; produce a master plan; create a new and integrated regulatory framework; gain

financial and non-financial support from State and Federal governments; and create and implement projects that were catalysts. Our City, Our Destiny was launched in August 2010. This was the culmination of unprecedented public consultation and communication, with thousands of residents taking part and having an input. Other vital contributors were Land and Property Management NSW, the Department of Premier and Cabinet, the Department of Planning, Central Coast Health Services, the education department, Housing NSW, and teams that formed into focus groups covering such items as disabilities, arts, transport, and business and sport, to name but a few.

The first cab off the rank as a project covers the waterfront precinct and was called The Landing at Gosford. This is all about the development and connectivity of the city to the waterfront. This multistage development has been guided by the principles listed in the Our City, Our Destiny master plan. The stages consist of a regional performing arts and conference centre; commercial office space; the extension of Baker Street and a hotel development to support business tourism, which will be part of the regional performing arts and conference centre; and Gosford City Park, which will include the new relocated Gosford pool. The unprecedented consultation and communication process that engaged our community was recognised by the city in winning the R. H. Doherty Award for Communication.

The talk the talk phase is now over and it is time to walk the walk. We are entering the "do" or implementation phase, or as a colleague of mine says, "It's time for the rubber to hit the road on this project." I have no doubt that the usual soothsayers, doomsayers, didn't know-ers, not-in-my-backyarders, or NIMBYs, and the "build absolutely nothing anywhere near anything" bunch, or BANANAs, will creep out from under their rocks. They are the noisy minority. Winston Churchill said, "If we open a quarrel between the past and the present, we shall find that we have lost the future." The genuine residents who overwhelmingly support the future plan and who have genuine concerns over the detail will still have a voice as the normal development and consultation process takes place. The Landing at Gosford challenge is all about our children and our children's children. I conclude with a quote from Isaac Asimov, who said:

It is change, continuing change, inevitable change that is the dominant factor in society today. No sensible decision can be made any longer without taking into account not only the world as it is, but the world as it will be.

TRIBUTE TO CHARLIE KENSEY

Mrs BARBARA PERRY (Auburn) [6.44 p.m.]: Tonight I pay tribute to the life of Charles Kensey. I called him Charlie but many people affectionately called him Chicka. Charlie passed away on 3 October 2011 and the loss to all who know him is great. I have driven past the church Charlie attended, St Peter Chanel, Berala, quite regularly, both before and after his death. Since his death I am reminded when I drive past of how much I and many others will miss him. Before Charlie died he was an integral part of the church and I would often see him in the morning at the front of the church sweeping the porch and doing some maintenance. I would wind down the car window and yell out to him and make a joke, often at his expense, and he would yell back and say, "Oh, off with you, Barbara." I can hear him saying those words still. I am going to miss that very much.

Charlie contributed to his community in many ways, always quietly and without fanfare, and he had an acute awareness of the needs of others. He had a strong but quiet faith and lived by example his firm belief that you should use your gifts and abilities for the benefit of those around you, especially those who have less than you. He was wonderful with his hands and the parish of St Peter Chanel, Berala is grateful for his carpentry skills. He made a beautiful candelabra and a number of other ornaments that are placed in the sanctuary area. At his funeral his children delivered a beautiful eulogy and reminded us of his antics in the backyard, where he made a seesaw for the family. That was obviously enjoyed by many of the kids, sometimes to the consternation of their parents. That amused many in the church at his funeral.

Charlie was an integral part of the Regents Park-Berala community where he set up home on 2 May 1946 with his beautiful wife, Kath. He lived there all his married life and served that community for 65 years. He was integral to the establishment of Berala Credit Union in the 1950s, which enabled many to access financial resources that they would not have been able to borrow from other financial institutions. Charlie was a lifelong member of the Labor Party, and a life member, and embodied the very best of what Labor stands for. At the last election Charlie handed out how-to-vote cards at the Berala booth for me. He was really sick but he stood there all day. I am so grateful for his steadfastness and support. I rang him in the last weeks of his life when he was in hospital. He was very unwell and could hardly talk. Ever the gentleman, he said to me with much difficulty, "Thanks for ringing me, Barbara." That was the last time I spoke to him.

As I said, he was wonderful at building things, but Charlie built so much more than physical things such as the candelabra and the children's play equipment in his backyard; he was part of building a wonderful family. He had children who knew they were loved and cherished. He was part of building the community at Berala and an integral member of his church, his parish, and the Labor Party. I say to this House that what he built lives on. One of the most beautiful things his children said about him in the eulogy was Brian's comment about his mum and dad: "We would like to thank Dad and Mum for showing us that two people can live together, stay together and love for 68 years. All of us who are married know that we have good times and not so good times, as we are sure they did." I think that is a fitting tribute to his parents, Charlie and Kath. I conclude with the words of St Augustine, who said:

Humility is the foundation of all the other virtues hence, in the soul in which this virtue does not exist there cannot be any other virtue except in mere appearance.

At heart Charlie was a humble man but he was a man of great depth and character. He was as solid as a rock. He spent his time looking outside himself. I pass my sincere condolences to his wife, Kath, his children and their spouses—Margaret and Terry, Robert and Chris, Brian and Debbie, Mary and Scott—and all his grandchildren, whom he loved so much. I am grateful that I knew Charlie Kensey and for all that I learnt from his example.

BURRINJUCK ELECTORATE CULTURE AND ARTS

Ms KATRINA HODGKINSON (Burrinjuck—Minister for Primary Industries, and Minister for Small Business) [6.49 p.m.]: Over the past several years issues such as the drought, the Murray-Darling Basin Plan and the impact of the proposed carbon tax have tended to paint a somewhat negative picture of regional New South Wales. This is most definitely not an accurate picture. Today I would like to highlight a very positive aspect of rural life, and one in which the electorate of Burrinjuck is showing the way for the rest of rural New South Wales. The arts are alive, well and flourishing in the electorate of Burrinjuck.

On 7 October we saw the opening of the Tin Shed Theatre at Cootamundra, which was the culmination of six years of hard work by a band of dedicated local volunteers headed up by the Cootamundra Creative Arts and Cultural Centre Committee. They took a derelict old factory, the Shepherds Woolskins in Cootamundra, and transformed it into a Regional Arts Centre and the newest professional theatre space in New South Wales. The State Government contributed almost \$300,000 towards this project, but the real accolades should go to the Cootamundra residents whose labour of love has resulted in the opening of this excellent 121-seat theatre and cultural centre.

I must also recognise the work of Yass sculptor Mr Alan Phemister, who recently beat 100 other contestants in the acquisitive prize for Sculpture in the Vineyards in the Hunter Valley. His piece, titled *Dandelion*, is made from steel and was created in his studio in Yass. It has now been acquired by Sculpture in the Vineyards and will be regularly exhibited across the Hunter region. One of Al's many other works, a large pear sculpted from horseshoes and titled *A Pear of Shoes*, was also on display in the *Talmo* property last weekend as part of the Open Garden Scheme. Al's work has also been shown in the Botanic Gardens. He is deserving of even greater fame than he currently has, but he is becoming more famous and has a very bright future in the arts in front of him.

Today I bring the attention of the House to the contribution of landscape artists from within the Burrinjuck electorate to the Essential Energy 2011 Countryscapes Art Prize competition that was launched at the Bathurst Regional Art Gallery early this year. The successful finalists for this prize were announced on 23 September, with the winner to be announced on 24 November. The Countryscapes Art Prize is now in its ninth year, and it has attracted a broad range of entrants from first timers to those who have won the Archibald and Blake prizes.

The winner of the 2010 Countryscapes Art Prize was Ms Wendy Teakel from Murrumbateman, also in the Burrinjuck electorate, with her artwork *Black Soil Country*. Ms Teakel has held 30 solo exhibitions and has been a finalist in this competition on several earlier occasions. The 2011 prize attracted its largest ever field with 60 artists from regional and rural New South Wales contesting for the prize and four of the shortlisted paintings are from the Burrinjuck electorate.

Ms Sally Wilson from Laggan has had two pieces shortlisted in the list of finalists. Her two paintings selected are *Dreamy Green Afternoon* and *Moods of the Evening*. Both of these paintings are excellent works which capture the differing impact of light on rural landscapes at different times of the day. Ms Wendy Teakel, last year's winner, is again a finalist. This year she had entered an acrylic and pokerwork piece titled

Reflections—Horse Paddock. Ms Teakel is well-known for her use of acrylic paint and pokerwork on plywood which creates surfaces scorched and branded by heated pieces of fencing wire. Finally, Yass artist Mr Kim Nelson has also had his work *Flood on the Darling* shortlisted this year. Kim comes from a farming family and was raised on the land. His family certainly has an artistic history, Kim being the nephew of that famous Australian landscape artist Leonard Long.

Kim said that from an early age he realised that his artistic skills far outweighed his desire to undertake agrarian chores. So art was his thing. One of Kim's works, a portrait of the well-known contemporary Australian artist Richard Later, who lived within the Burrinjuck electorate for over 30 years, was chosen as a finalist in the competitions for the Black Swan Prize for Portraiture in Western Australia and the Shirley Hannan National Portrait Prize. Well done, Kim. The well-known Sydney painter and academic Mr Ian Grant will be the overall judge for the 2011 Prize on 24 November. I congratulate all of the finalists in the Essential Energy 2011 Countryscapes Art Prize and wish them the very best. It is a privilege to be shortlisted for this prestigious competition. But I hope that the prize is taken by one of Burrinjuck's artists.

I take this opportunity to wish all of the 428 students from the 10 high schools and central schools in the electorate of Burrinjuck the very best of good fortune for the Higher School Certificate examinations, which started this week. I commend them for studying hard and sticking to their studies through those tough final two years of high school. I am sure each and every one of them will perform to the very best of their ability and I hope their dedication thus far will mature into a lifelong love of learning. As I have been speaking today about the arts, I trust that a healthy number of those students who graduate from the Higher School Certificate will pursue artistic endeavours also.

WORLD MOTOGP CHAMPION CASEY STONER

DUKE OF EDINBURGH AWARDS

Mr TIM OWEN (Newcastle) [6.54 p.m.]: I take the opportunity this evening to speak about a true Hunter professional. I congratulate Casey Stoner on winning the 2011 Australian Motorcycle Grand Prix at Phillip Island. It surprises me that no-one in this House has mentioned this achievement. What an incredible achievement for this young man. Casey, who was born in Kurri Kurri, New South Wales, and spent much of his youth in Newcastle, had realised his passion for motorcycle racing from a very young age. By age three Casey had already graduated from pushing his sibling's 50cc Peewee around the yard to taking his first ride on his own. Between the ages of 6 and 14 Casey raced all over Australia, travelling with his family to various motorbike events.

At the age of 20 Casey accomplished his long-held ambition of racing in MotoGP, the fastest and most prestigious of the classes. Back in March 2007 in Qatar Stoner won the first MotoGP race of the season, the first ever 800cc MotoGP, and had his first win in the MotoGP class. In 2008 Casey was awarded the prestigious Young Australian of the Year award for his achievements in motorcycle racing. Reaching speeds of 320 kilometres an hour down the racing track, you can say that Casey has come a long way from pushing his sister's bike around their house to winning the Australian MotoGP and becoming World MotoGP champion on home soil, in front of 40,000 proud Australians cheering for him. I am certain that we will hear about Casey Stoner for many years to come. He is one of this country's greatest sporting ambassadors, and I am proud to call him a son of the Hunter. Once again, I congratulate this fine young man on a remarkable victory.

I also take this opportunity to congratulate all 119 recipients of the Duke of Edinburgh Gold Awards this year. It is very inspiring to see so many young people get involved with their communities and dedicate many, many hours to volunteer work and helping others. Many attempt the bronze, silver and gold program, but only a very select few are able to achieve the gold award, the highest level of the internationally recognised Duke of Edinburgh's personal development program for young people. I mention Mr Young Song from Newcastle Grammar School. He is a gold award recipient and has successfully completed all levels of the program. I commend him on his personal and community achievements. I wish him all the very best and good luck in his future ventures.

24 HOUR FIGHT AGAINST CANCER WALK

Mr CHRIS PATTERSON (Camden) [6.57 p.m.]: Last weekend I had the privilege of joining our Premier, the Hon. Barry O'Farrell, my parliamentary colleagues the member for Wollondilly, the member for Campbelltown and the member for Macquarie Fields, Russell Matheson, the Federal member for Macarthur, and

the Mayor of Campbelltown, Anoulack Chanthivong, and more than a thousand locals from the Campbelltown and Camden areas in the annual 24 Hour Fight Against Cancer Walk at the Campbelltown Athletics Track. I thank Uncle Ivan for his welcome to country. Uncle Ivan is a regular at these events and always gives of his time freely. He is a great ambassador for our area. The event was well supported by people from local churches, schools and sporting clubs getting involved in an event that helps raise money for the Macarthur Cancer Therapy Unit at Campbelltown Hospital.

The 24 Hour Fight Against Cancer Macarthur is an annual outdoor, overnight fundraising event that exists to provide the Macarthur Cancer Therapy Centre, the Paediatric Ambulatory Care Unit at Campbelltown Hospital and the Palliative Day Care Unit at Camden Hospital with the extra services and equipment they need to assist in the treatment, care and comfort of children and adults living with cancer. All the money raised on the day is for Macarthur and stays in Macarthur. I am sure we have all been touched in some way by cancer, through either a relative or a friend, and we may never know how many people in my area and surrounding regional districts have been assisted by the Macarthur Cancer Therapy Unit. The unit opened in February 2003, providing cancer services to the adult population of Macarthur, Wollondilly and Wingecarribee. The centre offers oncology consultative services, chemotherapy, radiation and allied health and support services.

This year's event broke all records with the number of individual participants and teams, as well as money raised. There were 83 teams, 1,400 participants and hundreds more joining the event at various times during the day and for the evening reflection ceremony. Early indications are that this year's target of \$250,000 will be reached. This could only be done with the wonderful commitment of the organising committee headed by councillor Fred Borg with the assistance of Sue McGarrity, Rebecca Purcell, Christine Edge, Ken Stonestreet, Gary Potts, Dot Lechner, OAM, Vicki Mullen, David Eckford, Nicole Howie, Dorothy Kwasniak, Jo-Ann Sellar, Jeff McGill, Peter Sellar, John Doherty, Adam Galway, Sharon Galway and Associate Professor Stephen Della Fiorentina, who is the Director of the Macarthur Cancer Centre.

In Macarthur there is no such thing as a free lunch and I acknowledge the Premier, and Minister for Western Sydney, who brought along a cheque for \$5,000 to help support this event. I mention also Jeff McGill and the great sponsorship the Camden *Advertiser* and Campbelltown Macarthur *Advertiser* have provided to the 24 Hour Fight. Jeff and his team are instrumental in supporting this event, getting the message out, and reporting year after year on its wonderful success. The event could not take place and be such a successful fundraiser without the support of the local business community. Some of the major sponsors are Bob Jane T-Marts, Campbelltown; Sleeping Giant, Campbelltown; McDonald's, Macarthur; ANZ Banking Group; Campbelltown City Council; Mr Rental, Campbelltown; Reno Smash Repairs, Campbelltown; Direct Uniforms; G. J. Gardner Homes; the Rotary clubs of Macarthur Sunrise, Campbelltown, Ingleburn and Narellan; Aquafit; Campbelltown Mall; Clintons Toyota; Cabra-Vale Diggers; and Campbelltown RSL. I know that the people of Macarthur are very grateful.

There was great police support for the event with Campbelltown Local Area Commander Greg Rolph and Camden Local Area Commander Julian Griffiths attending. Our local police are always supportive of events in the Macarthur area. Special mention must be made of Christine Millman, who again led the opening ceremony with the walk into the stadium. The inaugural 24 Hour Fight Against Cancer Walk was held in 2005. Since then over \$1 million has been raised and each year the amount continues to grow. This day is all about having fun but also paying tribute to those who lost their fight with cancer, whilst giving hope and encouragement to those still fighting this disease. This wonderful event brings the Macarthur community together. All credit must go to Fred Borg and his committee for their wonderful efforts.

RURAL CLINICAL SCHOOL, COFFS HARBOUR CAMPUS

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [7.02 p.m.]: I inform the House of a great job the University of New South Wales is doing for the Rural Clinical School of Coffs Harbour. Recently, the school's head of campus, Dr David Amies, and the Federal member for Cowper, Luke Hartsuyker, inspected the university's campus extensions. A \$2 million grant was received from the Federal Government, which basically enabled the facility to be doubled in size. The idea of the Coffs Harbour campus of the University of New South Wales Rural Clinical School is to attract doctors or students training to become doctors to Coffs Harbour for a period of between one and four years as part and parcel of their training. The member for Tamworth would appreciate that we need to attract more doctors from regional New South Wales back to the area.

Many of the clinic's students hail from regional areas: they travelled to Sydney to study and never returned to the bush. Regional New South Wales has a dearth of doctors. The beauty of the Rural Clinical

School is that the young students who have graduated have proven that although initially they may have received a lower tertiary entrance rank—or whatever it is called these days—than their city counterparts they are achieving higher levels than their city counterparts in medical training. This has made this rural school of medicine the envy of the University of New South Wales Sydney campus: 50 students now want to attend next year. That is great news not just for Coffs Harbour but for the whole regional area, including Tamworth, Port Macquarie, Tweed Heads and inland areas.

Most students attending the school come from regional areas. When we visited the other day we met a number of young people training in obstetrics under a doctor who moved to the region from Armidale. This doctor moved to the coast in semi-retirement and now finds that he is busier than ever providing education to these young students. One student was from Coffs Harbour but all the others were from Sydney. They all said that they would return to practice in regional New South Wales. Local general practitioners act as trainers on campus and also within their rooms. With the university's campus extension located at the Coffs Harbour campus we have an opportunity for doctors at the hospital, in conjunction with students, to see patients at the School of Medicine. The students then learn from the doctors as they attend to triage patients transferred from the hospital to the campus. This is a phenomenal scheme. These students have received fantastic support from doctors in the Coffs Harbour electorate.

I was contacted by Karen Jackson, on behalf of the John Flynn Placement Program, which encourages young students to spend four weeks each year for the duration of their medical degree studies in a rural community working in general practice. The John Flynn Placement Program is appealing to Coffs Harbour residents to provide accommodation for those young people so that their expenses are minimised for that four-week period. The Coffs Harbour Rural School of Medicine has offered accommodation to the students for between \$90 and \$100 per week, which is fairly cheap and encourages them to come to the best electorate in the State to study and learn their future trade. Anyone whose children have attended university—two of my three have—know that it is an expensive process. Any accommodation that can be provided either by boarding students from the John Flynn Placement Program or assisting them via the Rural School of Medicine with subsidised accommodation would be fantastic. I commend everyone at the campus for the great job they do.

BEGA VALLEY IRRIGATION

Mr ANDREW CONSTANCE (Bega—Minister for Ageing, and Minister for Disability Services) [7.07 p.m.]: I raise concerns on behalf of irrigators on the Brogo water system in the midst of the Bega Valley. For many years the Office of Water has sought full cost recovery from those on river systems for the maintenance of supporting infrastructure. A short coastal river system with a small number of users and a rather expensive piece of associated infrastructure—in this case Brogo Dam—make it difficult for farmers to meet the rising costs of bulk water prices. Approximately 30 irrigators rely on the Brogo water system and the determination to obtain full cost recovery becomes impractical, almost to the point when farmers decide to walk away from irrigating. If the process continues, we will have no users on the system.

I am very pleased that the Minister for Primary Industries, and Minister for Small Business has agreed to meet with Bega Cheese and a number of irrigators in the next couple of weeks to discuss this matter. I know the farmers particularly wanted me to raise this issue in the House. They remain concerned, particularly in relation to the allocation on the system, which at the moment is around 34 per cent. The farmers are very unhappy that, despite a good season following years of suffering with drought, they have been allocated only 34 per cent from this short coastal river system even though the dam is full. We are keen as a local community to see that reviewed. An allocation of 34 per cent at this stage is of concern; farmers would like to see the allocation raised to the 40 per cent plus mark.

The other aspect relates to the pricing of water per megalitre on the system. On systems such as the Murrumbidgee the per-megalitre charge is around the \$12 mark, but on the Brogo River it is a lot higher at around the \$89-\$90 per megalitre mark. There are questions about the philosophy of full cost recovery and its application across various systems. I am pleased the Minister has agreed to have this meeting. Over many years Bega Cheese has been doing a wonderful job through its farm manager, Ken Garner, to raise these issues. I take this opportunity to thank him publicly for the work he is doing on behalf of the water users. As a country member I can say that food security is an issue that needs a lot more attention. We hear the talk. The Commonwealth has put a lot of emphasis on climate change, but we must ensure that the costs associated with the inputs into agriculture that are necessary to maintain food security are right.

For many years in opposition I expressed concern about the philosophies that have been applied through the Office of Water. I am obviously keen to make sure that farmers are represented in this place and

I congratulate them on their work. Bega Cheese is one of the iconic regional businesses in Australia, and it supplies enormous amounts of cheese to the domestic market and internationally, so I am keen to respond when it publicly expresses the types of concerns it is expressing at the moment. Bega Cheese does an almighty job representing its farmers and I congratulate the company on its efforts. I am raising these issues on behalf of farmers and recognise I will be working alongside the Minister to try to get this matter resolved. I say to those farmers who are expressing concern about the water entitlement and pricing: I look forward to raising those issues with the Minister in the next few weeks.

TAMWORTH RELAY FOR LIFE

Mr KEVIN ANDERSON (Tamworth) [7.13 p.m.]: I bring to the attention of the House the 2011 Cancer Council Tamworth Relay for Life. The 24-hour event kicked off at 10.00 a.m. last Saturday 15 October with an amazing 2,082 participants in 131 teams raising an incredible \$102,534—I am sure that amount will rise. Some of the teams that took part in the relay for life and raised money include: Tamworth Hockey Association, \$5,538; Team TRC, \$4,810; the Good Witches, \$3,134; and Tamworth South Daffodillies, \$2,983. It takes an enormous effort to organise an event such as the Relay for Life and I congratulate the team from the Tamworth Cancer Council office including Jane Sweeney, Shaen Fraser and others. They not only organise the Tamworth event but other events around the region as well. My family and I proudly took part in the relay. We remembered those who had lost their battle with cancer, as well as supported cancer survivors, families, friends and carers.

The 2011 theme was "fight back" and the feeling throughout the 24 hours was defiant and uplifting. Despite the heavy rain in the lead-up to the event, spirits were high. The rain held off for the event and it was dry on Saturday night so we were able to enjoy 10 minutes of fireworks. Many local artists donated their time to keep the masses entertained. I congratulate and thank them all. No-one can do it like we can in Tamworth: After all, we are the country music capitol of Australia and we know how to party. The local radio station, FM 92.9, was broadcasting live and showed real commitment, particularly its larrikin announcer, Josh Melbourne, who had "fight back" tattooed across his chest. I am sure that would have been painful, but it showed real commitment. The local radio news announcer, Louise Cadell, had her head shaved to support the event.

The timing of the 2011 relay for life dovetailed nicely with the announcement this week by the Minister for Health, and Minister for Medical Research, Jillian Skinner, and me of the successful tender for the construction of the new \$41 million New England North West Regional Cancer Centre at Tamworth. Richard Crookes Constructions has been awarded the tender. The facility will ensure that cancer patients living in northern New South Wales can access treatment closer to home. The regional cancer centre is a large investment, with \$31.7 million being provided by the Federal Government and \$10 million by the New South Wales Coalition Government. The centre is a very positive development for cancer patients and hospital staff alike because we know that travelling to Sydney or Newcastle for radiotherapy services can be onerous for patients already suffering significant stress. The new facility will include two bunkers and a new linear accelerator for radiation therapy catering for up to 414 patients per year, as well as major radiotherapy planning equipment.

Chemotherapy services will be expanded by an additional 3,000 treatments a year. The centre will have a new CT scanner and a 14-bed facility. This state-of-the-art centre means that cancer patients and their families will be able to access services closer to home. Our region will soon be home to a first-class cancer care centre. Our hospital needs to be well resourced and equipped to provide the best possible care for patients. This investment will enable staff to maintain a high level of service for our community and provide facilities that will attract and maintain much-needed general practitioners and specialists to regional New South Wales. Work on stage one of the new centre is scheduled to begin next month. This is very welcome news indeed for the communities of the New England north-west and those dedicated people who spent 24 hours on Saturday and Sunday in the Tamworth Cancer Council Relay for Life raising awareness and fighting back against cancer.

TRIBUTE TO LAUREN JACKSON

Mr GREG APLIN (Albury) [7.17 p.m.]: Lauren Jackson is no ordinary sports star. She is the world's top female basketballer, the best of the best in the most competitive arena for her sport. This Saturday Lauren will return to her home city of Albury to officially open the Lauren Jackson Sports Centre. The Albury community has agreed to rename the Albury Sports Stadium after its world-famous sports star on this the twenty-seventh anniversary of the stadium. The Minister for Sport and Recreation and more than 100 guests will greet Lauren, while more than 900 children will be at the stadium participating in a schools championship. This

stadium sees a tremendous amount of sporting talent pounding its timber floors daily, with more than 160,000 participants using the facilities over the course of a year in sports ranging from badminton to netball, Little Athletics to zumba. Of course it is also home to the Bandits and Lady Bandits basketball teams.

Back in 1997 Lauren Jackson was designated Women's National Basketball Association Rookie of the Year in the United States—an incredible start to an international career. That year she was also named Australian Junior Player of the Year, making the youngest ever debut in the Australian National Women's team. Lauren was just 16-years-old. The following year she was not only named Australian Junior Player of the Year but was also recognised by the Australian Institute of Sport as its Junior Athlete of the Year. Playing with the Seattle Storm in the Women's National Basketball Association and with the Canberra Capitals and Opals back in Australia, her career has progressed from strength to strength. As recently as last year Lauren was made an Australia Day Ambassador, among other achievements. This year has seen Lauren inducted into the Basketball New South Wales Hall of Fame. Internationally, Lauren has been a member of teams that have won Olympic silver medals in 2000, 2004 and 2008, and world championship and Commonwealth games gold medals in 2006.

Three times Lauran Jackson has been awarded Most Valuable Player status in the United States Women's National Basketball Association—amazingly the first time was in 2003 and the most recent was just last year. She is the first foreigner to become the holder of this title and she is the youngest player to receive this accolade. The list goes on with her receiving three Most Valuable Player awards in the Australian league. We will have the opportunity to see more of her following her recent signing with the Canberra Capitals for three of the next five seasons. What is apparent is the longevity of her career, spent at the pinnacle of the sport. She is truly a global superstar. It is hard to believe that she is now shaping up for her fourth Olympic Games. This feat places Lauren in an elite category of athletes from all sports. On hearing about the renaming of the Albury Sports Stadium, Lauren's response was exactly what one would hope from an Australian champion. She said:

I'm very excited but humbled to have the sports centre named in my honour. I'm grateful to the Albury City Council and people of Albury for this recognition. Wherever I go in the world I always consider myself a country girl from Albury and it will indeed always be my home. I am very proud to have this connection to a city I love and can represent.

Although Lauren Jackson has made it to celebrity status, in her home city we are never in doubt as to her sincerity. When she says she loves being home, we know this is not just a cynical statement to please the media. As she tweeted to her friends and followers recently:

Oh my goodness, I just saw a Qantas jet in Seattle at the Boeing field!! Brought tears to my eyes!! I miss my home!

Lauren is the real thing in an age of plastic celebrity. Lauren Jackson has great genes for basketball. Her father, Gary, played basketball for Australia. Her mother, Maree, played basketball for Australia as centre and, like her daughter, is a member of the Albury-Wodonga Festival of Sport Hall of Fame. Lauren attended Thurgoona Public School, as did my children, where she was recognised for her sporting abilities. She was also known for her quiet determination to succeed. At the junior level her coach, Grant Ball, developed her skills, carrying on from the work of Lauren's parents. It was then on to Murray High School before receiving a scholarship and following her destiny to the Australian Institute of Sport in Canberra at the age of 15. Then her career took off.

Albury and the border region have produced many fine sporting talents. I can readily think of three who became world champions: Margaret Court who ruled women's tennis in the 1960s and into the 1970s with 62 Grand Slam tennis titles to her credit; Michaele Bryant, our junior world waterski trick champion; and, of course, Lauren Jackson. The whole border community looks forward to welcoming Lauren Jackson back home this Saturday for the renaming of the Albury Sports Stadium in her honour. It will be a great day and she is a worthy recipient of this permanent recognition in her hometown.

TUGGERAH LAKES LOCAL AREA COMMAND AWARDS

Mr CHRIS SPENCE (The Entrance) [7.22 p.m.]: The men and women who serve in the New South Wales Police Force do not join for recognition. They join because they wish to serve their community and make a difference. It is often hard for police officers to know what each day will bring and there are times when they witness terrible tragedy or must undertake the difficult task of delivering heartbreaking news to a loved one. Being a police officer is not an easy vocation. Police officers make an extraordinary contribution to our society and uphold our sense of social order. It is often a difficult and thankless job, but we as a community know that when we pick up the phone and dial 000 in an emergency our police will be there for us. Their presence creates a sense of safety, rescue, justice and protection.

As the member for The Entrance I am proud to work closely with my local police. I acknowledge and support the hard work they undertake each day. Their dedication to our area is commendable. I do not envy their role, which is invariably difficult, but I wholeheartedly support them. On the morning of Thursday 13 October 2011 I was honoured to attend the Tuggerah Lakes local area command medal and award presentation ceremony at Wyong Shire Council. I was invited by Tuggerah Lakes Local Area Commander Superintendent David Swilks, APM, VA. Superintendent Swilks is a strong leader in community and policing issues within the local area. I have the greatest respect for him and hope to continue working with him well into the future.

Last week a number of awards were presented to police officers, including National Medals, Commissioner awards, Police medals, certificates of service, and region and local area command awards to both police and civilians. Seven National Medals were awarded. This medal is awarded for 15 years of diligent police service but only after a detailed review of the nominee's service history. The local recipients were Detective Sergeant Conroy, Sergeant Briscoe, Senior Constable Maybury, Senior Constable Saxon, Detective Senior Constable Kerrsmith, Senior Constable McLaughlin and retired Detective Senior Constable Dooley. Also awarded at the presentation were five Commissioner's unit citations to Chief Inspector Long, Detective Senior Constable Hogan, Senior Constable Thomas, Senior Constable Fortier and former Senior Constable Waddell. A New South Wales Police Medal was awarded to Senior Constable Stone. Eleven New South Wales Police medal clasps were awarded.

The Fourth Clasp was awarded to Senior Constable David Scarfe; the Third Clasp was awarded to Sergeant Dooley and Senior Constable Robinson; the Second Clasp was awarded to Inspector Greene, Senior Constable Alcock and Senior Constable Dooley; and the First Clasp was awarded to Detective Sergeant Conroy, Senior Constable Saxon, Detective Senior Constable Kerrsmith, Senior Constable Cripps and Senior Constable Luke Maybury. A certificate of service was awarded to retired Senior Constable Dooley and retired Senior Constable Waddell. The local area commander's citation was awarded to Leading Senior Constable Russell and Constable Knight. The local area commander's unit citation was awarded to former Senior Constable Waddell and Constable Knight. The local area commander's appreciation award was presented to retired Senior Constable Waddell. Certificates of appreciation were offered to Ms Kim McIntyre, Mr Gerhard Fueschke, Ms Kim Donaldson and Sergeant John Dooley.

Two regional level awards were awarded at the ceremony. One recipient was Detective Sergeant Conroy in recognition of his outstanding investigative and analytical police work, which culminated in the arrest of 44 recidivist offenders who were charged with and prosecuted for a total of 296 serious offences. The other recipient was Senior Constable Roderick in recognition of his courage and bravery when rescuing two elderly residents affected by a house fire at Budgewoi on 13 May 2009. The story of his bravery appears on the front page of our local newspaper, *Central Coast Express Advocate*, today.

The final recipient of the day was civilian Mr Graeme Brown, who was honoured for his service to the Volunteer in Policing Program. Mr Brown has completed more than two years of service and volunteered more than 750 hours of service to the community and the Tuggerah Lakes Local Area Command. I congratulate all the police who received awards and honour them for their service not only to our local community but also to the New South Wales Police Force. I am sure they are proud of their achievements, as are their colleagues, their families and their friends. I thank them for their commitment and service to our community.

POLICE LEGACY WALL TO WALL RIDE FOR REMEMBRANCE

Mr GLENN BROOKES (East Hills) [7.26 p.m.]: On Saturday 17 September 2011 more than 800 police from around Australia rode to the National Police Memorial in Canberra for a special service to honour police who have paid the ultimate price in the line of duty. I had the privilege of participating in this year's Police Legacy Wall to Wall Ride for Remembrance. I rode my Harley Davidson alongside New South Wales Commissioner of Police Andrew Scipione, other officers and supporters from all over the country. The ride took us all day as we covered more than 350 kilometres from the Domain in Sydney to the National Police Memorial in the Australian Capital Territory. It was a long and exhausting day, but in comparison to the work of the dedicated members of the New South Wales Police Force and the ultimate sacrifice made by too many of them, my effort paled into insignificance.

Law enforcement is not just another job. It takes an extraordinary person to be a good police officer. Yet we so often forget what these men and women do for us every day. Officers of the New South Wales Police Force risk their lives every day to make sure we all enjoy peace, security and freedom. Every day they carry out their sworn duty, where risk is a constant companion. Every day they walk out the front door of their homes

prepared to do whatever needs to be done to serve and protect the community. Every day they do their chosen job knowing that this day could be their last. It is fitting that once a year we take the time to praise these brave men and women. By participating in the Wall to Wall Ride for Remembrance we pay tribute to the 250 brave men and women who, without question, obey every letter of the law to bring to justice those who care little about the law. It is fitting that we pay tribute to those 250 brave men and women who have fallen in the line of duty.

During this year's ride we were honoured to be led by the highway patrol car dedicated to the memory of Senior Constable Glen McEnally. As we travelled down the Hume Highway we slowed down as we passed the Jim Affleck Bridge and formed a guard of honour in his memory. As we continued our journey we honoured the sacrifice of so many other officers who have fallen over the past 150 years. The men and women of the New South Wales Police Force deserve the endless respect of every person who enjoys the peace, security and freedom that they provide. It was an honour and a privilege to be part of the 2011 Wall to Wall Ride for Remembrance. I take this opportunity to pay tribute to the men and women of the New South Wales Police Force and I thank them for their efforts to make this world a better place. We will never forget the 250 fallen members and we will never forget how or why they gave their lives.

MITSUI EDUCATIONAL FOUNDATION FORTIETH ANNIVERSARY

Mr JONATHAN O'DEA (Davidson) [7.30 p.m.]: Last Friday night, while many in this place were enjoying the inaugural New South Wales Parliament Spring Ball, across the grassed domain at the Art Gallery of New South Wales I attended the fortieth anniversary celebration of the Mitsui Educational Foundation in Australia. In a world economy increasingly focused on short-term profits and cost-cutting, the Japanese-owned company Mitsui & Co. (Australia) has for 40 years sponsored an educational program for young Australian university students. It has involved numerous partner universities and institutions in Australia and Japan in association with the Mitsui Educational Foundation.

The program comprises a trip of three weeks to Japan to learn about Japanese history, contemporary and ancient culture, industry, and business and society generally, including an opportunity to experience everyday life through a home-stay experience. More than 300 young Australians have benefitted from the sustained and philanthropic efforts of Mitsui. Many of these alumni are now in senior roles in various fields and play an important part in Australia-Japan relations. The program, initiated through the vision of Mr Ken Ejiri, should be applauded for promoting greater mutual understanding and goodwill between Australia and Japan, as well as indirectly promoting bilateral trade and investment.

The Australian-Japanese relationship exists in many dimensions, including the human dimension where people can deepen their understanding and knowledge of language, culture and friendship. Many people have learned much through the program and have been inspired to make a greater contribution to society. I express my appreciation to Mitsui as a recipient of its generosity in 1988 and I acknowledge that the experience made a significant imprint on my life. This influence extends to my enhanced interest in the Asia-Pacific region as a whole, as reflected through my involvement in the Asia-Pacific Friendship Group alongside many other New South Wales parliamentary colleagues. The New South Wales Government has recently increased its focus on opportunities and challenges in Asia.

In a similar vein, I am pleased that the Federal Government has recently commissioned a white paper to consider the current and future course of economic, political and strategic change in Asia. The review will focus on China, India, Japan, South Korea and the main South-East Asian nations. The celebration last Friday evening featured speeches from Mr Akita, Chairman of Trustees and Mitsui Managing Director in Australia; Mr Kinoshita, Patron of Mitsui Educational Foundation; Mr McLean, former ambassador to Japan from 2004 to 2011; and Ambassador Sato, from the embassy of Japan in Australia. Contributions were also made by some distinguished alumni. Another guest speaker was Mr Rob McNeil, Assistant Director, Community Risk, Fire and Rescue NSW, who led a 70-strong urban search and rescue team into the disaster-affected area following the 11 March earthquake and tsunami in Japan. He spoke of how he was honoured to help, just as the Japanese had rushed to assist their neighbours in New Zealand only days beforehand.

There were strong expressions of gratitude conveyed by Japanese representatives for Australia's general support. As an aside, I note that various New South Wales parliamentarians will host or will attend a dinner in the parliamentary dining room this Thursday evening in aid of the orphans of the Japanese earthquake fundraising. While I am unable to attend, I have made a donation. At the celebration last Friday was a photo display recording tours over the decades. While it was clear that haircuts and trouser lengths have changed over

those 40 years, what has not changed is Mitsui's commitment to fostering greater mutual understanding and goodwill through the Mitsui Educational Foundation. I am sure the Mitsui Educational Foundation will continue to foster enduring ties and friendship between Australia and Japan for many years beyond the milestone celebrated in 2011.

Mr ROB STOKES (Pittwater—Parliamentary Secretary) [7.35 p.m.]: I commend the member for Davidson for his excellent contribution, which is an example of the links between two great Asian nations—Australia and Japan. The two nations obviously have a complex history, but they have emerged in the twenty-first century as firm friends with a strong trading relationship and a deep partnership across many areas of international relations. The Sydney Japanese School is in my electorate and I note that traditionally there has been a strong Japanese community in the Killarney Heights area in the electorate of the member for Davidson. I also commend the member for Davidson for extolling these links between our two countries, and I commend all those members who will attend the evening on Thursday at Parliament House to raise funds for the orphans of the Japanese tsunami.

Private members' statements concluded.

**The House adjourned, pursuant to standing and sessional orders, at 7.36 p.m. until
Thursday 20 October 2011 at 10.00 a.m.**
